

1: Terry v. Ohio - Wikipedia

Officer Betty Shelby faces manslaughter charges for her role in the controversial police-involved shooting.

This case presents serious questions concerning the role of the Fourth Amendment in the confrontation on the street between the citizen and the policeman investigating suspicious circumstances. Petitioner Terry was convicted of carrying a concealed weapon and sentenced to the statutorily prescribed term of one to three years in the penitentiary. At the hearing on the motion to suppress this evidence, Officer McFadden testified that, while he was patrolling in plain clothes in downtown Cleveland at approximately 2: He had never seen the two men before, and he was unable to say precisely what first drew his eye to them. However, he testified that he had been a policeman for 39 years and a detective for 35, and that he had been assigned to patrol this vicinity of downtown Cleveland for shoplifters and pickpockets for 30 years. He explained that he had developed routine habits of observation over the years, and that he would "stand and watch people or walk and watch people at many intervals of the day. He saw one of the men leave the other one and walk southwest on Huron Road, past some stores. The man paused for a moment and looked in a store window, then walked on a short distance, turned around and walked back toward the corner, pausing once again to look in the same store window. He rejoined his companion at the corner, and the two conferred briefly. Then the second man went through the same series of motions, strolling down Huron Road, looking in the same window, walking on a short distance, turning back, peering in the store window again, and returning to confer with the first man at the corner. The two men repeated this ritual alternately between five and six times apiece -- in all, roughly a dozen trips. At one point, while the two were standing together on the corner, a third man approached them and engaged them briefly in conversation. This man then left the two others and walked west on Euclid Avenue. Chilton and Terry resumed their measured pacing, peering, and conferring. After this had gone on for 10 to 12 minutes, the two men walked off together, heading west on Euclid Avenue, following the path taken earlier by the third man. By this time, Officer McFadden had become thoroughly suspicious. He testified that, after observing their elaborately casual and oft-repeated reconnaissance of the store window on Huron Road, he suspected the two men of "casing a job, a stick-up," and that he considered it his duty as a police officer to investigate further. He added that he feared "they may have a gun. Deciding that the situation was ripe for direct action, Officer McFadden approached the three men, identified [p7] himself as a police officer and asked for their names. At this point, his knowledge was confined to what he had observed. He was not acquainted with any of the three men by name or by sight, and he had received no information concerning them from any other source. When the men "mumbled something" in response to his inquiries, Officer McFadden grabbed petitioner Terry, spun him around so that they were facing the other two, with Terry between McFadden and the others, and patted down the outside of his clothing. He reached inside the overcoat pocket, but was unable to remove the gun. Officer McFadden proceeded to pat down the outer clothing of Chilton and the third man, Katz. The officer testified that he only patted the men down to see whether they had weapons, and that he did not put his hands beneath the outer garments of either Terry or Chilton until he felt their guns. On the motion to suppress the guns, the prosecution took the position that they had been seized following a search incident to a lawful arrest. The trial court rejected this theory, stating that it "would be stretching the facts beyond reasonable comprehension" to find that Officer [p8] McFadden had had probable cause to arrest the men before he patted them down for weapons. Purely for his own protection, the court held, the officer had the right to pat down the outer clothing of these men, who he had reasonable cause to believe might be armed. The court distinguished between an investigatory "stop" and an arrest, and between a "frisk" of the outer clothing for weapons and a full-blown search for evidence of crime. Terry, 5 Ohio App. The Supreme Court of Ohio dismissed their appeal on the ground that no "substantial constitutional question" was involved. We granted certiorari, U. We affirm the conviction. I The Fourth Amendment provides that "the right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated. For as this Court has always recognized, No right is held more sacred, or is more carefully guarded, by the common law than the right of every individual to the possession and control of

