**SUPREME COURT OF THE UNITED STATES**

**FLORIDA *v*. JARDINES**

certiorari to the supreme court of Florida

No. 11–564. Argued October 31, 2012—Decided March 26, 2013

Police took a drug-sniffing dog to Jardines’ front porch, where the dog gave a positive alert for narcotics. Based on the alert, the officers obtained a warrant for a search, which revealed marijuana plants; Jardines was charged with trafficking in cannabis. The Supreme Court of Florida approved the trial court’s decision to suppress the evidence, holding that the officers had engaged in a [Fourth Amendment](https://www.law.cornell.edu/supct-cgi/get-const?amendmentiv) search unsupported by probable cause.

*Held*: The investigation of Jardines’ home was a “search” within the meaning of the [Fourth Amendment](https://www.law.cornell.edu/supct-cgi/get-const?amendmentiv). Pp. 3–10.

(a) When “the Government obtains information by physically intruding” on persons, houses, papers, or effects, “a ‘search’ within the original meaning of the [Fourth Amendment](https://www.law.cornell.edu/supct-cgi/get-const?amendmentiv)” has “undoubtedly occurred.” *United States* v. *Jones*, 565 U. S. \_\_\_, \_\_\_, n. 3. Pp. 3–4.

(b) At the [Fourth Amendment](https://www.law.cornell.edu/supct-cgi/get-const?amendmentiv)’s “very core” stands “the right of a man to retreat into his own home and there be free from unreason-able governmental intrusion.” *Silverman* v. *United States*, [365 U. S. 505](http://www.law.cornell.edu/supremecourt/text/365/505). The area “immediately surrounding and associated with the home”—the curtilage—is “part of the home itself for [Fourth Amendment](https://www.law.cornell.edu/supct-cgi/get-const?amendmentiv) purposes.” *Oliver* v. *United States*, [466 U. S. 170](http://www.law.cornell.edu/supremecourt/text/466/170). The officers entered the curtilage here: The front porch is the classic exemplar of an area “to which the activity of home life extends.” *Id.*, at 182, n. 12. Pp. 4–5.

(c) The officers’ entry was not explicitly or implicitly invited. Officers need not “shield their eyes” when passing by a home “on public thoroughfares,” *California* v. *Ciraolo*, [476 U. S. 207](http://www.law.cornell.edu/supremecourt/text/476/207), but “no man can set his foot upon his neighbour’s close without his leave,” *Entick* v. *Carrington*, 2 Wils. K. B. 275, 291, 95 Eng. Rep. 807, 817. A police officer not armed with a warrant may approach a home in hopes of speaking to its occupants, because that is “no more than any private citizen might do.” *Kentucky* v. *King*, 563 U. S. \_\_\_, \_\_\_. But the scope of a license is limited not only to a particular area but also to a specific purpose, and there is no customary invitation to enter the curtilage simply to conduct a search. Pp. 5–8.

(d) It is unnecessary to decide whether the officers violated Jardines’ expectation of privacy under *Katz* v. *United States*, [389 U. S. 347](http://www.law.cornell.edu/supremecourt/text/389/347). Pp. 8–10.

73 So. 3d 34, affirmed.

Scalia, J., delivered the opinion of the Court, in which Thomas, Ginsburg, Sotomayor, and Kagan, JJ., joined. Kagan, J., filed a concurring opinion, in which Ginsburg and Sotomayor, JJ., joined. Alito, J., filed a dissenting opinion, in which Roberts, C. J., and Kennedy and Breyer, JJ., joined.

SUPREME COURT OF THE UNITED STATES

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No. 11–564

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FLORIDA, PETITIONER *v.* JOELIS JARDINES

on writ of certiorari to the supreme court offlorida

[March 26, 2013]

Justice Scalia delivered the opinion of the Court.

We consider whether using a drug-sniffing dog on a homeowner’s porch to investigate the contents of thehome is a “search” within the meaning of the [Fourth Amendment](https://www.law.cornell.edu/supct-cgi/get-const?amendmentiv).

