

Florida v. Jardines

4th 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.”
- Helpful terms:
 - Expectation of privacy – the more a reasonable person expects privacy in a given situation, the more likely a warrant will be necessary.
 - Exigent Circumstances – the harder it is to get a warrant in a given situation, the more likely a warrant will not be deemed as necessary. e.g. car searches
 - Custodial Arrest – when the arrestee is no longer free

The Fourth Amendment

- The best way to think about the 4th Amendment is it requires a search warrant for searches, but then the Supreme Court has made numerous exceptions to this requirement.
- The exceptions include:
 - Plain View
 - Search Incident to Arrest
 - Hot Pursuit
 - Vehicles
 - Emergency Circumstances

Issues Related to Drug Dogs

- Is the use of a drug sniffing dog a search?
 - If it is not considered a search, it does not fall under the 4th Amendment.
 - the court has said it was not a search when used to:
 - smell a suitcase at a transit hub, e.g. airport
 - inspect a package damaged in transit that was leaking a white powder
 - sniff around a car door that was stopped at a routine highway checkpoint or stopped due to a traffic violation
 - the court has NOT determined how dogs can be used a house.
- Is an alert by the dog sufficient grounds to issue a search warrant?

Are Houses Different?

- The Court has always provided greater privacy protections for houses.
 - All of the precedent dealing with drug-sniffing dogs has involved places other than homes.
 - Many of these places (especially cars) have been deemed to be less private, and thus the interest of the individual is less.

Edmond (2001)

- It is well established that a vehicle stop at a highway checkpoint effectuates a seizure within the meaning of the Fourth Amendment. See, e. g., *Sitz*, supra, at 450. The fact that officers walk a narcotics-detection dog around the exterior of each car at the Indianapolis checkpoints does not transform the seizure into a search. See *United States v. Place*, 462 U. S. 696, 707 (1983). Just as in *Place*, an exterior sniff of an automobile does not require entry into the car and is not designed to disclose any information other than the presence or absence of narcotics. See *ibid*. Like the dog sniff in *Place*, a sniff by a dog that simply walks around a car is "much less intrusive than a typical search." *Ibid*. Cf. *United States v. Turpin*, 920 F.2d 1377, 1385 (CA8 1990). Rather, what principally distinguishes these checkpoints from those we have previously approved is their primary purpose.

➤ <https://supreme.justia.com/cases/federal/us/531/32/>

Precedent

- Edmonds (2000) – use of dogs at checkpoint whose primary purpose was discovery of criminal activity unconstitutional.
 - Michigan v. Sitz – administrative checkpoints allowed
→ purpose keep roads safe.
 - U.S. v. Place – dogs allowed to sniff luggage at airports
- Kyllo (2001) – use of thermal imaging device unconstitutional without warrant.
 - Cannot use technology to see inside of house.

Precedent

- Caballes (2005) -
 - Initial stop of the car was lawful = speeding.
 - No legitimate expectation of privacy to exterior of car
 - No expectation of privacy = no 4th Amendment interest.

Question Presented

- Whether a dog sniff at the front door of a suspected grow house by a trained drug-detection dog is a Fourth Amendment search requiring probable cause?

Petitioners

- Petitioner, First Participant
 - Facts
 - Arguments (I) – not a search
 - Drug dog sniff is not a search under current precedent
 - Draw comparisons to *Place*, *Edmond*, *Caballes*
 - Such a finding does not conflict with the *Kyllo* cases (I)
- Petitioner, Second Participant
 - Arguments (II) – houses are not different
 - dog sniff on both to house did not violate sanctity of home because there was no physical entry
 - prohibition of sensory enhancement devices is not similar to a dog sniff (again distinguishing *Kyllo*)
 - NOTE: the distinguishing places much more emphasis on the kind of device used in *Kyllo*.
 - no danger of dragnet-type searches

Respondents

- Respondent, Participant 1
 - Facts
 - Argument – entry on to property is search (II)
 - front door and area immediately adjacent to it are part of house that is protected by 4th Amendment.
 - entry onto property without permission is common law trespass
 - approaching the front door for purposes of gathering evidence is a search
- Respondent, Participant 2
 - Argument – dog sniff is a search (I)
 - history shows a dog sniff is a search because it reveals information in a home that someone wishes to keep private.
 - Place, Edmond, Caballes are not precedent for using drugs dogs at homes.
 - Physical entry into home not necessary to be a search (Kyllo)