Thus, protection of the home is at the apex of Fourth Amendment coverage because of the right associated with ownership to exclude others;[49] but ownership of other things, *i.e.*, automobiles, does not carry a similar high degree of protection.[50] That a person has taken normal precautions to maintain his privacy, that is, precautions customarily taken by those seeking to exclude others, is usually a significant factor in determining legitimacy of expectation.[51] Some expectations, the Court has held, are simply not among those that society is prepared to accept.[52] In the context of norms for the use of rapidly evolving communications devices, the Court was reluctant to consider "the whole concept of privacy expectations" at all, preferring other decisional grounds: "The judiciary risks error by elaborating too fully on the Fourth Amendment implications of emerging technology before its role in society has become clear."[53]

What seems to have emerged is a balancing standard that requires "an assessing of the nature of a particular practice and the likely extent of its impact on the individual's sense of security balanced against the utility of the conduct as a technique of law enforcement." Whereas Justice Harlan saw a greater need to restrain police officers through the warrant requirement as the intrusions on individual privacy grow more extensive,[54] the Court's solicitude for law enforcement objectives frequently tilts the balance in the other direction.

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[49] *E.g.*, Alderman v. United States, 394 U.S. 165 (1969); Mincey v. Arizona, 437 U.S. 385 (1978); Payton v. New York, 445 U.S. 573 (1980); Kyllo v. United States, 533 U.S. 27, 31 (2001).

[50] *E.g.*, United States v. Ross, 456 U.S. 798 (1982). *See also* Donovan v. Dewey, 452 U.S. 594 (1981) (commercial premises); Maryland v. Macon, 472 U.S. 463 (1985) (no legitimate expectation of privacy in denying to undercover officers allegedly obscene materials offered to public in bookstore).

[51] *E.g.*, United States v. Chadwick, 433 U.S. 1, 11 (1977); Katz v. United States, 389 U.S. 347, 352 (1967). *But cf.* South Dakota v. Opperman, 428 U.S. 364 (1976) (no legitimate expectation of privacy in automobile left with doors locked and windows rolled up). In Rawlings v. Kentucky, 448 U.S. 98 (1980), the fact that defendant had dumped a cache of drugs into his companion's purse, having known her for only a few days and knowing others had access to the purse, was taken to establish that he had no legitimate expectation the purse would be free from intrusion.

[52] *E.g.*, United States v. Miller, 425 U.S. 435 (1976) (bank records); Smith v. Maryland, 442 U.S. 735 (1979) (numbers dialed from one's telephone); Hudson v. Palmer, 468 U.S. 517 (1984) (prison cell); Illinois v. Andreas, 463 U.S. 765 (1983) (shipping container opened and inspected by customs agents and resealed and delivered to the addressee); California v. Greenwood, 486 U.S. 35 (1988) (garbage in sealed plastic bags left at curb for collection).

[53] City of Ontario v. Quon, 560 U.S. ___, No. 08–1332, slip op. at 10 (2010) The Court cautioned that "[a] broad holding concerning employees' privacy expectations vis-a-vis employer-provided technological equipment might have implications for future cases that cannot be predicted." Id. at 11–12.

[54] United States v. White, 401 U.S. 745, 786–87 (1971) (Justice Harlan dissenting).