



# MICHIGAN STATE POLICE LEGAL UPDATE

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## SEARCH AND SEIZURE

**The installation of a GPS tracking device onto a suspect's vehicle constitutes a search.**

In [United States v. Jones](#), the Government obtained a search warrant permitting it to install a Global-Positioning-System (GPS) tracking device on a vehicle registered to the defendant Jones' wife. Agents installed the device on the vehicle after the warrant was no longer valid. The Government tracked the vehicle's movements for 28 days. Subsequently, Jones was indicted on drug trafficking conspiracy charges and convicted at trial.

The United States Supreme Court held the Government's attachment of the GPS device to the vehicle and its use of the device to monitor the vehicle's movements constitutes a search under the Fourth Amendment.

Officers are reminded that the general rule is that police officers must have a search warrant to conduct a search unless the search falls under one of the exceptions to the search warrant rule.

The Court declined to address whether the search would have been reasonable under an exception to the search warrant rule, therefore, officers are encouraged to obtain a search warrant prior to installing a GPS tracking device on a vehicle.

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## INTERVIEW & INTERROGATION

**Imprisonment alone does not constitute custody for purposes of *Miranda*.**

In [Howes v. Fields](#), Fields, a prisoner in a Michigan jail, was taken from his cell by a corrections officer to a conference room

where he was questioned for several hours by two sheriff's deputies about a crime unrelated to his imprisonment. Fields was told more than once he was free to leave and return to his cell; however, he was not given *Miranda* warnings or told he did not have to speak to deputies. Fields confessed during the interview, was charged with the crime, and convicted at trial.

The United States Supreme Court held there is no rule that an interrogation is automatically custodial for purposes of *Miranda* when a prisoner is questioned in private about events occurring outside of prison. A person is in custody for purposes of *Miranda* when, viewed objectively, the totality of the circumstances surrounding the interrogation show a reasonable person would have felt he or she was not free to end the questioning and leave.

The Court determined Fields was not in custody for purposes of *Miranda*. The Court noted Fields was interviewed in an average size room where the door was sometimes open, offered food and water, was not physically restrained or threatened. Most importantly, the Court noted Fields was told at the beginning of the interview, and reminded later, that he could leave and go back to his cell whenever he wanted.

Officers can find additional information regarding *Miranda* warnings by reviewing Legal Updates [47](#), [48](#), and [49](#).

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