

## CONSTITUTION 101

Module 11: The Fourth Amendment: Privacy in a Digital Age, Policing in America, and Protections from Unreasonable Searches and Seizures  
11.3 Activity Guide

### A REASONABLE EXPECTATION OF PRIVACY?

To qualify as a “search” for Fourth Amendment purposes, a government official (often a police officer) must violate someone’s constitutionally protected “reasonable expectation of privacy.” In this activity, you will explore the concept of privacy in different settings.

Evaluate the scenarios below. What level of privacy from government intrusion do you expect in each of the scenarios below? Use the following scale to rate each scenario by marking with an “X” for each. As you respond, think about how differences in time and place might change the expectation of privacy in a given category. Please note any of these thoughts below.

Low	Medium	High
The government should be able to search or seize for any reason; neither the individual nor society generally would recognize an expectation of privacy.	The government needs a good and fairly specific reason to search; there might be an individual expectation of privacy, but not one recognized broadly by society as reasonable.	The government must have a particular (and very specific) reason based on concrete information to search in that moment; there is both an individual and society expectation of privacy.

What level of privacy from government intrusion do you expect in each scenario?	L	M	H
Inside your home or apartment			
The contents of your luggage at an airport prior to boarding the plane			
A package you receive through the U.S. mail or FedEx/UPS			
The location data transmitted by your cell phone that shows where you have traveled			
Inside your car as you travel on a public roadway			
The contents of your coat pockets and backpack as you walk along the sidewalk			
The contents of your garbage can when you put it out on the street for collection			
The text messages and pictures on your cell phone			
Inside a vehicle that is parked outside of your garage, next to your home			