

State of Oregon v. Meredith, 96 P.3d 342 (2004)

(Oregon Supreme Court)

Facts

Defendant was a government worker for the US Forest Service, employed as a fire prevention technician in the Tiller District of the Umpqua National Forest. The defendant was given a truck for work purposes, which she would pick up the truck in the morning and return it at the end of the shift. Defendant usually used the same truck, but would use another one when it was not available. In August 1998, the District Ranger authorized Forest Service law enforcement agents to attach a transmitter to the undercarriage of the USFS work truck that defendant usually uses. The transmitter sends out a signal on a certain frequency that changes in speed depending on whether the vehicle is stationary or moving. By using a separate receiver, a person can determine the transmitter's location. By using a separate receiver, a person can determine the transmitter's location. After monitoring the truck by airplane for approximately an hour and a half the following day, the agents saw the truck stop, reverse up a road, and come to a stop in an open area near a logging spur. The agents observed defendant leave the truck and squat down for about 20 seconds, stand up rapidly, get back into the truck and drive away from the area. One of the agents immediately saw a flash of orange at the location where the defendant had been, and, within seconds, he saw a widening dark patch on the ground and smoke rising from the area. The State charged the defendant with 35 counts of first-degree arson.

Article I, section 9: Provides, in part, that “no law shall violate the right of the people to be secure in their persons, houses, papers, and effects, against unreasonable search or seizure[.]”

Issue

Did the attachment of a transmitter to a government work-vehicle and the monitoring of an employee's location via the transmitter constituted a "search" under Article I, section 9, of the Oregon Constitution?

What Happened Before Trial?

Before trial, the defendant made a motion to suppress all the evidence derived from the agents' observations, arguing that the use of the transmitter to locate and track the movements of her employer's truck constituted a warrantless and unlawful search under Article I, section 9.

What Happened at Trial?

The trial court concluded that the Forest Service action had amounted to a search under the Court's decision in *Campbell* (in which the Court found that a transmitter attached to a private vehicle without warrant was unreasonable search under Art. I, sec. 9). The trial court further held that the search had been reasonable because the defendant's employer had consented to the installation and operation of the transmitter. A jury convicted the defendant on two counts of first-degree arson.

How did this Case get to the Oregon Supreme Court?

The defendant appealed to the Oregon Court of Appeals, and they affirmed the trial court's decision, but they looked at a different issue. The court differentiated this case from *Campbell*, and found that since this case dealt with an employee's work truck, the *Campbell* rule did not apply, since the vehicle in that case was private. The Court of Appeals decided that the "defendant had no privacy interest in the location of her employer's vehicles while she was working on public land" and because of this, no

search had occurred under Art. I, §9. The defendant appealed again, this time to the Supreme Court of Oregon.

Arguments

Defendant argues that the secret use of a transmitter to monitor her movements during the workday invaded her protected privacy interest against electronic surveillance in the workplace. Defendant hoped that the Court would rule as it did in *Campbell*, and find out that a warrantless, and therefore illegal, search did occur because defendant should be free from the government's use of a transmitter to monitor her location and movements in *all* circumstances. Defendant looks to the court's definition of "privacy" in the *Campbell* case, in which it was defined as "all interest in freedom from particular forms of scrutiny." The State of Oregon argues that the search was legal because the defendant did not have a protected privacy interest in a work vehicle on work time.

Who Won?

The State of Oregon won. The Court found that the surveillance carried out in this case did not violate the defendant's privacy interest under Art. I, §9. The Court of Appeals' decision was affirmed.

How the Court Explained its Decision

The Court disagreed with defendant's reading of *Campbell*.