

Comparative Study of the Conceptualization and Evolution of the Notion of "Crime in Plain Sight" in Iranian and American Law

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Abstract

The comparative study of the conceptualization and evolution of the notion of "crime in plain sight" in Iranian and American legal systems addresses the definitions, laws, and practices related to offenses that are overtly and visibly committed in the presence of law enforcement officers or ordinary citizens. In Iranian law, a "crime in plain sight" refers to an offense that occurs in the presence of law enforcement agents or other individuals in such a manner that no preliminary investigation is required to prove its occurrence. Article 45 of Iran's Criminal Procedure Code addresses this issue and specifies the conditions necessary for identifying such crimes. A similar concept exists in American law. In this legal system, "crimes in plain sight" (In-Plain-View Doctrine) generally refer to cases in which police officers directly witness the commission of a crime or discover clear evidence of a criminal act without the need for a judicial warrant. This principle is considered within the framework of the Fourth Amendment to the United States Constitution, which safeguards citizens against unlawful searches and seizures. The commonality between the two legal systems lies in the fact that crimes in plain sight do not require complex procedures for the initial collection of evidence, allowing law enforcement officers to take immediate necessary actions. However, there are also notable differences. For example, American law imposes more stringent restrictions and criteria to prevent potential misuse of this principle by law enforcement personnel. Overall, this article aims to conduct a comparative analysis of the conceptualization and development of the notion of "crime in plain sight" in Iranian and American law using a descriptive and analytical method. The study concludes that both legal systems emphasize the importance of maintaining public safety and responding swiftly to overt crimes. Nonetheless, differences in legal application and limitations reflect the distinct legal structures of the two countries.

Keywords: Crime in plain sight, judicial officer, public safety, Iran, United States.

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1. Introduction

The subject of "crimes in plain sight" in the context of modern Iranian criminal law has undergone significant developments and shifts in approach since the enactment of the Criminal Procedure Principles Law in 1911 until the current enforcement of the Criminal Procedure Code of 2013. Under contemporary criminal legislation, judicial officers are not permitted to violate citizens' rights in their handling of crimes in plain sight, as this issue has also been consistently emphasized in international legal instruments. According to the 2013 Criminal Procedure Code, the scope of responsibilities of judicial officers concerning such crimes has been limited. For example, under Article 30 of the 2013 Code, it is no longer sufficient for an officer to merely be a member of law enforcement when responding to a crime in plain sight. The officer must also have undergone relevant training in this area. Certain officers, such as process servers, are not permitted to intervene in crimes in plain sight, and even the extent of intervention by groups like Basij forces is regulated by specific legal provisions requiring formal authorization.

Broadly speaking, as time has passed and with the developments in criminal procedures and the acceleration of legal proceedings, crimes have come to be classified in various forms—one such classification being between "crimes in plain sight" and "non-obvious crimes." The 2013 Criminal Procedure Code includes extensive provisions in this regard that merit in-depth study. In particular, the classification of crimes as obvious or non-obvious is frequently made based on the material element and, occasionally, legal criteria.

The subject of this study focuses on crimes in plain sight, which refers to those crimes where the perpetrator can be apprehended and evidence collected either during the commission of the crime or shortly thereafter. For instance, if law enforcement officers on patrol witness a motorcyclist collide with a child in a pedestrian crossing and then crash into another vehicle, abandon their motorcycle, and attempt to flee, the officers can apprehend the suspect on the scene and collect physical evidence of the crime.

Over time, various legal materials and theoretical perspectives have emerged concerning this classification, the operations undertaken upon occurrence of such crimes, and the procedural response. These are reflected in several provisions of the 2013 Criminal Procedure Code, including Articles 45, 46, 55, 77, and 78.

In U.S. law, beyond the scope of crimes in plain sight, law enforcement is explicitly granted the authority to search and inspect in urgent and hazardous situations. Unlike the Iranian legal system, U.S. criminal law sets out clear rules and regulations for vehicle searches. A distinguishing feature of American law is that searches and inspections are not limited to past offenses or existing evidence but may also include anticipatory or preemptive warrants aimed at crime detection.

