



DPS TRAINING BULLETIN

LEGAL BULLETIN NO. 130
April 28, 1989

INVESTIGATIVE SEIZURE OF PERSON
AND LUGGAGE AT AIRPORT

Reference: United States
v.
Andrew Sokolow

United States Supreme Court
57 USLW 4401 (No. 87-1245)
April 3, 1989

FACTS:

Sokolow was stopped by Drug Enforcement Administration (DEA) agents upon his return arrival at Honolulu International Airport. When he was stopped, the agents knew through investigation that (1) he paid \$2100 for two airplane tickets from a roll of \$20 bills; (2) he traveled under a name which did not match the name his contact telephone number was listed under; (3) his original destination was Miami, a known source city for illicit drugs; (4) he stayed in Miami for only 48 hours, even though a roundtrip from Honolulu to Miami takes 20 hours; (5) he appeared nervous during this trip; and (6) he checked none of his luggage.

Upon leaving the Honolulu airport, Sokolow and his traveling companion, Janet Norian, proceeded directly to the street and tried to hail a taxi. DEA agents approached them, identified themselves, grabbed Sokolow by the arm and moved him back onto the sidewalk. When asked if he had identification, Sokolow stated he was traveling under his mother's maiden name of Kray.

Sokolow and Norian were escorted to the DEA office at the airport and their luggage was examined by a narcotics-detection dog named Donker. Donker alerted to Sokolow's shoulder bag. Sokolow was arrested and the agents obtained a warrant to search his shoulder bag. They found no illicit drugs, but the bag did contain several suspicious documents indicating his involvement in drug trafficking.

The agents had Donker re-examine the remaining luggage and, this time, the dog alerted to another bag. It was too late to obtain a second warrant, so the agents kept the bag in their custody and allowed Sokolow to leave. The next morning, after a second dog confirmed Donker's alert, the agents obtained a warrant and found 1,063 grams of cocaine inside the bag.

ISSUE:

Did the DEA agents have a reasonable suspicion that Sokolow was transporting illegal drugs when they stopped him?

HELD: Yes.

REASONING:

1. The police can stop and briefly detain a person for investigative purposes, if the officer has a reasonable suspicion supported by articulable facts that criminal activity "may be afoot," even if the officer lacks probable cause.
2. Most business travelers purchase airline tickets by credit card or check in order to have a record for tax or business purposes and few vacationers carry thousands of dollars in \$20 bills with them. The agents had reason to believe that Sokolow was traveling under an alias. While a trip from Honolulu to Miami, standing alone, is not cause for suspicion, there was more--surely, not many Honolulu residents travel from that city for 20 hours to spend 48 hours in Miami during the month of July.

NOTES:

You should review the following cases:

LaMense v. State, Legal Bulletin No. 117--airport seizure of person and luggage; upheld.

State v. Garcia, Legal Bulletin No. 116--investigatory seizure of person and luggage at airport; evidence suppressed for lack of reasonable cause.

Pooley v. State, Legal Bulletin No. 96--warrantless seizure of suitcase for purpose of exposing it to drug-detection dog.

U.S. v. Place, Legal Bulletin No. 75--investigatory seizure of luggage for "sniff test" by narcotics-detection dog.

NOTE TO SUBSCRIBERS TO THE ALASKA LEGAL BRIEF MANUAL:

Add this case to Section I, page 6, of your Contents and to Section I-6 of Text. File Legal Bulletin No. 130 numerically under Section R of the manual.