



DPS TRAINING BULLETIN

LEGAL BULLETIN NO. 236

February 7, 2000

**INVESTIGATORY SEIZURE OF PERSON POLICE OBSERVE
FLEEING FROM KNOWN NARCOTICS TRAFFICKING AREA**

Reference: Illinois
v.
William a/k/a Sam Wardlow

United States Supreme Court
No. 98-1036

US
January 12, 2000

FACTS:

A Chicago police tactical unit consisting of eight officers in a four-car caravan were patrolling an area known for heavy narcotics trafficking. A police officer observed Wardlow standing next to a building holding an opaque bag. When Wardlow saw the officers looking at him, he ran away. Officers eventually cornered Wardlow on the street and conducted a protective pat-down search for weapons. During the search, the officer felt a heavy object which seemed to him to be a gun. The officer later testified that in his experience it was common for there to be weapons in the near vicinity of narcotics transactions. The object was removed and found to be a loaded handgun; Wardlow was arrested. Wardlow argued that the evidence (gun) should be suppressed because police did not have reasonable suspicion sufficient to justify an investigative stop pursuant to a Terry v. Ohio stop. The Illinois Supreme Court agreed with him and reversed his conviction.

ISSUE:

Did the seizure and subsequent arrest of Wardlow violate the Fourth Amendment?

HELD: No.

February 7, 2000

REASONING:

1. An officer may, consistent with the Fourth Amendment, conduct a brief, investigatory stop when the officer has a reasonable, articulable suspicion that criminal activity is afoot (see Terry v. Ohio).
2. In this case, it was not merely Wardlow's presence in an area of heavy narcotics trafficking that aroused the officers' suspicion but his unprovoked flight upon noticing the police.
3. The determination of reasonable suspicion must be based upon common sense judgments and inferences about human behavior.
4. Allowing officers confronted with such flight (unprovoked) to stop the fugitive and investigate further is quite consistent with the individual's right to go about his business or to stay put and remain silent in the face of police questioning.

NOTES:

Other U.S. Supreme Court cases have also recognized, although not standing alone, that nervous, evasive behavior is a pertinent factor in determining reasonable suspicion.

NOTE TO SUBSCRIBERS TO THE ALASKA LEGAL BRIEFS MANUAL:

Add this case to Section I, "Investigatory Seizures of Persons and Things," of your Contents and Text. File Legal Bulletin No. 236 numerically under Section R of the manual.