

# 4TH AMENDMENT AWARENESS TOOLKIT

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The Constructive

4TH AMENDMENT AWARENESS



*DON'T FUSS*

4TH AMENDMENT AWARENESS

*DON'T FIGHT*

4TH AMENDMENT AWARENESS

*DON'T FLEE*



## Introduction: Why This Toolkit Matters

The Fourth Amendment protects you from unreasonable searches and seizures—but those rights only work if you know how to use them. Every day, people are stopped, questioned, or searched without understanding what the law allows—or forbids.

This toolkit is your quick-reference guide to asserting your rights, recognizing common law enforcement tactics, and demanding accountability when those rights are violated.



## Introduction Continued

Whether you're pulled over, approached at home, or seeking justice after an incident, this resource equips you with practical tools—from landmark case law to public records requests—to stand your ground legally and confidently.

Knowledge is power. Share it widely. Use it wisely. And remember: asserting your rights is not confrontation—it's constitutional.



# DURING A TRAFFIC STOP

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**STAY CALM. KEEP HANDS VISIBLE**

**YOU HAVE THE RIGHT TO REMAIN SILENT.**

**SAY: "I DO NOT CONSENT TO ANY SEARCHES."**

**IF ASKED TO EXIT THE VEHICLE:**

**COMPLY,**

**BUT CONTINUE ASSERTING YOUR RIGHTS.**

**RECORD THE STOP IF LEGAL IN YOUR STATE  
(ONE-PARTY CONSENT LAWS).**



# COMMON LAW ENFORCEMENT TACTICS

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**"I SMELL MARIJUANA"**

(OFTEN USED TO JUSTIFY SEARCHES—HARD TO DISPUTE IN COURT)

**"YOU DON'T MIND IF I SEARCH, RIGHT?"  
(COERCED CONSENT IS COMMON)**

**"WE HEARD A DISTURBANCE INSIDE"  
(USED TO JUSTIFY EMERGENCY ENTRY)**

**"YOU MATCHED A DESCRIPTION"  
(USED AS VAGUE JUSTIFICATION FOR STOP)**

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# **AT HOME (POLICE KNOCK ON THE DOOR):**

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**DO NOT OPEN THE DOOR.**

**ASK: "DO YOU HAVE A WARRANT? MAY I SEE IT?"**

**WITHOUT A SIGNED WARRANT OR TRUE  
EMERGENCY, YOU DO NOT HAVE TO LET THEM IN.**

**SAY: "I DO NOT CONSENT TO ANY SEARCH.  
I WISH TO REMAIN SILENT."**



## **LANDMARK SUPREME COURT CASES TO KNOW**

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**RODRIGUEZ V. UNITED STATES (2015):**  
OFFICERS CANNOT PROLONG A TRAFFIC STOP  
WITHOUT SEPARATE REASONABLE SUSPICION.

**MAPP V. OHIO (1961):**  
EVIDENCE OBTAINED THROUGH ILLEGAL SEARCHES IS  
INADMISSIBLE IN COURT.

**FLORIDA V. JARDINES (2013):**  
USING DRUG-SNIFFING DOGS AT THE DOOR OF A  
HOME IS A SEARCH AND REQUIRES A WARRANT.

**WILSON V. ARKANSAS (1995):**  
OFFICERS MUST KNOCK AND ANNOUNCE THEMSELVES  
UNLESS AN EMERGENCY JUSTIFIES ENTRY.

# INCIDENT RECORD TEMPLATE

Officer Name/Badge # :

Date of Incident:

Time & Location

Did You Consent? Y/N

Reason Given for Stop/Search:

Were You Searched? Y/N

Were You Given a Ticket or Charged? Y/N

Witnesses or Video?

### **How to File a Freedom of Information Act or Open Records Request**

Here's a step-by-step guide to help you file a request effectively:

#### **1. Identify the Correct Agency**

- Determine which agency holds the records (e.g., local police department, sheriff's office, state patrol).
- Visit their official website to find the records or FOIA/Open Records section.