I

In 2006, Detective William Pedraja of the Miami-Dade Police Department received an unverified tip that mari-juana was being grown in the home of respondent Joelis Jardines. One month later, the Department and theDrug Enforcement Administration sent a joint surveillance team to Jardines’ home. Detective Pedraja was part of that team. He watched the home for fifteen minutes and saw no vehicles in the driveway or activity around the home, and could not see inside because the blinds were drawn. Detective Pedraja then approached Jardines’ home accompanied by Detective Douglas Bartelt, a trained canine handler who had just arrived at the scene with his drug-sniffing dog. The dog was trained to detect the scent of marijuana, cocaine, heroin, and several other drugs, indicating the presence of any of these substances through particular behavioral changes recognizable by his handler.

Detective Bartelt had the dog on a six-foot leash, owing in part to the dog’s “wild” nature, App. to Pet. for Cert. A–35, and tendency to dart around erratically while searching. As the dog approached Jardines’ front porch, he apparently sensed one of the odors he had been trained to detect, and began energetically exploring the area for the strongest point source of that odor. As Detective Bartelt explained, the dog “began tracking that airborne odor by . . . tracking back and forth,” engaging in what is called “bracketing,” “back and forth, back and forth.” *Id.,* at A– 33 to A–34. Detective Bartelt gave the dog “the full six feet of the leash plus whatever safe distance [he could] give him” to do this—he testified that he needed to give the dog “as much distance as I can.” *Id.,* at A–35. And Detective Pedraja stood back while this was occurring, so that he would not “get knocked over” when the dog was “spinning around trying to find” the source. *Id.,* at A–38.

After sniffing the base of the front door, the dog sat, which is the trained behavior upon discovering the odor’s strongest point. Detective Bartelt then pulled the dog away from the door and returned to his vehicle. He left the scene after informing Detective Pedraja that there had been a positive alert for narcotics.

On the basis of what he had learned at the home, De-tective Pedraja applied for and received a warrant to search the residence. When the warrant was executed later that day, Jardines attempted to flee and was arrested; the search revealed marijuana plants, and he was charged with trafficking in cannabis.

At trial, Jardines moved to suppress the marijuana plants on the ground that the canine investigation was an unreasonable search. The trial court granted the motion, and the Florida Third District Court of Appeal reversed. On a petition for discretionary review, the Florida Supreme Court quashed the decision of the Third District Court of Appeal and approved the trial court’s decision to suppress, holding (as relevant here) that the use of the trained narcotics dog to investigate Jardines’ home wasa [Fourth Amendment](https://www.law.cornell.edu/supct-cgi/get-const?amendmentiv) search unsupported by probable cause, rendering invalid the warrant based upon information gathered in that search. 73 So. 3d 34 (2011).

We granted certiorari, limited to the question of whether the officers’ behavior was a search within the meaning of the [Fourth Amendment](https://www.law.cornell.edu/supct-cgi/get-const?amendmentiv). 565 U. S. \_\_\_ (2012).

II

The [Fourth Amendment](https://www.law.cornell.edu/supct-cgi/get-const?amendmentiv) provides in relevant part that the “right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated.” The Amendment establishes a simple baseline, one that for much of our history formed the exclusive basis for its protections: When “the Government obtains information by physically intruding” on persons, houses, papers, or effects, “a ‘search’ within the original meaning of the [Fourth Amendment](https://www.law.cornell.edu/supct-cgi/get-const?amendmentiv)” has “un-doubtedly occurred.” *United States* v. *Jones*, 565 U. S.\_\_\_, \_\_\_, n. 3 (2012) (slip op., at 6, n. 3). By reason ofour decision in *Katz* v. *United States*, [389 U. S. 347](http://www.law.cornell.edu/supremecourt/text/389/347)(1967), property rights “are not the sole measure of [Fourth Amendment](https://www.law.cornell.edu/supct-cgi/get-const?amendmentiv) violations,” *Soldal* v. *Cook County*, [506 U. S. 56](http://www.law.cornell.edu/supremecourt/text/506/56), 64 (1992) —but though *Katz* may add to the baseline, it does not subtract anything from the Amendment’s protections “when the Government *does* engage in [a] physi-cal intrusion of a constitutionally protected area,” *United States* v. *Knotts*, [460 U. S. 276](http://www.law.cornell.edu/supremecourt/text/460/276), 286 (1983) (Brennan, J., concurring in the judgment).