his own person, free from all restraint or interference of others, unless by clear and unquestionable authority of law. We have recently held that "the Fourth Amendment protects people, not places," *Katz v. United States*, U. Of course, the specific content and incidents of this right must be shaped by the context in which it is asserted. For "what the Constitution forbids is not all searches and seizures, but unreasonable searches and seizures. Unquestionably petitioner was entitled to the protection of the Fourth Amendment as he walked down the street in Cleveland. *Di Re*, U. The question is whether, in all the circumstances of this on-the-street encounter, his right to personal security was violated by an unreasonable search and seizure. We would be less than candid if we did not acknowledge that this question thrusts to the fore difficult and troublesome issues regarding a sensitive area of police activity -- issues which have never before been squarely [p10] presented to this Court. Reflective of the tensions involved are the practical and constitutional arguments pressed with great vigor on both sides of the public debate over the power of the police to "stop and frisk" -- as it is sometimes euphemistically termed -- suspicious persons. On the one hand, it is frequently argued that, in dealing with the rapidly unfolding and often dangerous situations on city streets, the police are in need of an escalating set of flexible responses, graduated in relation to the amount of information they possess. For this purpose, it is urged that distinctions should be made between a "stop" and an "arrest" or a "seizure" of a person, and between a "frisk" and a "search. Upon suspicion that the person may be armed, the police should have the power to "frisk" him for weapons. If the "stop" and the "frisk" give rise to probable cause to believe that the suspect has committed a crime, then the police should be empowered to make a formal "arrest," and a full incident "search" of the person. The heart of the Fourth Amendment, the argument runs, is a severe requirement of specific justification for any intrusion upon protected personal security, coupled with a highly developed system of judicial controls to enforce upon the agents of the State the commands of the Constitution. Acquiescence by the courts in the compulsion inherent [p12] in the field interrogation practices at issue here, it is urged, would constitute an abdication of judicial control over, and indeed an encouragement of, substantial interference with liberty and personal security by police officers whose judgment is necessarily colored by their primary involvement in "the often competitive enterprise of ferreting out crime. The State has characterized the issue here as the right of a police officer. For the issue is not the abstract propriety of the police conduct, but the admissibility against petitioner of the evidence uncovered by the search and seizure. Ever since its inception, the rule excluding evidence seized in violation of the Fourth Amendment has been recognized as a principal mode of discouraging lawless police conduct. Thus, its major thrust is a deterrent one, see *Linkletter v. The rule also serves another vital function -- "the imperative of judicial integrity. Courts which sit under our Constitution cannot and will not be made party to lawless invasions of the constitutional rights of citizens by permitting unhindered governmental use of the fruits of such invasions. Thus, in our system, evidentiary rulings provide the context in which the judicial process of inclusion and exclusion approves some conduct as comporting with constitutional guarantees and disapproves other actions by state agents. A ruling admitting evidence in a criminal trial, we recognize, has the necessary effect of legitimizing the conduct which produced the evidence, while an application of the exclusionary rule withholds the constitutional imprimatur. The exclusionary rule has its limitations, however, as a tool of judicial control. It cannot properly be invoked to exclude the products of legitimate police investigative techniques on the ground that much conduct which is closely similar involves unwarranted intrusions upon constitutional protections. Moreover, in some contexts, the rule is ineffective as a deterrent. Street encounters between citizens and police officers are incredibly rich in diversity. They range from wholly friendly exchanges of pleasantries or mutually useful information to hostile confrontations of armed men involving arrests, or injuries, or loss of life. Moreover, hostile confrontations are not all of a piece. Some of them begin in a friendly enough manner, only to take a different turn upon the injection of some unexpected element into the conversation. Encounters are initiated by the police for a wide variety of purposes, some of which are wholly unrelated to a desire to prosecute for crime. But a stern refusal by this Court to condone such activity does not necessarily render it responsive to the exclusionary rule. Regardless of how effective the rule may be where obtaining convictions is an important objective of the police, [n10] it is powerless to deter invasions of constitutionally guaranteed rights where the police either have no interest in prosecuting or are willing to forgo successful prosecution in*

