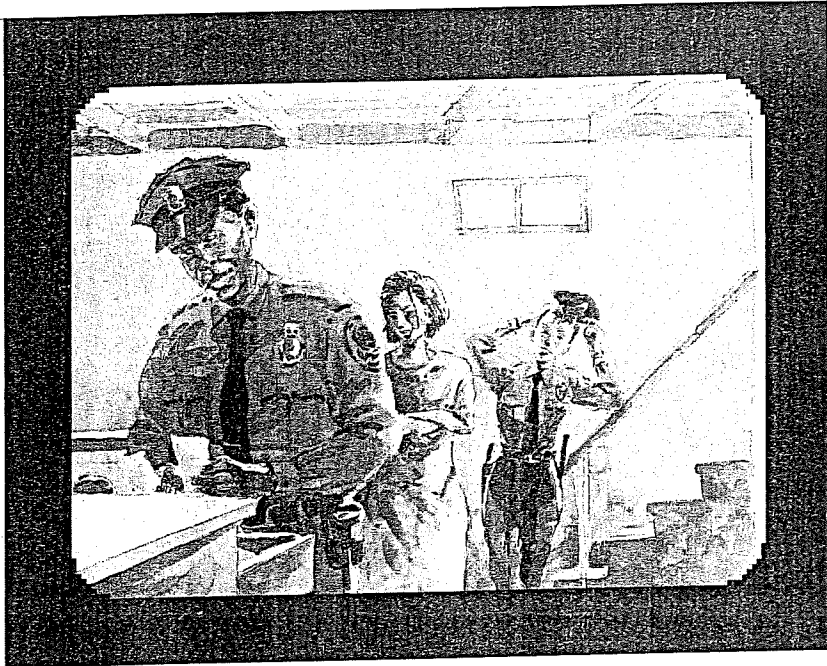


# Chapter 8

# Search and Seizure

The police were looking for a suspect. The suspect was a man about six feet tall and well built. They had been told he might be hiding at the home of Dollree M. They knocked on her door and she let them in even without a warrant. The police searched everywhere and did not find him. Instead, they found some illegal photos in a drawer in the basement. Dollree M. was arrested. Although **convicted** in court, Dollree appealed, saying that the discovery of the photos had nothing to do with the original reason for the police search — finding a suspect in a separate crime.



The U.S. Supreme Court said that the evidence from the photo album was illegal. This is because the police had no warrant. It decided that the photos were to be kept out of the trial. The court decision in Dollree M.'s case involves the rule that says if the police get evidence illegally, then that evidence cannot be used in court. A rule explains how a law can be used.

In this chapter, you will learn what you must know about your rights when you or your property are searched by the police. You will discover what happens when the police need to search you and your property, or when the police need to take you or your property into custody at school or anywhere else.

## Search and Seizure

**Search** means to look for something. The police need to search for evidence to help them solve crimes. They can search people by checking their body, their clothes, or what they are carrying. They sometimes need to search apartments and cars.

**Seizure** means the taking of a person or property into custody. The person or property becomes evidence to help solve a crime.

For example, if the police are looking for a gun and they find one on a suspect, they might arrest her and take the gun. They may need to seize evidence from her even if they are not yet sure she is the criminal. If you are a victim of a crime — let's say that your purse is stolen and later found in someone's house — then the purse will be evidence. The police will need to seize it until the case is finished.

CHECK vocabulary words in bold.  
LOOK UP word meanings in the glossary beginning on page 92.

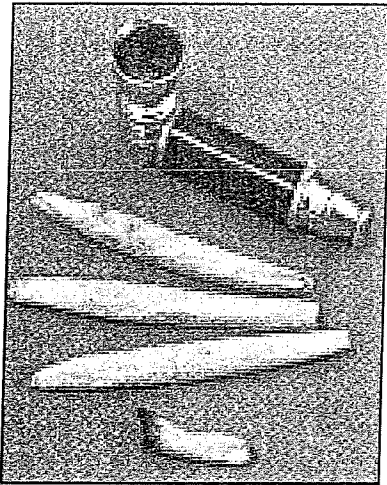


### CRITICAL THINKING

Have you ever heard someone say, "A man's home is his castle"? What does this mean legally? Why do you think that the Constitution protects against unreasonable search and seizure, especially in a person's home?



Officer Ortiz says: "Police have to protect themselves and innocent people. Sometimes, that means asking personal questions. Recently, a couple reported a burglary. I had to search their bedroom, and I could see that they were uncomfortable. I guess they thought I had no respect for their privacy, but I let them know that I had to search it for their safety as well as for my own."



### CRITICAL THINKING

From 1985 to 1990, one-fourth of the twelve- to seventeen-year-olds in a study said they used illegal drugs. An illegal drug is a drug other than alcohol or tobacco. At this age, alcohol and tobacco are also illegal drugs. How are all of these young people adding serious danger to their lives?

