

# Criminal Procedure: Comprehensive Guide

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- To Whom the Fourth Amendment Applies
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**Note:** This guide provides a systematic approach to evaluating key doctrines in Criminal Procedure, with a focus on Professor Sood's course. Each section includes detailed flowcharts with specific criteria for applying the constitutional standards along with key cases.

## Special Needs & Administrative Searches

- Special Needs Overview
- Administrative Inspections
- Checkpoints
- Drug Testing
- School Searches

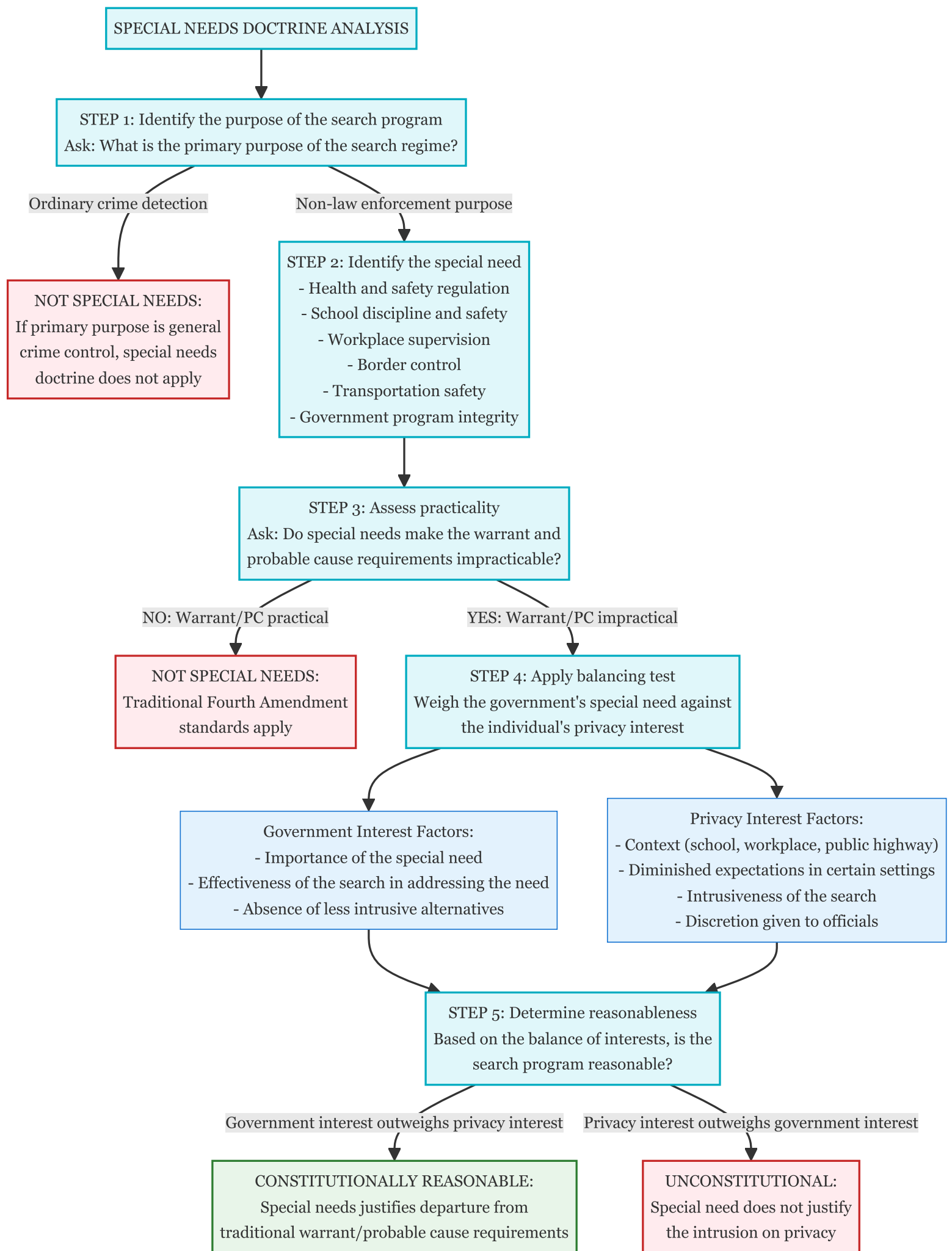
## The Special Needs Doctrine

The special needs doctrine permits certain warrantless searches when "special needs, beyond the normal need for law enforcement, make the warrant and probable cause requirement impracticable." In these contexts, courts use a balancing test that weighs the government's special need against the individual's privacy interest.

