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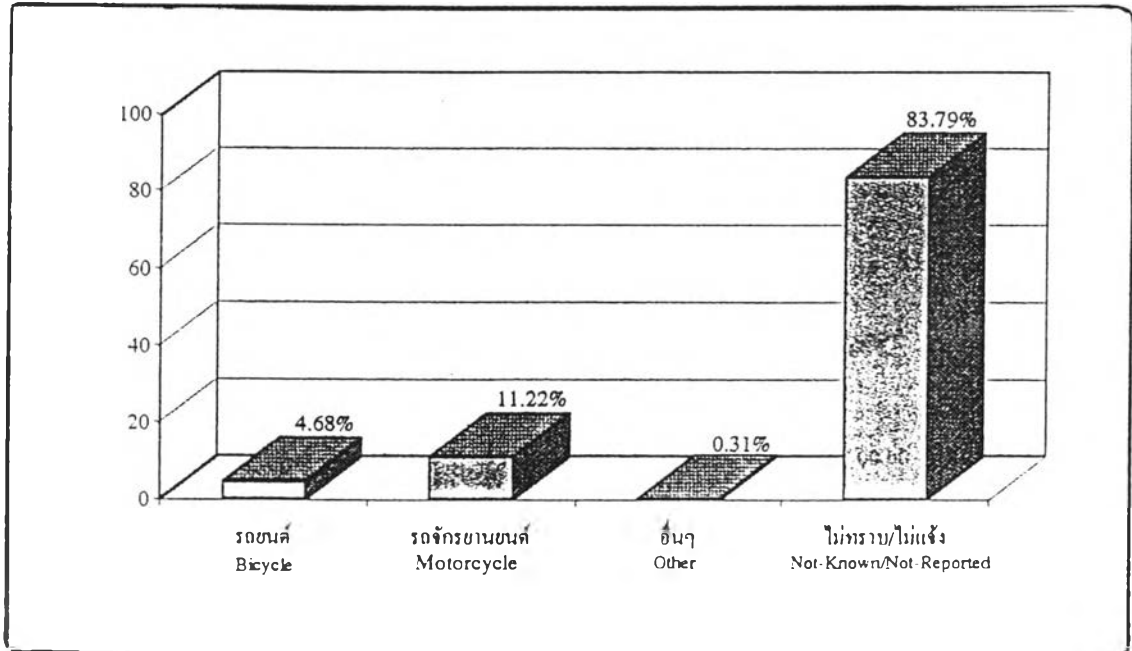
เอกสารภาคผนวก ก.

สถานการณ์อาชญากรรมแสดงยานพาหนะที่คนร้ายใช้กระทำผิด

งาน 4 กก.1 ศูนย์ข้อมูลสนเทศ สำนักงานแผนงานและงบประมาณ กรมตำรวจ กระทรวงมหาดไทย

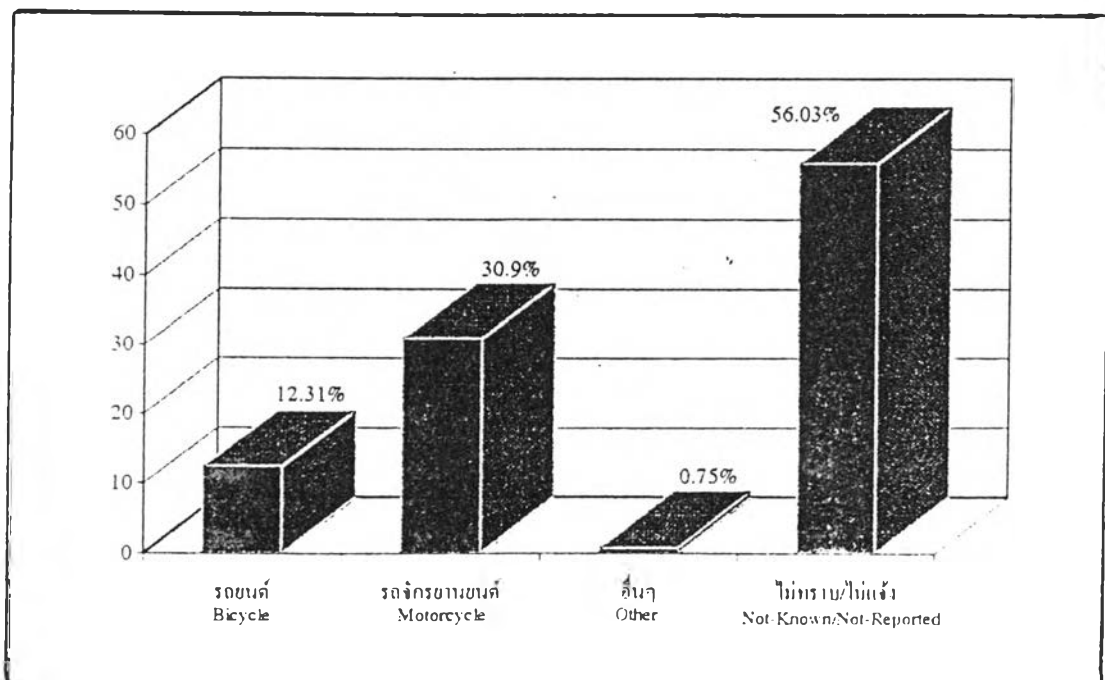
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: The illustration of vehicle used in murder case for the nationwide in 1995



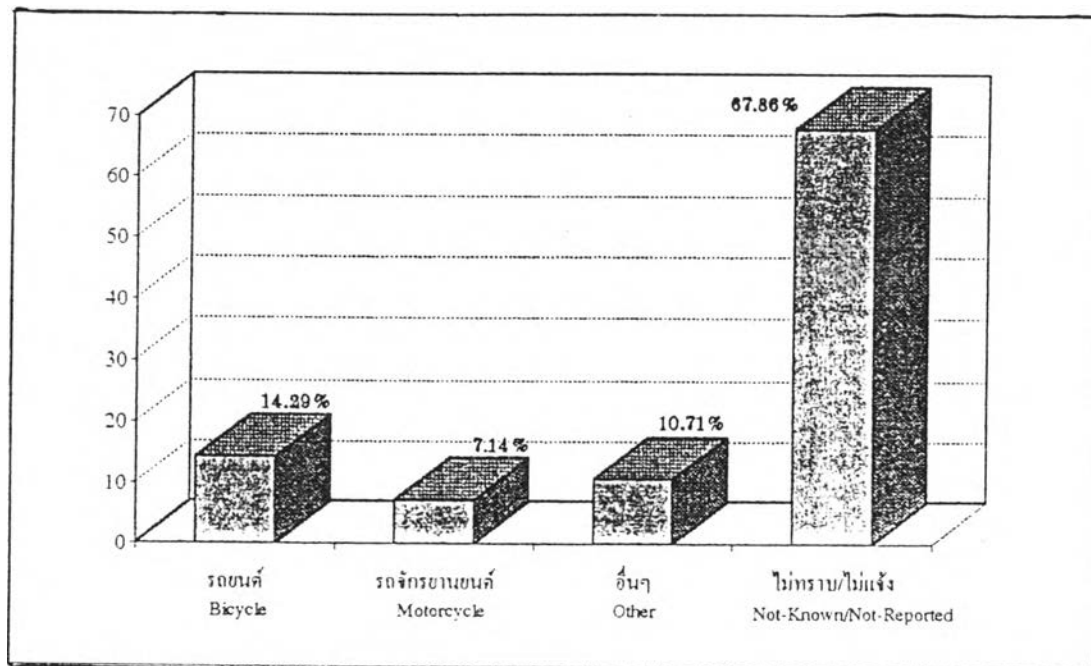
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: The illustration of vehicle used in gang robbery case for the nationwide in 1995



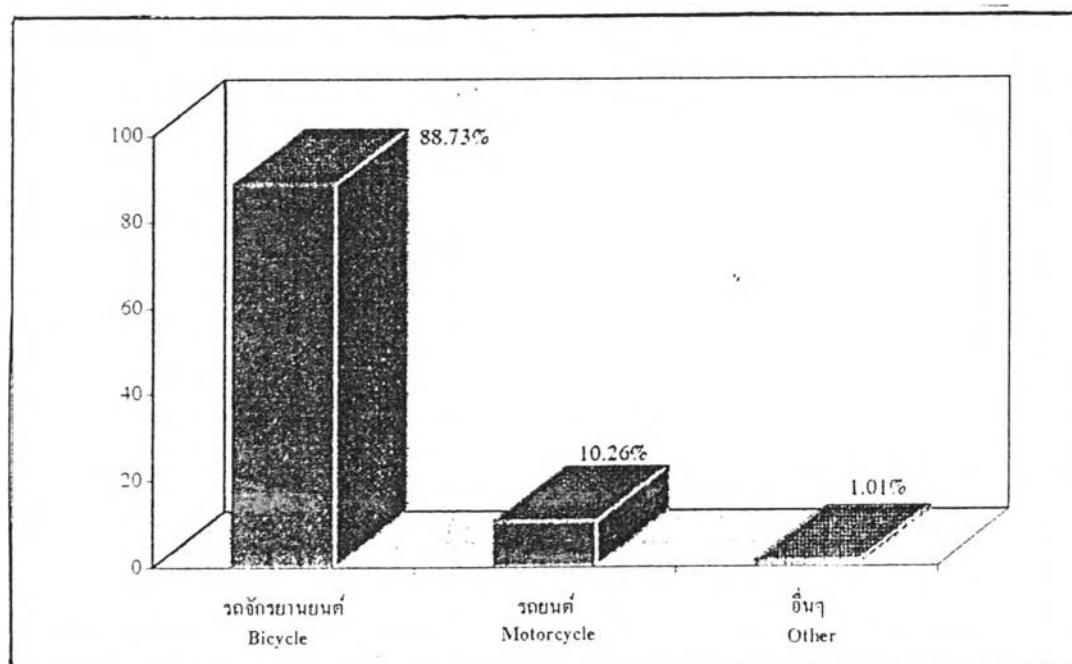
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: The illustration of vehicle used in gang robbery and murder case for the nationwide in 1995



