

# Constitutional law: consent to search

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Constitutional Law: Consent to Search Consent to search is a civil or legal agreement to establish the individual's right to privacy. The consent to search is mostly obtained by law enforcement personnel to access the properties or private belonging of an individual, as stipulated in the Fourth Amendment rights in US Constitution. However, there are different cases where the law enforcement officers such as police abuse the authorities given by consent to search. This paper aims at discussing one instance at which the police can abuse the rights given by consent to search, in support to case laws in the legal framework.

One example where an officer can abuse the consent search is during the traffic operation, where the motorists are searched if they transport illegal items or have illegal motive. In this case, the officer can intimidate the drivers in forceful searches or in a manner, which affects the individual rights. The traffic officer mostly conducts a search in such a way that makes the motorist to become guilty of any offence. This perception is abuse of the provided consent and motorists have the right to revoke the consent search, as determined in the United States v. Dominguez (Holcomb, p. 74).

The officers also warn the motorists to withhold consent in conducting the search, which ensures the validity of consent. This is abuse to the consent search in reference to the Schneckloth v. Bustamonte case, which was determined in the U. S. Supreme Court (Moenssens, web).

In conclusion, the officer abuses the consent search during traffic operations by warning motorists either to withhold the search or even conduct the search in a manner that makes the individual to revoke the operation.

Works cited

Holcomb, Walker. Obtaining Written Consent to Search. FBI Law Enforcement <https://assignbuster.com/constitutional-law-consent-to-search/>

Bulletin, March 2003. Web. Accessed January 14, 2014. < <http://leb.fbi.gov/2003-pdfs/leb-march-2003> > Moenssens, Andre. Forensic-Evidence.com: Police Procedures /The Validity of Consent Searches, 2005. Web. Accessed January 14, 2014.