### Key Principles of Special Needs Doctrine

- Non-Law Enforcement Purpose:** The primary purpose must be something other than ordinary crime control
- Balancing Test:** Courts weigh the government interest against the individual's privacy expectations
- Reduced Requirements:** Typically neither a warrant nor probable cause is required
- Individualized Suspicion:** May be dispensed with in certain circumstances
- Programmatic Purpose:** Focus on the program's primary purpose, not the subjective intent of individual officers

Special needs searches can be found in various contexts: administrative inspections, border searches, inventory searches, sobriety checkpoints, drug testing programs, school searches, searches of government employees, and probation/parole supervision.



## New Jersey v. T.L.O. 469 U.S. 325 (1985)

**School officials may search students based on reasonable suspicion rather than probable cause when the search is justified at its inception and reasonable in scope. This exception is based on the special needs of the school environment, where maintaining order requires flexibility.**

A high school teacher found a 14-year-old student (T.L.O.) smoking in a restroom, violating school rules. When taken to the principal's office, T.L.O. denied smoking. The assistant vice principal searched her purse, finding cigarettes and rolling papers, which prompted a more thorough search that revealed marijuana and evidence of drug dealing.

Justice White, writing for the majority, held that the Fourth Amendment applies to searches conducted by school officials, but the school setting requires modification of the usual warrant and probable cause standards. The Court established a two-part test for school searches: (1) the search must be justified at its inception (reasonable grounds to suspect the search will turn up evidence of rule violation), and (2) the search must be reasonably related in scope to the circumstances that justified the initial interference. The Court balanced the student's legitimate expectation of privacy against the school's need to maintain discipline and order. The initial search for cigarettes was reasonable based on the report of smoking, and the discovery of rolling papers created reasonable suspicion justifying the further search that revealed marijuana. This case established the "special needs" doctrine for situations where the traditional warrant and probable cause requirements would unduly interfere with the needs of the particular context—here, the school environment.

## Administrative Inspections

Administrative inspections allow government officials to conduct searches of certain businesses and properties to enforce health, safety, or regulatory standards without traditional warrants or probable cause.

### Key Principles for Administrative Inspections

- **Reduced Expectation of Privacy:** In closely regulated industries, privacy expectations are diminished
- **Administrative Warrant:** Often needed but with reduced standards (not based on probable cause)
- **Neutral Criteria:** Inspections must be conducted according to neutral, established criteria
- **Limited Discretion:** Officials must have limited discretion in deciding which establishments to inspect

### Closely Regulated Industries

Businesses in "closely regulated industries" have reduced Fourth Amendment protections. Warrantless inspections may be reasonable if:

1. A substantial government interest justifies the regulatory scheme
2. Warrantless inspections are necessary to further the regulatory scheme
3. The inspection program provides a constitutionally adequate substitute for a warrant by:
  - Giving notice that inspections will occur
  - Limiting inspector discretion in time, place, and scope

Examples of closely regulated industries include: firearms dealers, liquor sales, mining operations, automobile junkyards, and pharmacies.

# Camara v. Municipal Court 387 U.S. 523 (1967)

**Administrative inspections of private residences for compliance with municipal codes require a warrant, but the probable cause standard is modified to focus on reasonable administrative standards rather than specific evidence of violations.**

San Francisco housing inspectors routinely conducted inspections to enforce the city's housing code. When an inspector attempted to enter Camara's residence without a warrant, Camara refused entry. He was charged with refusing to permit an inspection authorized by the housing code.

Justice White, writing for the majority, overruled *Frank v. Maryland* and held that administrative searches of private residences are "significant intrusions upon the interests protected by the Fourth Amendment" and thus require a warrant. However, the Court created a modified "probable cause" standard for administrative warrants that doesn't require specific evidence of violations in particular buildings. Instead, probable cause for an administrative warrant can be based on "reasonable legislative or administrative standards for conducting an area inspection," such as the passage of time, nature of the building, or condition of the area. The Court balanced the government's need for inspections to prevent dangerous conditions against the limited invasion of privacy, concluding that warrants should be easily obtainable but still necessary to protect against arbitrary invasions. This case established the framework for administrative search warrants and began the development of the "special needs" doctrine.

