

Introduction to 2025–2026 Edition

Thank you for subscribing to the Warrantless Search Law Deskbook providing you with a complete guide to warrantless search and seizure laws.

The 2025 update to Warrantless Law Search Deskbook includes expanded caselaw discussion, including:

- Probable cause supported the issuance of geofence search warrants authorizing police to obtain anonymized location history data and identifying information from Google accounts within 100 meters of the victim’s home during the four-hour window in which a murder occurred. The warrant applications provided a substantial basis for the magistrate to conclude there was a fair probability that accessing such data would help identify the unknown suspect, who was seen on surveillance video using a cell phone at the scene. The warrants satisfied the Fourth Amendment’s particularity requirement by specifying the geographic and temporal scope of the search, the types of data to be accessed, and the stepwise process for narrowing relevant devices before seeking identifying information. The court rejected arguments that the warrants were overbroad or amounted to general searches, noting that the defendant lacked standing to challenge searches of other users’ data and that the possibility of accessing non-suspect data did not invalidate the warrants. Any discretion given to officers was sufficiently limited and tailored to the investigation. (7:4)

- Police established exigent circumstances justifying the warrantless ping of the defendant's cell phone during the investigation of a missing thirteen-year-old girl, and thus the ping did not violate Indiana's statute governing real-time use of tracking instruments, the Fourth Amendment, or the Indiana Constitution. Officers responded to the disappearance of the minor victim from her home in the middle of the night, noting she left without a communication device, the door was left open, and her parents had no explanation for her absence. The only investigative lead was an unrecognized cell phone number found on the home phone's caller ID, which was not answered when called. Given the urgency of locating a missing child and the lack of other leads, the court found that exigent circumstances existed under both state law and constitutional standards, and the warrantless ping was reasonable. Even if the subsequent search warrant for the defendant's phone and hotel room was based on an invalid probable cause affidavit, any error in admitting evidence obtained thereby was harmless, as the defendant's convictions were supported by independent evidence, including the victim's testimony, sexual assault examination, and DNA results. (14:6)
- A police officer's warrantless search of a patient's pocket—who was in civil protective custody—was not justified under the Fourth Amendment's community caretaking function, nor was it permissible as a search incident to arrest or under any other recognized exception to the warrant requirement. The officer conducted a pat-down for weapons but, upon feeling a "wadded up piece of whatever" that did not resemble a weapon, reached into the pocket and discovered methamphetamine. The court found that the community caretaking doctrine does not create a standalone exception to the Fourth Amendment's warrant requirement for searches of persons, and distinguished civil commitment from criminal arrest, noting that individuals in civil custody retain a greater expectation of privacy. The court further held that while a limited pat-down for weapons may be reasonable for officer safety before transporting a civil detainee, the officer exceeded the permissible scope by searching inside the pocket without reasonable suspicion of a weapon. The state failed to preserve or support a "special needs" exception argument. (19:7)

- A school district police officer’s warrantless search of a refrigerator in the plaintiffs’ home during a child welfare investigation, and the removal of a 14-year-old child from the home without a court order or parental consent, were not justified under the Fourth Amendment’s “special needs” or “community caretaking” exceptions, and genuine disputes of material fact existed as to whether exigent circumstances supported either action. Neither exception applied because child welfare investigations are not sufficiently divorced from general law enforcement, and criminal charges were ultimately brought against the mother. The court found that the search and seizure required either a warrant, consent, or exigent circumstances—defined as immediate danger to the child—and that the record did not establish such danger. The officer’s conduct, if proven, would violate clearly established law, precluding qualified immunity. The court further held that the child’s attendance at virtual classes from home did not transform the home into the constitutional equivalent of a public school, and thus did not obviate Fourth Amendment protections. The parents’ procedural due process claim was governed by the same standard as the child’s Fourth Amendment seizure claim. (22:4)