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# DPS TRAINING BULLETIN

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LEGAL BULLETIN NO. 163  
September 24, 1991

WARRANTLESS SEARCH OF PERSON PRESENT IN RESIDENCE  
DURING EXECUTION OF WARRANT TO  
AVOID DESTRUCTION OF EVIDENCE

Reference: Mitzi M. Moore  
v.  
State of Alaska

Alaska Court of Appeals  
Opinion No. 1160  
P.2d  
September 20, 1991

FACTS:

Police executed a search warrant at a "crack house." Upon entering the house, police encountered thirteen people, including Moore. Moore was initially subjected to a patdown search and a packet of cocaine was discovered at her feet. She was then subjected to a full search; this yielded a baggie of cocaine she had concealed in her clothing. At her suppression hearing, she argued that police lacked probable cause to subject her person to a search. A police officer testified that, based on his experience, it is common practice for persons who run crack houses to conceal drugs on women who are at the premises.

ISSUE:

Can the warrantless search be justified under any of the recognized exceptions to the warrant requirement?

HELD: Yes.

REASONING:

1. The officers in this case were engaged in executing a search warrant on a crack house in which there were numerous individuals, some of whom had attempted to escape through windows or barricade themselves into rooms when police arrived.
2. The police did establish probable cause to conduct the full search of Moore's person.
3. Considering all of the circumstances, there was ample cause for police to fear imminent destruction of any drugs or related evidence which may have been on Moore's person. An immediate warrantless search of her person was, therefore, justified.

NOTES:

Moore likened this case to Ybarra v. Illinois (no Legal Bulletin, but refer to the Text, Section I, page 6, of the Alaska Legal Briefs manual) where police conducted a search of all occupants in a public

bar while serving a search warrant. In Ybarra, however, police could not justify their search because they were unable to articulate any circumstance to justify such action. Ybarra took place at a licensed public bar, unlike this case which occurred at a crack house.

Review of Section H of your Alaska Legal Briefs manual is recommended, especially:

Charles S. Finch v. State of Alaska, Legal Bulletin No. 22--  
police lacked probable cause to justify exigency in the warrantless search of a hotel room.

Richard Clark v. State of Alaska, Legal Bulletin No. 12--the  
court found exigency to justify warrantless search of a vehicle to avoid destruction of evidence.

NOTE TO SUBSCRIBERS TO THE ALASKA LEGAL BRIEFS MANUAL:

Add this case to Sections C, "Emergency," and H, "Prevent Destruction of Known Evidence," of your Contents and Text. File Legal Bulletin No. 163 numerically under Section R of the manual.