

Without Probable Cause

“Holding that the line between detention and arrest is crossed “when the police, without probable cause or a warrant, forcibly remove a person from his home or other place in which he is entitled to be and transport him to the police station, where he is detained, although briefly, for investigative purposes” ”

Arizona v. United States, 132 S.Ct. 2492 (2012)

“Holding fingerprints properly suppressed when defendant was arrested without probable cause, taken to police station without consent, and detained and fingerprinted for investigatory purposes”

Pretzantzin v. Holder, 736 F.3d 641 (2d Cir. 2013)

“Holding fingerprints properly suppressed when defendant was arrested without probable cause, taken to police station without consent, and detained and fingerprinted for an investigative purpose”

U.S. v. OSCAR-TORRES, 507 F.3d 224 (4th Cir. 2007)

“Holding that a person’s Fourth Amendment rights are triggered “when the police, without probable cause or a warrant, forcibly remove a person from his home or other place in which he is entitled to be and transport him to the police station, where he is detained, although briefly, for investigative purposes””

U.S. v. SHAW, 464 F.3d 615 (6th Cir. 2006)

“Holding that the line separating a Terry stop and an arrest is crossed when police “forcibly remove a person from his home or other place in which he is entitled to be and transport him to the police station, where he is detained, although briefly, for investigative purposes””

GARDENHIRE v. SCHUBERT, 205 F.3d 303 (6th Cir. 2000)

“Holding that the Fourth Amendment applies “when the police, without probable cause or a warrant, forcibly remove a person from his home or other place in which he is entitled to be and transport him to the police station, where he is detained, although briefly, for investigative purposes””

PENN v. GOVERNMENT OF THE VIRGIN ISLANDS, (D.V.I. 1999), D.C. Crim. App. No. 1996-264 Re: Terr. Ct. Crim. No. F474/1995 (D.V.I. Mar. 3, 1999)

“Holding that a Fourth Amendment violation occurs “when the police, without probable cause or a warrant, forcibly remove a person from his home or other place in which he is entitled to be and transport him to the police station, where he is detained . . . for investigative

purposes”

U.S. v. ROBINSON, (D.N.M. 1996), 932 F. Supp. 1271 (D.N.M. 1996)

“Holding that police may not remove person from home and bring to station-house for fingerprinting based on “reasonable suspicion” alone”

U.S. v. PENA, (D.Mass. 1996), 924 F. Supp. 1239 (D. Mass. 1996)

“Holding that “[t]here is thus support in our cases for the view that the Fourth Amendment would permit seizures for the purpose of fingerprinting, if there is reasonable suspicion that the suspect has committed a criminal act”

STATE v. PEARSON, 356 N.C. 22 (N.C. 2002)

“Holding that police cannot “forcibly remove a person from his home or other place in which he is entitled to be and transport him to the police station, where he is detained, although briefly, for investigative purposes” without probable cause”

STATE v. BASIL, 202 N.J. 570 (N.J. 2010)

“Holding that an officer who develops reasonable suspicion that criminal activity is afoot may stop a person “in order to identify him, to question him briefly, or to detain him briefly while attempting to obtain additional information” to either dispel or confirm his suspicions”

ROULHAC v. COM, 50 Va. App. 8 (Va. Ct. App. 2007)

“Holding that, where there was no probable cause to arrest the petitioner, no consent for the journey to the police station and no prior judicial authorization for detaining him, the investigative detention at the station for finger-printing purposes violated the petitioner’s rights under the Fourth Amendment”

KOLLMER v. STATE, 977 So.2d 712 (Fla. Dist. Ct. App. 2008)

“Finding a Fourth Amendment seizure when police approached a citizen at his home, asked him to accompany them to the police station for questioning, and threatened to arrest him when he initially refused”

James v. City of Wilkes - Barre, 700 F.3d 675 (3d Cir. 2012)

“Finding suspect de facto arrested, for Fourth Amendment purposes, when taken to station for fingerprinting under threat of arrest”

United States v. Cabral, 965 F.Supp.2d 161 (D. Mass. 2013)

“Concluding that police may not, “without probable cause or a warrant, forcibly remove a person from his home or other place in which he is entitled to be and transport him to the police station, where he is

detained, although briefly, for investigative purposes” ”
Ransom v. Grisafe, 790 F.3d 804 (8th Cir. 2015)

“Deciding petitioner’s involuntary transportation to police station without probable cause or judicial authorization for fingerprinting purposes violated petitioner’s Fourth Amendment rights”
SATURNINO-BOUDET v. STATE, 682 So.2d 188 (Fla. Dist. Ct. App. 1996)

“Reversing the state district court of appeal’s affirmance of use of fingerprint evidence taken during police detention without probable cause”
U.S. v. GARCIA-BELTRAN, 443 F.3d 1126 (9th Cir. 2006)

“Recognizing “if there are articulable facts supporting a reasonable suspicion that a person has committed a criminal offense, that person may be stopped in order to identify him, to question him briefly, or to detain him briefly while attempting to obtain additional information.””
U.S. v. VALENZUELA-ESPINOZA, CR 08-431-TUC-CKJ. (D. Ariz. Aug. 27, 2009)

“Fingerprinting”
U.S. v. ASKEW, 529 F.3d 1119 (D.C. Cir. 2008)

“Endorsing fingerprinting a detainee during a valid Terry stop “if there is a reasonable basis for believing that fingerprinting will establish or negate” the detainee’s connection with the suspected criminal activity”
U.S. v. DIAZ-LIZARAZA, 981 F.2d 1216 (11th Cir. 1993)

“Fingerprinting at the site of arrest”
U.S. v. CHAIDEZ, 919 F.2d 1193 (7th Cir. 1990)

“Taking suspect from his home to police station for fingerprinting is an arrest, even though it was a brief detention and was justified by the legitimate purpose of confirming police suspicion, because it was indistinguishable from an arrest”
U.S. v. BARON, 860 F.2d 911 (9th Cir. 1988)

“Characterizing fingerprinting as “a much less serious intrusion upon personal security than other types of searches””
Wagda v. Town of Danville, Case No. 16-cv-00488-MMC (N.D. Cal. Oct. 24, 2016)

“Noting that fingerprinting an individual implicates the Fourth Amendment”

PIAZZA v. CT COPORATION, CIVIL ACTION NO. 3:09-CV-1087. (M.D. Pa. Sep. 26, 2011)

“Discussing Davis”

SHAH v. CZELLECH, CIVIL ACTION NO. 07-cv-10352-DPW. (D. Mass. Dec. 21, 2010)