

VIOLATION OF 4TH AMEND? POLICE SEE MR. BOULWARE, A KNOWN DRUG DEALER, STANDING ON A STREET CORNER. THEY STOP AND SEARCH HIM. FINDING DRUGS, HE IS ARRESTED.

THE POLICE ASK THE SCHOOL PRINCIPAL TO OPEN UP YOUR SCHOOL LOCKER. THEY FIND ALCOHOL.

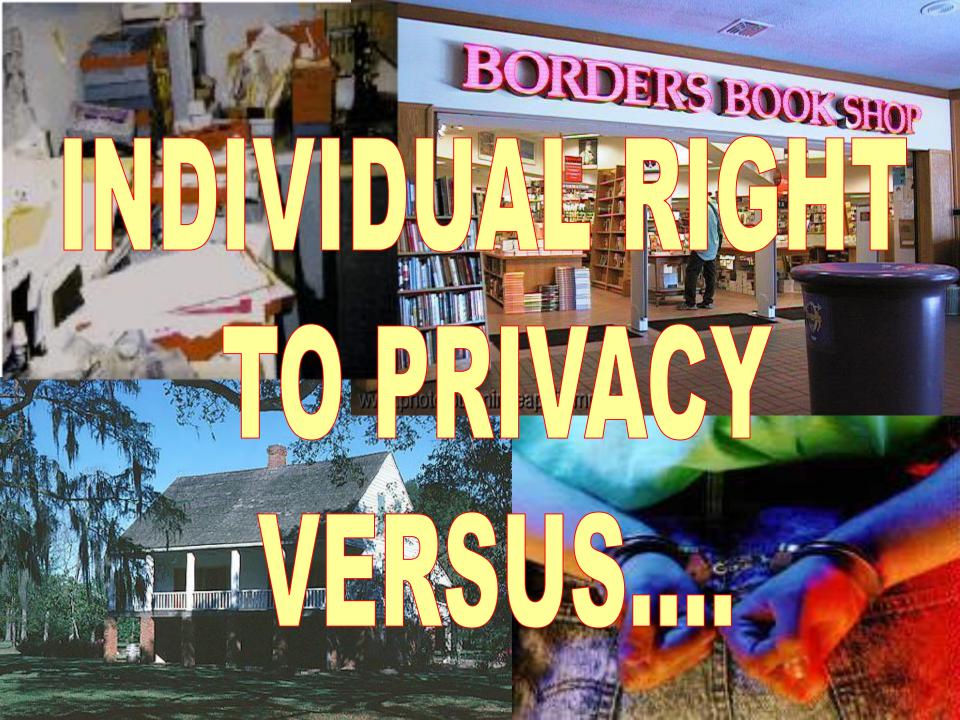
YOU'RE HOSTING A PARTY AND SERVING ALCOHOL ORS. THE POLICE KNOCK UR DOOR SOMEONE YELLS, "COME IN!", AND YOU'RE BUSTED.

POLICE BELIEVE YOU'RE GROWING MARIJUANA IN A GREENHOUSE IN YOUR BACKYARD. THEY GET A DRONE AND FLY OVER YOUR PROPERTY, A VIDEO OF THE TOP OF THE GREENHOUSE **REVEALS POT, AND YOU'RE ARRESTED**

POLICE ASK MAID SERVICE TO TURN OVER THE CONTENTS OF YOUR HOTEL WASTEBASKET. IN IT, THEY FIND NOTES IMPLICATING YOU IN DRUG DEALING.

"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." - THE 4TH AMENDMENT

INDI VIDUAL **RIGHT OF** PRIVACY VERSUS THE STATE RIGHTS





WHEN DOES THE 4TH AMENDMENT APPLY?

COURT USES A TWO-PRONG TEST TO DETERMINE A

"REASONABLE" SEARCH

DID PERSON SUBJECTIVELY (ACTUALLY) EXPECT SOME DEGREE OF PRIVACY?

IF YES, GO ON, IF NO, THEN SEARCH IS O.K.

IS THE PERSON'S EXPECTATION OF PRIVACY A REASONABLE ONE? -

ONE THAT SOCIETY IS WILLING TO RECOGNIZE?

