



DPS TRAINING BULLETIN

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MANIPULATION OF A PASSENGER'S CARRY-ON LUGGAGE IS UNREASONABLE SEARCH

<u>Reference:</u>	Steven Dewayne Bond v. United States	United States Supreme Court No. 98-9349 U.S. _____ April 17, 2000
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FACTS:

Bond was a passenger on a Greyhound bus bound for Little Rock, Arkansas. Although the bus had not been out of the country, it was required to stop at the permanent Border Patrol checkpoint located in Sierra Blanca, Texas. A Border Patrol agent boarded the bus to check the immigration status of its passengers. After reaching the back of the bus and satisfying himself that the passengers were lawfully in the United States, the agent started walking to the front of the bus and began to squeeze the soft luggage placed by passengers in the overhead storage spaces.

The agent squeezed a green canvas bag above Bond's seat and noticed it contained a "brick-like" object. Bond admitted it was his bag and gave consent for the agent to search it. Upon opening the bag, the agent discovered a "brick" of methamphetamine. Bond was arrested and convicted of possession with intent to distribute. Bond appealed his conviction based on the search of his luggage.

ISSUE:

Does a law enforcement officer's physical manipulation of a passenger's carry-on luggage violate the Fourth Amendment's proscription against unreasonable searches?

HELD: Yes.

REASONING:

1. A traveler's personal luggage is clearly an "effect" protected by the Fourth Amendment and it is undisputed that Bond possessed a privacy interest in his bag.

2. Although a passenger clearly expects that other passengers or company employees may handle his bag, he does not expect that they will feel the bag in an exploratory manner.

NOTES:

Left unanswered, as is indicated in Footnote #1 of this opinion, is why the Government did not address the "consent" issue. The Border Patrol agent had obtained Bond's consent to search his bag.

NOTE TO SUBSCRIBERS TO THE ALASKA LEGAL BRIEFS MANUAL:

Add this case to Section B, "Consent," and Section I, "Investigatory Seizure of Persons and Things," of your Contents and Text. File Legal Bulletin No. 240 numerically under Section R of the manual.