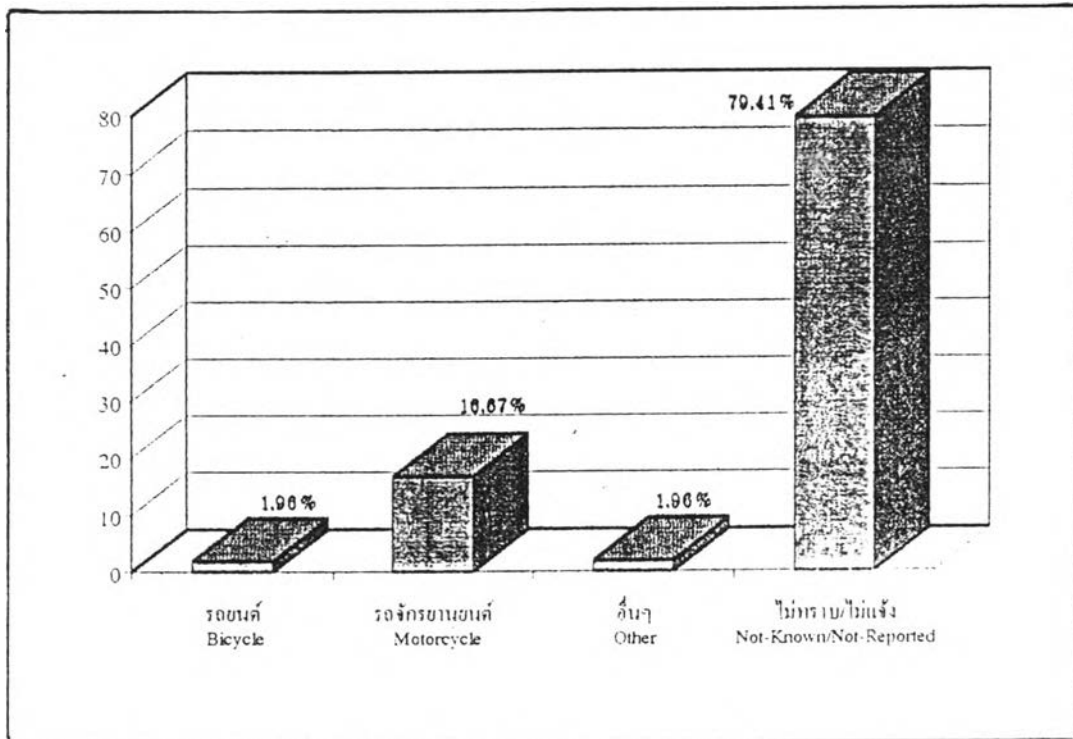
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: The illustration of vehicle used in robbery case for the nationwide in 1995



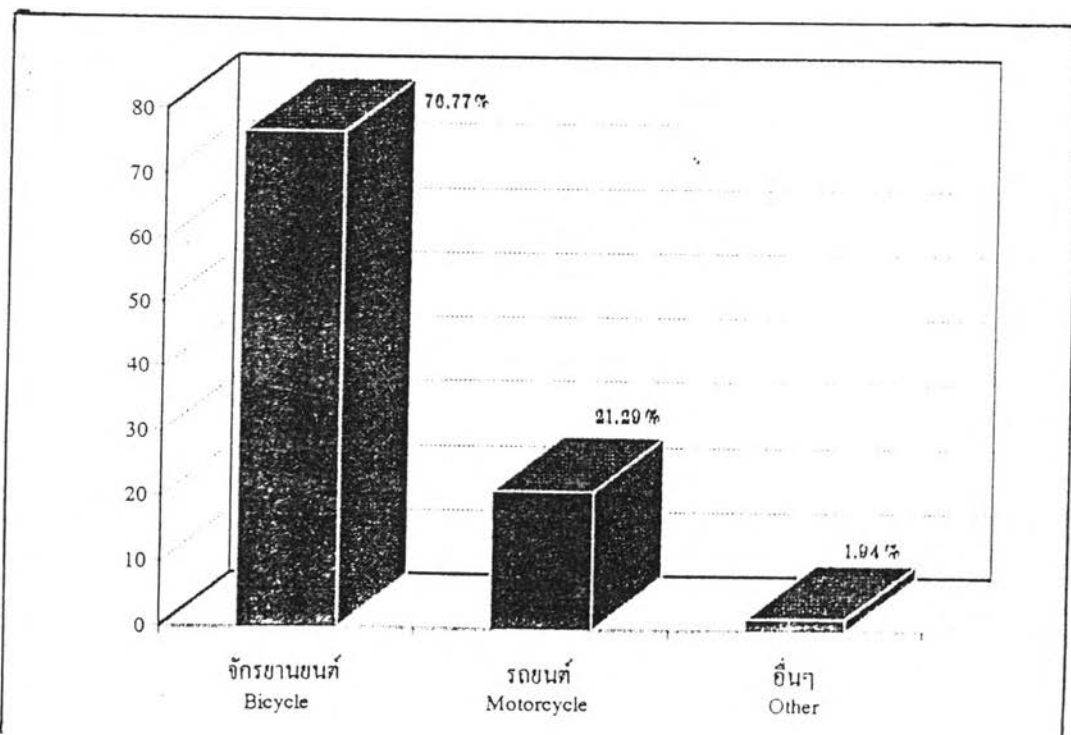
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: The illustration of vehicle used in robbery and murder case for the nationwide in 1995



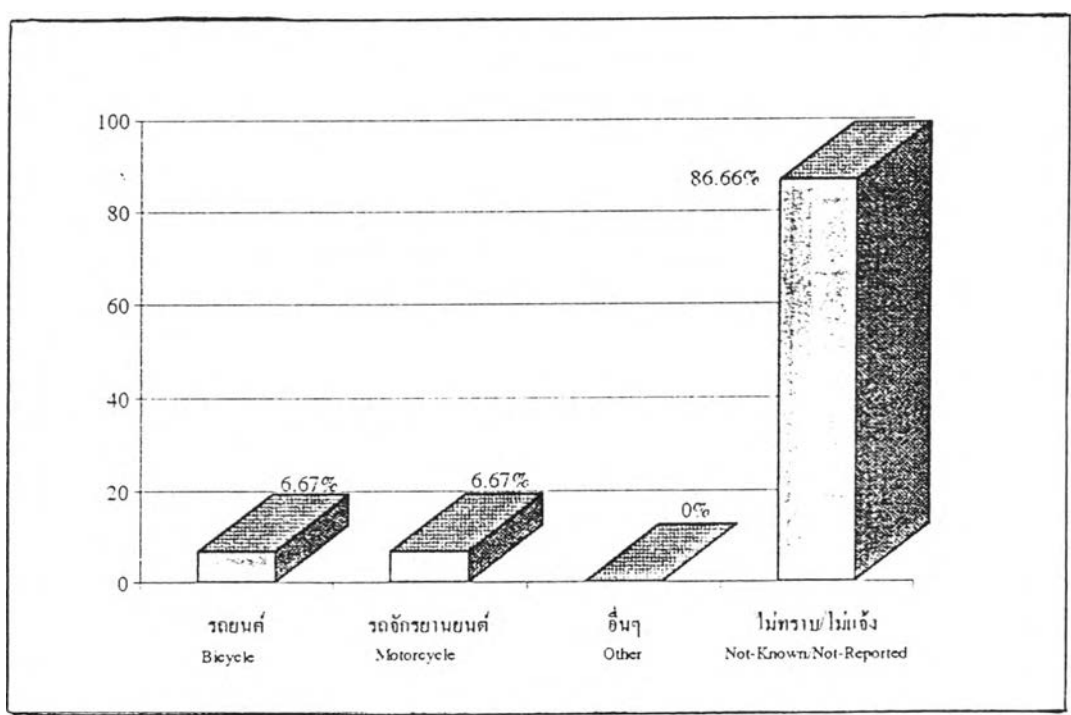
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: The illustration of vehicle used in rape case for the nationwide in 1995



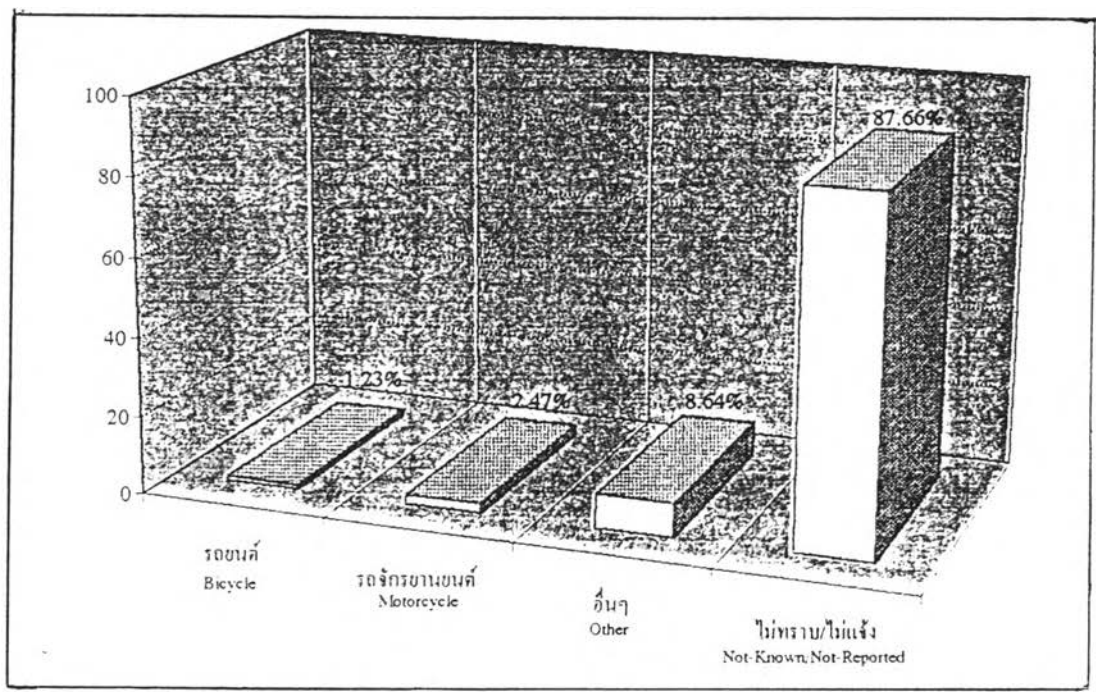
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: The illustration of vehicle used in case for the nationwide in 1995



