

BOOK REVIEW

Kenneth E. Melson,¹ J.D.

Review of: *Search and Seizure: The Fourth Amendment for Law Enforcement Officers*

REFERENCE: Woody R.H. *Search and seizure: the fourth amendment for law enforcement officers*. Springfield, IL: Charles C. Thomas, Publisher Ltd., 2006, 163 pp.

Prof. Woody has written 33 books and almost 200 articles and book chapters, focused almost entirely on psychology. *Search and Seizure* is his first book devoted to criminal procedure. Written for less-experienced law enforcement officers, this book focuses on the subject matter of its title by a heavy reliance on recitations of U.S. Supreme Court cases. Almost 100 case reviews, interspersed with summaries of guiding principles, populate 145 pages in the first seven chapters.

After an overview of constitutional concepts and introductions to key legal terms, criminal procedures, and basic Fourth Amendment principles, the author organizes the substantive law of search and seizure by the situational context in which searches are likely to be made. These situations include those where the police officer is on patrol, in a residence or other building, and in postarrest circumstances. Although the author organized these materials to "facilitate both learning and teaching," this reviewer found that the structure leads to confusion, and, consequently, *Search and Seizure* may not be an easy textbook to use. Fourth Amendment principles cannot easily be confined to discrete events in the life of a police officer, without leaving out important alternative applications, corollaries, and exceptions to the rules.

Many Fourth Amendment concepts are encapsulated in the book, although some important principles are elusive and not clearly articulated. Differentiations between an investigative detention and custodial arrest are confusing, and the legal standards

are often mingled or outright incorrect. In some instances, the summary of a case loses the nuance of the legal principle involved.

The final chapter of the book offers practical guidance for law enforcement officers. The author elucidates 10 worthwhile principles that will hold a police officer in good stead. Unfortunately, some of the discussions include legal concepts inartfully explained. The good faith exception to the exclusionary rule, which saves evidence seized pursuant to a warrant from suppression if probable cause is deemed insufficient by a reviewing court, is one of the most important protections for a police officer, but is not discussed clearly in the book.

There are other deficiencies in the book as well. Besides typographical errors and misnomers, the author on occasion misstates the factual basis supporting the holding of the court. For example, the author recites *Johnson v. United States*, 333 U.S. 10 (1948), as standing for the proposition that "a knock on the door can potentially be an unlawful intrusion" (p. 55). Of course, a knock could lead to an intrusion, but the court in that case held that it was the entry into the apartment and the subsequent arrest and search that were unconstitutional, not the knock itself.

Search and Seizure is an attempt to present in a concise and clear format the myriad rules and exceptions pertaining to the implementation of the Fourth Amendment by police officers. While a formidable attempt to do so, the book does not quite hit the mark.

¹The George Washington University Law School, Washington, DC.