## Checkpoints and Roadblocks

Checkpoints involve temporarily stopping all (or randomly selected) vehicles or pedestrians for brief questioning or inspection without individualized suspicion. Their constitutionality depends on their primary purpose and reasonableness.

### Types of Checkpoints

Type	Constitutional?	Key Case
Sobriety Checkpoints	Yes	<i>Michigan Dept. of State Police v. Sitz</i> (1990)
Border Patrol Checkpoints	Yes	<i>United States v. Martinez-Fuerte</i> (1976)
License/Registration Checkpoints	Yes	<i>Delaware v. Prouse</i> (1979) (dictum)
General Crime Control Checkpoints	No	<i>City of Indianapolis v. Edmond</i> (2000)
Information-Gathering Checkpoints	Yes	<i>Illinois v. Lidster</i> (2004)

### Requirements for Valid Checkpoints

- **Non-law enforcement primary purpose**
- **Minimized discretion** through standardized procedures
- **Brief and limited** intrusion on motorists
- **Advance notice** when possible
- **Safety measures** (visible police presence, warning signs)
- **Reasonable location and time**

## Criminal Investigation Checkpoints

In *City of Indianapolis v. Edmond*, the Supreme Court held that checkpoints established primarily for general crime control purposes (i.e., to detect ordinary criminal wrongdoing) violate the Fourth Amendment. The importance of this ruling is that it prevents law enforcement from using the checkpoint mechanism as a pretext for warrantless, suspicionless searches focused on criminal investigation.

### Michigan Dept. of State Police v. Sitz 496 U.S. 444 (1990)

**Sobriety checkpoints at which police briefly stop all vehicles to check for signs of intoxication are constitutional under the Fourth Amendment when conducted according to guidelines that minimize officer discretion.**

Michigan established a highway sobriety checkpoint program where all vehicles passing through designated checkpoints would be stopped briefly and the drivers examined for signs of intoxication. If intoxication was suspected, the driver would be directed to a location for further sobriety tests. During the only operation of the checkpoint, 126 vehicles were stopped for an average of 25 seconds each, and two drivers were arrested for DUI.

Chief Justice Rehnquist, writing for the majority, held that sobriety checkpoints are constitutional under the Fourth Amendment when conducted according to neutral guidelines. The Court applied a balancing test weighing the state's interest in preventing drunk driving, the effectiveness of the checkpoint program, and the level of intrusion on motorists' privacy. The Court found the state's interest in preventing drunk driving to be substantial, the objective intrusion (the stop itself) to be minimal, and the subjective intrusion (generating concern or fright in law-abiding motorists) to be limited by the visible presence of officers and marked vehicles. While acknowledging that the arrest rate was low (approximately 1.5%), the Court deferred to the judgment of law enforcement on effectiveness measures. This case established that brief, suspicionless stops at sobriety checkpoints are reasonable seizures under the Fourth Amendment's special needs doctrine when conducted with appropriate limitations.

## Drug Testing Programs

Government-mandated drug testing programs involve collecting and analyzing bodily fluids (usually urine) to detect the presence of illegal drugs. Because these are searches under the Fourth Amendment, their constitutionality is evaluated under the special needs doctrine.

### Key Considerations for Drug Testing Programs

- **Government Interest:** Safety-sensitive positions, school athletics, deterring drug use
- **Privacy Expectations:** Reduced in certain contexts (schools, regulated employment)
- **Intrusiveness of Collection:** Method, observation, discretion in selection
- **Information Disclosed:** Limited to presence of drugs vs. broader health information
- **Consequences:** Administrative/employment vs. criminal prosecution

## Drug Testing Categories and Outcomes

Program Type	Constitutional?	Key Case
Railroad employees involved in accidents	Yes	<i>Skinner v. Railway Labor Executives' Assn.</i> (1989)
Customs employees seeking promotion to drug interdiction positions	Yes	<i>National Treasury Employees Union v. Von Raab</i> (1989)
Student athletes	Yes	<i>Vernonia School District v. Acton</i> (1995)
Students in extracurricular activities	Yes	<i>Board of Education v. Earls</i> (2002)
Political candidates	No	<i>Chandler v. Miller</i> (1997)
Drug testing welfare recipients	Generally No	Various lower court decisions

