The Officer and the Drug Case

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Author Note

The Case of Officer Jones

Drug Laws in the US

Laws regulating drug crimes are a territory of intense interest in the United States at present. Numerous states have contemplated drug law reforms, including the increasing authorization of medical marijuana, and, in a couple of states, general marijuana use. These efforts uncover the complicated exchange among government and state drug laws.

Drug crime laws essentially focus on the use and distribution of controlled substances. Government drug laws are administered by the Controlled Substances Act, 21 U.S.C. § 801 et seq., ("the CSA") and most states model their very own drug laws after the CSA. The CSA places drugs in five unique categories, extending from Schedule I to Schedule V drugs. Schedule I drugs are those drugs typically denied by drug laws as they have been esteemed to have no safe accepted use. Schedule I drugs include marijuana, LSD, MDMA (also known as ecstasy), heroin, and different serious drugs. Schedule II drugs have an accepted medical use but are also drugs for which there is a high potential for abuse. Accordingly, Schedule II drug use is allowed distinctly with a prescription. Schedule II drugs include cocaine, methamphetamine, morphine, and different amphetamines. Schedules III-V classify different drugs of shifting degrees of severity and impose certain restrictions on their use, such as requiring that the user has a prescription or is more than 21. Unlike Schedule I drugs, those in Schedules II-V are not, in essence, unlawful, but require that the patient use them in a regulated way.

That being cleared, let us implement the above-mentioned details in the discussion of the case study. The actions of Officer Jones may seem inappropriate, under the “Fourth Amendment of the Constitution of the United States”, that stresses the importance of warrants, and terms the searches that are done without them as “exceptional”. Yet, the courts uphold the rights of the officers in enforcing the law in some situations. The information of the drug peddler was provided to the Officer by his fellows, and there was a hefty chance that the perp would have resisted arrest, either by fleeing or engaging in a fight with the officer. However, this should be noted that lack of warrant can be later claimed as a flaw by the defendant, especially when the drugs are not found after the seizure of the perp, as required by the Fifth and Sixth Amendment of the Constitution of the United States. Also, the criminal should be guaranteed a trial under the Fourteenth Amendment.

As for the question that Officer Jones was justified in the unplanned seizure of the perp without a warrant. The answer is that he was. Under the Fourth Amendment, the tip of the crime must be from a "reliable source", in this case, a fellow officer. Officer Jones had no cause to doubt the information and immediately seize the criminal with the substance of crime on the spot. Simply put, there should be a meaningful cause to the arrest, like a reliable tip, the observance of action, or a full-body research after the detention of the criminal. This can be further explained by Harris v. United States (1947), where the court allowed the search of an apartment for the search of evidence for a crime. Another case is Trupiano v. United States (1948), where the police officer seized the perp with the substance of crime in a distillery. But note that the court might not always declare a warrantless search or stop as lawful. In the case of United States v. Rabinowitz (1950), the officer managed to arrest the defendant in one room and proceeded to search his rooms without a warrant, since the court later ruled that the arrest was not reasonable.

# References

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