

ANCHORAGE POLICE DEPARTMENT



BUREAU BULLETIN



LEGAL BULLETIN NO. 25

July 11, 1979

HOT PURSUIT OF A FLEEING FELON

Reference: Terry Lee GRAY
v.
State of Alaska

Alaska Supreme Court
File No. 3573
596 P.2d 1154
June 22, 1979

FACTS:

Police were advised that an armed robbery had occurred and three suspects, two white males and one white female, had fled the scene in a late model brown station wagon. Responding police officers stopped a vehicle fitting the description. A woman exited the vehicle and the officer ordered the two males to exit; one of them complied, but the other one drove away at a high rate of speed. The officer chased the station wagon and was able to subdue the driver. The police officer observed a purse in the vehicle, opened it and found a list of several names in the purse. The names and addresses in the purse were broadcast to another police officer who made contact with a person who identified himself as the owner of the vehicle. He stated he had loaned his vehicle to a Phyllis GRAY.

As a result of contact with the owner of the vehicle, Phyllis GRAY and the other suspects were identified. Search waivers were signed by Phyllis GRAY and the owner of the car. The defendant argued that the initial search of the purse was illegal and any evidence obtained as a result of the search (including identities of suspects) should have been suppressed.

ISSUE:

Did the police need a search warrant to inspect the contents of the purse and, if so, did they obtain the names and addresses which led to the suspects illegally?

HELD: No

REASONING:

1. A grave offense had been committed.
2. There was probable cause to believe that the station wagon was the getaway vehicle.
3. There was reasonable belief that the suspects at large (the two left behind) were armed.
4. There was a likelihood that the woman and man left on the sidewalk would flee if not speedily apprehended.
5. A peaceable entry was made into the vehicle which culminated in the search of the purse.

NOTES:

The State Supreme Court adopted the "hot-pursuit" exception to the search-warrant requirement as is stated in a case called United States v. Robinson, 533 F.2d 578 (D.C. Cir.). Also, see Warden v. Hayden, 387 US 294 (1967), regarding the hot-pursuit exception to the warrant requirement. The court also mentions the warrantless search of a vehicle in Clark v. State, 574 P.2d 1261 (1978), where the following two conditions must be met before a warrantless search can be made under the "destructible-evidence exception" (see A.P.D. Legal Bulletin No. 12):

- (1) There must be probable cause to believe that the vehicle contains evidence or contraband.
- (2) There must be exigent circumstances justifying conduct of the search without a warrant.

In this case, the District Attorney had the facts articulated so he could present them to the court, thus justifying the warrantless search of the purse. It is vital to put all the facts you have in your police report so the District Attorney will have a complete understanding of why you took the action you did.