the interest of serving some other goal. Proper adjudication of cases in which the exclusionary rule is invoked demands a constant awareness of these limitations. The wholesale harassment by certain elements of the police community, of which minority groups, particularly Negroes, frequently complain, [n11] will not be [p15] stopped by the exclusion of any evidence from any criminal trial. Yet a rigid and unthinking application of the exclusionary rule, in futile protest against practices which it can never be used effectively to control, may exact a high toll in human injury and frustration of efforts to prevent crime. No judicial opinion can comprehend the protean variety of the street encounter, and we can only judge the facts of the case before us. Nothing we say today is to be taken as indicating approval of police conduct outside the legitimate investigative sphere. Under our decision, courts still retain their traditional responsibility to guard against police conduct which is overbearing or harassing, or which trenches upon personal security without the objective evidentiary justification which the Constitution requires. When such conduct is identified, it must be condemned by the judiciary, and its fruits must be excluded from evidence in criminal trials. And, of course, our approval of legitimate and restrained investigative conduct undertaken on the basis of ample factual justification should in no way discourage the employment of other remedies than the exclusionary rule to curtail abuses for which that sanction may prove inappropriate. Having thus roughly sketched the perimeters of the constitutional debate over the limits on police investigative conduct in general and the background against which this case presents itself, we turn our attention to the quite narrow question posed by the facts before us: II Our first task is to establish at what point in this encounter the Fourth Amendment becomes relevant. That is, we must decide whether and when Officer McFadden "seized" Terry, and whether and when he conducted a "search. It is quite plain that the Fourth Amendment governs "seizures" of the person which do not eventuate in a trip to the stationhouse and prosecution for crime -- "arrests" in traditional terminology. It must be recognized that, whenever a police officer accosts an individual and restrains his freedom to walk away, he has "seized" that person. It seeks to isolate from constitutional scrutiny the initial stages of the contact between the policeman and the citizen. And, by suggesting a rigid all-or-nothing model of justification and regulation under the Amendment, it obscures the utility of limitations upon the scope, as well as the initiation, of police action as a means of constitutional regulation. The scope of the search must be "strictly tied to and justified by" the circumstances which rendered its initiation permissible. We therefore reject the notions that the Fourth Amendment does not come into play at all as a limitation upon police conduct if the officers stop short of something called a "technical arrest" or a "full-blown search. III If this case involved police conduct subject to the Warrant Clause of the Fourth Amendment, we would have to ascertain whether "probable cause" existed to justify the search and seizure which took place. However, that is not the case. We do not retreat from our holdings that the police must, whenever practicable, obtain advance judicial approval of searches and seizures through the warrant procedure, see, e. But we deal here with an entire rubric of police conduct -- necessarily swift action predicated upon the on-the-spot observations of the officer on the beat -- which historically has not been, and, as a practical matter, could not be, subjected to the warrant procedure. Municipal Court, U. And, in justifying the particular intrusion, the police officer must be able to point to specific and articulable facts which, taken together with rational inferences from those facts, reasonably warrant that intrusion. Ohio, supra; Rios v. And simple "good faith on the part of the arresting officer is not enough. If subjective good faith alone were the test, the protections of the Fourth Amendment would evaporate, and the people would be "secure in their persons, houses, papers, and effects," only in the discretion of the police. Ohio, supra, at Applying these principles to this case, we consider first the nature and extent of the governmental interests involved. One general interest is, of course, that of effective crime prevention and detection; it is this interest which underlies the recognition that a police officer may, in appropriate circumstances and in an appropriate manner, approach a person for purposes of investigating possibly criminal behavior even though there is no probable cause to make an arrest. It was this legitimate investigative function Officer McFadden was discharging when he decided to approach petitioner and his companions. He had observed Terry, Chilton, and Katz go through a series of acts, each of them perhaps innocent in itself, but which, taken together, warranted further investigation.

2: Police officer punched Bridgend boy after taunts, court told | UK news | The Guardian

In common law jurisdictions, the generic term officer of the court is applied to all those who, in some degree in function of their professional or similar qualifications, have a part in the legal system.