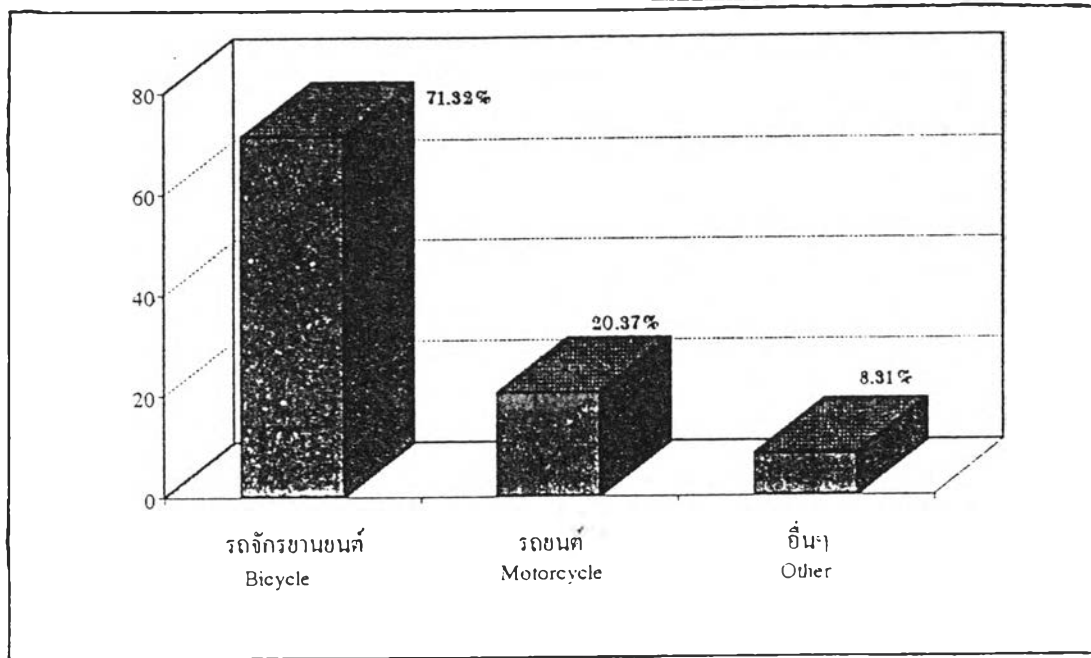
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: The illustration of vehicle used in arson case for the nationwide in 1995



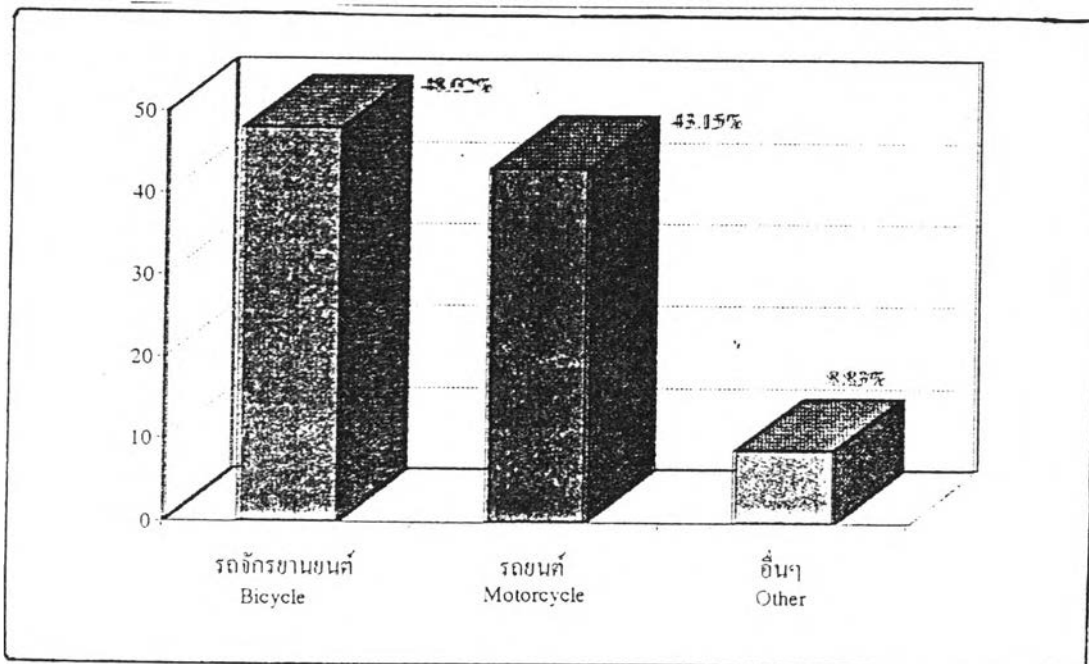
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: The illustration of vehicle used in assault case for the nationwide in 1995



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: The illustration of vehicle used in theft case for the nationwide in 1995



เอกสารภาคผนวก ข.

พระราชบัญญัติว่าด้วยตำรวจและพยานหลักฐานในคดีอาญา ค.ศ. 1984

ของประเทศอังกฤษ

POLICE AND CRIMINAL EVIDENCE ACT 1984

ส่วนที่ 1

อำนาจในการให้หยุดและตรวจค้น

- มาตรา 1. อำนาจของตำรวจในการให้หยุดและตรวจค้นบุคคล ยานพาหนะ
ฯลฯ
- มาตรา 2. บทบัญญัติว่าด้วยการตรวจค้นตามมาตรา 1 และอำนาจอื่น ๆ
- มาตรา 3. หน้าที่ในการทำบันทึกการตรวจค้น

Part I
Powers To Stop And Search

1. Power of constable to stop and search persons, vehicles etc

(1) A constable may exercise any power conferred by this section—

(a) in any place to which at the time when he proposes to exercise the power the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission; or

(b) in any other place to which people have ready access at the time when he proposes to exercise the power but which is not a dwelling.

(2) Subject to subsection (3) to (5) below, a constable—

(a) may search—

(i) any person or vehicle;

(ii) anything which is in or on a vehicle,

for stolen or prohibited articles [or any article to which subsection (8A) below applies], and

(b) may detain a person or vehicle for the purpose of such a search.

(3) This section does not give a constable power to search a person or vehicle or anything in or on a vehicle unless he has reasonable grounds for suspecting that he will find stolen or prohibited articles [or any article to which subsection (8A) below applies].

(4) If a person is in a garden or yard occupied with and used for the purposes of a dwelling or on other land so occupied and used, a constable may not search him in the exercise of the power conferred by this section unless the constable has reasonable grounds for believing—

(a) that he does not reside in the dwelling; and

(b) that he is not in the place in question with the express or implied permission of a person who resides in the dwelling.

(5) If a vehicle is in a garden or yard occupied with and used for the purposes of a dwelling or on other land so occupied and used, a constable may not search the vehicle or anything in or on it in the exercise of the power conferred by this section unless he has reasonable grounds for believing—

(a) that the person in charge of the vehicle does not reside in the dwelling; and

(b) that the vehicle is not in the place in question with the express or implied permission of a person who resides in the dwelling.

(6) If in the course of such a search a constable discovers an article which he has reasonable grounds for suspecting to be a stolen or prohibited article, he may seize it.

(7) An article is prohibited for the purposes of this Part of this Act if it is—

(a) an offensive weapon; or

(b) an article—

(i) made or adapted for use in the course of or in connection with an offence to which this sub-paragraph applies; or

(ii) intended by the person having it with him for such use by him or by some other person.

(8) The offences to which subsection (7) (b) (i) above applies are—

(a) burglary;

(b) theft;

(c) offences under section 12 of the Theft Act 1968 (taking motor vehicle or other conveyance without authority); and

(d) offences under section 15 of that Act (obtaining property by deception).

[(8A) This subsection applies to any article in relation to which a person has committed, or is committing or is going to commit an offence under section 139 of the Criminal Justice Act 1988.]

(9) In this Part of this Act “offensive weapon” means any article—

- (a) made or adapted for use for causing injury to persons; or
- (b) intended by the person having it with him for such use by him or by some other person.

2. Provisions relating to search under section 1 and other powers

(1) A constable who detains a person or vehicle in the exercise—

- (a) of the power conferred by section 1 above; or
- (b) of any other power
 - (i) to search a person without first arresting him; or
 - (ii) to search a vehicle without making an arrest,

need not conduct a search if it appears to him subsequently—

- (i) that no search is required; or
- (ii) that a search is impracticable.

(2) If a constable contemplates a search, other than a search of an unattended vehicle, in the exercise—

- (a) of the power conferred by section 1 above; or
- (b) of any other power, except the power conferred by section 6 below and the power conferred by section 27(2) of the Aviation Security Act 1982
 - (i) to search a person without first arresting him; or
 - (ii) to search a vehicle without making an arrest,

it shall be his duty, subject to subsection (4) below, to take reasonable steps before he commences the search to bring to the attention of the appropriate person—

(i) if the constable is not in uniform, documentary evidence that he is a constable; and

(ii) whether he is in uniform or not, the matters specified in subsection (3) below; and the constable shall not commence the search until he has performed that duty.

