



**W I L S O N v. L A Y N E**  
**SUPREME COURT OF THE UNITED STATES**  
**526 U.S. 603**  
**May 24, 1999**

**OPINION:** Chief Justice Rehnquist...While executing an arrest warrant in a private home, police officers invited representatives of the media to accompany them. We hold that such a "**media ride along**" [violates] the Fourth Amendment, but that because the state of the law was not clearly established at the time the search in this case took place, the officers are entitled to the defense of qualified immunity.

In early 1992, the Attorney General of the United States approved "Operation Gunsmoke," a special national fugitive apprehension program in which United States Marshals worked with state and local police to apprehend dangerous criminals. The "Operation Gunsmoke" policy statement explained that the operation was to concentrate on "armed individuals wanted on federal and/or state and local warrants for serious drug and other violent felonies." This effective program ultimately resulted in over 3,000 arrests in 40 metropolitan areas.

One of the dangerous fugitives identified as a target of "Operation Gunsmoke" was Dominic Wilson, the son of petitioners Charles and Geraldine Wilson. Dominic Wilson had violated his probation on previous felony charges of robbery, theft, and assault with intent to rob, and the police computer listed "caution indicators" that he was likely to be armed, to resist arrest, and to "assault police." The computer also listed his address as 909 North Stone Street Avenue in Rockville, Maryland. **Unknown to the police, this was actually the home of petitioners, Dominic Wilson's parents.** Thus, in April 1992, the Circuit Court for Montgomery County **issued three arrest warrants** for Dominic Wilson, one for each of his probation violations. The warrants were each addressed to "any duly authorized peace officer," and commanded such officers to arrest him and bring him "immediately" before the Circuit Court to answer an indictment as to his probation violation. The warrants made no mention of media presence or assistance.

In the early morning hours of April 16, 1992, a Gunsmoke team of Deputy United States Marshals and Montgomery County Police officers assembled to execute the Dominic Wilson warrants. The team was **accompanied by a reporter and a photographer** from the Washington Post, who had been invited by the Marshals to accompany them on their mission as part of a Marshal's Service **ride-along policy**.

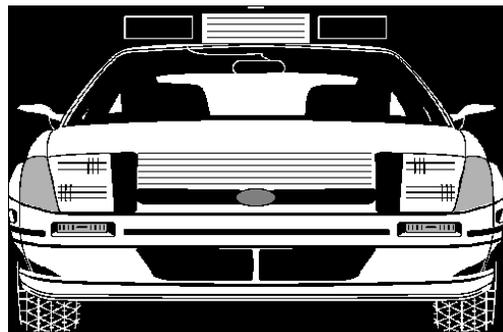
At around 6:45 a.m., the officers, with media representatives in tow, entered the dwelling at 909 North Stone Street Avenue in the Lincoln Park neighborhood of Rockville. Petitioners Charles and Geraldine Wilson were still in bed when they heard the officers enter the home. Petitioner Charles Wilson, dressed only in a pair of briefs, ran into the living room to investigate. Discovering at least five men in street clothes with guns in his living room, he angrily demanded that they state their business, and repeatedly cursed the officers. Believing him to be an angry Dominic Wilson, the officers quickly subdued him on the floor. Geraldine Wilson next entered the living room to investigate, wearing only a nightgown. She observed her husband being restrained by the armed officers.

When their protective sweep was completed, the officers learned that Dominic Wilson was not in the house, and they departed.

DOH!

During the time that the officers were in the home, the Washington Post photographer took numerous pictures. The print reporter was also apparently in the living room observing the confrontation between the police and Charles Wilson. At no time, however, were the reporters involved in the execution of the arrest warrant. The Washington Post never published its photographs of the incident.

Petitioners sued the law enforcement officials in their personal capacities for money damages... They contended that the officers' actions in bringing members of the media to observe and record the attempted execution of the arrest warrant violated their Fourth Amendment rights. The District Court denied respondents' motion for summary judgment on the basis of qualified immunity...The Court of Appeals declined to decide whether the actions of the police violated the Fourth Amendment...[and concluded, instead,] that because no court had held (at the time of the search) that media presence during a police entry into a residence violated the Fourth Amendment, the right allegedly violated by petitioners was not "clearly established" and thus qualified immunity was proper...[W]e granted certiorari ...[and] affirm the Court of Appeals...



Government officials performing discretionary functions generally are granted a qualified immunity and are "shielded from liability for civil damages insofar as their conduct does not violate **clearly established** statutory or constitutional rights of which a reasonable person would have known." *Harlow v. Fitzgerald* (1982).

