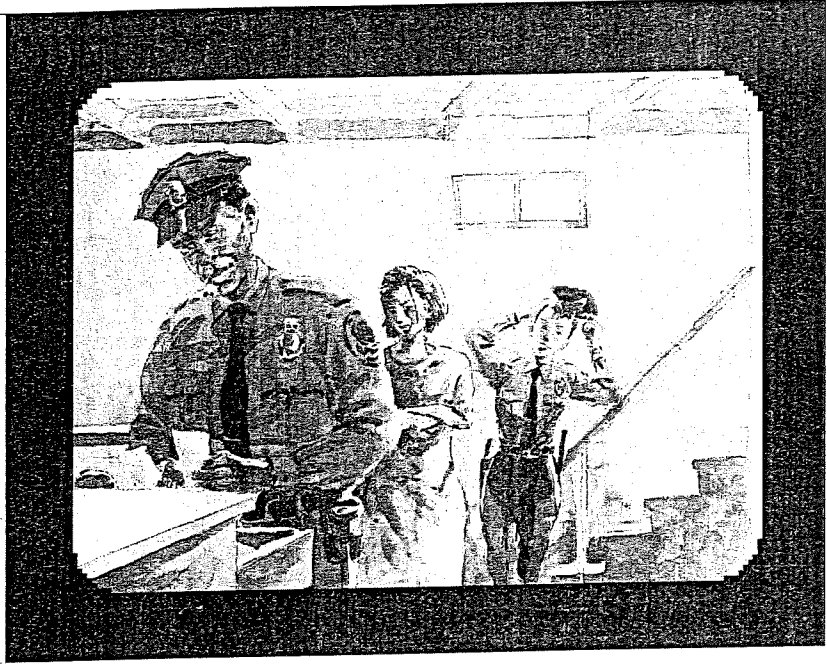


Search and Seizure

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.



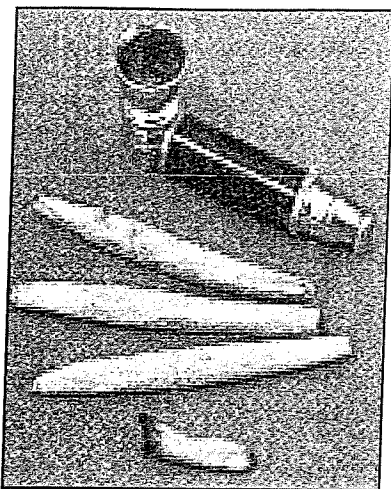
CRITICAL THINKING

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.

☐ The police can search a vehicle. A vehicle can be a car, truck, bus, van, or train. However, the police cannot stop any vehicle. They have to have some reason to think that they will find evidence in the vehicles they stop.

☐ There is an emergency. An emergency exists when there is danger here and now, for example, when someone calls the police at five minutes to three o'clock and says a bomb will go off in the building at three o'clock. The police need to search the building for the bomb right away.

☐ If you travel from one country or state to another, you can be searched at the **border**, or edge, of the country or state. This is so the police can stop illegal things from coming into the country or going from state to state. Anyone might be a possible suspect. The bringing of illegal drugs and weapons into this country has become a major challenge to law enforcement agencies.

Airlines are very worried about hijackers. Hijackers are criminals who try to steal airplanes. All airports in the United States search people and luggage for weapons. Always cooperate. Better to be safe than sorry.

What about metal detectors in school? Metal detectors are tools that can search for metal objects such as guns or knives. Schools have the right to use a metal detector to look for weapons to keep schools safe.

You already learned that the law protects you from unreasonable search and seizure. From time to time, the courts add more details or ideas to what this includes. You know about the different rights related to search and seizure at home, at school, in the street, and in your car.

Being Searched

What should you do if you are searched? Do the right thing. If a police officer should ask to search you, here is what you do.

1. Ask if the police have a warrant. If they do, you must open the door. If they do not, they will need to come in anyway to get information that could help their search. Let them do their job. Cooperate.
2. Do not make trouble for the police. Politely tell them that you do not think they have a right to search you. However, do not ever try to stop the search. You could be charged with resisting arrest. You need to work with the law.
3. When you are asked, give the police your full, correct name and address. You do not need to give any other information. Wait until you have a lawyer with you before you answer any questions. The police know that this is your right.
4. Write down the badge numbers of the police officers. Your lawyer may want to talk to the officers later.
5. Check for witnesses. Tell them your name. Ask them to go to the police station to tell what they witnessed—what they saw or heard or remembered.



CRITICAL THINKING

In 1949, three police officers came into a man's home without a warrant. They were in a hurry. Someone had told them there were illegal drugs there. The police saw two tablets next to the man's bed and asked what they were. But the man quickly grabbed them and swallowed them. In this way, the suspect destroyed the evidence. The police tried to remove them from his mouth. They rushed him to the hospital to have his stomach pumped. The man was finally convicted for having illegal drugs. The Supreme Court said that the search was legal, but the seizure was unreasonable. Can you explain this verdict?

DID YOU KNOW?

The exclusionary rule was developed by the Supreme Court for federal criminal proceedings in 1914. It was extended to all states in 1961. It means that any evidence seized in violation of the Fourth Amendment's prohibition against unreasonable search and seizure cannot be counted.



EYE OPENER About 2 percent of students were found to have some kind of weapon in school in a recent nationwide study over a 6-month period.



CRITICAL THINKING

Violence is considered a public-health problem, much like smallpox was in the last century.

Explain the need for better security in all public places such as airports, libraries, shopping malls, and post offices.

Search and Seizure in School

You have the right against unreasonable search in school. However, if school officials are looking for a weapon, they can frisk you.

Your locker is school property and can legally be searched. Of course, it is never the right thing to bring anything illegal to school. This means drugs and weapons. Drugs have no place in school because drugs ruin the lives of people who sell them or use them. Weapons can kill—even by accident.

Finding Something Illegal

If a person brings something illegal to school and it is discovered, school officials will call her parents or guardian. She does not need to talk about what they have found or answer any questions. However, if the police come, she must give them her name and address. Then, if the police want to arrest her, the school official has to stay with her until a parent or guardian arrives.

Search and seizure is a stressful experience for anyone, but being arrested can be more so. Being behind bars is far worse.

DID YOU KNOW? Statistics on violence and homicide are usually given as nationwide averages. Yet, these statistics may vary from city to city. Crime rates are higher in cities than in rural areas.

 *Workbook*

Self-Check p. 18
Reality-Check p. 19

 **TO LEARN MORE**

Government Today, pp. 30-31

Understanding Chapter 8

1. What is search and seizure?
2. Explain about a type of evidence that cannot be used in court.
3. What rights do school officials have to search you and your property?

Reading Informational Text

What did the text say?

What this means in my own words.

Name/Date: _____

News Article Summary

Who wrote the article: _____

Title of the Article: _____

When did the events in the article occur?

Where did the events occur?

List all that are named in the article with their titles if given:

What was the article about?

Why is this article important?

What did you learn from the article?