**DID YOU KNOW?** The courts are allowing many searches to be legal that used to be illegal. For example, in one case, the police got on a bus and asked all the passengers whether they could search their luggage. The police did not have a special reason at that moment to think that anyone had drugs. But the problem of people smuggling drugs on buses had gotten so much worse that there was a good chance they would find some. They found cocaine in one person's suitcase. The person argued that the search was illegal because the police had no reason to think he had committed a crime. Yet, the court said he had agreed to the search and that his conviction was legal.

**EYE OPENER** Why do police need to frisk a suspect?

Every day, seven teenagers are murdered, and close to 5,000 are the victims of violent crime. If the police did not have this right, how many more young people would lose their lives?

## Warrants

However, everything in the criminal justice system tries to be balanced and fair. The Constitution protects people from unreasonable search and seizure. In most cases, the police must have a **search warrant** if they want to search you or your home or your car. A search warrant is a court order giving the police the right to search.

Usually, the warrant says that the police have to search during the day. However, it takes time to get a warrant. Often, the police have to act quickly and do their job without one.

Police do not need a warrant:

- when making a lawful arrest. If you are arrested for a crime, the police can search you and the area around you for hidden weapons or for evidence.

- when they stop and **frisk** you. You are stopped and frisked when the police think you may be about to do something illegal. They stop you to make sure that you will not. They frisk, or check, you: this means that they run their hands down your body to look for dangerous weapons. The police do this to prevent criminal behavior from happening.

## Probable Cause

For example, a police officer saw two people on a street corner. The people stayed there for a long time. Every ten minutes, one would go into a store and look inside. The police officer thought they might be planning to rob the store, so he stopped and frisked them.

The officer found that both were carrying guns, so he arrested them. The suspects said that the arrest was not legal, but the court said that it was legal. This is because the officer had **probable cause** to think the accused were doing something illegal.

Probable cause means that the officer had a good reason for suspecting what he did. Also, many robberies do start out this way, and police can identify clues and patterns early on. For example:

- You agree to a search. You might agree to let the police search you, but you cannot agree to let the police search someone else. Also, if you are underage, your parents can agree to a search. However, some states have said that parents cannot agree to a search of your room if you do not agree.

- The evidence is in plain sight. This means that the evidence must be where the police can see it easily. In Chapter 3, you read the case of the police stopping a driver whose truck did not have a license. There was a dead body in the back of the truck. They did not need a warrant to seize the evidence because it was right there in plain sight.

- The police are chasing a suspect. However, if the suspect then runs into a building, the police might not be able to tell which apartment the suspect entered. If they do not have to have a warrant to search each apartment or closed space in the building, the police can only look for the suspect in the building hallways.

Pages: 39 and 40

1. Why was Dollree arrested? \_\_\_\_\_
2. On what grounds did Dollree appeal? \_\_\_\_\_  
\_\_\_\_\_
3. What did the Supreme Court say? \_\_\_\_\_
4. What rule was involved in this case? \_\_\_\_\_  
\_\_\_\_\_
5. Why do police need to search for evidence? \_\_\_\_\_
6. What is seizure? \_\_\_\_\_
7. What does seized property become? \_\_\_\_\_
8. How long do police hold seized evidence? \_\_\_\_\_
9. What does the criminal justice try to be? \_\_\_\_\_
10. What does the Constitution protect people from? \_\_\_\_\_
11. What is a search warrant? \_\_\_\_\_
12. When must the police **IN MOST CASES** have a search warrant? \_\_\_\_\_  
\_\_\_\_\_
13. Police do not need a search warrant when:
  - A. \_\_\_\_\_
  - B. \_\_\_\_\_
14. Why do police frisk suspects? To prevent \_\_\_\_\_
15. Why would police frisk people going in and out of a store every 10 min.? \_\_\_\_\_  
\_\_\_\_\_
16. What does probable cause mean? \_\_\_\_\_
17. Police can identify what? \_\_\_\_\_
18. What have some states said about room searches? \_\_\_\_\_
19. When do police not need a warrant to seize evidence? \_\_\_\_\_
20. If the police do not have a warrant to search every apartment where can they look for evidence?  
\_\_\_\_\_

## Critical Thinking

(pages: 39 & 40)

1. What does the phrase "a man's home is his castle" mean?
2. Why does the Constitution protect against unreasonable search and seizure, especially in a person's home?
3. Sometimes police have to protect themselves and innocent people. In that case what might they have to do?
4. How can youths add serious danger in their live when using illegal drugs?

5. Under what circumstances are the courts allowing searches that in the past were illegal to now be done and entered into evidence?

6. Why do police need to frisk a suspect?

7. When a policeman thinks he has probable cause what can he do to someone he suspects.