

## Introduction to Law

### Chapter 12 Notes

#### “Fourth Amendment-Search and Seizure”

#### Criminal Justice Process: The Investigation

- the criminal justice process includes everything that happens to a person from \_\_\_\_\_ through \_\_\_\_\_ and \_\_\_\_\_ to release from the control of the state

#### Fourth Amendment

*“The right of the people to be secure in their \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_, against \_\_\_\_\_ searches and seizures, shall not be violated, and no Warrants shall issue, but upon \_\_\_\_\_, supported by Oath or affirmation, and particularly describing the place to be \_\_\_\_\_, and the persons or things to be \_\_\_\_\_.”*

**probable cause** –

**reasonable suspicion** –

- the U.S. Supreme Court has used the “\_\_\_\_\_” as the standard for determining the \_\_\_\_\_ of warrantless searches

**exclusionary rule** –

#### Searches With a Warrant

- a search warrant is a \_\_\_\_\_, signed by a \_\_\_\_\_ after they have been presented with specific information, offered under oath, related to the commission of a crime

- **affidavit** =>

- once the warrant is issued, the search must be conducted within a certain number of days and the police are only allowed to search areas where what they are looking for could be located

- **plain view rule** =>

- with a warrant, the “\_\_\_\_\_” requirement usually means the police have to “\_\_\_\_\_”, however the Supreme Court has allowed some “\_\_\_\_\_” entries, but only on a case by case basis

### **Searches Without a Warrant**

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|----|----|
| 1. | 5. |
| 2. | 6. |
| 3. | 7. |
| 4. | 8. |

### **Public School Searches**

- the U.S. Supreme Court has granted school authorities \_\_\_\_\_ to search \_\_\_\_\_ and their \_\_\_\_\_

- the guideline followed by the Court in criminal searches is the reasonableness, considering all the circumstances, of a particular government invasion of an individual’s personal security

- but in the context \_\_\_\_\_, the main concern is whether a search is reasonable in the context of the school’s \_\_\_\_\_

- the Court has ruled that the school only needs \_\_\_\_\_ to believe a search will turn up evidence that a student violated either school rules or the law

### **Suspicionless Searches**

- the Court has recognized some limited circumstances in which the requirement of individualized suspicion need not be met

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