Moreover, both legal systems (Iran and the United States) include suitable legal safeguards, such as criminal and civil remedies. However, U.S. law further includes the sanction of evidence exclusion, which serves as a vital mechanism for safeguarding procedural rights. In common law, the five senses play an essential role in the identification of crimes in plain sight.

Generally, in American law, a crime in plain sight is one in which a police officer is authorized to make an arrest without a warrant or to initiate an investigation without prior judicial approval. In contrast, for non-obvious crimes, the officer lacks such authority unless a warrant is obtained. The police may file a First Information Report (FIR) only for crimes in plain sight and may investigate recognizable offenses without prior approval from a judge. Such crimes are considered more serious than non-obvious ones and are typically those clearly defined by law (Goel, 2005).

The latest legislative reforms in Iran's 2013 Criminal Procedure Code define the responsibilities of judicial officers when dealing with such offenses, outlined in Articles 44, 45, 46, 56, 61, 63, 64, 77, 78, and the second note to Article 285. The legal basis for judicial intervention in crimes in plain sight can be found in Islamic jurisprudence as well as in previous laws such as the 1911 and 1999 Criminal Procedure Codes, which anticipated reforms in their respective eras.

A major concern surrounding crimes in plain sight is the potential conflict with civil rights when judicial officers intervene. However, failing to intervene could lead to bodily harm or disruption of public order.

2. Conceptual Definition of Crime in Plain Sight

A crime in plain sight is one that occurs in view of a crime detection officer or in front of a group of people. If evidence immediately after the commission of a crime identifies someone as the perpetrator—or if shortly after the incident, the signs of the crime are found in the suspect's possession, or the evidence can be conclusively linked to the suspect—or if the suspect is caught attempting to flee shortly after the crime, the offense is deemed to be in plain sight (Prakash, 2007).

Another definition suggests that a crime in plain sight is one in which the offender can be apprehended and evidence collected either during or shortly after the crime. For instance, police officers on patrol may see a motorcyclist collide with a child in a pedestrian zone, then crash into another vehicle, abandon the motorcycle, and flee, only to be arrested on the scene. The officers collect the visible signs and evidence of the crime (Jafari Langroudi, 2024).

Yet another definition posits that an offense is considered in plain sight if the perpetrator is arrested during or immediately after the act in a manner that allows the arresting authority to gather evidence. Otherwise, the offense is deemed non-obvious. Neither the 2013 Criminal Procedure Code nor its predecessor or the 1911 Criminal Procedure Principles Law provides a formal definition for crimes in plain sight (Walidi, 1993, 2009).

Other definitions describe such crimes as those where the perpetrator is caught in the act, and the evidence is visible. Some suggest it involves crimes discovered shortly after their commission, with visible and examinable signs. Another states it involves the arrest of a suspect during or shortly after the act, with evidence being collected on the spot. Another asserts that it refers to crimes observed by judicial officers or that occur publicly in front of at least two witnesses or judicial officers, with observable evidence and the suspect's intent to flee or being caught in the act (Baheri, 2024; Ghasempour, 2002).

Since this term has no exact equivalent or precedent in Islamic sources using the term "plain sight," it is necessary in comparative legal studies to find a corresponding concept. The closest terms in original Islamic sources with conceptual relevance to "crime in plain sight" are *tajāhur* (public sinning) and *taẓāhur* (openly committing immorality or vice). In Arabic-Persian dictionaries, *taẓāhur* (from *ẓahr*) and *tajāhur* (from *jahr*) mean to display or make something public. The *Qamus al-Qur'an* defines *jahr* as making something visible or audible, whether by sight or hearing—as in “he spends in secret and in public” (by sight), or “it is the same whether you say it quietly or aloud” (by hearing). Thus, *jahr* applies both to speech and action. However, *jahr* in speech resembles shouting. In the Qur'anic account of Noah, the term *jahrān* contrasts with *i'lān* (announcement), indicating loud public proclamation (Iravani, 1934; Khoei, 1992; Mohajeri & Zeraat, 2003; Shambiati, 2013).

