

ISSUE:

Does the Fourth Amendment forbid a warrantless arrest for a minor offense, such as a misdemeanor seatbelt violation punishable only by a fine?

HELD: No.

REASONING:

1. If an officer has probable cause to believe that an individual has committed even a very minor criminal offense in his presence, he may arrest the offender without violating the Fourth Amendment.

2. It is undisputed that Officer Turek had probable cause to believe that Atwater committed a crime in his presence. Officer Turek was authorized, though not required, to make a custodial arrest.

3. Atwater's arrest was surely "humiliating," but it was no more "harmful to...privacy or...physical interests" than the normal custodial arrest. The arrest and booking were inconvenient and embarrassing to Atwater, but not so extraordinary as to violate the Fourth Amendment.

NOTES:

This case only addresses the Fourth Amendment constitutional permission to arrest and does not preclude the legislature to enact a statute which would place limitations on the arrest powers for certain violations.

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