In particular, police are involved in community building and crime prevention. The community-oriented policing model has helped dispel the myth that cops spend most of their day cruising in a squad car, writing speeding tickets and eating donuts on break. While patrolling and apprehending criminals will still be an important part of the job as a police officer, considerable time will also be devoted to public outreach and proactive problem-solving. Job Description Police officers are trained and sworn to uphold law and order. A normal duty shift might include transporting a drunk driver to a detoxification facility, intervening in a domestic assault, citing underage drinkers, apprehending a shoplifter, handling a traffic accident, investigating burglaries and executing search warrants. Each call requires completion of forms and reports. Occasionally, an officer will be summoned to testify in court about the incident and circumstances of the arrest. Along with traditional duties, police officers today engage in many proactive initiatives. They get out of their cars, walk around and interact with families and business owners in their assigned neighborhoods. An effort is made to get acquainted on a first name basis with leaders of schools, organizations and churches. Examples of proactive outreach include helping to organize a neighborhood watch, giving presentations to schools and speaking to residents about their concerns at a neighborhood association meeting. Building trust with diverse communities and working collaboratively to address social issues, such as gang violence, is an especially important function of the police. Education A high school diploma or equivalent is the minimum education requirement for a police officer. However, the field is competitive. Applicants with college coursework, military training, security experience or ability to speak more than one language have an advantage. According to the Bureau of Labor Statistics, a large number of police officers have a college degree in law enforcement or criminal justice, especially if they work for the federal government. Most police agencies also require officers to successfully complete a police academy skills course, on-the-job training and a licensing exam. Through hard work and willingness to learn from mistakes, you can persevere and thrive. Industry According to the BLS, 78 percent of police officers work in local government and municipal agencies. The job can be stressful because officers must always be on high alert and ready for anything. Rotating shifts and overtime can upset work-life balance. Officers also have the option of retiring much younger than Job Growth Outlook A favorable job forecast is predicted for police officers over the next few years. The BLS indicates that 53, new jobs will be created between and , which represents a 7 percent increase. Although the national crime rate has trended downward, the public recognizes the role police officers play in preventing and fighting crime.

3: Traffic Court: Getting the Police Officer's Notes | www.enganchecubano.com

Citizen gets pulled over by Police Officer after filming Police at a scene. Police then unlawfully ticket citizen for nonsense. Citizen takes it to Court, and provides evidence.

The duties of police carry a great deal of risk, but many people pursue a career as a police officer because they feel a moral calling to protect and serve others. **Core Duties of a Police Officer** The primary duty of a police officer is to protect people and property. Common duties of police include controlling traffic, patrolling neighborhoods, responding to emergency calls, writing citations, delivering warrants, arresting violators and submitting incident reports in a timely manner. Police are also called occasionally to testify in court about a situation they witnessed or handled. Additionally, duties of police include educational outreach to the public to help prevent and solve crime. A typical day varies depending on the jurisdiction and agency type. For example, a police officer in the inner city typically spends more time responding to calls and investigating crimes than a small town sheriff in a remote area. **Moral and Ethical Obligations** Ethics, integrity, accountability and honesty are important values for a police officer to possess. At all times, police officers must follow the law and departmental regulations. For example, use of force must be reasonable and necessary. They are expected to carry out their duties and responsibilities equitably and justly. Police must not show favoritism or act in a discriminatory manner recognizing that all citizens deserve respectful treatment regardless of race, ethnicity, sexual orientation, socioeconomic status, national origin or religion, for instance. The police code of ethics prohibits dishonesty and corruption. Police officers who engage in serious misconduct on duty or in their personal life can face disciplinary action and legal prosecution. When assisting crime victims, police have a duty to be caring, compassionate and responsive by taking the report seriously, pursuing the offender and explaining victim services available in the community. **Skills and Education** Police officer careers are physically and mentally demanding. Working as a law enforcement officer requires possessing a specific skill set. Skills critical to career success include perception and leadership skills, the ability to multi-task, good judgment, strong communication, professionalism and physical stamina. Most agencies require officers to be at least 21 years old and have a high-school diploma. All candidates must graduate from a police training academy. Bureau of Labor Statistics indicates that many federal and state agencies prefer or require relevant college coursework. All candidates must graduate from a police training academy to acquire proficiency in the essential duties of a police officer. **Risks and Hazards** The job of a police officer is risky, and officers incur a higher rate of illnesses and injury than the national average for other jobs. Officers spend a great deal of time working with criminals and dealing with threatening scenarios, such as intervening in a domestic assault or foiling a burglary. As a result, the possibility of conflicts and physical injury exist when attempting to apprehend a suspect. Many of the risks associated with a law enforcement career can be minimized by police officers following proper procedures.