Other sources define *jahr* as the conspicuousness of a thing through sight or hearing. Regarding the concept of *tajāhur bi'l-fusūq* (public sinning), as referenced in Islamic jurisprudence, it means engaging in behavior whose immorality is publicly known and done defiantly. If a person performs an immoral act not widely recognized as such, they are not considered publicly immoral. Likewise, merely performing an immoral act openly does not automatically make someone a public sinner, as the act may result from ignorance of its prohibition. Even if the individual reveals the sin, if people suspect the person may be unaware of the law or fact, they are not deemed to be a public sinner per se (Ansari, 1864; Ragheb Esfahani, 1994; Sanei, 1993).

Some jurists argue that if a sinner commits public sin only before close companions or confidants, it does not constitute *tajāhur*. “Yes, if he commits the act among a group that includes his close friends and work companions, he is not considered a public sinner.” (Sanei, 1993)

It is important to note that the 2013 Criminal Procedure Code, like earlier laws, provides no definition of crime in plain sight. Therefore, Article 45 of the Code should be examined for illustrative cases.

In U.S. law, a crime in plain sight is one witnessed by law enforcement or eyewitnesses at the moment of its commission. This type of offense is such that evidence clearly and directly indicates the crime without the need for further investigation. For example, if a police officer observes someone committing theft, carrying illegal drugs, or engaging in assault, the crime is considered to be in plain sight. In such cases, officers are typically authorized to make immediate arrests without a judicial warrant, given the sufficiency of evidence at the scene (Dressler, 2018; Herring, 2020; LaFave, 2010, 2017; Walidi, 1993, 2009).

Although U.S. laws and the Constitution do not provide a specific statutory definition of “crime in plain sight,” the concept is well-developed in case law and legal interpretations. Generally, the term refers to crimes with evident and observable indicators at the scene or in the possession of the police. It is especially relevant to laws governing warrantless arrests. Under U.S. law, police may arrest without a warrant if a crime occurs in their presence. This is primarily associated with the Fourth Amendment, which protects against unreasonable searches and seizures, but includes exceptions such as obvious crimes. In summary, although not explicitly defined, the term “crime in plain sight” in U.S. law is applied within legal interpretations and judicial practices.

3. Evolution

3.1. Iranian Law

3.1.1. The Criminal Procedure Principles Law of 1911 (1290 SH)

The first judicial officer (*zābet-e ‘adliyyeh*) identified in this law was the *investigating magistrate* (*mostanṭeq*), whose jurisdiction and authority in criminal prosecutions were greater than other officers of the judiciary. Consequently, most chapters and sections of the 1911 Criminal Procedure Principles Law were devoted to defining the duties and authority of the investigating magistrate, including procedures for investigating and prosecuting crimes, hearing witness testimony, preventing the flight of suspects, and fulfilling other judicial functions. Other judicial officers could rely on those same sections and chapters for guidance in areas not specifically regulated differently by the law. Until the prosecutor (*modda’ī-ol-‘omūm*) or the investigating magistrate intervened, these officers were obligated to continue prosecuting criminal matters. In cases of felonies (*jenāyāt*), they had to immediately report the matter to the prosecutor or local police headquarters. In cases of misdemeanors (*jonḥa*) and infractions (*khalāf*), they were to prepare preliminary investigations and minutes, forwarding misdemeanors to the local prosecutor and infractions to the magistrate of peace for prosecution and adjudication.

Another duty of police officers (under Articles 21 and 22 of the 1911 Law) was conducting confidential searches and inspections when signs or indications of a crime were present, or when oral reports suggested a crime had occurred. If such information was not obtained from reliable sources, officers were required to verify the credibility of the rumors through inquiries, oral interrogations, and discreet surveillance of suspects to determine whether a crime had occurred and if it showed evidence of criminality. They were then to report their findings to the local prosecutor or deputy. Judicial officers under the 1911 Law had complex duties, one of which included handling crimes in plain sight.

