

ISSUE:

Is it 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?

HELD: Yes.

REASONING:

1. This is not a case in which the presence of the third parties directly aided in the execution of the warrant. Where 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. (emphasis added)

2. The possibility of good public relations or accurate reporting on police issues in general is simply not enough, standing alone, to justify the "ride-along" intrusion into a private residence.

NOTES:

In another case decided May 24, 1999, Hanlon, Scrafford, McLean, Branzell, and Prieksat v. Berger (no Legal Bulletin), the U.S. Fish and Wildlife invited a crew from CNN to accompany them while executing a search warrant at the Berger ranch. The U.S. Supreme Court ruled that this "ride-along", like the Wilson case, also violated the Fourth Amendment.

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Add this case to Section Q, "Miscellaneous Cases of Interest," of your Contents and Text. File Legal Bulletin No. 234 numerically under Section R of the manual.