That principle renders this case a straightforward one. The officers were gathering information in an area belonging to Jardines and immediately surrounding his house—in the curtilage of the house, which we have held enjoys protection as part of the home itself. And they gathered that information by physically entering and occupying the area to engage in conduct not explicitly or implicitly permitted by the homeowner.

A

The [Fourth Amendment](https://www.law.cornell.edu/supct-cgi/get-const?amendmentiv) “indicates with some precision the places and things encompassed by its protections”: persons, houses, papers, and effects. *Oliver* v. *United States*, [466 U. S. 170](http://www.law.cornell.edu/supremecourt/text/466/170), 176 (1984) . The [Fourth Amendment](https://www.law.cornell.edu/supct-cgi/get-const?amendmentiv) does not, therefore, prevent all investigations conducted on private property; for example, an officer may (subject to *Katz*) gather information in what we have called “open fields”—even if those fields are privately owned—because such fields are not enumerated in the Amendment’s text. *Hester* v. *United States*, [265 U. S. 57](http://www.law.cornell.edu/supremecourt/text/265/57) (1924) .

But when it comes to the [Fourth Amendment](https://www.law.cornell.edu/supct-cgi/get-const?amendmentiv), the home is first among equals. At the Amendment’s “very core” stands “the right of a man to retreat into his own home and there be free from unreasonable governmental in-trusion.” *Silverman* v. *United States*, [365 U. S. 505](http://www.law.cornell.edu/supremecourt/text/365/505), 511 (1961) . This right would be of little practical value if the State’s agents could stand in a home’s porch or side garden and trawl for evidence with impunity; the right to retreat would be significantly diminished if the police could enter a man’s property to observe his repose from just outside the front window.

We therefore regard the area “immediately surrounding and associated with the home”—what our cases call the curtilage—as “part of the home itself for [Fourth Amendment](https://www.law.cornell.edu/supct-cgi/get-const?amendmentiv) purposes.” *Oliver*, *supra,* at 180. That principle has ancient and durable roots. Just as the distinction between the home and the open fields is “as old as the common law,” *Hester*, *supra,* at 59, so too is the identity of home and what Blackstone called the “curtilage or homestall,” for the “house protects and privileges all its branches and appurtenants.” 4 W. Blackstone, Commentaries on the Laws of England 223, 225 (1769). This area around the home is “intimately linked to the home, both physically and psychologically,” and is where “privacy expectations are most heightened.” *California* v. *Ciraolo*, [476 U. S. 207](http://www.law.cornell.edu/supremecourt/text/476/207), 213 (1986) .

While the boundaries of the curtilage are generally “clearly marked,” the “conception defining the curtilage” is at any rate familiar enough that it is “easily understood from our daily experience.” *Oliver*, 466 U. S., at 182, n. 12. Here there is no doubt that the officers entered it: The front porch is the classic exemplar of an area adjacent to the home and “to which the activity of home life extends.” *Ibid.*