Law enforcement officers’ responsibilities in such cases included: (1) receiving complaints and reports; (2) conducting on-site inspections (crime scene investigations); (3) hearing witness testimonies on-site or at the station; (4) conducting lawful searches (including body, vehicle, and home searches under legal conditions); (5) seizing and confiscating evidence; (6) arresting and detaining suspects for up to 24 hours; (7) interrogating suspects; (8) preparing and submitting judicial reports to the competent authority; (9) preventing the destruction of evidence; and (10) promptly notifying the judicial authority of crimes and offenses.

3.1.2. The Criminal Procedure Code of 1999 (1378 SH)

In most cases, the foundation of a criminal case is established through the preliminary actions of judicial officers, particularly law enforcement agents. Hence, extreme care must be taken in selecting qualified, knowledgeable, and experienced individuals—preferably from judicial police ranks—to assume such responsibilities. Additionally, the duties and powers of these agents must be clearly defined by law to ensure public trust when filing complaints and instill confidence when they are pursued as suspects, thereby promoting social security.

Accordingly, Article 21 of the 2013 Criminal Procedure Code discusses the manifestations of crimes in plain sight and clarifies the role of judicial officers in this regard. Often, the initial formation of a criminal file depends on the actions taken by judicial officers, including police, particularly concerning crimes in plain sight. Like French law, Iranian law grants broader powers to judicial officers for such crimes. These officers are required to take all necessary steps prior to prosecutorial or investigatory intervention to prevent the destruction of evidence, the escape of the suspect, and to carry out any needed investigation. They must then report their findings to the prosecutor or the judicial district head (Ashouri, 2008).

If detention is necessary for investigative purposes, officers must immediately inform the suspect in writing of the charges and supporting evidence. They may detain the suspect for up to 24 hours and must promptly inform the judicial authority, who will determine whether the suspect should remain in custody or be released (Ashouri, 2008).

On the other hand, the role of judicial officers in cases of *non-obvious* crimes under the 1999 Code must not be overlooked. Both the Criminal Procedure Code and the Code of Criminal Procedure for General and Revolutionary Courts contain largely

similar provisions for such cases. For instance, Article 22 of the 1999 Code stipulates that when signs or indications of a crime are uncertain or based on unverified reports, judicial officers must first verify the facts through proper investigation before informing judicial authorities. The newer law emphasizes that in non-obvious crimes, officers are not permitted to make arrests or enter private residences (Abbaslou, 2007).

Although officers must generally coordinate with judicial authorities in advance, the legislator provides special authority to them in cases of crimes in plain sight for the following reasons:

(a) Preservation of evidence: Since such crimes occur recently, evidence and circumstances critical to proving the crime are usually present at the scene. Therefore, judicial officers are granted discretion to act immediately to preserve that evidence. If no prompt action is taken, such evidence may be lost.

(b) Deterrence of offenders: Since these crimes often occur publicly, they can significantly undermine public confidence. If immediate action is not taken, it may embolden the offender and encourage repetition, while negatively influencing others.

(c) Prevention of further crimes: Failure to intervene promptly, especially with certain types of offenders, may result in the continuation or escalation of criminal behavior (Akhoundi, 2011).

In such crimes, judicial officers are responsible for preserving tools, signs, and evidence, preventing escape or witness tampering, conducting preliminary investigations, and immediately reporting to the competent judicial authority. These responsibilities are derived from Article 19 of the 1999 Code, which defines preliminary investigation as: “A set of actions undertaken to discover a crime, preserve its evidence, and prosecute the accused from the beginning of legal pursuit until submission to the judicial authority.” (Abbaslou, 2007).

It is important to distinguish between preliminary investigations by judicial officers and broader investigations. The final part of Article 19 prohibits such officers from taking bail and limits their jurisdiction to actions prior to transferring the case to the judiciary (Abbaslou, 2007).

However, at times, law enforcement officers are observed inspecting vehicles on highways or city streets. According to Article 24 of the Criminal Procedure Code, they have no authority to inspect vehicles in cases of non-obvious crimes, even if a blanket order is issued by a judicial authority. Under Article 22 of the Constitution and Article 24 of the Code, searching homes, vehicles, or property without sufficient cause amounts to an unlawful infringement on citizens' rights. The Legal Affairs Office of the Judiciary supported this view in Opinions No. 7747/7 (dated December 8, 2000) and No. 4662/7 (dated October 25, 2001).

