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Preface

This book explains the legal rules that govern an officer’s authority to enforce laws and to investigate criminal offenses. It also explains the basic rules of evidence in criminal cases. In addition, it provides—in the footnotes to the text and in the case summaries sections—appellate cases and statutory references to assist in researching particular issues. However, a new law enforcement officer need only read the text to understand the basic legal rules.

The text describes what I believe is the prevailing law in North Carolina state courts and, if the law is unclear, what appears likely to be the prevailing law. The text relies primarily on North Carolina and federal statutory law and on cases of the United States Supreme Court, North Carolina Supreme Court, and North Carolina Court of Appeals, although other appellate court cases are sometimes cited and discussed. The text is current with statutory law and case law through June 2011.

I sometimes cite legal treatises in the footnotes and case summaries. The reader should be aware, however, that treatises sometimes criticize United States Supreme Court and other appellate court rulings and thus disagree with prevailing law. Therefore, they do not necessarily state what is the law in North Carolina state courts. Still, they are valuable aids in understanding legal issues.

The footnotes may refer to appellate cases that are not mentioned in the case summaries, and vice versa. Thus the reader may want to check both sources for reference material on particular issues.

This is the fourth edition of a book originally published in 1986. The second edition was published in 1992 and the third edition in 2003. The book modifies the organization of prior editions by placing supplementary material in footnotes at the bottom of the text instead of as notes at the end of each chapter. It also places relevant case summaries sections at the end of each chapter (there are no case summaries for Chapters 1 and 6) instead of placing all of the case summaries sections at the end of Chapter 6. I hope the reorganization facilitates a reader’s access to relevant information.

I thank the following people for their assistance. School of Government faculty member Jeff Welty read several excerpts and offered helpful comments, and his publications—particularly about electronic devices, communications, and surveillance—facilitated my writing about these issues. The following people also read excerpts and offered helpful comments: School of Government faculty members Shea Denning, Jamie Markham, and Janet Mason; John H. Watters, Special Deputy Attorney General and Legal Counsel to the State Bureau of Investigation, North Carolina Department of Justice; Ike Avery, Special Deputy Attorney General (retired), North Carolina Department of Justice; Matt Osborne and Troy D. Page, both Associate Counsel, Administrative Office of the Courts. I also thank School of Government faculty members John Rubin and Jessica Smith, whose publications facilitated my writing about pertinent legislation.

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I welcome comments about this book’s scope, organization, or content. Comments may be sent to me at farb@sog.unc.edu.

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Chapel Hill
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