Syllabus

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

Syllabus

ILLINOIS *v.* MCARTHUR

CERTIORARI TO THE APPELLATE COURT OF ILLINOIS, FOURTH DISTRICT

No. 99–1132. Argued November 1, 2000– Decided February 20, 2001

Police officers, with probable cause to believe that respondent McArthur had hidden marijuana in his home, prevented him from entering the home unaccompanied by an officer for about two hours while they obtained a search warrant. Once they did so, the officers found drug paraphernalia and marijuana, and arrested McArthur. He was subsequently charged with misdemeanor possession of those items. He moved to suppress the evidence on the ground that it was the "fruit" of an unlawful police seizure, namely, the refusal to let him reenter his home unaccompanied. The Illinois trial court granted the motion, and the State Appellate Court affirmed.

Held: Given the nature of the intrusion and the law enforcement interest at stake, the brief seizure of the premises was permissible under the Fourth Amendment. Pp. 3–10.

(a) The Amendment's central requirement is one of reasonableness. Although, in the ordinary case, personal property seizures are unreasonable unless accomplished pursuant to a warrant, *United States* v. *Place,* 462 U. S. 696, 701, there are exceptions to this rule involving special law enforcement needs, diminished expectations of privacy, minimal intrusions, and the like, see, *e.g., Pennsylvania* v. *Labron,* 518 U. S. 938, 940–941. The circumstances here involve a plausible claim of specially pressing or urgent law enforcement need. Cf., *e.g., United States* v. *Place, supra,* at 701. Moreover, the restraint at issue was tailored to that need, being limited in time and scope, cf. *Terry* v. *Ohio,* 392 U. S. 1, 29–30, and avoiding significant intrusion into the home itself, cf. *Payton* v. *New York,* 445 U. S. 573, 585. Consequently, rather than employing a *per se* rule of unreasonableness, the Court must balance the privacy-related and law enforcement-related concerns to determine if the intrusion here was reasonable. Cf. *Delaware* v. *Prouse,* 440 U. S. 648, 654.

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In light of the following circumstances, considered in combination, the Court concludes that the restriction was reasonable, and hence lawful. First, the police had probable cause to believe that McArthur's home contained evidence of a crime and unlawful drugs. Second, they had good reason to fear that, unless restrained, he would destroy the drugs before they could return with a warrant. Third, they made reasonable efforts to reconcile their law enforcement needs with the demands of personal privacy by avoiding a warrantless entry or arrest and preventing McArthur only from entering his home unaccompanied. Fourth, they imposed the restraint for a limited period, which was no longer than reasonably necessary for them, acting with diligence, to obtain the warrant. Pp. 3–6.

(b) The conclusion that the restriction was lawful finds significant support in this Court's case law. See, *e.g., Segura* v. *United States,* 468 U. S. 796; *United States* v. *Place, supra,* at 706. And in no case has this Court held unlawful a temporary seizure that was supported by probable cause and was designed to prevent the loss of evidence while the police diligently obtained a warrant in a reasonable period. But cf. *Welsh* v. *Wisconsin,* 466 U. S. 740, 754. Pp. 6–7.

(c) The Court is not persuaded by the countervailing considerations raised by the parties or lower courts: that the police proceeded without probable cause; that, because McArthur was on his porch, the police order that he stay outside his home amounted to an impermissible "constructive eviction"; that an officer, with McArthur's consent, stepped inside the home's doorway to observe McArthur when McArthur reentered the home on two or three occasions; and that *Welsh* v. *Wisconsin,* 466 U. S. 740, 742, 754, offers direct support for McArthur's position. Pp. 7–10.

304 Ill. App. 3d 395, 713 N. E. 2d 93, reversed and remanded.

BREYER, J., delivered the opinion of the Court, in which REHNQUIST, C. J., and O'CONNOR, SCALIA, KENNEDY, SOUTER, THOMAS, and GINSBURG, JJ., joined. SOUTER, J., filed a concurring opinion. STEVENS, J., filed a dissenting opinion.