When judicial officers violate their legal or military duties, they fall under the jurisdiction of military courts per Article 172 of the Constitution. However, if their violation involves failing to carry out judicial orders or their duties as officers, Article 19 of the Criminal Procedure Code provides that they may be sentenced to three months to one year of suspension from government service, or one to six months of imprisonment.

(a) Crimes committed in the direct view of judicial officers: That is, the officer directly observes the act. While such crimes usually occur in public, if an officer legally enters a private place and witnesses a crime, it is also deemed to be in plain sight. However, if an officer enters a private place unlawfully and observes a crime, the act may still be considered a crime in plain sight—but the officer may be prosecuted under Article 580 of the Islamic Penal Code. This article stipulates that any government or judicial official who enters someone's home without legal authorization or consent may be sentenced to one month to one year of imprisonment, unless they prove they acted under lawful duress from a superior with appropriate authority. If the offense occurs at night, the maximum penalty applies. While the observed crime remains valid and must be reported, the officer has committed an unlawful entry.

(b) Officers arriving or observing crime evidence immediately after its commission: The term "immediately" is vague—it's unclear whether it refers to being present immediately at the time of the crime or just after. Given the absence of the term “at the time of the crime,” it appears to include situations where officers arrive just after the crime or where its aftermath is still visible (Pirfalak Leskoulayeh & Zarei Sharif, 2021).

Ultimately, this review shows that the duties of judicial officers in dealing with crimes in plain sight were comprehensively addressed in the 1999 Code. The next question is whether these assigned responsibilities were similarly emphasized in the 2013 Criminal Procedure Code.

3.1.3. The Criminal Procedure Code of 2013 (1392 SH)

Under the Criminal Procedure Code enacted in 2013, a wide range of duties and powers are assigned to judicial officers (*zābetān-e dādgostari*). One of these duties, aimed at maintaining and restoring public order, includes taking necessary action in response to *crimes in plain sight*. Judicial officers, as the executive arm of the judiciary, play a critical role in the detection of crime, identification and apprehension of suspects and offenders, filing criminal cases, and conducting preliminary investigations. Judicial officers are categorized into two types: *general officers* and *special officers*. General officers include trained commanders, officers, and non-commissioned officers of the Law Enforcement Force of the Islamic Republic of Iran. Special officers refer to officials and agents designated as judicial officers under specific statutes in connection with their assigned duties.

As the first official representatives to encounter offenders, judicial officers are discussed in Chapter Two of the Criminal Procedure Code immediately following the general provisions in Chapter One. Article 28 of the 2013 Code outlines six core responsibilities for judicial officers:

- a) Crime detection
- b) Preservation of crime scene evidence and collection of proof
- c) Identification, apprehension, and prevention of suspect evasion
- d) Preliminary investigation
- e) Service of judicial documents
- f) Enforcement of judicial decisions

Upon becoming aware of a *non-obvious* crime, judicial officers are obligated to notify the public prosecutor to receive instructions and legal orders. This report must meet the following conditions:

1. The act in question must constitute a criminal offense;
2. The offense must have a public aspect, thereby excluding crimes that require a private complaint to initiate proceedings;
3. The occurrence of the crime must be evident. If the indications or circumstances are uncertain or the officer's information is from unreliable sources, they must first investigate the accuracy of the claim (without conducting searches, inspections, or summoning individuals) and then report their findings to the prosecutor. Based on this report, the prosecutor may order further investigation or make an appropriate judicial decision;
4. Entry into homes, closed or locked places, and searches of individuals and objects in non-obvious crimes requires specific authorization from the judicial authority, even if the authority has generally delegated the investigation to the officer;
5. If, during a search, officers discover evidence of another crime that threatens public safety, they must preserve the evidence, draft an official report, and immediately notify the competent judicial authority to act in accordance with its instructions;
6. When entering homes or closed premises, officers must show identification confirming their judicial status and present the original court order to the occupant. This must be recorded in the official report and signed by those present. If anyone refuses to view or sign the order, this must be documented before the search is conducted;
7. Officers must number the interrogation forms and other case documents and specify the total number of pages in the file sent to the judiciary (Azimi & Nazari Nejad, 2020).

