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SMITH, RODGERS & STRICKLAND, PLLC

**A FRIENDLY REMINDER TO NORTH CAROLINA LAW
ENFORCEMENT ADMINISTRATORS DURING
OPERATION IRAQI FREEDOM**

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SPECIAL TO CLIENTS OF SMITH, RODGERS & STRICKLAND, PLLC

APRIL 1, 2003

As much as we all support our military, and as much as we all want to do whatever we can to prevent terrorism, North Carolina law enforcement administrators may wish to take a moment to remind their staffs that even a war does not suspend or nullify the legal rights created in the United States Constitution. After all, it is the Constitution and our commitment to its hard-won freedoms and protections that distinguishes our great nation from the murderous regimes with which we are engaged in armed conflict overseas.

At this time of war it will be appropriate and legally prudent for law enforcement administrators to distribute a memorandum reminding officers of the importance of **not stopping or detaining persons based solely on the appearance of Middle Eastern ethnicity**. For context, such a memo might remind officers that observing facts and circumstances indicating reasonable suspicion of criminal activity naturally justifies a stop and brief detention. Similarly, observing a violation of the law justifies a stop and brief detention or possibly an arrest.

Your memo might conclude with a statement such as this: "A detention cannot last longer than reasonably necessary to process the person stopped. Any additional time spent asking questions not related to the stop must be by voluntary consent – and where a vehicle stop is involved, such further questioning should ideally occur after license or registration is returned to the driver, and the driver informed that he is free to leave.

As the nation remain at the "high" level of alert, we are all concerned about the security of our country and the threat of terrorism. But every sworn law enforcement officer has at least one thing in common with the President of the United States and the Attorney General of the United States: an oath to defend and preserve the Constitution. Whatever the powers of the military in times of war, law enforcement remains committed to that oath of office.

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