

Supreme Court Decides Fourth Amendment Case

The United States Supreme Court has recently decided a search and seizure case that could be important to some UAH researchers. The facts of the case are unrelated to a university research environment, but the legal principles may be applicable. Police officers took a trained drug-sniffing dog to Jardines' front door. When Jardines opened the door, the dog reacted strongly. The police remained on the front steps until a warrant was obtained. When the warrant arrived, the police searched the house, found marijuana, and arrested Jardines.

The issue of the legality of the search and seizure of the marijuana reached the U.S. Supreme Court. The Court held that the search violated Jardines' rights because it constituted an unreasonable search under the Fourth Amendment. It observed first that the front porch area, including the front door, is part of a person's home, legally known as the curtilage. However, the Court noted that someone who simply comes to and knocks on a resident's front door does not generally commit a trespass, because there is a recognized privilege to do so. In this case, the police knocked on Jardines' front door with a drug-sniffing dog and with the express purpose of conducting an exploration for incriminating evidence. This made the officer's presence there improper and, in the absence of a warrant, made it an illegal search. *Florida v. Jardines*, No. 11-564 (U.S. Mar. 26, 2013).

The case should be thought provoking for UAH researchers conducting research in areas, such as advanced remote sensor technology and the operation of unmanned aerial vehicles (drones). The fact that an activity is technologically possible, and is done in concert with the government, does not necessarily mean that it will be found to be legal. In the *Jardine* case, the police were engaged in an activity that was normally lawful, *i.e.*, knocking on a resident's front door. However, the Court's decision to the contrary was based upon the intended purpose of the activity, namely to effectuate discovery of evidence. Researchers submitting proposals in potentially sensitive areas, such as the use of remote sensing capabilities or unmanned aerial vehicles, might want to consider the vulnerability of that use, depending on the purpose, to claims of a Fourth Amendment or privacy rights violation. Adding to the proposal requested support for research aimed at anticipating legal or social issues, or at framing those issues in such a way as to achieve legal approval and social acceptance, might be helpful. The *Jardine* case indicates that such an approach may add real value to some funding proposals.