IF YES TO BOTH PRONGS, THEN THE 4TH AMEND. APPLIES

- LETS LOOK AT SOME EXAMPLES

THS IS THE "CURTLAGE"

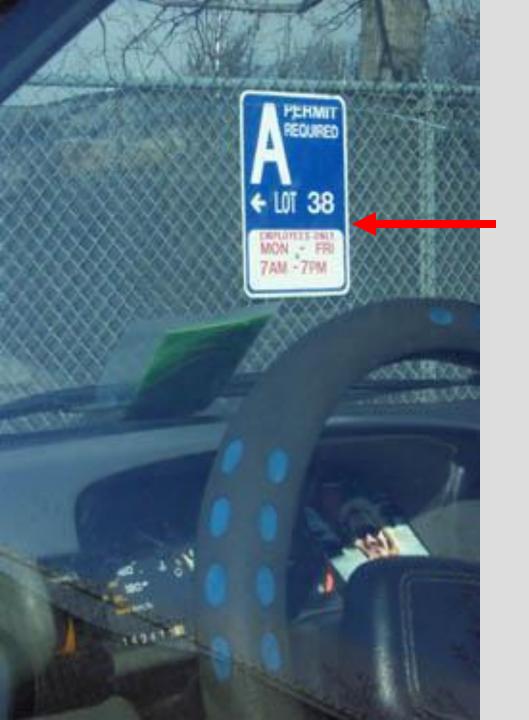


IS THIS PART OF THE CURTILAGE?

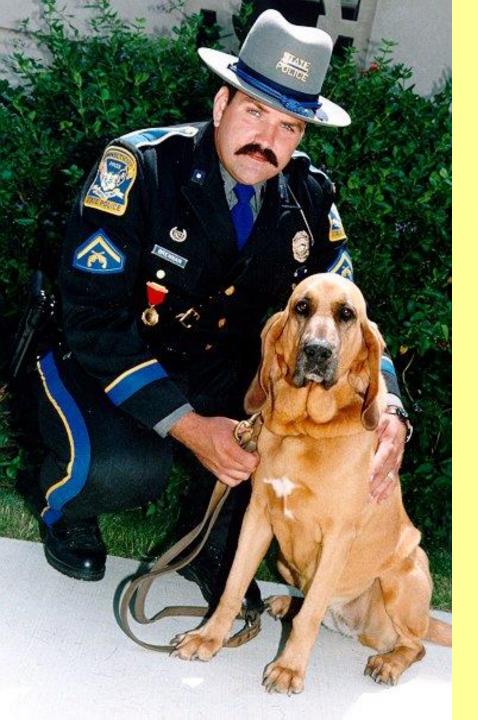
"OPEN FIELDS" DOCTRINE APPLIES

IS THIS PART OF THE CURTILAGE?

EXPECTATION OF PRIVACY HERE?



PRIVACY EXPECTATION HERE?



WHAT ABOUT YOUR **PRIVACY RIGHTS AND DOG SNIFF SEARCHES?**

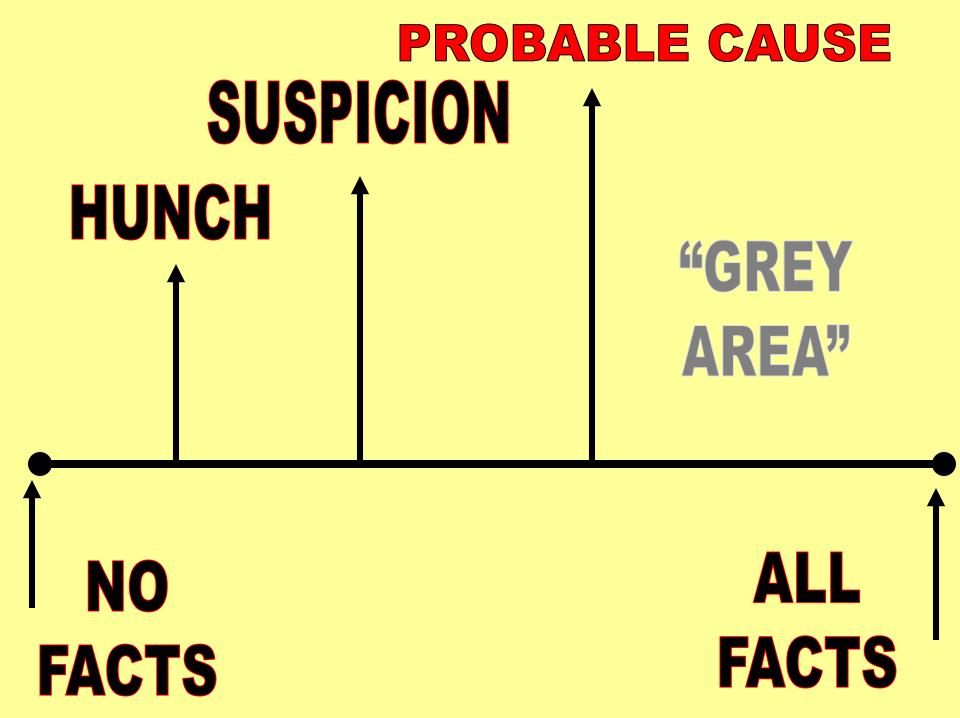
WHO DOES THE 4TH AMEND. APPLY TO?

