





DPS TRAINING BULLETIN

LEGAL BULLETIN NO. 234 February 7, 2000

MEDIA "RIDE-ALONG PROGRAMS VIOLATE THE FOURTH AMENDMENT

Reference:

Charles H. Wilson v. Harry Layne, Deputy U.S. Marshal, et.al. United States Supreme Court No. 98-83

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May 24, 1999

FACTS:

While executing a warrant to arrest Wilson's son, Dominic, in their home, the Marshals and local Sheriff's deputies, invited a newspaper reporter and photographer to accompany them. The warrant made no mention of such media "ride-along". The officers arrived at the residence at 6:45 a.m. and made forced entry into the residence. Charles Wilson and his wife, Geraldine, were in bed when they heard noises coming from the living room. Charles, dressed in only briefs, confronted the officers, all dressed in street clothes and with guns drawn, and asked what they were doing in his home. The officers subdued Charles. Geraldine then entered the living room to investigate. She was wearing a nightgown. She observed her husband being restrained by the armed officers.

A search of the residence was made, but Dominic was not found. During this time, the photographer was taking photographs and the reporter was taking notes. The officers subsequently left the residence. The photographs were never published, but the Wilson's filed a civil action (42 U.S.C.§ 1983) against the officers. They argued that in bringing the media to record and observe the attempted execution of the arrest warrant violated their Fourth Amendment rights. They wanted a money judgment. February 7, 2000

Is it a violation of the <u>Fourth Amendment</u> 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:

<u>1.</u> 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, <u>Hanlon, Scrafford, McLean,</u> <u>Branzell, and Prieksat v. Berger</u> (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 <u>Wilson</u> 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.