

List, describe, and explain the rules regarding consent searches under the fourth...

[Law](#)



Insert The Fourth Amendment The Fourth Amendment to the US Constitution provides for freedom of citizens from illegal searches and seizure. This implies police officers can only act based on reasonable suspicion, probable cause, and an official search warrant, otherwise they would be collecting illegal evidence. According to the provision, any searches and or seizures conducted without probable cause and a warrant would be struck out during trial under the exclusionary rule.

Warrants, Probable Cause and Reasonable Suspicion

Police officers carrying out searches and arrests can only act on the basis of reasonable suspicion and probable cause if they cannot obtain warrants from the court (Zalman 33-66). Government agents may circumvent official warrants if by doing so they would prevent a crime from happening or a criminal escaping.

In *Terry v. Ohio* (1968), a law enforcement officer spotted three men milling around the entrance to a jewelry shop and suspected that they were preparing for robbery. He advanced to the men, identified himself and demanded to frisk them. While performing the search, he found illegal hidden weapons on the defendants, leading to their conviction. The defendants made an unsuccessful appeal before the Supreme Court by arguing that their conviction was based on bad evidence obtained without a search warrant as required under the 4th Amendment (Slobogin 398).

By contrast, in *Mapp v Ohio* (1961), the Supreme Court dismissed the defendant's conviction for being found in possession of illegal porn material, noting that the arresting officers did not identify themselves properly (Slobogin 504). Besides, the officers denied the defendant the right to

<https://assignbuster.com/list-describe-and-explain-the-rules-regarding-consent-searches-under-the-fourth-amendment-provide-case-examples-that-illuminate-the-rules/>

counsel who was at the scene of crime.

Conclusion

The 4th Amendment stipulates strict rules for government officers to follow while undertaking searches and seizure of evidence. Even though, individual privacy is not clearly stated in the US constitution, illegal searches violate privacy of citizens and are therefore unacceptable.

Works Cited

Slobogin, Christopher. Privacy at Risk: The New Government Surveillance and the Fourth Amendment. New York: ReadHowYouWant. com, 2011.

Zalman, Marvi. Criminal Procedure: Constitution and Society. New York: Pearson/Prentice Hall, 2010.