ANY LAWFUL SEARCH BY GOVT. AND/OR AGENTS OF GOVT.

WARRANT REQUIREMENTS -PROBABLE CAUSE -SWORN AFFADAVIT -NEUTRAL JUDGE -INFORMANTS, WITNESSES, VICTIMS -SPECIFICITY -"TOTALITY OF THE CIRCUMSTANCES"

WHAT IS PROBABLE CAUSE?

"REASONABLE BELIEF THAT A CRIME HAS, OR IS ABOUT TO OCCUR"- MEANING?



INDIVIDUALIZED SUSPICION **ARTICULABLE FACTS TOTALITY OF THE** CIRCUMSTANCES

SPECIFICITY

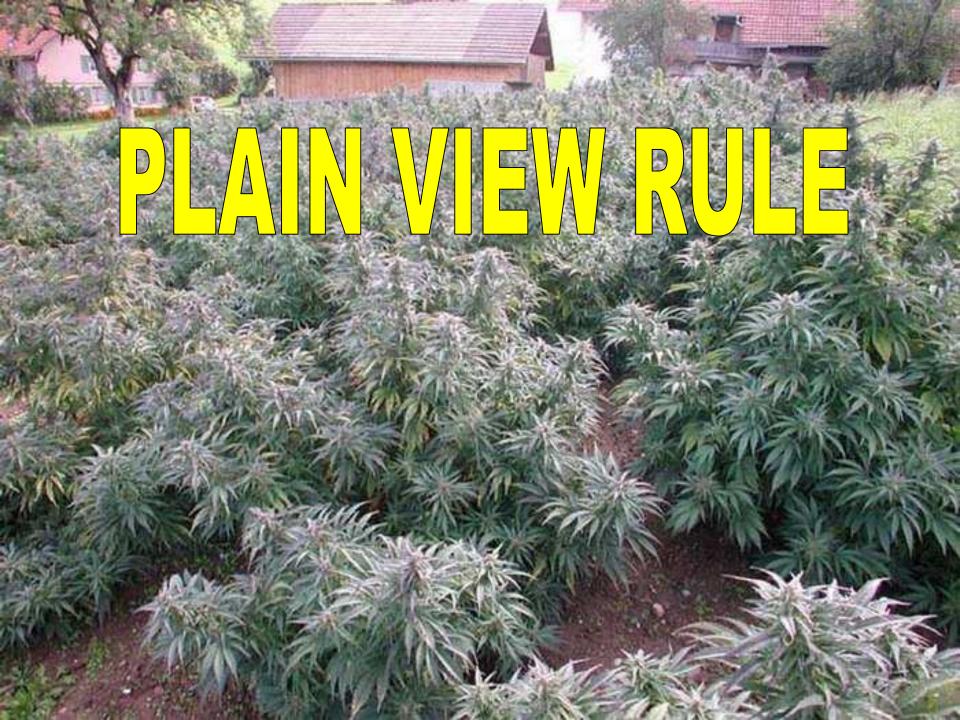
PLACE
THINGS TO BE SEIZED
TIME



ARE THERE ANY EXCEPTIONS TO A WARRANT REQUIREMENT?

YES, BECAUSE OF EXIGENT CIRCUMSTANCES

INCIDENT TO ARREST-"LUNGE RULE"



MOTOR VEHICLE SEARCHES FOR CONTRABAND





BORDER/AIRPORT



"HOT PURSUIT"

EMERGENCY

EVANESCENT* EVIDENCE

TESTER



"STOP AND FRISK" RULE

JLICE

WHAT HAPPENS IF 4TH AMEND. RIGHTS ARE VIOLATED?

"EXCLUSIONARY RULE" APPLIED

- WOLF v. COLORADO - MAPP v. OHIO

EXCEPTIONS TO EXCLUSIONARY RULE

- "GOOD FAITH"

- "INEVITABLE DISCOVERY"

EMERGING 4TH AMENDMENT ISSUES

- DRUG TESTING - SOBRIETY CHECKPOINTS - TECHNOLOGICAL SEARCHES - PROTECTIVE SWEEPS - RACIAL/DRUG PROFILING

