

Search and Seizure

Police search and seizures are a common sight on television police dramas. Detectives investigating a murder obtain a warrant to search a suspect's home and collect evidence. Or patrol cops search the car of a driver pulled over for reckless driving and discover a stash of illegal drugs. The Fourth Amendment protects American citizens from unreasonable search and seizure. Officers must obtain a search warrant to look through someone's home. But if "exigent circumstances" exist—that is, if officers have a reasonable belief that evidence is in danger of being destroyed or that people are in imminent need of assistance—they can conduct a warrantless search.

Further Discussion No warrant is required to search a car. Law enforcement can search a car if they have probable cause to do so. Something in the driver's behavior or looks, or the physical appearance of the car can prompt a search. What if you were pulled over for a traffic violation and the officer decided to do a search, discovering stolen property in course of the search? What if you were only borrowing the car?

Activity: Role Playing Divide the class into pairs. One student should take the role of the police officer and the other the driver. Each student should articulate a response to the search and seizure. What probable cause did the officer have for the search? Does the driver feel his/her race and age were a contributing factor in the search?