



Case Precedents

Kyllo v. United States, 2000

A Department of the Interior agent, suspicious that Danny Kyllo was growing marijuana, used a thermal-imaging device to scan his triplex. The imaging was to be used to determine if the amount of heat emanating from the home was consistent with the high-intensity lamps typically used for indoor marijuana growth. Subsequently, the imaging revealed that relatively hot areas existed, compared to the rest of the home. Based on informants, utility bills and the thermal imaging, a federal magistrate judge issued a warrant to search Kyllo's home. The search unveiled growing marijuana. After Kyllo was indicted on a federal drug charge, he unsuccessfully moved to suppress the evidence seized from his home and then entered a conditional guilty plea. Ultimately affirming, the Court of Appeals held that Kyllo had shown no subjective expectation of privacy because he had made no attempt to conceal the heat escaping from his home, and even if he had, there was no objectively reasonable expectation of privacy because the imager "did not expose any intimate details of Kyllo's life," only "amorphous 'hot spots' on the roof and exterior wall."

Does the use of a thermal-imaging device to detect relative amounts of heat emanating from a private home constitute an unconstitutional search in violation of the Fourth Amendment?

Yes. In a 5-4 opinion delivered by Justice Antonin Scalia, the Court held that "[w]here, as here, the Government uses a device that is not in general public use to explore details of the home that would previously have been unknowable without physical intrusion, the surveillance is a 'search' and is presumptively unreasonable without a warrant."

Illinois v. Caballes, 2004

During a routine traffic stop, a drug-detection dog alerted police to marijuana in Roy Caballes' car trunk. An Illinois court convicted Caballes of cannabis trafficking. Caballes appealed and argued the search violated his Fourth Amendment right to be free from unreasonable searches and seizures. The state appellate court affirmed the conviction. The Illinois Supreme Court reversed and ruled police performed the canine sniff without specific and articulable facts to support its use, "unjustifiably enlarging the scope of a routine traffic stop into a drug investigation."

Does the Fourth Amendment's search and seizure clause require a reasonable articulable suspicion to conduct a canine sniff during a routine traffic stop?

No. The Constitution did not require police to have reasonable suspicion to use a drug-detection dog on a car during a legal traffic stop. No legitimate privacy was at risk, the Court determined, because the dog only alerted to an illegal drug.