B

Since the officers’ investigation took place in a constitutionally protected area, we turn to the question of whether it was accomplished through an unlicensed physical in-trusion.**[1](https://www.law.cornell.edu/supremecourt/text/11-564" \l "OPINION_3-1)**While law enforcement officers need not “shield their eyes” when passing by the home “on public thoroughfares,” *Ciraolo*, 476 U. S., at 213, an officer’s leave to gather information is sharply circumscribed when he steps off those thoroughfares and enters the [Fourth Amendment](https://www.law.cornell.edu/supct-cgi/get-const?amendmentiv)’s protected areas. In permitting, for example, visual observation of the home from “public navigable airspace,” we were careful to note that it was done “in a physically nonintrusive manner.” *Ibid.* *Entick* v. *Carrington*, 2 Wils. K. B. 275, 95 Eng. Rep. 807 (K. B. 1765), a case “undoubtedly familiar” to “every American statesman” at the time of the Founding, *Boyd* v. *United States*, [116 U. S. 616](http://www.law.cornell.edu/supremecourt/text/116/616)(1886), states the general rule clearly: “[O]ur law holds the property of every man so sacred, that no man can set his foot upon his neighbour’s close without his leave.” 2 Wils. K. B., at 291, 95 Eng. Rep., at 817. As it is undisputed that the detectives had all four of their feet and all four of their companion’s firmly planted on the constitutionally protected extension of Jardines’ home, the only question is whether he had given his leave (even implicitly) for them to do so. He had not.

“A license may be implied from the habits of the country,” notwithstanding the “strict rule of the English common law as to entry upon a close.” *McKee* v. *Gratz*, [260 U. S. 127](http://www.law.cornell.edu/supremecourt/text/260/127), 136 (1922) (Holmes, J.). We have accordingly recognized that “the knocker on the front door is treated as an invitation or license to attempt an entry, justifying ingress to the home by solicitors, hawkers and peddlersof all kinds.” *Breard* v. *Alexandria*, [341 U. S. 622](http://www.law.cornell.edu/supremecourt/text/341/622), 626 (1951) . This implicit license typically permits the visitor to approach the home by the front path, knock promptly, wait briefly to be received, and then (absent invitation to linger longer) leave. Complying with the terms of that traditional invitation does not require fine-grained legal knowledge; it is generally managed without incident by the Nation’s Girl Scouts and trick-or-treaters.**[2](https://www.law.cornell.edu/supremecourt/text/11-564" \l "OPINION_3-2)**Thus, a police officer not armed with a warrant may approach a home and knock, precisely because that is “no more than any private citizen might do.” *Kentucky* v. *King*, 563 U. S. \_\_\_, \_\_\_ (2011) (slip op., at 16).

But introducing a trained police dog to explore the area around the home in hopes of discovering incriminating evidence is something else. There is no customary invitation to do *that*. An invitation to engage in canine forensic investigation assuredly does notinhere in the very act of hanging a knocker.**[3](https://www.law.cornell.edu/supremecourt/text/11-564" \l "OPINION_3-3)**To find a visitor knocking on the door is routine (even if sometimes unwelcome); to spot that same visitor exploring the front path with a metal detector, or marching his bloodhound into the garden before saying hello and asking permission, would inspire mostof us to—well, call the police. The scope of a license—express or implied—is limited not only to a particular area but also to a specific purpose. Consent at a traffic stop to an officer’s checking out an anonymous tip that there is a body in the trunk does not permit the officer to rummage through the trunk for narcotics. Here, the background social norms that invite a visitor to the front door do not invite him there to conduct a search.**[4](https://www.law.cornell.edu/supremecourt/text/11-564" \l "OPINION_3-4)**

The State points to our decisions holding that the subjective intent of the officer is irrelevant. See *Ashcroft* v. *al-Kidd*, 563 U. S. \_\_\_ (2011); *Whren* v. *United States*, [517 U. S. 806](http://www.law.cornell.edu/supremecourt/text/517/806) (1996) . But those cases merely hold that a stop or search *that is objectively reasonable* is not vitiated by the fact that the officer’s real reason for making the stop or search has nothing to do with the validating reason. Thus, the defendant will not be heard to complain that although he was speeding the officer’s real reason for the stop was racial harassment. See *id.,* at 810, 813. Here, however, the question before the court is precisely *whether* the officer’s conduct was an objectively reasonable search. As we have described, that depends upon whether the officers had an implied license to enter the porch, which in turn depends upon the purpose for which they entered. Here, their behavior objectively reveals a purpose to conduct a search, which is not what anyone would think he had license to do.

