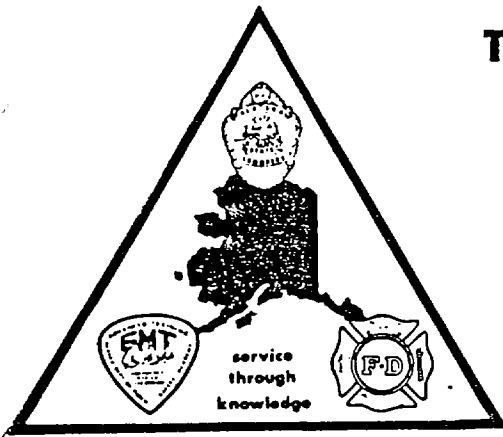


DEPARTMENT OF PUBLIC SAFETY

TRAINING ACADEMY

LEGAL BULLETIN NO. 67
May 24, 1983



ADMINISTRATIVE AIRPORT SECURITY SEARCH

Reference: Gary T. SPEZIALY
v.
State of Alaska

Alaska Court of Appeals
Opinion No. 237
P.2d
April 29, 1983

FACTS:

SPEZIALY approached the airport boarding gate with a briefcase which he intended to carry on the plane. As required of all passengers with carry-on baggage, he placed his briefcase on the conveyor belt for examination. On the X-ray screen, the briefcase appeared totally black. SPEZIALY identified himself as the owner of the briefcase and the security guard requested that he open it. Inside the briefcase, a black-vinyl zipper purse measuring about four inches square was located and opened by the guard. Inside the purse, the guard observed various items which she suspected might be related to narcotics. When these items were examined by airport police, cocaine was found. SPEZIALY was arrested. SPEZIALY was convicted of possession of the cocaine; he appealed.

ISSUE:

Did the initial search of the purse violate SPEZIALY's right to freedom from unreasonable search and seizure?

HELD: No.

REASONING:

1. The search of the briefcase and the purse located within was justified under the administrative exception to the warrant requirement (emphasis added).
2. It was not necessary for the security guard to "massage" the purse nor X-ray it separately to determine the presence of weapons before opening it. Such requirements imposed upon airport screeners would result in unreasonable and intolerable delays in the boarding and inspection process and produce insufficient results in the case of a massage or patdown of container.

NOTES:

This is a warrantless administrative search and should not be confused with "abandoned carry-on luggage" such as in the case of Salit v. State (Legal Bulletin No. 36).