

HELD: No--Alaska police officers' authority to conduct investigative stops is more restrictive than under Federal law.

REASONING:

1. Police officers can conduct an investigative stop only if they have reasonable suspicion that imminent public danger exists or that serious harm to persons or property has recently occurred.

2. In this case, the investigative stop was not supported by a reasonable suspicion that Reichel was about to drive while intoxicated.

3. Prisoners released on parole have the same protections against government searches and seizures as other citizens. Exceptions are: (a) when reasonably conducted searches and seizures are required by the legitimate demands of correctional authorities, and (b) when the authority to conduct such searches and seizures is expressly set forth in the conditions of parole by the parole board.

4. The Alaska Supreme Court held in Roman v. State, Legal Bulletin No. 7, that the right to perform such searches is limited to parole officers; and it does not grant police officers independent authority to require parolees to submit to a search, unless directed to do so by a parole officer.

5. The facts known to police when they stopped Reichel did not provide reason to believe an imminent public danger existed or that serious harm to persons or property had just occurred.

NOTE TO SUBSCRIBERS TO THE ALASKA LEGAL BRIEFS MANUAL:

Add this case to Section I, "Investigatory Seizure of Persons, Vehicles and Things," and Section N, "Probation Officers and Private Persons Searches," of your Contents and Text. File Legal Bulletin No. 289 numerically under Section R of the manual.