Terry Stop in Context: Breaking the Rules

HW for Aug. 30, 2021

"In many ways, the practice of law is, at its core, understanding and using rules." LWIC, p. 35.
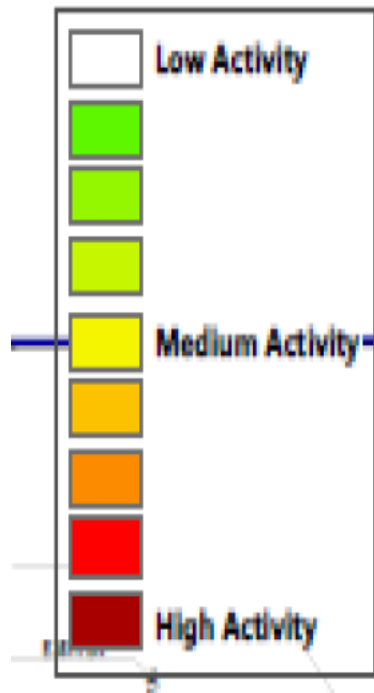
Wardlow Questions

- Based on <u>Wardlow</u>, what is the rule for the extent to which an officer may rely on "high-crime area" as a justification for a <u>Terry</u> stop?

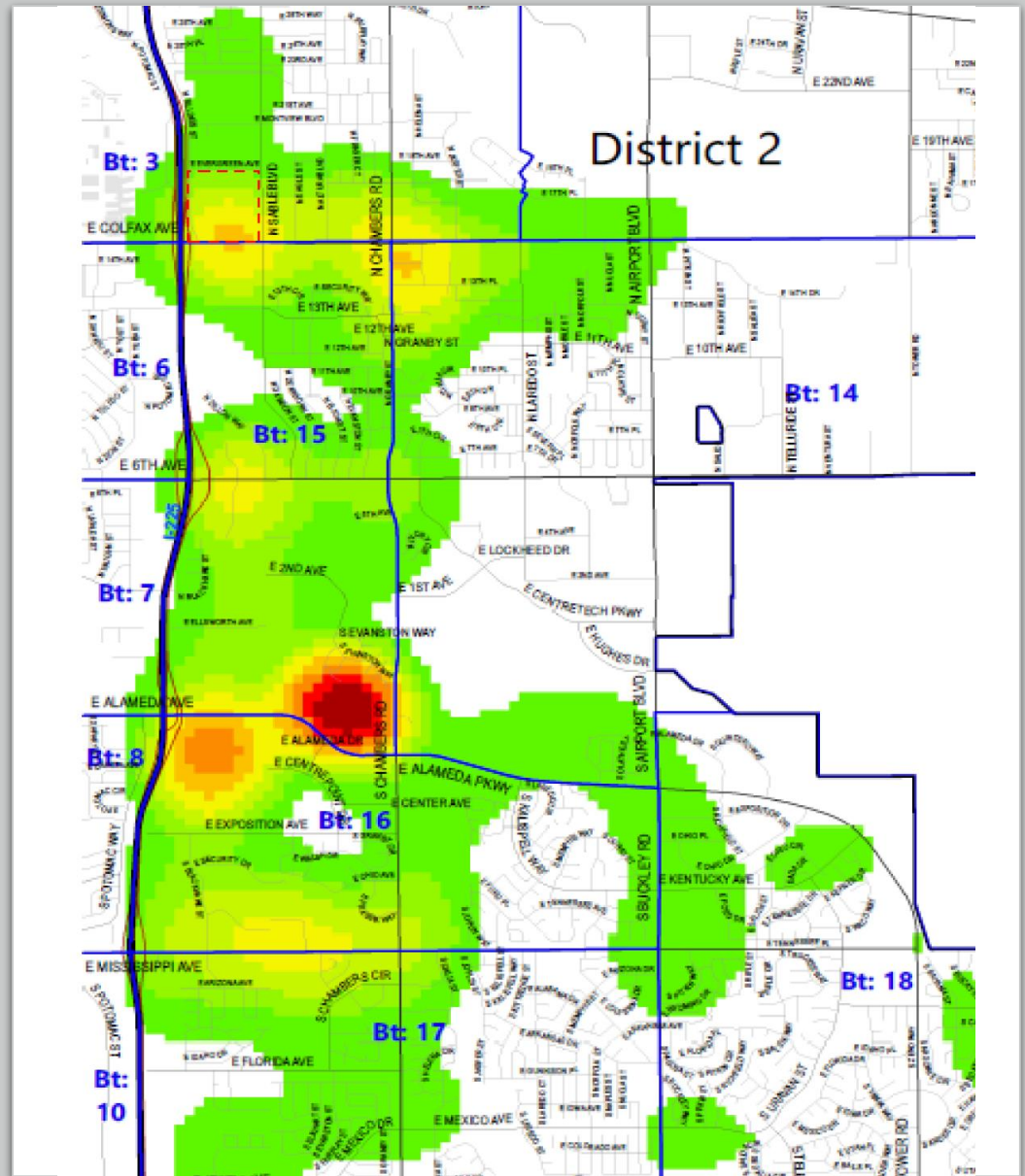- What facts established reasonable suspicion in <u>Wardlow</u>?

Elijah McClain Questions

- The officers who stopped Mr. McClain said that they had RS for the stop.

- Based just on the article in The Guardian:
  - What facts did the officers rely on for this claim?
  - What was the independent report's conclusion about those justifications?

Aurora Crime Map

Excerpted from Smith et al. (2021, p. 81)

HCA defined?

[The End of Intuition-Based Crimes](#) (2019)

→ NYPD cops call almost every block a HCA.

→ Assessment almost entirely uncorrelated with actual crime data.

→ Race as likely a predictor of "HCA" as crime statistics.

HCA Rule Question

Do you feel that the <u>Wardlow</u> rule regarding officer reliance on a "HCA" justification strikes the right balance between the competing interests wrestled with in <u>Terry</u> (legitimate law enforcement vs. riding roughshod over individual rights)?

Why or why not?

HCA Rule for Ms. Greggs?

- Considering our discussion @ the <u>Wardlow</u> HCA rule and Ms. Greggs's facts …

- Options for new HCA rule that would serve our client's interests?

Authority for a New Rule

What types of authorities did lawyers for Roe and for Dobbs rely on?

Consider for Ms. Greggs: recency, authorship, relevance

Getting started: platform & research terms?

Suggested Group Process

- Discuss and draft **rule** as a group
- Everyone spend agreed amount of time **researching** authority (30-ish minutes?)
- As a group make **reasoned decision re: which authorities** belong in report
- **Draft** report
- **Polish** report
- One team member **post on Canvas**, with everyone's name listed