(3) The matters referred to in subsection (2) (ii) above are—

(a) the constable's name and the name of the police station to which he is attached;

(b) the object of the proposed search;

(c) the constable's grounds for proposing to make it; and

(d) the effect of section 3(7) or (8) below, as may be appropriate.

(4) A constable need not bring the effect of section 3(7) or (8) below to the attention of the appropriate person if it appears to the constable that it will not be practicable to make the record in section 3(1) below.

(5) In this section "the appropriate person" means—

(d) if the constable proposes to search a person, that person; and

(b) if he proposes to search a vehicle, or anything in or on a vehicle, the person in charge of the vehicle.

(6) On completing a search of an unattended vehicle or anything in or on such a vehicle in the exercise of any such power as is mentioned in subsection (2) above a constable shall leave a notice—

(a) stating that he has searched it;

(b) giving the name of the police station to which he is attached;

(c) stating that an application for compensation for any damage caused by the search may be made to that police station; and

(d) stating the effect of section 3(8) below.

(7) The constable shall leave the notice inside the vehicle unless it is not reasonably practicable to do so without damaging the vehicle.

(8) The time for which a person or vehicle may be detained for the purposes of such a search is such time as is reasonably required to permit a search to be carried out either at the place where the person or vehicle was first detained or nearby.

(9) Neither the power conferred by section 1 above nor any other power to detain and search a person without first arresting him or to detain and search a vehicle without making an arrest is to be construed—

(a) as authorising a constable to require a person to remove any of his clothing in public other than an outer coat, jacket or gloves;
or

(b) as authorising a constable not in uniform to stop a vehicle.

(10) This section and section 1 above apply to vessels, aircraft and hovercraft as they apply to vehicles.

3. Duty to make records concerning searches

(1) Where a constable has carried out a search in the exercise of any such power as is mentioned in section 2(1) above, other than a search—

(a) under section 6 below; or

(b) under section 27 (2) of the Aviation Security Act 1982.

he shall make a record of it in writing, unless it is not practicable to do so

(2) If

(a) a constable is required by subsection (1) above to make a record of a search ; but

(b) it is not practicable to make the record on the spot,

he shall make it as soon as practicable after the completion of the search.

(3) The record of a search of a person shall include a note of his name, if the constable knows it, but a constable may not detain a person to find out his name.

(4) If a constable does not know the name of the person whom he has searched, the record of the search shall include a note otherwise describing that person.

(5) The record of a search of a vehicle shall include a note describing the vehicle.

(6) The record of a search of a person or a vehicle—

(a) shall state—

(i) the object of the search;

(ii) the grounds for making it;

(iii) the date and time when it was made;

(iv) the place where it was made;

(v) whether anything, and if so what, was found;

(vi) whether any, and if so what, injury to a person or damage to property appears to the constable to have resulted from the search; and

(b) shall identify the constable making it.

(7) If a constable who conducted a search of a person made a record of it, the person who was searched shall be entitled to a copy of the record if he asks for one before the end of the period specified in subsection (9) below.

(8) If—

(a) the owner of a vehicle which has been searched or the person who was in charge of the vehicle at the time when it was searched asks for a copy of the record of the search before the

end of the period specified in subsection (9) below; and

(b) the constable who conducted the search made a record of it,
the person who made the request shall be entitled to a copy.

(9) The period mentioned in subsections (7) and (8) above is the period of 12 months beginning with the date on which the search was made.

(10) The requirements imposed by this section with regards to records of searches of vehicles shall apply also to records of searches of vessels, aircraft and hovercraft.

เอกสารภาคผนวก ก.

พระราชบัญญัติว่าด้วยความยุติธรรมในคดีอาญาและการรักษาความสงบเรียบร้อย

ค.ศ 1994 ของประเทศอังกฤษ

Criminal Justice and Public Order Act 1994

ในเรื่องที่เกี่ยวข้องกับอำนาจของตำรวจในการให้หยุดและตรวจค้นบุคคล
และยานพาหนะ การป้องกันการกระทำอันรุนแรง

Criminal Justice and Public Order Act 1994

Powers of police to stop and search

Powers to stop and search in anticipation of violence

60.--(1) Where a police officer of or above the rank of superintendent reasonably believes that--

(a) incidents involving serious violence may take place in any locality in his

areas, and

(b) it is expedient to do so to prevent their occurrence,

he may give an authorisation that the powers to stop and search persons and vehicles conferred by this section shall be exercisable at any place within that locality for a period not exceeding twenty four hours.

(2) The power conferred by subsection (1) above may be exercised by a chief inspector or an inspector if he reasonably believes that incidents involving serious violence are imminent and no superintendent is available.

(3) If it appears to the officer who gave the authorisation or to a superintendent that it is expedient to do so, having regard to offences which have, or are reasonably suspected to have, been committed in connection with any incident falling within the authorisation, he may direct that the authorisation shall continue in being for a further six hours.

(4) This section confers on any constable in uniform power--

(a) to stop any pedestrian and search him or anything carried by him for offensive weapons or dangerous instruments:

(b) to stop any vehicle and search the vehicle, its driver and any passenger for offensive weapons or dangerous instruments.

(5) A constable may, in the exercise of those powers, stop any person or vehicle and make any search he thinks fit whether or not he has any grounds for suspecting that the person or vehicle is carrying weapons or articles of that kind.

(6) If in the course of a search under this section a constable discovers a dangerous instrument or an article which he has reasonable grounds for suspecting to be an offensive weapon, he may seize it.

(7) This section applies (with the necessary modifications) to ships, aircraft and hovercraft as it applies to vehicles.

(8) A person who fails to stop or (as the case may be) to stop the vehicle when required to do so by a constable in the exercise of his powers under this section shall be liable on summary conviction to imprisonment for a term not exceeding one month or to a fine not exceeding level 3 on the standard scale or both.

(9) Any authorisation under this section shall be in writing signed by the officer giving it and shall specify the locality in which and the period during which the powers conferred by this section are exercisable and a direction under subsection (3) above shall also be given in writing or, where that is not practicable, recorded in writing as soon as it is practicable to do so.

(10) Where a vehicle is stopped by a constable under this section, the driver shall be entitled to obtain a written statement that the vehicle was stopped under the powers conferred by this section if he applies for such a statement not later than the end of the period of twelve months from the day on which the vehicle was stopped and similarly as respects a pedestrian who is stopped and searched under this section.

(11) In this section--

“dangerous instruments” means instruments which have a blade or are sharply pointed;

“offensive weapon” has the meaning given by section 1 (9) of the Police and Criminal Evidence Act 1984; and

“vehicle” includes a caravan as defined in section 29 (1) of the Caravan sites and Control of Development Act 1960.

(12) The powers conferred by this section are in addition to and not in derogation of, any power otherwise conferred.

PART VI
PREVENTION OF TERRORISM

Powers to stop and search vehicles etc. and persons

81-(1) In Part IV of the Prevention of Terrorism (Temporary Provisions) Act 1989 (Powers of arrest, detention and control of entry) there shall be inserted, before section 14, the following section—

“Powers to stop and search vehicles etc. and persons

13A.—(1) Where it appears to—

- (a) any officer of police of or above the rank of commander of the metropolitan police, as respects the metropolitan police area;
- (b) any officer of police of or above the rank of commander of the City of London Police, as respects the City of London; or
- (c) any officer of poice of or above the rank of assistant chief constable for any other police area,

that it is expedient to do so in order to prevent acts of terrorism to which this section applies he may give an authorisation that the powers to stop and search vehicles and persons conferred by this section shall be exercisable at any place within his area or a specified locality in his area for a specified period not exceeding twenty eight days.

(2) The acts of terrorism to which this section applies are—

- (a) acts of terrorism connected with the affairs of Northern Ireland; and
- (b) acts of terrorism of any other description except acts connected solely with the affairs of the United Kingdom or any part of the United Kingdom other than Northern Ireland.

(3) This section confers on any constable in uniform power—

- (a) to stop any vehicle;
- (b) to search any vehicle, its driver or any passenger for articles of a kind which could be used for a purpose connected with the commission, preparation or instigation of acts of terrorism to which this section applies;
- (c) to stop any pedestrian and search any thing carried by him for articles of a kind which could be used for a purpose connected with the commission, preparation or instigation of acts of terrorism to which this section applies.

(4) A constable may, in the exercise of those powers, stop any vehicle or person and make any search he thinks fit whether or not he has any grounds for suspecting that the vehicle or person is carrying articles of that kind.

(5) This section applies (with the necessary modifications) to ships and aircraft as it applies to vehicles.

(6) A person is guilty of an offence if he—

- (a) fails to stop or (as the case may be) to stop the vehicle when required to do so by a constable in the exercise of his powers under this section; or
- (b) wilfully obstructs a constable in the exercise of those powers.

(7) A person guilty of an offence under subsection (6) above shall be liable on summary conviction to imprisonment for a term not exceeding six months or a fine not exceeding level 5 on the standard scale or both.

(8) If it appears to a police officer of the rank specified in subsection (1)(a), (b) or (c) (as the case may be) that the exercise of the powers conferred by this section ought to continue beyond the period for which their exercise has been authorised under this section he may, from time to time, authorise the exercise of those powers for a further period, not exceeding twenty eight days.

(9) Where a vehicle is stopped by a constable under this section, the driver shall be entitled to obtain a written statement that the vehicle was stopped under the powers conferred by this section if he applies for such a statement not later than the end of the period of twelve months from the day on which the vehicle was stopped; and similarly as respects a pedestrian who is stopped under this section for a search of anything carried by him.

(10) In this section—

“authorise” and “authorisation” mean authorise or and authorisation in writing signed by the officer giving it: and

“specified” means specified in an authorisation under this section.