4: Officer of the court - Wikipedia

A police officer fighting for his job despite being cleared of rape and sexual assault in court, 'did not care one way or the other about consent', a disciplinary hearing was told today.

Terry and Richard Chilton, standing on a street corner at Euclid Avenue and acting in a way the officer thought was suspicious. Detective McFadden, who was well known on the Cleveland police force for his skill in apprehending pickpockets, [3] observed the two proceed alternately back and forth along an identical route, pausing to stare in the same store window. Each completion of the route was followed by a conference between the two on a corner. The two men repeated this ritual alternately between five and six times apiece—in all, roughly a dozen trips. After one of these trips, they were joined by a third man Carl Katz who left swiftly after a brief conversation. Suspecting the two men of "casing a job, a stick-up", detective McFadden followed them and saw them rejoin the third man a couple of blocks away in front of a store. The plainclothes officer approached the three, identified himself as a police officer, and asked their names. The men "mumbled something", whereupon McFadden spun Terry around, patted down his outside clothing, and felt a pistol in his overcoat pocket. He reached inside the overcoat pocket, but was unable to remove the gun. The officer ordered the three into the store. The three were taken to the police station. Terry and Chilton were subsequently charged with carrying concealed weapons. The defense of the charged individuals moved to suppress the use of the seized weapons as evidence on grounds that the search and subsequent seizure were a violation of the Fourth Amendment to the United States Constitution. Though the trial court rejected the prosecution theory that the guns had been seized during a search incident to a lawful arrest, the court denied the motion to suppress and admitted the weapons into evidence on the ground that the officer had cause to believe that Terry and Chilton were acting suspiciously, that their interrogation was warranted, and that the officer for his own protection had the right to pat down their outer clothing having reasonable cause to believe that they might be armed. The trial court made a distinction between an investigatory "stop" and an arrest, and between a "frisk" of the outer clothing for weapons and a full-blown search for evidence of crime. Terry and Chilton were found guilty, an intermediate appellate court affirmed the conviction, and the Ohio State Supreme Court dismissed the appeal on the ground that "no substantial constitutional question" was involved. The Fourth Amendment protects "people, not places", against "unreasonable searches and seizures". The procedure called "stop and frisk" was controversial. Police argue that they require a certain flexibility in dealing with quickly evolving and potentially dangerous situations that arise during routine patrol of the streets. On the other hand, those suspicious of giving the police broad investigatory power contended that the police should not be able to assert their authority over citizens without some specific justification upon intrusion into protected personal security, coupled with judicial oversight to ensure that the police do not routinely abuse their authority. For the Court, however, the question was not the propriety of the police actions in the abstract but the admissibility of the evidence obtained through that police action. Ohio, U. Thus the question was not whether the stop-and-frisk procedure was proper by itself, but whether the exclusionary rule was an appropriate deterrent of police misconduct during such encounters. Proper adjudication of cases in which the exclusionary rule is invoked demands a constant awareness of these limitations. The wholesale harassment by certain elements of the police community, of which minority groups, particularly Negroes, frequently complain, will not be stopped by the exclusion of any evidence from any criminal trial. Yet a rigid and unthinking application of the exclusionary rule, in futile protest against practices which it can never be effectively used to control, may exact a high toll in human injury and frustration of efforts to prevent crime. The Court rejected the idea that a "stop and frisk" could categorically never be a search or seizure subject to the protection of the Fourth Amendment. Post hoc judicial review of police activity is equally facilitated by these facts and inferences. The Court also emphasized that the test standard courts should employ is an objective one. The detective had observed Terry and his companions acting in a manner he took to be a preface to a stick-up. The events he had witnessed made it reasonable for him to believe that either Terry or his cohorts were armed. Thus, the search was reasonably related in scope to the concern for his own safety that

