

Aim: When can the police  
search you?

# 4<sup>th</sup> Amendment

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

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# What is a Warrant?

- Issued by a Judge:
  - Gives the police the right to search a specific place for a specific item
  - Based on **probable cause** – good reasons
- When can the police search you without a warrant?

# When can the police search you without a warrant?

- Stop and Frisk
- Emergency
- Arrest
- Right in Plain View\
- Consent
- Hot Pursuit

# Good Faith

Meant to be following the rules

## Is It Legal?

1. School officials conduct random locker searches and find marijuana in a student's backpack.
2. A police officer walking down a street hears a gun shot as he passes by an apartment building. He runs in and breaks down the door of the apartment he thinks the sound came from. He doesn't find a gunman but does see illegal drugs on the dining room table. The resident is arrested.
3. A police officer pulls over a car and smells marijuana. He searches the trunk and finds a bag of marijuana in a backpack.
4. During a drunk driving arrest, the police search the suspect and find an unregistered gun on his person. He is charged with illegal possession of an unregistered gun.

# Mapp v. Ohio (1961)

Exclusionary Rule: any evidence gained during an illegal search may not be used as evidence in court

# California v. Greenwood (1985)

## Constitutional Issue

Did the warrantless search and seizure of Greenwood's garbage violate the Fourth Amendment's search and seizure guarantee?

## Supreme Court Decision (6-2) -

The Court argued that there was no reasonable expectation of privacy for trash on public streets



**MICHIGAN DEPT. OF STATE POLICE v. SITZ, 496 U.S. 444  
(1990)**

**Constitutional Issue:**

Did the drunk driving checkpoints violate motorists' privacy protected by the Fourth Amendment?

**Supreme Court Decision - (6-3)**

"no one can seriously dispute the magnitude of the drunken driving problem or the States' interest in eradicating it." The Court then found that "the weight bearing on the other scale--the measure of the intrusion on motorists stopped briefly at sobriety checkpoints--is slight."

# New Jersey v. T.L.O. (1985)

## Constitutional Issue:

Did the assistant principal violate the Fourth Amendment in opening T.L.O.'s purse?

## Supreme Court Decision (6-3)

Public school officials may conduct reasonable warrantless searches of students under their authority notwithstanding the probable cause standard that would normally apply to searches under the Fourth Amendment. The Court held that the search of T.L.O.'s purse was reasonable under the circumstances.