

## Search & Seizure in the Digital Age

In this age, technology is progressing faster than it has ever before. Starting from the 1970s to now, technology has had amazing progress ever since the introduction of the personal computer. Recently, technological industries have come out with the Amazon Alexa, 3D Metal Printing, and even Artificial Embryos. But with all of these amazing new achievements in technology, there are also problems that come with them. Citizens need understand how these electronics can change the interpretation of laws, and in particular how they relate to the Fourth Amendment right to privacy. Since technology is always developing, we need the court to interpret whether the law is being legally applied; especially when the definition of “privacy” is being rethought due to how we unintentionally and intentionally give out all of our information to the public on applications like Instagram, Facebook, or Snapchat.

One line of technology that is still surprising us, is phones: telephones, smartphones, and cellphones. With the new designs and abilities hand-held phones are being programmed with, we need to start realizing how our privacy can be dismantled by them. But sometimes telephone usage is different. What about public telephones? Back in 1967, In the case for *Katz V. United States*, the Supreme Court had to take the 4th amendment into consideration. The supreme court, held that police had violated the Fourth Amendment by attaching a listening device to a public telephone booth. What was really the problem in this case, was that the police had no warrant to place the bug on the booth, and as a citizen under the Constitution, Katz had a reasonable expectation of privacy while making his phone call in there. The conclusion reached here is that

Yes, Americans do have a right to telephone privacy. but under probable cause and a warrant, those expectations can be exploited.

Some consider vehicles to be an expansion of a person, so should the Fourth Amendments privacy refer to a person's vehicle too? In the early 2000's the Supreme Court heard the case of United States v Jones. A man named Antoine Jones was arrested for drug possession after police put a tracking device on his vehicle without a warrant. During the supreme court case it was argued that when someone is in their vehicle they have a reasonable expectation of privacy, and that it's trespassing to have put the tracking device on the car. The conclusion was that it was a violation of Jones Privacy to have put the GPS device on his car to track his vehicles movements, because the law enforcement did not have a warrant to do so. This means that Americans can be legally tracked by GPS devices on vehicles, as long as it's by law enforcement with a warrant.

Another new form of technology is drones. Drones may not sound unsafe, but most come with cameras, so if they fly above property, they can take a recording of it. Although the Fourth Amendment does not apply to drones yet, there has been a case where the Court found a drone to be a violation of privacy. The case was called *Kyllo v United States*, and it was simply about how police used thermal imaging to scan Kyllos home for a sign of marijuana growth, and they found eventually that he was growing marijuana.. Once again, police did so without a warrant, so it was a considered a violation of his privacy.

Considering the past cases about technology in the digital age, there needs to be a conclusion that, as I stated before, the fourth amendment in the digital age means that Law enforcement can use your or their technology to track, scan, or listen in on you, as long as they

have a warrant based on probable cause. The biggest problem with this is that it's hard to find a balance between security, and individual rights. It's amazing how much technology has helped us convict criminals, but it's also alarming how Americans really don't have privacy considering everything we use or do can be looked at by law enforcements with the help of a warrant. Cars, phones, computers, and houses are all considered to part of our person and are expected to be private but the hard truth is that it all can be viewed by government whenever they want. The good thing is that this technology is being used for good, and to enforce laws to the citizens of the United States. But there is one important question that comes up in the context of technology in our digital age, and that's 'what does the future have to hold?'. Technology will continue to develop in its capabilities, and courts will continue interpreting laws to correlate with it. It's possible that government can eventually use technology against us, but we have to understand that for now, government is simply there to protect our other rights. This to me seems to be thought of as worse by those who didn't grow up with smartphones such as average parents or teachers, which is understandable. However it might seem to be less of a problem by millennials because they were raised with the thought that it's normal for our technology to be contained by the government so easily. In the end, technology in the digital age does deserve privacy, but we have to understand the rights governments have to that privacy.

## Bibliography:

[https://en.wikipedia.org/wiki/Kyllo\\_v.\\_United\\_States](https://en.wikipedia.org/wiki/Kyllo_v._United_States)

[dauidsbeenhere.com/.../the-most-important-technological-advancements-of-all-time/](https://dauidsbeenhere.com/.../the-most-important-technological-advancements-of-all-time/)

<https://www.oyez.org/cases/1967/35>

All additional information about Supreme Court cases including Katz v United States, United States v Jones, and Kyllo v United States were found on Oyez.org

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