

CHAPTER 11:

SPECIAL SEARCH SITUATIONS

Section A: Overview Of Special Searches

We've already talked about the basic search and seizure situations and rules and hopefully you now have a general understanding of how basic searches and seizures should go. But, there are some special search and seizure situations that don't follow the basic rules so you need to know about those as well:

- Administrative searches,
- Border searches,
- Checkpoint searches,
- Public school searches,
- Airport searches,
- Government job searches, and
- Probation and parole searches.

We'll explain each of these searches below.

Section B: Administrative Searches

Government officials like building inspectors (not police officers) can, in some situations, search your property without a warrant if they're conducting an administrative search. An administrative search is a search that the government does to protect the safety and welfare of the general public. For instance, when a building inspector is checking to see that your apartment or other building is up to safety code, he's doing an administrative search. While he's in there checking to see if you have a smoke detector and that your water heater is stored in a safe place, he just might go ahead and search for drugs, guns or other illegal stuff, without your permission to do so and without a warrant. The good news is that a building inspector can't arrest you or take your stuff as evidence. The bad news is that a building inspector can go tell the police what he saw. Once he tells the police, the police can use it as probable cause to get a warrant to conduct a police search. Once they come back and search you with that warrant, you're done.

Although building inspectors can come through and do searches without warrants, they still have their own rules to follow. First, they can never come into your house that you own without your permission. Second, building inspectors are usually not allowed

to come in the middle of the night to do an inspection, not even to inspect a building that isn't your home. If an inspector came to your apartment in the middle of the night to do an inspection, and found some illegal stuff and reported it to the police, the police couldn't use it against you.

Still, the main point is this, don't sleep on building inspectors. Building inspectors make great snitches.

Section C: Border Searches

A lot of your rights go out the window at the border. Understand this, at the border, the cops can stop you and ask you questions even if they don't notice anything particularly shady about you. However, they can't search your car without probable cause. But, if they end up noticing something shady about you, they can hold you for a longer time than they could if you weren't at the border. How long can they keep you? Who knows? The cops have been known to keep a person at the border for up to 16 hours. A judge, the cops' favorite buddy, will ultimately decide if the cops kept you too long. You already know what the answer is going to be.

Section D: Fixed Checkpoints

The police can set up special spots on the road and stop all cars that pass those spots to ask drivers and passengers questions. These spots are called checkpoints. The police don't need to suspect anything in particular to stop the cars that pass through these checkpoints. And, as they ask questions, they usually peek inside the cars for anything suspicious. If even the smallest thing catches their attention, they will have probable cause to search your ride.

Section E: Narcotics Checkpoints

If you fall for this one, you probably deserve to be locked up. If you see a sign that says there's a drug or weapons checkpoint ahead, **DO NOT TOSS ANYTHING OUT OF YOUR CAR**. This is exactly what the cops want you to do. The cops figure that you'll be so afraid of getting caught that you will dump evidence before you get to the checkpoint. And, they'll be hiding, watching and waiting in the bushes ready to nab that stuff. The cops can't set up actual checkpoints to try and catch people with drugs anyway, but they can set up signs that fake you out. Still, don't get it twisted, the cops can set up checkpoints to check and see if people are driving drunk. Read on.

Section F: Sobriety Checkpoints

Cops are allowed to set up checkpoints to see who's driving drunk on the roads. If the cops want to catch you with drugs in your car all they have to do is set up a sobriety checkpoint. They'll stop you at the checkpoint and pretend that they're checking for drunk drivers and then start questioning you about whether you have drugs in the car. But, you don't have to answer any questions about drugs or any other criminal activity at these checkpoints. If the cops start asking you questions about drugs or other criminal activity, you can refuse to answer those questions.

Section G: Airports

The airport is just like the border, you basically have very few rights. Once you go through airport security, the cops can search you without a warrant, without probable