III

The State argues that investigation by a forensic narcotics dog by definition cannot implicate any legitimate privacy interest. The State cites for authority our decisions in *United States* v. *Place*, [462 U. S. 696](http://www.law.cornell.edu/supremecourt/text/462/696) (1983) , *United States* v. *Jacobsen*, [466 U. S. 109](http://www.law.cornell.edu/supremecourt/text/466/109) (1984) , and *Illinois* v. *Caballes*, [543 U. S. 405](http://www.law.cornell.edu/supremecourt/text/543/405) (2005) , which held, respectively, that canine inspection of luggage in an airport, chemical testing of a substance that had fallen from a parcel in transit, and canine inspection of an automobile during a lawful traffic stop, do not violate the “reasonable expectation of privacy” described in *Katz.*

Just last Term, we considered an argument much like this. *Jones* held that tracking an automobile’s where-abouts using a physically-mounted GPS receiver is a [Fourth Amendment](https://www.law.cornell.edu/supct-cgi/get-const?amendmentiv) search. The Government argued that the *Katz* standard “show[ed] that no search occurred,” as the defendant had “no ‘reasonable expectation of privacy’ ” in his whereabouts on the public roads, *Jones*,565 U. S., at \_\_\_ (slip op., at 5)—a proposition with at least as much support in our case law as the one the State marshals here. See, *e.g., United States* v. *Knotts*, [460 U. S. 276](http://www.law.cornell.edu/supremecourt/text/460/276), 278 (1983) . But because the GPS receiver had been physically mounted on the defendant’s automobile (thus intruding on his “effects”), we held that tracking the vehicle’s movements was a search: a person’s “ [Fourth Amendment](https://www.law.cornell.edu/supct-cgi/get-const?amendmentiv) rights do not rise or fall with the *Katz* formulation.” *Jones*, *supra,* at \_\_\_ (slip op., at 5). The *Katz* reasonable-expectations test “has been *added to*, not *substitutedfor*,” the traditional property-based understanding of the [Fourth Amendment](https://www.law.cornell.edu/supct-cgi/get-const?amendmentiv), and so is unnecessary to consider when the government gains evidence by physically intruding on constitutionally protected areas. *Jones*, *supra*, at\_\_\_ (slip op., at 8).

Thus, we need not decide whether the officers’ investigation of Jardines’ home violated his expectation of privacy under *Katz*. One virtue of the [Fourth Amendment](https://www.law.cornell.edu/supct-cgi/get-const?amendmentiv)’sproperty-rights baseline is that it keeps easy cases easy. That the officers learned what they learned only by physically intruding on Jardines’ property to gather evidence is enough to establish that a search occurred.

For a related reason we find irrelevant the State’s argument (echoed by the dissent) that forensic dogs have been commonly used by police for centuries. This argument is apparently directed to our holding in *Kyllo* v. *United States*, [533 U. S. 27](http://www.law.cornell.edu/supremecourt/text/533/27) (2001) , that surveillance ofthe home is a search where “the Government uses a device that is not in general public use” to “explore details of the home that would previously have been unknowable *without physical intrusion*.” *Id.*, at 40 (emphasis added). But the implication of that statement (*inclusio unius est exclusio alterius*) is that when the government uses a physical intrusion to explore details of the home (including its curtilage), the antiquity of the tools that they bring along is irrelevant.

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The government’s use of trained police dogs to inves-tigate the home and its immediate surroundings is a “search” within the meaning of the [Fourth Amendment](https://www.law.cornell.edu/supct-cgi/get-const?amendmentiv). The judgment of the Supreme Court of Florida is therefore affirmed.

It is so ordered.