(11) Nothing in this section affects the exercise by constables of any power to stop vehicles for purposes other than those specified in subsection (1) above

(2) In consequence of the insertion in Part IV of the Prevention of Terrorism (Temporary Provisions) Act 1989 of section 13 A, For the title to that Part, there shall be substituted the following title—

เอกสารภาคผนวก ง.

คู่มือการค้นและยึดของประเทศสหรัฐอเมริกา

HANDBOOK ON THE LAW OF SEARCH AND SEIZURE

Prepared by the
Legislation and Special Projects Section
Criminal Division
Department of Justice
February 1971
(Revised)

FOREWORD

The law of search and seizure is most important to the conservation officer. In enforcing "wildlife law," the laws of search and seizure apply. The conservation officer must determine what he can do, what he can't do, and what procedures must be followed for a search and arrest - to be legal.

This handbook is designed as a general set of guidelines. Its purpose is to provide ready access to the main threads of the law in the area of search and seizure which will help you make quick decisions when problem situations require immediate decisive action.

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SAMPLE DESCRIPTIONS OF FACT SITUATIONS FOR AFFIDAVITS

GLOSSARY OF TERMS

COERCION: Improper persuasion. Actual coercion may result from acts or words intended to persuade improperly. Im ; oied coercion may result not from specific acts or words, but rather from the situation as a whole.

CONTEMPORANEOUS: Occurring at the time of the arrest, or occurring soon thereafter as part of a continuous, uninterrupted, lawful investigation.

CONTRABAND: Property which may not lawfully be possessed (e.g., narcotics)

CURTILAGE: The open space surrounding a dwelling which an average person would consider a part of the dwelling.

EVIDENNTIARY ITEMS: Items connected with a crime, but not as contraband, fruits, instrumentalities, or weapons.

FORFEITURE: A punishment for the illegal use or possession of specific property, by which one loses to the Government his rights and interest in that property.

FRUITS: The objects (e.g., money) for which a crime is committed.

INSTRUMENTALITIES: The means (e.g., a gun) by which a crime is committed.

PROBABLE CAUSE: Facts and circumstances sufficiently strong in themselves to lead a cautious agent to believe that a person is guilty of a particular crime, and to believe that the place to be searched contains evidence of the crime.

REASONABLE FORCE: Force no greater than which is necessary for the purpose.

SEARCH INCIDENTAL TO ARREST: A search intended to aid in the arresting process which is made at the place of the arrest and contemporaneously with the arrest, its purpose being to allow the agent to protect himself, to prevent escape, and to prevent the possible destruction of evidence.

WAIVER: The intended and understood giving up of a known right.

HANDBOOK ON THE LAW OF SEARCH AND SEIZURE

CHAPTER 1

OBTAINING AND EXECUTING A SEARCH WARRANT

A. WHEN A WARRANT SHOULD BE OBTAINED

1. Generally, in reviewing a search and seizure, the courts give agents the benefit of the doubt if they were acting under a search warrant.

Therefore, a warrant should be obtained :

- a. If there is time;
- b. If there is may doubt whether one is necessary.

2. There is no need to get a warrant :

a. If the search is incidental to an arrest and if it is confined to the arrestee's person and the area within his reach; or

b. If the search is of a motor vehicle that may be moved away and there is cause to believe (more than mere suspicion) that a person in that vehicle has committed, is committing, or is about to commit a crime, or that the car contains seizable items; or

c. If, because of exceptional circumstances, there is cause to believe (more than mere suspicion) the cont-abnad or other evidence of a crime will otherwise soon be destroyed.

B. WHERE A WARRANT CAN BE OBTAINED

A search warrant may be obtained from a U.S. judge or a judge of a State court of record (check State laws for courts of record) or a U.S. magistrate or commissioner in the district where the property is located. A U.S. magistrate or commissioner is usually more readily available than a judge.

C. PROPERTY WHICH CAN BE SEARCHED FOR

An agent can get a search warrant for any property constituting evidence of a federal crime.

D. MARKING OUT AN AFFIDAVIT FOR A WARRANT

1. There property to be seized should be identified as clearly and distinctly as possible. The language does not have to be technical. As a rule of thumb, if the property is contraband it does not have to be described in great detail, but if it is noncontraband then it must carefully be identified and described.

NOTE : An agent may be able to take some property not listed in the affidavit. Property not described in a search warrant may be seized if it bears a reasonable relationship to the purpose of the search. However, the fact that a search is successful will not legalize a defective warrant or an improper execution of a valid warrant.

2. The premises to be searched should be identified as accurately as possible. The description of the place to be searched must be sufficiently detailed to allow others to identify it with reasonable effort. If the search is to take place in an apartment, the number of the apartment should be given. If possible, the name of the owner or the tenant should be included. If necessary, a diagram showing the location should be made.

3. The permissible extent of the search depends upon the search warrant. If an item can be easily concealed, the affidavit for a warrant must be broad enough so that the warrant will allow a search of the premises in all places where the item could be concealed.

4. The facts and circumstances which will show that there is probable cause for the search should be specifically described. Bold assertions without underlying justification will not be considered. The affidavit should show:

- a. The information relied upon to justify the search; and
- b. The information which led to the belief that the property is, or will be, on the premises.

The request for a search warrant may be based upon an agent's Personal knowledge or upon hearsay information. However, if hearsay information is used, the application must set forth reasons for believing (1) that the person giving the information is credible or reliable, and (2) that the person obtained the information in a way that makes it worthy of belief. Where the information is supplied by an unnamed informant, his credibility may be supported by showing prior dealings with him in which he proved to be

reliable. The trustworthiness of the manner of obtaining the information may be supported by a showing that the information is based upon the personal observations, or by the fact that the information described the accused's criminal activity in sufficient detail to show that it is something more than mere rumor. The hearsay information may also be supported by the agent's personal observation which occurred either before or after receiving such information.

NOTE : An agent need not state all the facts he knows about the case-just enough so that the judge, magistrate, or commissioner can independently determine from the affidavit alone that there is sufficient cause to issue the warrant.

5. Each person signing the affidavit must appear before the judge, magistrate, or commissioner and swear to its contents. Each must indicate clearly which of the described observations he has made, or else write a separate affidavit.

E. EXECUTING A SEARCH WARRANT

1. Who must be there

The search warrant must be directed either to named agents or to a class of agents (for example, "To any Investigator of the Alcohol, Tobacco, and Firearms Division of the Internal Revenue Service"). One of the agents to whom the warrant is directed must be present and act in its execution. Other agents, though not named in the warrant, may assist if they are needed.

2. When the warrant can be executed

a. Normally, the warrant may be executed only in the daytime. As a rule of thumb, it is daytime if there is enough light to recognize a man's features at 10 yards. If the search begins during the daytime, it may extend into the nighttime, provided that the agents executing the warrant act reasonably and do not continue the search as form of harassment.

b. There are times when a "nighttime" warrant may be obtained, but it will be granted only if the affidavit for a warrant has stated that the affiant is "positive" that the property is in the place to be searched. Such a warrant will state that the search can take place at any time.

c. Search warrants are to be executed "forthwith" . taking into consideration the particular circumstances involved. In all cases, the warrant must be executed within 10 days, starting from the issuance date of the warrant. If the warrant is not executed within those 10 days, then it is void and cannot be renewed, To conduct a search of the same place, a new affidavit must be filed and a new search warrant issued.

NOTE : The relationship between the "forthwith" rule and the 10 day rule has not received uniform judicial interpretation. Some courts hold that, as long as probable cause continues, the search may take place any time within the 10-day period.

3. What protective measures may be taken

An agent has a right to carry firearms and protect himself while conducting a search. Furthermore, an agent may take reasonable measures to assure that the property will not be removed from the premises while the search

is being conducted, and that the search will not be interfered with. The agent should use his trained judgment to make search procedures fit the individual circumstances.

F. GETTING INTO THE PREMISES

1. Announced entry

After knocking, if no one answers the knock or opens the door, then an agent should :

- a. Announce that he is a Federal agent ; and
- b. Announce that he has a search warrant.

If, after identifying himself and announcing his purpose, the agent is not let in, he may use force to break into the premises.

2. Unannounced entry

An entry without knocking and announcing is permitted only in emergency situations where the agents or others are in peril or bodily harm or where evidence is being destroyed. Such entries must be limited to cases where are clearly necessary.

3.

If the warrant is executed more than one agent, the other agent or agents need not enter by the same door as the agent serving the warrant, provided that they do not enter the premises before the agent serving the warrant.

NOTE : An agent is not required to exhibit, read, or give a copy of the warrant to anyone prior to the search if the later seizes property, however, he must leave a copy of the warrant.

G. LIMITATIONS UNDER THE SEARCH WARRANT

1. An agent may stay on the premises only during the time “reasonably” necessary to search for and seize the property described in the warrant. This means the shortest time needed to conduct the search. Less time is needed to search for an illegal whisky still in a building than for an envelope containing heroin. The search should be as brief as is reasonably possible.

2. Ordinarily, real estate may not be seized with a search warrant.

3. A search warrant for a residence or other premises does not permit a search of all the persons present during the search. But, if there is reason to suspect that persons on the premises are carrying items which reasonably could be the objects of the search warrant, they may be detained and searched to the extent necessary to determine whether they are concealing items covered by the warrant.

4. While conducting a search for the property described in the warrant, an agent may also seize property which is the subject matter of a different crime. For example, if an agent is searching for a roulette wheel and comes upon stolen fur coats, he may seize the coats, even though not authorized specifically to do so by the search warrant.

H. RESPONSIBILITY FOR ARTICLES SEIZED

The person from whom the property was seized, or from whose premises the property was seized, must be given a carbon copy of the warrant and a receipt for the property taken. The receipt for property taken may be in any form, as long as all property taken is clearly stated on the receipt.

I. RETURNING THE WARRANT TO COURT

After conducting the search, an agent must :

1. Within 10 days from the date of issuance, return the original warrant (the carbon copy was left at the place or with the person searched) to the judge, magistrate, or commissioner who issued it. If the agent cannot return it within this period, he must be prepared to explain the delay.
2. Fill out the reverse side.
3. File an inventory of the items seized.

