

CRIMINAL PROCEDURE

FOR THE CRIMINAL JUSTICE PROFESSIONAL



JOHN N. FERDICO

FOURTH EDITION

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John N. Ferdico, J.D.

Member of the Maine Bar

**Former Assistant Attorney General
and Director of Law Enforcement Education
for the State of Maine**

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Lennart Anderson studied at the Art Institute of Chicago (BFA), Cranbrook Academy (MFA), and Art Students League. He has received many awards including a Guggenheim Fellowship, 1983. The Museum of Fine Arts, Boston and the Whitney Museum of American Art, New York are only two of the museums that own Anderson's work. He is currently Distinguished Professor of Art at Brooklyn College, New York, and is represented by Davis & Langdale Company, New York.

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Preface

The fourth edition of *Criminal Procedure for the Criminal Justice Professional* is a complete revision and update of the third edition, which was published in 1985. This new edition covers all major developments in the law since the last revision, through September 30, 1988, with emphasis on decisions of the United States Supreme Court. Also, many of the older lower court cases discussed in the former edition have been replaced by more recent cases in an effort to keep the book relevant to current legal trends.

The book is directed toward providing guidelines for the law enforcement officer on the legal aspects of his or her daily duties while, at the same time, instilling an understanding of the reasons behind the rules. This approach is designed to make the book equally valuable to the criminal justice student, whatever career in the criminal justice system he or she chooses, and to the law enforcement officer on the beat, who can use the book as a practical field guide.

Review and discussion questions are provided at the end of each chapter. The questions are designed to encourage the reader to think about the implications and applications of the material presented in the text and do not merely call for a recital of memorized material. In developing the questions, an effort was made to stimulate the reader to apply his or her knowledge to fact situations other than those presented in the text and to consider the interrelationships of different topics in the criminal procedure area.

In closing, I would like to repeat two paragraphs from the preface to the first edition of *Criminal Procedure for the Law Enforcement Officer*, because I believe they continue to express the purpose and spirit behind the writing of this book.

"The law of criminal procedure is not only complex, but is constantly changing. The law enforcement officer is expected to understand these complexities and keep abreast of the changes. More importantly, he is required to apply the law to diverse situations which do not always neatly conform to the principles set out to guide him. To compound the law enforcement officer's problem, most court opinions on criminal procedure are written in a rambling, legalistic style that even lawyers and judges have trouble understanding. The result is a gap of communication and understanding between those who make the rules (judges) and those who must enforce them (law enforcement officers). Violation of rights of citizens by officers who are unaware or ignorant of court-imposed limitations on their activities is one of the main causes of the failure of many prosecutions and the reversal of many convictions.

"This book is an attempt to bridge the gap of communication and understanding between judges and law enforcement officers. I believe that law enforcement officers need understandable guidelines for conducting arrests, searches and seizures, interrogations, and lineups. I also believe that law enforcement officers should be familiar with the language and reasoning of the courts in

these areas. Officers, however, should not be expected to read through long involved opinions of every state and federal case that affects them and to extract principles of law to guide them in the execution of their duties. They already carry a heavy enough burden. Reading and interpreting the law is the job of an attorney. Therefore, I have tried in this book to reduce the complexity of the law of criminal procedure into simple straight-forward advice illustrated with examples of actual cases. I have also used quotations from cases, when I believed they were written in clear, understandable language."

I hope that *Criminal Procedure for the Criminal Justice Professional* fulfills the purpose of bridging the gap between judges and law enforcement officers and that it proves to be a valuable and informative resource for students and other professionals in the criminal justice system. I welcome any comments and suggestions for the improvement of future editions.

Finally, I would like to thank the staff of the Maine State Law Library in Augusta for their able and friendly assistance throughout the preparation of the manuscript of this book. And I would like to acknowledge everyone at West Publishing Company who participated in the publication and promotion of the book for their competence and their congenial professionalism.

John N. Ferdico

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