A significant point in the 2013 Code is that judicial officers must possess an official identification card. The Code also clearly defines the scope of their authority in crimes in plain sight and grants them specific powers, including broader authority in preserving crime scene evidence and preventing suspect flight compared to other crimes. However, the instances constituting a crime in plain sight are strictly limited to seven cases as defined in the law—any other case is treated as a non-obvious crime (Mahabadi & Akhouni, 2014).

According to the 2013 Code, judicial officers must take all necessary actions in crimes in plain sight to preserve instruments, evidence, and signs of the crime. These responsibilities include:

1. Taking all required steps before reporting to the competent judicial authority, and then promptly informing that authority;

2. Like non-obvious crimes, the offense must have a public aspect under Clause 1 of Article 8 of the Code.

Per Article 45, a crime is considered *in plain sight* if:

- a) It is committed in the direct view of judicial officers, or they arrive immediately at the scene and observe its signs;
- b) The victim or two or more witnesses identify a specific person during or immediately after the crime;
- c) Clear signs, instruments, or evidence of the crime are found in the possession of the suspect, or are clearly linked to the suspect;
- d) The suspect attempts or is caught fleeing immediately after the crime;
- e) The crime occurs in a private residence, and the occupant immediately requests the presence of law enforcement officers;
- f) The suspect voluntarily reports the crime and admits to it;
- g) The suspect is a known vagrant with a poor reputation in the area (Mahabadi & Akhouni, 2014).

Despite these defined instances, judicial officers may be held accountable if they act beyond the prescribed legal scope. Proper identification of crimes in plain sight and the legal consequences of mishandling them remain a critical concern for law enforcement, which functions as a judicial officer. Determining whether a situation qualifies as a crime in plain sight is not always straightforward, and even more challenging is responding appropriately when a crime appears to fall within this category but does not actually meet the legal criteria. Though the law delegates this determination to the police, errors in judgment can lead to legal disputes.

According to Note 1 of Article 45, in certain qualified cases of crimes in plain sight, ordinary citizens may also play the role of judicial officers. This provision extends potential legal risks to citizens when engaging in such situations, as well as to the scope of their actions.

Judicial officers have powers in crimes in plain sight that, in the case of non-obvious crimes, require judicial orders to be executed. These powers include:

1. **Arrest:** The act of preventing an individual from freely moving in order to investigate a criminal matter;
2. **Detention (Jalb):** The act of transferring a detained individual to a judicial or law enforcement authority;
3. **Notification of Charges:** Must be provided in written form, stating the allegations and the related evidence;
4. **Holding in Custody:** Officers may keep the suspect in custody for a maximum of 24 hours;
5. **Preliminary Interrogation:** Includes recording the suspect's identity, motives, accomplices, etc.;
6. **Evidence Collection**, including:
 - a) **Local Inquiry:** Interviewing eyewitnesses;
 - b) **Crime Scene Inspection:** Examining the location for evidence and tools of the crime;
 - c) **Search and Inspection:** Searching people, places, and objects to uncover hidden items linked to the offense.

While the legislature grants considerable powers to judicial officers in crimes in plain sight, they are also bound by the following obligations:

1. These powers apply *only* to the seven cases listed in Article 45 and cannot be extended to others;
2. A suspect may only be held in custody if it is necessary for the completion of the investigation and never for more than 24 hours;
3. If a person is detained outside regular working hours, the matter must be reported to the prosecutor or on-call judge within one hour;
4. Once a person is taken into custody, their identity, occupation, address, and the reason for their detention must be reported to the prosecutor's office within one hour.

Despite the powers granted under Article 45, officers are prohibited from interrogating suspects in two specific cases, which must instead be handled by judicial authorities: (1) crimes related to *zina* (fornication), *liwāt* (sodomy), and other offenses against public morality (Article 102), and (2) all crimes committed by individuals under the age of 18 (Note 2, Article 285).