The inventory will include only those items seized under authority of the warrant ; that is, the property specified in the warrant. The agent should not include other property which is :

- a. seized incident to an arrest,
- b. seized as contraband; or
- c. seized for forfeiture.

J. SEIZURE PENDING PROCUREMENT OF A WARRANT

In certain limited circumstances, in order to avoid a possible loss of evidence, property which is under the temporary control of an agent may be held while a warrant authorizing the search of that property is obtained. Moreover, in some such instances where probable cause to obtain a warrant does not exist, the property may be held pending a reasonable brief investigation to determine whether there is in fact probable cause for a search warrant.

CHAPTER II

SEARCH OF THE PERSON

A. SEARCH OF THE PERSON WITH A SEARCH WARRANT

1. When a search warrant should be obtained

If an agent has adequate advance information that a person will have on his person items subject to lawful seizure, then he should get a search warrant. An agent should not rely upon the person's consent as the authorization for the search.

2. When a person may be detained to execute a search warrant

If a person refuses to permit an authorized search, or if there is good reason not to search in public (a strip, for example) an agent may use reasonable force to detain him, or to take him to a place where the necessary search can be conducted appropriately.

3. When premises may be entered and force used in executing a search warrant

To execute a search warrant for the search of a person, premises may be entered under the same circumstances and in the same manner as allowed in the execution of an arrest warrant, and reasonable force may be used to make the search.

4. What may be seized under a search warrant

While a search may be made only for those things described in the warrant, if, while making such a search, an agent comes upon some other evidence of this or any other crime, it may be seized.

a. If a weapon is carried in violation of the law the agent may take it.

b. If a weapon is carried legally an agent may still take it to cover his departure, but the person searched must be told where he can get it back.

B. SEARCH INCIDENTAL TO ARREST

1. General rule :

In the course of a lawful arrest, an agent may search the arrested person for contraband, fruits, instrumentalities, and other evidence. This applies both to felonies and to misdemeanors where the accused is lawfully taken into custody.

An arrest may not be used simply as an excuse to conduct a general search for evidence. Even if an agent makes a valid arrest, this cannot be used as an excuse to search a person for evidence of a different offense for which the agent had (1) no arrest warrant, (2) no probable cause to arrest, and (3) no search warrant. (Courts are particularly suspicious in cases involving searches incident to arrests for minor traffic offenses.)

2. Why a search is allowed

A search incident to an arrest is allowed :

- a. To protect the arresting agent ;
- b. To prevent escape or suicide; and
- c. To prevent the destruction of evidence.

3. The arrest must be lawful

a. If the arrest is unlawful for any reason, the incidental search of the arrested person is also unlawful, and any fruits of such a search will be inadmissible in court. Since arrests made without a warrant are attacked in court almost routinely, it is advisable to get a search warrant if possible.

b. If an arrest is unlawfully made by a private person who is not connected with a law enforcement agency, any evidence found as a result of the arrest usually is admissible. However, an agent should not rely on private person to make arrests for him.

4. Who can conduct the search

a. If practical, the arresting agent should conduct the search himself. If an agent arrests someone and does not search him, but later allows another person to search him, the subsequent search may be held unlawful.

b. An agent may search an arrested person transferred to his custody to make sure that the transferring agency made an adequate search.

5. When the search can be conducted

a. The arrest must be made first, and until it has been made there is no right to search. If the search precedes the arrest and supplies the probable cause for the arrest, the search is unlawful unless it can stand without use of the incident - to - arrest rule. But if an agent has the right to arrest on a warrant or probable cause and he intends to arrest, but because of a sudden emergency or dangerous situation (e.g., possible escape of the person to be arrested or destruction of evidence) he first grabs the weapon, narcotics, or other item, and then arrests, the seizure is lawful. This is an exception, however, and the courts will apply it strictly.

b. A search made incidental to an arrest is not reasonable unless it is made contemporaneously with the arrest.

i. To be contemporaneous, a search must be conducted as soon as practical after the arrest. If it is not feasible to search immediately upon making the arrest because, for example, of an emergency such as a riot, an agent should do so as soon as the reason for not searching has passed. If an agent arrests one day and searches the next day the search will be illegal because it is not contemporaneous.

ii. The reason for this rule is that the law gives an agent a right to search the person of one lawfully arrested only (1) to protect himself, (2) to prevent escape, or (3) to prevent the destruction of evidence. If an agent delays a search, it appears that he was not concerned about any of those three possibilities, and that he conducted the search for some other reason.

6. The limited of the search

As a general rule, an agent may search the arrested person, everything in his possession, and everything which, in the course of the arrest, is within his immediate reach.

a. Things in actual possession

Anything in the actual possession of the person arrested may be searched (for example, a carton, suitcase, or purse being carried by the arrestee).

b. Things within reach

The person's immediate physical surroundings may be searched. (e.g., his desk, if he is sitting at the desk, the glove compartment of his car while he is in the car, a valise that he has set down). In an emergency situation posing a danger to human life, the scope of the permissible search may extend beyond the person's immediate surroundings.

c. Things within the body

i. Objects in body cavities. — If possible, a U.S. attorney should be consulted as to whether or not such a search should be conducted. If there is no time for such consultation, an agent should make sure that the following conditions are met before searching body cavities:

(1) There must be a clear indication that the person has within his body evidence which should be removed;

(2) the search must be made by a doctor working under sanitary conditions and in a medically approved way;

(3) force may be used only to the extent necessary to make the person submit to the examination. Where there is a need to prevent the destruction of evidence, as when a person stuffs narcotics in

the mouth, an agent can close his arm around the person's neck to prevent him from swallowing the evidence.

ii. Evidence of body fluids, --Under the same limitations as in (i), blood, urine, and saliva may be taken from the person and subjected to laboratory analysis to determine the presence of alcohol, narcotics, or dangerous drugs, where there is a clear indication that such evidence will be found.

d. Thing in constructive possession

Where an arrestee has on his person some article showing ownership or right to control Personal property from which he is temporarily separated (e.g., where the arrestee has a locker key in his possession and the arresting agent wishes to search the locker) the agent generally may not search for and seize such property unless there is danger that someone else will remove the property before a warrant can be obtained. Similarly, if in the course of an arrest, an agent observes a suitcase or other closed item in open view but not in the arrested person's actual physical possession, then the item may be seized as a protective measure, but a search warrant should be obtained before opening it.

7. What can be seized

a. In general. -- An agent generally can take anything on the person or in the possession of the a arrestee, including purely evidentiary items. If in doubt about whether an item is subject to seizure, an agent should take it if there is a danger that it will be destroyed or lost.

b. Items relating to another crime. --An arresting agent can take evidence of a crime different from the offense for which the arrest was made. An agent may seize such items if he happens to see them even though he would not have a right to search for them.

c. Purely personal things. --An agent may take personal items such as the arrested person's money, since (a) he has the duty to safeguard the personal property of the arrested person, and (b) a prisoner in jail has no right to keep his personal property.

d. Clothing. --Clothing worn at the time of the arrest may be taken and subjected to laboratory examination.

e. Things in open view. --If without searching, an agent sees contraband, fruits, weapons, instrumentalities, or other evidence of crime left in open sight, he may seize them, even though they may not be in the person's actual possession or within his immediate reach.

C. USING FORCE TO SEARCH THE PERSON

1. When making a reasonable search of the person, whether incidental to arrest or by search warrant, an agent may use the degree of force necessary to: (1) protect himself, (2) prevent escape, and (3) prevent the destruction of evidence.

2. The test for determining if the use of force is proper is whether, in the agent's judgment, he felt required to use such force in order to accomplish the above three objectives. Because the courts review the use of force strictly, as little force as is practical should be used.

D. SEIZURE OF ABANDONED PROPERTY

1. If in the course of a lawful arrest (or other lawful action by an agent, such as a surveillance or questioning of a person), a person discards personal property at some place outside his dwelling or its curtilage, an may seize such property (even though it is then beyond the person's physical control) on the ground that it has been abandoned.

a. To constitute an abandonment for this purpose, there is no requirement that the person intend to get rid of the of the property permanently.

b. If the property is discarded in response to an unlawful arrest or unlawful entry by an agent, a seizure of the property also is unlawful.

c. If the property is discarded in the person's dwelling or its curtilage (or in his hotel room, automobile, taxicab, or other place he controls), it cannot be considered abandoned and cannot be seized on this ground. However, if the property this discarded can be identified on evidence of a crime, it can be seized just as nay other evidence in open view can be seized.

2. Examples of legally seized abandoned property :

a. A package of heroin picked up from the street after a scuffle during an arrest in an automobile.

b. A package of narcotics which landed in a public courtyard after being thrown out of the window of an apartment by a woman under surveillance.

c. An envelope dropped to the floor of the police station by a man under arrest.

d. Two small packages dropped to the sidewalk by a narcotics suspect under foot surveillance.

CHAPTER III

SEARCH OF PREMISES

A. WHEN A SEARCH CAN BE MADE WITHOUT A WARRANT

An agent may search premises without a warrant only in the following situations :

1. Emergencies. — An agent may search if there is no time to get a warrant and the situation requires immediate action (for example, when he hears a scream from inside a house followed by a gunshot).

2. Hot pursuit. — An agent may search if he is chasing an escaping suspect, or is about to catch up with one who is ready to flee.

3. Contraband. — An agent may search if he knows that contraband is threatened with immediate removal or destruction.

4. Incidental to a valid arrest. — An agent may search in the course of a valid arrest if necessary to protect himself, prevent escape, or preserve evidence.

