

Arrest, Search & Investigation

United States v. Jones, 565 U.S. ___ (Jan. 23, 2012) (<http://www.supremecourt.gov/opinions/11pdf/10-1259.pdf>). The government's installation of a GPS tracking device on a vehicle and its use of that device to monitor the vehicle's movements on public streets constitutes a "search" within the meaning of the Fourth Amendment. Suspecting that the defendant was involved in drug trafficking, the government obtained a search warrant for use of a GPS device on the defendant's vehicle; the warrant authorized officers to install the device in the District of Columbia within 10 days. Officers ended up installing the device on the undercarriage of the vehicle while it was parked in a public parking lot in Maryland, 11 days after the warrant was signed. Over the next 28 days, the government used the device to track the vehicle's movements, and once had to replace the device's battery when the vehicle was parked in a different public lot in Maryland. By means of signals from multiple satellites, the device established the vehicle's location within 50 to 100 feet, and communicated that location by cellular phone to a government computer. It relayed more than 2,000 pages of data over the 4-week period. The defendant was charged with several drug offenses. He unsuccessfully sought to suppress the evidence obtained through the GPS device. Before the U.S. Supreme Court the government conceded noncompliance with the warrant and argued only that a warrant was not required for the GPS device. Concluding that the evidence should have been suppressed, the Court characterized the government's conduct as having "physically occupied private property for the purpose of obtaining information." So characterized, the Court had "no doubt that such a physical intrusion would have been considered a 'search' within the meaning of the Fourth Amendment when it was adopted." The Court declined to address whether the defendant had a reasonable expectation of privacy in the undercarriage of his car and in the car's locations on the public roads, concluding that such an analysis was not required when the intrusion—as here—"encroached on a protected area."

Ryburn v. Huff, 565 U.S. ___ (Jan. 23, 2012) (<http://www.supremecourt.gov/opinions/11pdf/11-208.pdf>). The Court reversed a Ninth Circuit ruling that officers were not entitled to qualified immunity in a § 1983 action that arose after the officers entered a home without a warrant. When officers responded to a call from a high school, the principal informed them that a student, Vincent Huff, was rumored to have written a letter threatening to "shoot up" the school. The officers learned that Vincent had been absent two days, that he was a victim of bullying, and that a classmate believed him to be capable of carrying out the alleged threat. Officers found these facts concerning in light of training suggesting to them that these characteristics are common among perpetrators of school shootings. When the officers went to Vincent's home and knocked at the door, no one answered. They then called the home phone and no one answered. When they called Vincent's mother's cell phone, she reported that she and Vincent were inside. Vincent and Mrs. Huff then came outside to talk with the officers. Mrs. Huff declined an officer's request to continue the discussion inside. When an officer asked Mrs. Huff if there were any guns in the house, she immediately turned around and ran inside. The officers followed and eventually determined the threat to be unfounded. The Huffs filed a § 1983 action. The District Court found for the officers, concluding that they were entitled to qualified immunity because Mrs. Huff's odd behavior, combined with the information the officers gathered at the school, could have led reasonable officers to believe that there could be weapons inside the house, and that family members or the officers themselves were in danger. A divided panel of the Ninth Circuit disagreed with the conclusion that the officers were entitled to qualified immunity. The U.S. Supreme Court reversed, determining that reasonable officers could have come to the conclusion that the Fourth Amendment permitted them to enter the residence if there was an objectively reasonable basis for fearing that violence was imminent. It further determined that a reasonable officer could have come to such a conclusion based on the facts as found by the trial court.