The 2013 Code also specifies who qualifies as a judicial officer and under what conditions they may intervene in crimes in plain sight. Given the changes in the new Criminal Procedure Code, a broad and detailed study of judicial officers' responsibilities regarding crimes in plain sight is warranted.

3.2. U.S. Law

In U.S. law, a *crime in plain view* refers to an offense committed in the direct presence of a judicial authority or law enforcement officer. This concept originates from longstanding principles of common law, which aimed to preserve public order and prevent criminal acts.

Under U.S. law, law enforcement officers were historically authorized to arrest individuals committing crimes in plain view without the need for a judicial warrant. This principle was based on the necessity of immediate action to prevent a suspect's escape or the continuation of the offense. Over time, as legal systems evolved—particularly in the United States—this concept became more formalized and structured. Today, both federal and state laws clearly define the conditions and limitations for such actions to ensure the protection of individual rights and the fair administration of justice (Mahabadi & Akhouni, 2014).

In the United States, *crimes in plain view* continue to be recognized as a foundational principle in criminal law. Federal and state laws typically specify the conditions under which such offenses can be identified and addressed. These conditions generally include the officer's direct observation of the offense or the presence of unmistakable and indisputable evidence of criminal activity (Clarkson, 2018).

The evolution of this concept illustrates the legal system's ongoing effort to balance the protection of individual rights with the need to ensure public safety. With the advent of new technologies and changing social dynamics, the definition and application of "crime in plain view" have also adapted. For instance, closed-circuit surveillance cameras or digital evidence may now serve as tools for proving such crimes (Clarkson, 2018).

The historical development of this principle reflects how legal norms and statutes have consistently evolved in response to technological advances and societal changes. In the common law tradition, a crime in plain view grants police or legal authorities the right to arrest a suspect without a warrant. This authority is grounded in the need to maintain public order and prevent a suspect from fleeing or destroying evidence. In the United States, this principle holds a prominent place in both criminal law and judicial procedure. Technological advancements have reshaped how these crimes are observed and documented—surveillance tools and digital means have enhanced law enforcement's ability to detect and prove offenses. These developments show how legal systems strive to remain responsive to the needs of modern society (Allen, 2017).

Ultimately, the concept of *crime in plain view* plays a crucial role not only in the implementation of justice but also in reflecting the interaction between law and society. It remains a key instrument for maintaining security and public order (LaFave, 2010, 2017).

One of the main reasons for the importance of this concept is that it allows for immediate arrest without a warrant. When a crime is being visibly committed, police officers are authorized to arrest the offender without a warrant. This becomes particularly vital in situations where any delay could lead to the suspect's escape or the destruction of evidence. In the United States, regulations concerning crimes in plain view are primarily established at the state level. Each state may have its own specific definition and conditions for identifying such crimes (LaFave, 2010, 2017).

Nevertheless, there are generally accepted principles observed across most states. For example, in many jurisdictions, crimes in plain view include those directly witnessed by a police officer. At the federal level, there are also relevant statutes and case law, particularly grounded in the U.S. Constitution and Supreme Court interpretations. In this context, the rights of the accused and legal limits on police authority are central concerns (Bohlander, 2014; Husak, 2008).

One of the most important considerations in this area is the protection of civil rights and the prevention of privacy violations. While arrest without a warrant is permitted in cases of crimes in plain view, it must be carried out in a manner that respects the legal rights of the accused.

4. Conclusion

A comparative study of the concept of *crime in plain view* in Iranian and U.S. law can yield valuable insights into how this principle is understood and applied across different legal systems. A *crime in plain view* refers to an offense whose occurrence is openly visible to witnesses or law enforcement officers, such that no preliminary investigation is required to confirm its commission. In Iranian law, Article 45 of the Criminal Procedure Code provides the basis for this definition. The article outlines the conditions under which a crime is deemed "in plain view," including the direct observation of the crime by an officer, the

presence of the suspect at the scene, or clear and observable signs of criminal conduct. This definition emphasizes clarity and the need for swift action.

