

## Court Finds Probable Cause To Arrest Partygoers For Unlawful Entry

24 Jan 2018

When police officers busted a raucous party being held in a vacant house, some of the partygoers said that “Peaches” owned the house and allowed the party. On the phone, though, Peaches admitted she had no such authority, and the true owner told police he had never given anyone permission to be there. The officers arrested the partygoers for violating the D.C. law against unlawful entry, which makes it illegal to remain on a property after being told by the rightful owner to leave. The partygoers sued under the Fourth Amendment claiming false arrest. A divided D.C. Circuit Court held that the officers lacked probable cause to arrest and lacked qualified immunity for their actions, but the Supreme Court, in an opinion by Justice Thomas, reversed. While the lower courts focused on Peaches’ alleged invitation to the party as destroying probable cause, the Court held that the officers could, from the totality of the circumstances, make the “entirely reasonable inference” that the partygoers knew they were “taking advantage of a vacant house” for their party. The house was vacant, in poor condition, and being made worse by the conduct of the partygoers. “Most homeowners do not live in near-barren houses,” the Court reasoned, and do not authorize invitees to further harm the premises. The fact that the partygoers fled when the officers arrived was another tip that they knew they did not belong. The Court also “readily concluded” that the officers were entitled to qualified immunity since the circumstances were unique, and there were ample reasons to doubt Peaches’ authority. Justice Sotomayor filed a concurrence, agreeing as to qualified immunity, but disagreeing with the Court’s decision to analyze the probable cause issue. Justice Ginsburg also filed a concurrence, worrying that the majority decision was weighted too heavily in favor of finding probable cause. A link to the decision in *District of Columbia v. Wesby* is [here](#).

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**TAGGED:** probably cause, unlawful entry, false arrest, qualified immunity, District of Columbia v. Wesby