CHAPTER 7

Special Needs and Regulatory Searches
Chapter Agenda

- Explain the importance of administrative justification.
- Summarize the rules surrounding inventory searches.

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Chapter Agenda

• Distinguish between several types of inspections.
• Distinguish between legal and illegal checkpoints.

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Chapter Agenda

• Explain when school disciplinary searches are permissible.
• Explain when searches of government employees' offices are permissible.

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Chapter Agenda

- Summarize the Supreme Court's view on drug and alcohol testing.
- Summarize the Supreme Court's view on probation and parole searches.
Learning Objective

Explain the importance of administrative justification.
Justification for Searches

• Administrative justifications
  ▪ Primary purpose is noncriminal.
  ▪ Not technically searches
  ▪ Ensuring public safety outweighs citizens' privacy.
Categories of Regulation

- Inventories
- Inspections
- Checkpoints
- Schools

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Categories of Regulation

- Government employee offices
- Drug and alcohol testing
- Parole and probation supervision
Learning Objective

Summarize the rules surrounding inventory searches.
Inventories

• Vehicle inventories
  ▪ Impounded car
• Person inventories
  ▪ Routine inventory incident to the booking and jailing procedure
Learning Objective

Distinguish between several types of inspections.
Inspections

- Home
- Business
- Fire
- International mail
Learning Objective

Distinguish between legal and illegal checkpoints.
Checkpoints

- Border
  - *Carroll v. United States*
  - *United States v. Montoya de Hernandez*
  - U.S. waterways

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Checkpoints

- Illegal
  - *U.S. v. Martinez-Fuerte*
- Sobriety
  - *Michigan Dept of State Police v. Sitz*

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Checkpoints

- License and Safety
  - *Delaware v. Prouse*
- Crime Investigation
  - *Illinois v. Lidster*
**FIGURE 7-3** Key Border and Immigration Checkpoint Cases.

*Carroll v. United States*, 267 U.S. 132 (1925): Brief border detentions are constitutionally permissible.


*Almedia-Sanchez v. United States*, 413 U.S. 266 (1973): Checkpoints well inside the international borders, such as on highways, are constitutionally permissible.

*United States v. Lopez*, 328 F.Supp. 1077 (E.D.N.Y. 1971): This is the first case to confront the constitutionality of airport checkpoints.


Learning Objective

Explain when school disciplinary searches are permissible.
Searches

- School discipline
  - *New Jersey v. T.L.O.*
  - Random, suspicious locker searches
- Probation/Parole
  - *Griffin v. Wisconsin*
Learning Objective

Explain when searches of government employees' offices are permissible.
Searches of Government Employee Offices

- *O'Connor v. Ortega*
- Non-investigatory
- Work-related
Learning Objective

Summarize the Supreme Court's view on drug and alcohol testing.
Drug and Alcohol Testing

- Supreme Court
  - Employee testing
  - Hospital patient testing
  - School student testing
Learning Objective

Summarize the Supreme Court's view on probation and parole searches.
Probation and Parole

- Lesser expectation of privacy than typical citizen
- *Griffin v. Wisconsin*
- *U.S. v. Knights*