In contrast, in U.S. law, the concept of *crime in plain view* is more closely associated with the *In Plain View Doctrine*, which permits law enforcement officers to seize evidence that is clearly visible without a specific search. This principle is linked to the Fourth Amendment of the U.S. Constitution, which protects individuals from unlawful searches and seizures. Comparative analysis of the two systems reveals fundamental differences in approach and objectives. Iranian law focuses more on defining and identifying the conditions of the crime itself, whereas U.S. law emphasizes protecting individual rights and limiting the powers of law enforcement officers. These distinctions are shaped by each country's unique cultural, social, and legal contexts.

Authors' Contributions

Authors contributed equally to this article.

Declaration

In order to correct and improve the academic writing of our paper, we have used the language model ChatGPT.

Ethical Considerations

All procedures performed in this study were under the ethical standards.

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Conflict of Interest

The authors report no conflict of interest.

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References

- Abbaslou, B. (2007). Limits of the powers of judicial officers. *Journal of Islamic Management Studies*, 2(2).
- Akhoundi, M. (2011). *Criminal Procedure* (Vol. 5). Sazman Chap va Entesharat.
- Allen, M. (2017). *Criminal Law*. Oxford University Press.
- Ansari, M. b. M. A. (1864). *al-Makasib* (Vol. 1). Etela'at.
- Ashouri, M. (2008). *Criminal Procedure* (Vol. 1). Samt.
- Azimi, K., & Nazari Nejad, M. R. (2020). The role of judicial officers and other citizens in confronting flagrant crimes: A comparative study with English and French criminal procedure. *Criminal Law Research Journal*, 11(1).
- Baheri, M. (2024). *An Outlook on General Criminal Law*. Majd.
- Bohlander, M. (2014). *Principles of German Criminal Law*. Hart Publishing.
- Clarkson, C. M. V. (2018). *Understanding Criminal Law*. Sweet & Maxwell.
- Dressler, J. (2018). *Understanding Criminal Law*. Carolina Academic Press.
- Ghasempour, A. (2002). *Judicial Officers and Their Duties*. Ofogh Omid.
- Goel, S. (2005). *Courts, Police Authorities & Common Man*. Sunil Goel.
- Herring, J. (2020). *Criminal Law: The Basics*. Routledge. <https://doi.org/10.1093/he/9780198848479.001.0001>
- Husak, D. N. (2008). *Overcriminalization: The Limits of the Criminal Law*. Oxford University Press. <https://doi.org/10.1093/acprof:oso/9780195328714.001.0001>
- Iravani, A. N. (1934). *Marginal Notes on al-Makasib* (Vol. 1). Astan Quds Razavi.
- Jafari Langroudi, M. J. (2024). *Legal Terminology*. Ganj-e Danesh.
- Khoei, A. (1992). *The Path of Salvation* (Vol. 1). Daftar Nashr Bargozideh.
- LaFave, W. R. (2010). *Principles of Criminal Law*. West Academic Publishing.
- LaFave, W. R. (2017). *Criminal Procedure*. West Academic Publishing.
- Mahabadi, A. A., & Akhoundi, M. (2014). *Applied Criminal Procedure (Based on the 2013 Criminal Procedure Law)*. Doorandishan.
- Mohajeri, A., & Zeraat, A. (2003). *Criminal Procedure* (Vol. 1). Fekrsazan.

- Pirfalak Leskoulayeh, H., & Zarei Sharif, V. (2021). *Duties of judicial officers in flagrant crimes from the perspective of the 2013 Criminal Procedure Law*
- Prakash, A. (2007). *Code of Criminal Procedure*. Universal Law Publishing.
- Ragheb Esfahani, H. I. M. (1994). *Vocabulary in the Strange Words of the Quran* (Vol. 1). Mortazavi.
- Sanei, P. (1993). *General Criminal Law* (Vol. 1). Ganj-e Danesh.
- Shambiati, H. (2013). *General Criminal Law* (Vol. 2). Majd.
- Walidi, M. S. (1993). *General Criminal Law* (Vol. 2). Nashr Dad.
- Walidi, M. S. (2009). *Essentials of General Criminal Law*. Jaavedaneh.