B. WHEN A SEARCH WARRANT SHOULD BE OBTAINED

1. In all situations other than those listed above, a warrant is needed to make a physical search of a dwelling or its curtilage, but not the area beyond the curtilage.

a. "Dwelling" includes any place used as a dwelling, whether a private home, an apartment, or a room in a hotel. It also includes a place

of business and an office. A dwelling that is temporarily unoccupied still may not be searched without a warrant, but a dwelling that has been permanently vacated, such as a hotel room which the tenant has left good, can be searched without a warrant without violating the previous occupant's fourth amendment rights.

b. "Curtilage" is the open space surrounding the dwelling which the average person would consider a part of the dwelling. Whether an area is within the curtilage depends principally on its closeness to the dwelling, its being within any general enclosure which may surround the dwelling, and its use by the occupants of the dwelling. If there is doubt as to whether the place to be searched is within the curtilage, a warrant should be obtained.

Examples of places considered within the curtilage :

A farmer's barn separated by a driveway from his house 70 yards away ;

A trashcan under the stone porch of a house ;

A closed cupboard in a common hallway leading to the suspect's apartment building.

Examples of places considered beyond the curtilage :

An open field 50 to 100 yards from a defendant's residence ;

A cave in a plowed field across the road from a house ;

A small concrete building 150 feet from a residence and separated from it by a fence and gate ;

The top of a foundation block of a business building.

2. Observation of a dwelling or its curtilage may be made without a warrant from any place outside the curtilage. A telescope, binoculars,

flashlight, and similar devices may be used in such a surveillance, as long as there is no physical trespass onto the curtilage.

3. listening to conversations or other sounds occurring in a dwelling or its curtilage may be accomplished without a warrant if there is no physical trespass onto the curtilage and if no electronic or mechanical device is used to hear the conversation or sounds. If a physical trespass is necessary, or if an electronic or mechanical device is necessary, a warrant must be obtained.

C. WHAT MAY BE SEARCHED FOR

When conducting a lawful search an agent may look for (1) weapons, (2) contraband, (3) fruits of crime, (4) instrumentalities of crime, and (5) other evidence. The Supreme Court has intimated, however, that there may be some evidentiary materials which are not seizable or admissible into evidence under the fifth amendment because they are testimonial or communicative in nature.

D. SEARCH OF PREMISES INCIDENTAL TO ARREST

1. In the course of a lawful arrest, an agent may search not only the arrestee's person, but also that limited portion of the premises which is within the arrestee's immediate control and from which he might be able to reach a weapon or destructible evidence. The sole justification for such a search is to find and seize :

a. Any weapons the arrestee might grab to resist the arrest or to effect an escape; and

b. Any evidence the arrestee might try to conceal and destroy.

2. If there is cause to believe that there may be other persons on the premises who might reasonably be expected either to interfere with the arrest by force or to attempt the destruction of evidence, a search of the surrounding area for such persons may be made

3. If in making a lawful arrest, or in making a protective search for other persons on the premises, evidence of any crime is seen lying in open view it may be seized even though it is beyond the arrestee's immediate control.

4. If an arrest is maneuvered to take place at certain premises in order to permit a limited search of those premises, the search will be invalid.

5. Because of the very limited scope of a search which can be made incidental to a lawful arrest, where a contemporaneous search of an arrestee's premises is desired, a search warrant should be obtained at the same time as an arrest warrant, if possible. When this is not possible, or when an arrest upon probable cause must be made without a warrant, a search warrant can be applied for after the arrest, and while one agent proceeds to obtain the search warrant another agent may remain to watch the premises and guard against the destruction of evidence by a confederate of the arrestee. If the remaining agent has probable cause to believe a person on the premises has destroyed evidence, he may arrest that person without a warrant since such destruction violates Federal law.

CHAPTER IV

SEARCH OF VEHICLES

A. WHEN A WARRANT SHOULD BE OBTAINED

As a general rule, if it is practical to obtain a warrant, then one should be obtained. Even though some searches may be valid without a warrant, courts are more likely to uphold a search if conducted under authority of a warrant. While the great mobility of vehicles often makes it impractical to get a warrant, in some situations it may be required if there is time to get one.

Examples :

a. A milk truck each day follows an early morning route. There is probable cause to believe that it delivers narcotics as well. A warrant should be obtained where a vehicle follows a regular route.

b. A car is in a garage for repair of a broken piston. A warrant should be obtained where a vehicle is immobilized. The probable cause requirement is the same for searching vehicles as it is for searching persons or premises.

B. SEARCH WITHOUT A WARRANT

Generally, if there is probable cause, not mere suspicion, to justify the search of a vehicle, a warrant is not required if the vehicle is

moving or is capable of being moved. It is due to the possibility of movement outside the jurisdiction, and to the inherent differences between vehicles and homes, that an automobile may be searched without a warrant on facts which would not justify a warrantless search of a residence or office.

C. WHEN A SEARCH BEGINS

1. The mere stopping of a vehicle is not a search. Therefore, admissions or other events occurring between the time the vehicle is stopped and the time actual search begins can be used to show probable cause for a search.

2. The "open view" doctrine applies to automobiles. Moreover, what is revealed by shining a flashlight into a car at night is considered to be in open view.

3. Where there is probable cause to believe that a car has been stolen or there is a legitimate need to identify the car, the checking of a serial number or engine number is not considered to be a search or seizure.

D. USING FORCE TO SEARCH

1. If an agent has a legal right to search a vehicle and if the operator refuses to allow him to proceed, he may use that amount of force which is reasonable and necessary to search the vehicle.

2. Using unreasonable force to stop a vehicle may make a search illegal, even though there was probable cause for the search.

Example :

An officer shot the tires of an automobile to stop it. Although he had probable cause to search, his use of force was unreasonable in this particular situation, and therefore the search was illegal.

E. LIMITED SEARCH OF A VEHICLE'S OCCUPANTS

Evidence of probable cause justifying a search of a vehicle does not necessarily empower an agent also to search its unarrested occupants. The agent should search an individual only if he has a strong belief that the person is carrying a weapon or destructible evidence. In conducting this search, a "patting down" is generally all that is permitted, since this would disclose any weapons or evidence of the crime in question. In narcotics cases, however, a more thorough search of the person is necessary to prevent destruction of the evidence.

F. SEARCH AFTER SEIZURE OF A VEHICLE

1. Forfeited vehicles. —An agent can seize without a warrant a vehicle used to violate a Federal law in which transportation is a part of the offense (for example, a vehicle carrying non-tax-paid liquor, or narcotics) since the vehicle's title has in law been forfeited to the United States. The seizure need not be incident to an arrest, as long as there is probable cause to believe that the vehicle was used to transport contraband. If a vehicle has been property seized in such a situation, then a search may be instituted either then or at a later time.

2. Vehicles seized as evidence. --If a vehicle itself is seized as evidence of a crime, either as an instrumentality by which the crime, either as an instrumentality by which the crime was committed (e.g., a hit-and-run murder) or as a fruit of the crime (a stolen car), it is subject to a later, more careful examination, just as is any other lawfully seized item.

3. Impounded vehicles. --The mere impounding of a vehicle for safekeeping subsequent to a legal arrest does not automatically make it subject to a later, noncontemporaneous search. However, if there is probable cause to believe that seizable evidence is in the car, a search may be conducted with or without a warrant. In addition, evidence which is discovered in the process of protecting an impounded car is admissible.

4. Abandoned vehicles.--Like other abandoned property, an abandoned vehicle may be seized and searched without a warrant and without probable cause.

G. SEARCH OF A VEHICLE INCIDENTAL TO ARREST

1. Upon lawful arrest of a person in a vehicle, that portion of the vehicle which is within the immediate control of the arrestee may be searched incidental to the arrest.

a. The arrest must take place in or next to the vehicle in order for an incidental search to be justified. If an arrest is maneuvered to the car in order to provide a pretext to search the vehicle, however, a court may hold the search invalid.

b. The search must be contemporaneous with the arrest.

2. A search of a vehicle incidental to an arrest may be for weapons, or destructible evidence connected with the crime for which the occupant is arrested.

3. An arrest for a traffic violation usually cannot justify an incidental search since there is nothing tangible within the car that is connected with such a violation-except where the arrest is for driving while intoxicated, in which case a search for alcohol is permissible. Therefore, the existence of a traffic violation should not be used as an excuse to search for evidence of another crime ; such a search will be invalid. A search for weapons, however, is permissible.

H. ROADBLOCKS FOR SPECIFIC CARS

Except for searches at international boundaries , a roadblock may not be established for the purpose of stopping all cars so that they can all be searched. However, courts have upheld the use of a roadblock to stop cars in order to permit a search of a described car, or a car containing described occupants, which the agent have probable cause to search.

CHAPTER V

CONSENT SEARCH

A. THE EFFECT OF A PERSON'S CONSENT TO A SEARCH

1. A person's consent to search by an agent waives his fourth amendment right to be free from a search without a warrant. Therefore, a search based on consent is lawful, even where there is no other justification for the search if :

a. The consent is made with knowledge of the right not to consent to a search ;

b. The consent is voluntary - freely given without duress or coercion ; and

c. The consent is clear and explicit.

2. Any waiver of a constitutional right will be examined carefully by the courts. Therefore, before evidence discovered as a result of a consent search will be admitted at a trial, the Government will have to show by : "clear and convincing" evidence that the consent was, in fact, freely and voluntarily given by a person who was aware of his right not to consent.

B. THE NECESSITY THAT THE PERSON BE AWARE OF HIS RIGHT

1. An agent should explain to the person that he has a right not to have a search made of his premises without a warrant, and that he has a

right to refuse to consent to the search without a warrant. If the person indicated that he would like to consult with a lawyer or anyone else before deciding whether to consent, he should be given an opportunity to do so.

