Florida v. Jardines

Argued: October 31, 2012

The Fourth Amendment allows for warrantless searches that are reasonable and prohibits those that are unreasonable. A search occurs when the government looks for anything in an area where a person has a reasonable expectation of privacy. People have their greatest expectation of privacy in their homes. The issue in this case is whether or not a dog sniff at the front door of a house is a "search" that is prohibited by the Fourth Amendment.

In November 2006, the Miami-Dade police received a tip that Joelis Jardines was growing marijuana in his home. A month later, Detective Bartlet went to the house to investigate. He was accompanied by a drug detection dog named Franky. Detective Bartlet and Franky walked up to the front door of the house, at which point Detective Bartlet knocked on the door and determined that Mr. Jardines was not home. After sniffing the base of the door to the house, Franky alerted, indicating that there were drugs present, by sitting down. Detective Bartlet then returned with Franky to his car and prepared information for a search warrant, using Franky's alert as probable cause, which subsequently led to the discovery of over 25 pounds of marijuana.

The Supreme Court has held that a dog sniff is not a search when sniffing a vehicle or luggage in order to detect illegal contraband. The underlying logic of these decisions was that a dog sniff can only point out the existence of illegal activity and that a person has no reasonable expectation of privacy in illegal substances. That said, the Court has also indicated that homes are special areas of Fourth Amendment protection.

In 2001, the Court ruled in *Kyllo v. United States* that a thermal imaging device was a Fourth Amendment search even though it could only the presence of heat within a house. The justices said that when technology is not in common public use, it is more likely that the use of such technology constitutes a search. Jardines says that a trained drug-sniffing dog, like the thermal imaging device, is not available to the public and therefore counts as the type of technology restricted in *Kyllo*.

In response, the State argues that a thermal imaging device could potentially reveal intimate information about lawful activity occurring inside a house, whereas a dog sniff can only detect unlawful activities. In addition, they say, dogs have been aiding law enforcement agencies for over a hundred years and are commonly seen and utilized in public.

On top of these legal arguments, both sides are locked in a debate over the accuracy of drug sniffing dogs. If a dog's false alert is taken as probable cause for a warrant, then its alert will certainly reveal information about lawful activities through the subsequent search of the house. If, on the other hand, the dogs are trained well and display extraordinary low rates of false alerts, then law-abiding homeowners would have no reason to worry about dog sniff searches revealing their private information.

At trial, the evidence seized at Jardines' house was suppressed as evidence arising from an unlawful search. Florida's appellate court reversed this decision, using the Supreme Court's precedent that indicated dog sniffs were not searches. The Florida Supreme Court reversed the appellate court, saying that homes were more protected under the Fourth Amendment than luggage or cars. Further, the court said that allowing dog sniffs of homes could create an incentive for embarrassing and arbitrary dog-sniff dragnets across neighborhoods