## Vernonia School District v. Acton 515 U.S. 646 (1995)

**Random drug testing of student athletes is constitutional under the Fourth Amendment, as the government's interest in preventing drug use among students outweighs their diminished expectation of privacy in the school's custodial environment, particularly given the reduced requirements for participation in athletics.**

The Vernonia School District implemented a policy requiring random urinalysis drug testing for all students participating in school athletic programs after experiencing a significant increase in drug use led by student athletes. James Acton, a seventh-grader, was denied participation in football when he and his parents refused to consent to the testing.

Justice Scalia, writing for the majority, applied the special needs doctrine and a balancing test to uphold the drug testing program. The Court identified three factors in its analysis: (1) the nature of the privacy interest, finding that students generally have reduced expectations of privacy and student athletes have even less due to communal changing and showering, physical examinations, and voluntary participation in regulated activities; (2) the character of the intrusion, concluding that the urinalysis procedures were relatively unobtrusive with conditions similar to public restrooms and results kept confidential and used only for school discipline, not law enforcement; and (3) the government interest, determining that preventing drug use among schoolchildren was compelling, especially given evidence of increased drug use led by athletes who risked particular physical harm while impaired. The Court emphasized the school's custodial role, the targeted nature of testing only athletes rather than all students, and the absence of less invasive alternatives. This case established that schools have significant latitude to implement drug testing in contexts where privacy expectations are reduced and important safety concerns are present.

## School Searches

School officials may search students and their belongings with less than probable cause because of the special needs of the educational environment. The standard established in *New Jersey v. T.L.O.* is "reasonable suspicion" rather than probable cause.

## The T.L.O. Two-Part Test for School Searches

1. **Justified at Inception:** Reasonable grounds to suspect the search will turn up evidence that the student has violated either the law or school rules
2. **Reasonable in Scope:** Measures adopted reasonably related to the objectives of the search and not excessively intrusive in light of the age and sex of the student and the nature of the infraction

## School Search Categories

Type of Search	Constitutional Standard
Individual student search	Reasonable suspicion ( <i>T.L.O.</i> )
Random drug testing (athletes, extracurricular)	Special needs balancing ( <i>Vernonia</i> , <i>Earls</i> )
Locker searches	Typically reasonable suspicion, but may depend on school policy
Strip searches	Requires greater justification ( <i>Safford v. Redding</i> )
School-wide security measures	Generally upheld under administrative search doctrine
Searches by police officers at school	Probable cause may be required (depends on officer's role)

## Factors Affecting Reasonableness in School Searches

- **Age and sex of student**
- **History and record of student**
- **Seriousness of the problem/suspected violation**
- **Need for immediate action**
- **Reliability of information prompting search**
- **Intrusiveness of the search**
- **Location** (classroom, bathroom, locker, etc.)

### Safford Unified School District v. Redding *557 U.S. 364 (2009)*

While the reasonableness standard applies to school searches, a strip search of a student requires stronger justification than a standard search. The more intrusive the search, the more pressing must be the suspicion of danger or of resort to underwear for hiding evidence of wrongdoing.

School officials strip-searched 13-year-old Savana Redding based on a report from another student that she possessed prescription-strength ibuprofen and over-the-counter naproxen. After searching her backpack and outer clothing yielded nothing, they required her to pull out her bra and underwear, exposing her breasts and pelvic area. No pills were found.

Justice Souter, writing for the majority, applied the T.L.O. framework but emphasized that the intrusiveness of the search must be matched by the government's justification. The Court found that while school officials had reasonable suspicion to search Redding's backpack and outer clothing, extending the search to her underwear was excessively intrusive given the limited danger of the non-prescription drugs and the lack of any indication that Redding was hiding pills in her underwear. The Court noted that strip searches are



"categorically distinct" from other school searches due to their significantly heightened level of intrusion on privacy and dignity interests. While acknowledging that the school had legitimate concerns about drug distribution, the Court ruled that the "content of the suspicion" did not match "the degree of intrusion." This case clarified that the sliding-scale approach to reasonableness in school searches requires substantially stronger evidence and more pressing concerns to justify highly intrusive searches of students' bodies.

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