The Fourth Amendment: Search and Seizure
Snapshot

**Introduction Question:**
Can the government track you 24 hours a day, 7 days a week, for an entire month, using your cell phone data and location information? *(Carpenter v. United States, 2018)*

**Text:**
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.

**Big Question(s):**
- Why did the framers put the Fourth Amendment in the Bill of Right?
- When does the Fourth Amendment allow the government to search you or seize your property?

**Matters for Discussion:**

**Discussion Questions**
- Can the government track you 24 hours a day, 7 days a week, for an entire month, using your cell phone data and location information? *(Carpenter v. United States, 2018)*
- Can police stop and search your car without a warrant? *(California v. Acevedo, 1991)*
- After the police arrest you, can they search your cell phone without a warrant? *(Riley v. California, 2014)* Can they force you to “unlock” your phone in order to do so?
- If school officials think that a student is selling drugs to other students, can school officials perform a strip search within her clothes or underwear? Can they force the student to turn over her cell phone to search for any incriminating texts or pictures? *(Safford Unified School District v. Redding, 2009)*
- If a person looks suspicious or “armed and presently dangerous,” can the police stop and frisk them? *(Terry v. Ohio, 1968)*
**FOURTH AMENDMENT SEARCH AND SEIZURE SNAPSHOT**

**Scenarios**

1. To get to their school outside of downtown, several students take city buses because the school buses do not pick up in their neighborhood. If a beat cop who normally patrols the area of the local bus stops downtown in the same neighborhood stops the students on suspicion of illegal activities and, upon questioning them about their intentions, pats them down, did he have reasonable suspicion to search them? (*Terry v. Ohio*, 1968)
   - Was the stop of the students a seizure? Would the students have felt free to leave or end the encounter—was the encounter consensual?

2. Four cheerleaders are driving home from a football game on a Friday night. An officer pulls the vehicle over for a traffic citation. Based on suspicious activity he observes approaching the vehicle, the police officer orders the cheerleaders out of the vehicle and search the vehicle. (*California v. Acevedo*, 1991)
   - Do police officers violate the passenger’s Fourth Amendment right against unreasonable search and seizure if they search the passenger’s bag?

3. School officers spend weeks following rumors that a female student has been selling vaping pens and liquid in the women’s restroom and that she has concealed the pens and liquid in her boots and bra. The officers strip searches her and find several pens, but no liquid. The student is expelled and the local police arrest her, believing that have sufficient evidence she was illegal selling on school grounds. (*Safford Unified School District v. Redding*, 2009)
   - Did the officers have “reasonable suspicion” to justify the search of the student?
   - Was the search reasonably related in scope to the circumstances which justified the interference in the first place?

4. Students at a high school in technology class are provided laptops for classroom and home usage. In those laptops, they school installs GPS software for security reasons to ensure they are not stolen or misused. Using this technology, they track student movements 24 hours a day. If a student is suspected of running a secret website with copies of exam keys that are being sold to students, can the school use the GPS software to track down the student selling the exams? Can officers, without a warrant, search the home for the laptop and the information stored upon it? (*United States v. Jones*, 2012)
   - Does the school have reasonable suspicion to justify the search?