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NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States* v. *Detroit Timber & Lumber Co.*, 200 U. S. 321, 337.

SUPREME COURT OF THE UNITED STATES

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UNITED STATES *v.* KNIGHTS

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

No. 00–1260. Argued November 6, 2001—Decided December 10, 2001

A California court's order sentencing respondent Knights to probation for a drug offense included the condition that Knights submit to search at anytime, with or without a search or arrest warrant or reasonable cause, by any probation or law enforcement officer. Subsequently, a sheriff's detective, with reasonable suspicion, searched Knights's apartment. Based in part on items recovered, a federal grand jury indicted Knights for conspiracy to commit arson, for possession of an unregistered destructive device, and for being a felon in possession of ammunition. In granting Knights's motion to suppress, the District Court held that, although the detective had "reasonable suspicion" to believe that Knights was involved with incendiary materials, the search was for "investigatory" rather than "probationary" purposes. The Ninth Circuit affirmed.

Held: The warrantless search of Knights, supported by reasonable suspicion and authorized by a probation condition, satisfied the Fourth Amendment. As nothing in Knights's probation condition limits searches to those with a "probationary" purpose, the question here is whether the Fourth Amendment imposes such a limitation. Knights argues that a warrantless search of a probationer satisfies the Fourth Amendment only if it is just like the search at issue in *Griffin* v. *Wisconsin,* 483 U. S. 868, *i.e.*, a "special needs" search conducted by a probation officer monitoring whether the probationer is complying with probation restrictions. This dubious logic—that an opinion *upholding* the constitutionality of a particular search implicitly holds unconstitutional any search that is not like it—runs contrary to *Griffin*'s express statement that its "special needs" holding made it "unnecessary to consider whether" warrantless searches of probationers were otherwise reasonable under the Fourth Amendment. *Id.,* at 878, 880.

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And this Court need not decide whether Knights's acceptance of the search condition constituted consent to a complete waiver of his Fourth Amendment rights in the sense of *Schneckloth* v. *Bustamonte,* 412 U. S. 218, because the search here was reasonable under the Court's general Fourth Amendment "totality of the circumstances" approach, *Ohio* v. *Robinette,* 519 U. S. 33, 39, with the search condition being a salient circumstance. The Fourth Amendment's touchstone is reasonableness, and a search's reasonableness is determined by assessing, on the one hand, the degree to which it intrudes upon an individual's privacy and, on the other, the degree to which it is needed to promote legitimate governmental interests. *Wyoming* v. *Houghton,* 526 U. S. 295, 300. Knights's status as a probationer subject to a search condition informs both sides of that balance. The sentencing judge reasonably concluded that the search condition would further the two primary goals of probation—rehabilitation and protecting society from future criminal violations. Knights was unambiguously informed of the search condition. Thus, Knights's reasonable expectation of privacy was significantly diminished. In assessing the governmental interest, it must be remembered that the very assumption of probation is that the probationer is more likely than others to violate the law. *Griffin, supra,* at 880. The State's interest in apprehending criminal law violators, thereby protecting potential victims, may justifiably focus on probationers in a way that it does not on the ordinary citizen. On balance, no more than reasonable suspicion was required to search this probationer's house. The degree of individualized suspicion required is a determination that a sufficiently high probability of criminal conduct makes the intrusion on the individual's privacy interest reasonable. Although the Fourth Amendment ordinarily requires probable cause, a lesser degree satisfies the Constitution when the balance of governmental and private interests makes such a standard reasonable. See, *e.g., Terry* v. *Ohio,* 392 U. S. 1. The same circumstances that lead to the conclusion that reasonable suspicion is constitutionally sufficient also render a warrant requirement unnecessary. See *Illinois* v. *McArthur,* 531 U. S. 326, 330. Because the Court's holding rests on ordinary Fourth Amendment analysis that considers all the circumstances of a search, there is no basis for examining official purpose. Pp. 4–9.

219 F. 3d 1138, reversed and remanded.

REHNQUIST, C. J., delivered the opinion for a unanimous Court. SOUTER, J., filed a concurring opinion.