...A court evaluating a claim of qualified immunity "must first determine whether the plaintiff has alleged the deprivation of an actual constitutional right at all, and if so, proceed to determine whether that right was clearly established at the time of the alleged violation." This order of procedure is designed to "spare a defendant not only unwarranted liability, but unwarranted demands customarily imposed upon those defending a long drawn-out lawsuit." Deciding the constitutional question before addressing the qualified immunity question also promotes clarity in the legal standards for official conduct, to the benefit of both the officers and the general public. **We now turn to the Fourth Amendment question.**

In 1604, an English court made the now-famous observation that "**the house of every one is to him as his castle** and fortress, as well for his defence against injury and violence, as for his repose." *Semayne's Case*...The Fourth Amendment embodies this centuries-old principle of respect for the privacy of the home...

"A man's home is his castle." How many of you knew (1) the source of the phrase is 1604 English case law and (2) it formed the underpinning of "search and seizure" principles? Don't knock it. It just might come in handy on a quiz show.

**We have decided that "an arrest warrant founded on probable cause implicitly carries with it the limited authority to enter a dwelling in which the suspect lives when there is reason to believe the suspect is within."**

Here, of course, the officers had such a warrant, and they were undoubtedly entitled to enter the Wilson home in order to execute the arrest warrant for **Dominic Wilson**,...[but] the Fourth Amendment does require that police actions in execution of a warrant be related to the objectives of the authorized intrusion, see *Arizona v. Hicks* (1987)...

**Certainly the presence of reporters inside the home was not related to the objectives of the authorized intrusion.** Respondents concede that the reporters did not engage in the execution of the warrant, and did not assist the police in their task... **This is not a case in which the presence of the third parties directly aided in the execution of the warrant.** Where the police enter a home under the authority of a warrant to search for stolen property, the presence of third parties for the purpose of identifying the stolen property has long been approved by this Court and our common-law tradition...

**Respondents argue that the presence of the...reporters...nonetheless served a number of legitimate law enforcement purposes.** They first assert that officers should be able to exercise reasonable discretion about when it would "further their law enforcement mission to permit members of the news media to accompany them in executing a warrant." But **this claim ignores the importance of the right of residential privacy at the core of the Fourth Amendment.** It may well be that media ride-alongs further the law enforcement objectives of the police in a general sense, but that is not the same as furthering the purposes of the search. **Were such generalized "law enforcement objectives" themselves sufficient to trump the Fourth Amendment, the protections guaranteed by that Amendment's text would be significantly watered down.**

Respondents next argue that the presence of third parties could serve the law enforcement purpose of **publicizing the government's efforts to combat crime**, and facilitate accurate reporting on law enforcement activities. There is certainly language in our opinions interpreting the First Amendment which points to the importance of "the press" in informing the general public about the administration of criminal justice. In *Cox Broadcasting Corp. v. Cohn* (1975), for example, we said "**in a society in which each individual has but limited time and resources with which to observe at first hand the operations of his government, he relies necessarily upon the press to bring to him in convenient form the facts of those operations.**" No one could gainsay the truth of these observations, or the importance of the First Amendment in protecting press freedom from abridgement by the government. But the Fourth Amendment also protects a very important right, and in the present case it is in terms of that right that the media ride-alongs must be judged.

**Surely the possibility of good public relations for the police is simply not enough, standing alone, to justify the ride-along intrusion into a private home.** And even the need for accurate reporting on police issues in general bears no direct relation to the constitutional justification for the police intrusion into a home in order to execute a felony arrest warrant.

Finally, respondents argue that the presence of third parties could serve in some situations to minimize police abuses and protect suspects, and also to protect the safety of the officers. While it might be reasonable for police officers to themselves videotape home entries as part of a "quality control" effort to ensure that the rights of homeowners are being respected, or even to preserve evidence..., such a situation is significantly different from the media presence in this case. The Washington Post reporters in the Wilsons' home were working on a story for their own purposes. They were not present for the purpose of protecting the officers, much less the Wilsons ... Thus, although the presence of third parties during the execution of a warrant may in some circumstances be constitutionally permissible, the presence of these third parties was not...

**We hold that it is a violation of the Fourth Amendment for police to bring members of the media or other third parties into a home during the execution of a warrant when the presence of the third parties in the home was not in aid of the execution of the warrant...** Since the police action in this case violated the petitioners' Fourth Amendment right, we now must decide whether this right was clearly established at the time of the search... We hold that it was not unreasonable for a police officer in April 1992 to have believed that bringing media observers along during the execution of an arrest warrant (even in a home) was lawful... **If judges thus disagree on a constitutional question, it is unfair to subject police to money damages for picking the losing side of the controversy...**[Affirmed.]

**CONCURRENCE/DISSENT:** Justice Stevens...In my view,...the homeowner's right to protection against this type of trespass was **clearly established** long before April 16, 1992...The defense of qualified immunity exists to protect reasonable officers from personal liability for official actions later found to be in violation of constitutional rights that were not clearly established. The conduct in this case, as the Court itself reminds us, contravened the Fourth Amendment's core protection of the home. In shielding this conduct as if it implicated only the unsettled margins of our jurisprudence, the Court today authorizes one free violation of the well-established rule it reaffirms. I respectfully dissent.