justified the stop from the beginning. The sole justification for the search is protection of the officer and public[edit] The Ohio Court of Appeals allowed the search, but made it clear that such a search was limited to discovering dangerous weapons that could be used against the officer, as Chief Justice Warren noted: It by no means authorizes a search for contraband, evidentiary material, or anything else in the absence of reasonable grounds to arrest. Such a search is controlled by the requirements of the Fourth Amendment, and probable cause is essential. Terry, 5 Ohio App. Absent special circumstances, the person approached may not be detained or frisked but may refuse to cooperate and go on his way. However, given the proper circumstances, such as those in this case, it seems to me the person may be briefly detained against his will while pertinent questions are directed to him. Of course, the person stopped is not obliged to answer, answers may not be compelled, and refusal to answer furnishes no basis for an arrest, although it may alert the officer to the need for continued observation. McCarty , U. However, in Hiibel v. Dissenting opinion of Justice Douglas[edit] Justice Douglas strongly disagreed with permitting a stop and search absent probable cause: We have said precisely the opposite over and over again. Perhaps such a step is desirable to cope with modern forms of lawlessness. But if it is taken, it should be the deliberate choice of the people through a constitutional amendment. The cases range from street stop-and-frisks to traffic stops in which pat-down searches could be conducted on the driver or passengers. Relevant cases are Ybarra v. Illinois , Minnesota v. Dickerson , Florida v. Mena , Alabama v. White , Pennsylvania v. Mimms , Maryland v. Wilson , Brendlin v. California and Heien v. Long , [8] the Supreme Court ruled that car compartments could be constitutionally searched if an officer had reasonable suspicion that the suspect is armed and dangerous. This is known as "frisking the lunge area," as an officer may protect himself by searching any areas from which the suspect could grab a weapon. The Terry doctrine was markedly extended in the case of Hiibel v. The Court did not legalize this process in all states but instead left it up to the states to decide whether they would pass such laws. So far 24 states have passed such laws. The Court most recently cited Terry v. Ohio in Arizona v. In that case, the Court ruled 9â€”0 in favor of further expanding Terry, granting police the ability to frisk an individual in a stopped vehicle if there is reasonable suspicion to believe the individual is armed and dangerous. This fulfills only the second prong of Terry the first prongâ€”reasonable suspicion that a crime has, is, or will be committedâ€”is fulfilled by whatever traffic violation prompted the pull-over. According to Whren v. United States , any traffic violation, no matter how small, is legitimate basis for a traffic stop.

5: Baltimore Sun - We are currently unavailable in your region

Questioning the testifying officer during a traffic trial. When you get cited for a traffic violation, you'll generally have several options for dealing with www.enganchecubano.com might include traffic school, paying the citation, and contesting the ticket by requesting a trial.

6: Los Angeles Times - We are currently unavailable in your region

Occasionally, an officer will be summoned to testify in court about the incident and circumstances of the arrest. Along with traditional duties, police officers today engage in many proactive initiatives.

7: Terry v. Ohio | US Law | LII / Legal Information Institute

We have police officers that lie on the stand, falsify their official records, collude with other officers to cover their tracks, collude with other officers to falsify records, steal, run drug gangs, run extortion gangs, beat people, shoot people, rape men, women and children, and threaten people, then get away with it with the courts and the.

8: Court Officer Trainee Recruitment Home Page | www.enganchecubano.com

For example, a police officer in the inner city typically spends more time responding to calls and investigating crimes

than a small town sheriff in a remote area. Moral and Ethical Obligations Ethics, integrity, accountability and honesty are important values for a police officer to possess.

9: Career Criminal Charged In Police Officer Murder Held Without Bail Â« CBS Boston

A police officer and a security guard facing prosecution for their alleged involvement in a robbery case in the Eastern Region, Corporal Seidu Gasty Yahaya and Kponyo Seth Dodzi broke down in tears after a Koforidua circuit court hearing the case remanded them into prison custody.

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