2. The courts will examine the circumstances of each case to determine if the individual was aware of his rights.

C. THE NECESSITY THAT THE CONSENT BE VOLUNTARY

1. Consent to a search must be given freely and voluntarily if the consent is to be valid. Any coercion, intimidation, or threat, actual or implied, will invalidate the consent. The courts carefully examine each situation, and in a high percentage of cases they find that submission to an agent's authority is not consent because it is not "voluntary".

a. Where an agent knocks in a door, states either that he has come to make a search or that he wants to talk or to look around the premises, and is given permission to enter, courts often find that there is no valid consent because such a situation is impliedly coercive.

b. Under the same facts as those in (a), but where the agent has a drawn gun, courts have found actual coercion.

c. Where an agent tells an occupant of a house that he has a search warrant, and permission to search is given, the consent has been found to be the result of coercion and (despite the fact that such coercion may have been lawful) the search cannot be justified on the basis of such consent if it turns out that the warrant was invalid.

d. A person who is under arrest when he consents to a search of his premises or his vehicle is often found not to have given his consent voluntarily. What seems to be a valid consent by a person under arrest may be found to have been induced by inherently coercive circumstances.

e. A voluntary confession of guilt which precedes a consent to search has been found to indicate that the consent was voluntary.

2. A consent which is not the product of coercion, but which is obtained by the use of fraud or misrepresentation, will not justify a search.

D. THE NECESSITY THAT THE CONSENT BE CLEAR AND EXPLICIT

1. Before an agent relies upon consent to justify a search, he should be sure not only that the person is aware of his rights and is under no coercion, but that a real consent to search has in fact been given.

a. A consent to enter is not a consent to search. But after an entry by voluntary consent, an agent has implied consent to observe whatever is in open view, and may seize evidence which is in open view.

b. A statement that an agent is welcome to search may not mean that he is welcome to search without a warrant.

c. An apparently clear consent may, under all the circumstances, be found not to be a real consent but a bluff designed to convince the agent that nothing would be discovered and therefore that no search should be made. Such an apparent consent, made with the thought that the agent will not bother to search, differs from a valid consent which may be made with the thought that although the agent may search he is unlikely to find anything.

2. A written consent should be obtained where practical. A signed and witnessed writing provides the best proof of a clear, voluntary waiver of a known right.

E. WHO MAY GIVE CONSENT

1. A valid consent to a search may be given only by the person with the primary right to the occupation of the premises.

Examples :

a. A landlord cannot consent to a search of a tenant's premises, unless the tenant has abandoned the premises or has been evicted.

b. A host can give consent to a search of premises occupied by a guest. But if a particular area of the premises to be searched has been set aside for a longterm guest's exclusive use, or if the search is of an object which is exclusively the guest's the consent of the host may not authorize a search.

c. A parent can give consent to a search of the premises occupied by a dependent child.

d. An employee cannot consent to the search of an employer's premises, unless he has been delegated general authority to act as the agent of the employer. An employer may generally consent to a search of premises used by an employee in his work, unless it is a particular area set aside for the employee's exclusive use.

e. A person with custody of personal property belonging to another may consent to its search only if he has been given full control over the

property, or if the property has been left on his premises without his authorization. Consent by a person having only limited custody, such as for storage or shipment, is not valid,

2. If two or more persons have equal rights to the occupation of the premise, a consent to search may be given by any one of them and will be valid as to all of them.

Examples :

- a. One spouse generally can consent to a search of a residence shared with the other spouse where evidence is sought against the other spouse.
- b. One joint tenant can consent to a search of jointly held premises.
- c. A partner can consent to a search of partnership premises.

F. REVOCATION OF CONSENT

A valid consent to search may be presumed to continue until all areas covered by the consent have been searched. A consent may be revoked, however, at any time before the search is complete. If a valid consent is revoked prior to completion of the search, all evidence found prior to the revocation still may be retained and used for any lawful purpose - including use as probable cause for a later warrant, or for an immediate arrest and incidental search for possible weapons and destructible evidence within the physical control of the person arrested.

APPENDIX

UNITED STATES
OF AMERICA
VS.

AFFIDAVIT FOR
SEARCH WARRANT

Before _____

(Name of magistrate, commissioner, or judge)

(Address)

The undersigned being duly sworn deposes and says :

That he
(has reason to believe) (on the person of
(is positive (on the premises known as)
that

(here describe property)

Which are _____

(hear give alleged grounds for search and seizure : evidence,
contraband, fruits, instrumentalities)

And that the facts tending to establish the foregoing ground for issuance of a
Search Warrant are as follows :

(See sample descriptions of fact situations let out in the
the following pages.)

(Signature of affiant)

(Official title, if any)

Sworn to before me, and subscribed in my presence, _____
_____, 19 _____

(Signature of magistrate, commissioner,
or judge)

The federal Rules of Criminal Procedure provide : "The warrant shall
direct that it be served in the daytime, but if the affidavits are positive that the
property is on the person or in the place to be searched, the warrant may direct that
it be served at any time."

(Rule 41 (c)

SAMPLE DESCRIPTIONS OF FACT SITUATIONS FOR AFFIDAVITS

The following paragraphs contain descriptions of fact situations which might be included in an affidavit to establish the grounds for issuance of a search warrant. In each one it is assumed that the request for the warrant occurred shortly after the events recited. Some contain the minimum information necessary to show probable cause. If an agent is in doubt whether his information is sufficient, he should consult an assistant U.S. attorney.

1. SEARCH OF THE PERSON : Charles Jones ; heroin (contraband).

A reliable informant told me that on July 16, 1969, he bought from Charles Jones for \$10 a packet of heroin which Jones had concealed in a belt under his clothes. The purchase was made at 2 a.m. on the corner of 116th Street and Amsterdam Avenue, New York City. Jones stated to the informant that he had a supply sufficient for sales during the next 3 days. Jones this year has admitted to me that

(TIMELY INFORMATION) (CORROBORATING INFORMATION)

he used narcotics and has shown me needle marks on his arms. The informant has given me reliable information on narcotic sales five times within the last 4 months.

(RECENT RELIABILITY)

2. SEARCH OF PREMISES : All rooms of Apartment #1 F, 29 Quintana Street NW., Washington, D.C. ; five fur coats (fruits).

A reliable informant told me that in his presence on July 17, 1969, at approximately 3 a.m. , two men delivered five new fur coats, which they stated were stolen, to one Ted Noodle who at

(INFORMANT'S PERSONAL OBSERVATION)

that time put them behind a false book case in his living room of apartment #1 F, 29 Quintana Street NW., Washington , D.C. Noodle was convicted of receiving stolen goods in 1967. The informant has provided reliable information about robberies on two occasions during the last 3 months.

3 SEARCH OF PREMISES (NIGHT - TIME WARRANT) : Basement, house at 1724 17th Street NW., Washington D.C. ; knife (instrumentality)

M. Proust was arrested for rape after his photograph was identified by the victim. On July 17, 1969, after being warned of his rights, he confessed and admitted that the knife used to perpetrate the offense is hidden behind the furnace in his house at 1724 17th

(POSITIVE)

Street NW., Washington, D.C. M. Proust is the owner of this house.

4. SEARCH OF VEHICLE : Pink 1968 Plymouth , Michigan License No. T634TY ; three empty cartons (evidentiary items)

Robert Kroner, of Kroner's Accident Repair Service, 1276 Chiasse Street, Teaneck, N.J., reported that on July 17, 1969, there were three empty cartons marked "Nikon photomatic T, single-lens reflex camera", bearing sales tags marked "Lou's Camera Shop", on the floor by the back seat of a pink 1968 Plymouth, License No. T634TY which he had towed to his shop after a serious collision. I have observed the

(IMMOBILIZED)

(PERSONAL OBSERVATION)

cartons and sales tags from outside the car. Six Nikon Photomatic T, singlelens reflex cameras were reported stolen from Lou's Camera Shop, 42 Ulster Place, Teaneck, N.J., on July 16, 1969.

5. SEARCH OF VEHICLE : Randy Milk Truck Following 8 a.m. route on Biloxi /Road, Blueface, Calif; heroin (contraband)

A reliable informant who has given reliable information on narcotics offenses on three occasions within the last 2 months, told me on July 10, 1969, that he saw hidden between milk bottles

(INFORMANT'S PERSONAL KNOWLEDGE)

delivered daily by Tom Jones, a driver for the Randy Milk Co., to 711 (apts. 6 and 14), 715 (apt. 1), and 737 (apt. 2 and 4) Biloxi Road, Blieface, Calif., glassine envelopes containing white powders which he believes contain heroin. I have since then observed on three different occasions daily deliveries at 8 a.m. to these

(HABITUAL ROUTE)

apartments. Five persons who have been convicted of narcotic offenses none of whom have children, live at these addresses.

ประวัติผู้เขียน

ชื่อ ร้อยตำรวจเอก อำนาจ อินทรศร
เกิดวันที่ 29 กุมภาพันธ์ พ.ศ. 2503



ประวัติการศึกษา

- พ.ศ. 2531 สำเร็จการศึกษาปริญญาตรีนิติศาสตรบัณฑิต จากมหาวิทยาลัยรามคำแหง
- พ.ศ. 2534 สำเร็จหลักสูตรการอบรมเป็นนายตำรวจชั้นสัญญาบัตร
- พ.ศ. 2537 เข้ารับการศึกษาหลักสูตรปริญญานิติศาสตรมหาบัณฑิต ภาควิชานิติศาสตร์
บัณฑิตวิทยาลัย จุฬาลงกรณ์มหาวิทยาลัย

ประวัติการทำงาน

- พ.ศ. 2534 ดำรงตำแหน่ง รองสารวัตรป้องกันปราบปรามสถานีตำรวจนครบาลปทุมวัน
- พ.ศ. 2537 ดำรงตำแหน่ง รองสารวัตรสอบสวนสถานีตำรวจนครบาลบางโพธิ์
- พ.ศ. 2539 ดำรงตำแหน่ง รองสารวัตรป้องกันปราบปรามสถานีตำรวจนครบาลทุ่งมหาเมฆ
- พ.ศ. 2540 ดำรงตำแหน่ง รองสารวัตรธุรการ สถานีตำรวจนครบาลปทุมวัน จนถึงปัจจุบัน