### How to File a FOIA / Open Records Request

## 2. Know Your State Law

- Each state has its own version of **FOIA**. For example:
  - **Georgia**: Georgia Open Records Act
  - **California**: California Public Records Act
  - **Texas**: Texas Public Information Act
  - **Learn** the specific procedures and exemptions that apply in your state.

### How to File a FOIA / Open Records Request

#### 3. Be Specific in Your Request

- Include dates, locations, names, and types of records.
- Avoid vague language—specificity helps prevent delays or denials.

### How to File a FOIA / Open Records Request

#### 4. Submit Your Request

- Most agencies accept requests via email, mail, or online portals.
- Keep a copy of your request and note the submission date.

### How to File a FOIA / Open Records Request

#### 5. Follow Up

- Agencies typically have a deadline to respond (e.g., 3–10 business days).
- If they delay or deny your request, you may appeal or seek legal assistance.



### Common Records You Can Request

Here are examples of records that can be crucial for accountability:

- **Body-Worn Camera Footage Useful for verifying what occurred during a stop or arrest.**
- **Use-of-Force Policies Helps you understand what officers are trained to do—and whether they followed protocol.**



### Common Records You Can Request

Here are examples of records that can be crucial for accountability:

- **Warrant Logs or Stop Data Reveals patterns in policing, including racial disparities or unconstitutional stops.**
- **Internal Investigations or Complaints May expose misconduct or repeated violations by specific officers.**



## Sample Request Email Template

**Subject: Open Records Request – [Your Name]**

To Whom It May Concern,

I am requesting, under [Your State's Open Records Law], access to any and all records, body-worn camera footage, and written reports related to the stop of [Your Name] on [Date] at [Location].

This request includes, but is not limited to:

- Body-worn camera footage from all officers involved
- Dispatch logs and call-for-service records
- Any written reports or citations issued
- Department use-of-force policies in effect at the time

**Please let me know if any fees apply or if further clarification is needed. I am willing to accept electronic copies of the records.**

Sincerely,

[Your Full Name]

[Your Contact Information]

### Pro Tips

- **Use a neutral tone:** Avoid emotional or accusatory language.
- **Request fee waivers:** Many laws allow waivers if the request serves the public interest.
- **Appeal if denied:** Agencies must justify denials—don't hesitate to challenge them.



# When Police Can Enter Without a Warrant

Police may enter your home without a warrant only under these exceptions:

- **Consent:** You voluntarily allow them in.
- **Exigent Circumstances:** Immediate danger, destruction of evidence, or hot pursuit.
- **Plain View Doctrine:** Illegal items are clearly visible from a lawful vantage point.
- **Probation/Parole Conditions:** If you've waived certain rights as part of supervision.

● **Reminder:** Always ask, "Do you have a warrant?" and state, "I do not consent to any search."



# What Makes a Search "Unreasonable"

A search may be deemed unreasonable if:

- It occurs without a warrant and without a valid exception
- You were coerced into giving consent
- It was excessively invasive given the situation
- It was based on false or fabricated justification



**Legal Impact:** Evidence from an unreasonable search may be excluded in court under the Exclusionary Rule.

### "Probable Cause" vs. Reasonable Suspicion

1. Reasonable Suspicion: A specific and articulable belief that a person may be involved in criminal activity.
  - a. Example: Stops, brief detentions
2. Probable Cause: A reasonable belief, based on facts, that a crime has been or is being committed.
  - a. Example: Arrests, searches, warrants

### Steps to Take If Your Rights Are Violated

1. **Stay Calm & Document** Write down everything: time, location, officer name, badge number, what was said/done.
2. **Preserve Evidence** Save video, photos, witness statements. Do not post publicly until you've consulted legal help.
3. **File a Complaint** Use internal affairs, civilian review boards, or DOJ Civil Rights portal.
4. **Seek Legal Support** Contact organizations like the ACLU, NPAP, or local legal aid.
5. **Share Responsibly** Educate others, but protect your privacy and case integrity.