

UNITED STATES SUPREME COURT REINFORCES PROBABLE CAUSE AND QUALIFIED IMMUNITY REQUIREMENTS IN FAVOR OF LAW ENFORCEMENT

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District of Columbia v. Wesby

United States Supreme Court, January 22, 2018



Yesterday, the United States Supreme Court reversed the Court of Appeals for the

District of Columbia Circuit holding that: (1) officers had probable cause to make arrests for unlawful entry and (2) even if the officers lacked probable cause, they had qualified immunity from arrestees' § 1983 false arrest claims.

On March 16, 2008, police officers responded to a complaint about loud music and illegal activities in a vacant house. Upon arrival, one of the partygoers opened the door and the officers entered. Upon entry, the officers smelled marijuana and observed beer bottles and cups of liquor on the floor, which was dirty. Officers also found a make-shift strip club in the living room, naked women and several men in an upstairs bedroom with only one mattress in the entire house and sparse furniture on the ground floor. Many partygoers scattered at the sight of the officers.

The officers questioned the partygoers and got inconsistent stories. Two women identified "Peaches" as the house's tenant and said she had given the partygoers permission to have the party, but she was not there. When officers spoke to a woman identified as Peaches on the phone, she claimed she was renting the house and had given partygoers permission to have the party, but eventually admitted that she did not have permission to use the house. The owner of the house also confirmed that he had not given anyone permission to be there. The officers then arrested the 21 partygoers for unlawful entry.

Several partygoers subsequently sued for false arrest under the Fourth Amendment. On cross-motions for summary judgment, the District Court concluded that the officers lacked probable cause to arrest and the arresting officers were not entitled to qualified immunity. A divided panel of the D.C. Circuit affirmed.

Upon review, the Supreme Court held that the officers had probable cause to arrest the partygoers and that they were entitled to qualified immunity in any event. The lower courts had erred in (1) viewing each fact "in isolation, rather than as a factor in the totality of the circumstances and (2) believing that circumstances "susceptible of innocent explanation" could be summarily disregarded. Instead, the lower courts "should have asked whether a reasonable officer could conclude—considering all of the surrounding circumstances, including the plausibility of the explanation itself—that there was a "substantial chance of criminal activity." On this analysis, the Supreme Court said the officers could have validly discredited the partygoers' explanation for their presence in the home, particularly given the state of the home and Peaches' lying and evasive behavior on the phone. Thus, the officers had probable cause to conclude that the partygoers had unlawfully entered the vacant home.

Although not necessary to the decision, the Supreme Court also addressed the question of qualified immunity, reiterating that the plaintiff opposing a qualified immunity defense must identify a prior case or line of cases that clearly prohibits the officer's conduct in the particular circumstances before him. "The precedent must be clear enough that every reasonable official would interpret it to establish the particular rule the plaintiff seeks to apply." And in the Fourth Amendment context, given the imprecise nature of probable cause, "officers will often find it difficult to know how the general standard of probable cause applies in 'the precise situation encountered.'" Therefore, the plaintiff must "identify a case where an officer acting under similar circumstances ... was held to have violated the Fourth Amendment." Accordingly, "a body of relevant case law is usually necessary to clearly establish the answer with respect to probable cause."

That analysis entitled the officers to qualified immunity, given that “neither the [Court of Appeals] nor the partygoers identified a single precedent – much less a controlling case or robust consensus of cases – finding a Fourth Amendment violation under similar circumstances.” Moreover, a reasonable officer could have interpreted the law as permitting the arrests here, as no controlling case held that a bona fide belief of a right to enter a home defeats probable cause, or that officers cannot infer a suspect’s guilty state of mind based on his conduct alone, or that officers must accept a suspect’s innocent explanation at face value. Indeed, several precedents suggested the opposite. Thus, the officers were entitled to qualified immunity.

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