

ARIZONA, PETITIONER v. RODNEY JOSEPH GANT

No. 07-542

SUPREME COURT OF THE UNITED STATES

2009 U.S. LEXIS 3120

October 7, 2008, Argued

April 21, 2009, Decided

JUDGES: STEVENS, J., delivered the opinion of the Court, in which SCALIA, SOUTER, THOMAS, and GINSBURG, JJ., joined. SCALIA, J., filed a concurring opinion. BREYER, J., filed a dissenting opinion. ALITO, J., filed a dissenting opinion, in which ROBERTS, [*5] C. J., and KENNEDY, J., joined, and in which BREYER, J., joined except as to Part II-E.

JUSTICE STEVENS delivered the opinion of the Court.

I

On August 25, 1999, acting on an anonymous tip that the residence at 2524 North Walnut Avenue was being used to sell drugs, Tucson police officers Griffith and Reed knocked on the front door and asked to speak to the owner. Gant answered the door and, after identifying himself, stated that he expected the owner to return later. The officers left the residence and conducted a records check, which revealed that Gant's driver's license had been suspended and there was an outstanding warrant for his arrest for driving with a suspended license.

When the officers returned to the house that evening, they found a man near the back of the house and a woman in a car parked in front [*7] of it. After a third officer arrived, they arrested the man for providing a false name and the woman for possessing drug paraphernalia. Both arrestees were handcuffed and secured in separate patrol cars when Gant arrived. The officers recognized his car as it entered the driveway, and Officer Griffith confirmed that Gant was the driver by shining a flashlight into the car as it drove by him. Gant parked at the end of the driveway, got out of his car, and shut the door. Griffith, who was about 30 feet away, called to Gant, and they approached each other, meeting 10-to-12 feet from Gant's car. Griffith immediately arrested Gant and handcuffed him.

Because the other arrestees were secured in the only patrol cars at the scene, Griffith called for backup. When two more officers arrived, they locked Gant in the backseat of their vehicle. After Gant had been handcuffed and

placed in the back of a patrol car, two officers searched his car: One of them found a gun, and the other discovered a bag of cocaine in the pocket of a jacket on the backseat.

Gant was charged with two offenses -- possession of a narcotic drug for sale and possession of drug paraphernalia (*i.e.*, the plastic bag in which [*8] the cocaine was found). He moved to suppress the evidence seized from his car on the ground that the warrantless search violated the *Fourth Amendment*. Among other things, Gant argued that *Belton* did not authorize the search of his vehicle because he posed no threat to the officers after he was handcuffed in the patrol car and because he was arrested for a traffic offense for which no evidence could be found in his vehicle. When asked at the suppression hearing why the search was conducted, Officer Griffith responded: "Because the law says we can do it." App. 75.

The trial court rejected the State's contention that the officers had probable cause to search Gant's car for contraband when the search began, *id.*, at 18, 30, but it denied the motion to suppress. Relying on the fact that the police saw Gant commit the crime of driving without a license and apprehended him only shortly after he exited his car, the court held that the search was permissible as a search incident to arrest. *Id.*, at 37. A jury found Gant guilty on both drug counts, and he was sentenced to a 3-year term of imprisonment.

After protracted state-court proceedings, the Arizona Supreme Court concluded that the search [*9] of Gant's car was unreasonable within the meaning of the *Fourth Amendment*. The court's opinion discussed at length our decision in *Belton*, which held that police may search the passenger compartment of a vehicle and any containers therein as a contemporaneous incident of an arrest of the vehicle's recent occupant. 216 *Ariz. 1*, 3-4, 162 *P. 3d* 640, 642-643 (2007)(citing 453 *U.S.*, at 460, 101 *S. Ct.* 2860, 69 *L. Ed. 2d* 768). The court distinguished *Belton* as a case concerning the permissible scope of a vehicle search incident to arrest and concluded that it did not answer "the threshold question whether the police may conduct a search incident to arrest at all once the scene is secure." 216 *Ariz.*, at 4, 162 *P. 3d*, at 643. Relying on our earlier decision in *Chimel*, the court observed that the

search-incident-to-arrest exception to the warrant requirement is justified by interests in officer safety and evidence preservation. 216 *Ariz.*, at 4, 162 P. 3d, at 643. When "the justifications underlying *Chimel* no longer exist because the scene is secure and the arrestee is handcuffed, secured in the back of a patrol car, and under the supervision of an officer," the court concluded, a "warrantless search of the arrestee's car cannot [*10] be justified as necessary to protect the officers at the scene or prevent the destruction of evidence." *Id.*, at 5, 162 P. 3d, at 644. Accordingly, the court held that the search of Gant's car was unreasonable.

The chorus that has called for us to revisit *Belton* includes courts, scholars, and Members of this Court who have questioned that decision's clarity and its fidelity to *Fourth Amendment* principles. We therefore granted the State's petition for certiorari. 552 U.S. ___, 128 S. Ct. 1443, 170 L. Ed. 2d 274(2008).

II

Consistent with our precedent, our analysis begins, as it should in every case addressing [*11] the reasonableness of a warrantless search, with the basic rule that "searches conducted outside the judicial process, without prior approval by judge or magistrate, are *per se* unreasonable under the *Fourth Amendment* -- subject only to a few specifically established and well-delineated exceptions." *Katz v. United States*, 389 U.S. 347, 357, 88 S. Ct. 507, 19 L. Ed. 2d 576 (1967)(footnote omitted). Among the exceptions to the warrant requirement is a search incident to a lawful arrest. See *Weeks v. United States*, 232 U.S. 383, 392, 34 S. Ct. 341, 58 L. Ed. 652, T.D. 1964 (1914). The exception derives from interests in officer safety and evidence preservation that are typically implicated in arrest situations. See *United States v. Robinson*, 414 U.S. 218, 230-234, 94 S. Ct. 467, 38 L. Ed. 2d 427 (1973); *Chimel*, 395 U.S., at 763, 89 S. Ct. 2034, 23 L. Ed. 2d 685.

In *Chimel*, we held that a search incident to arrest may only include "the arrestee's person and the area 'within his immediate control' -- construing that phrase to mean the area from within which he might gain possession of a weapon or destructible evidence." *Ibid.* That limitation, which continues to define the boundaries of the exception, ensures that the scope of a search incident to arrest is commensurate with its purposes of protecting arresting officers and safeguarding [*12] any evidence of the offense of arrest that an arrestee might conceal or destroy. See *ibid.* (noting that searches incident to arrest are reasonable "in order to remove any weapons [the arrestee] might seek to use" and "in order to prevent [the] concealment or destruction" of evidence (emphasis added)). If there is no possibility that an arrestee could

reach into the area that law enforcement officers seek to search, both justifications for the search-incident-to-arrest exception are absent and the rule does not apply. E.g., *Preston v. United States*, 376 U.S. 364, 367-368, 84 S. Ct. 881, 11 L. Ed. 2d 777 (1964).

In *Belton*, we considered *Chimel's* application to the automobile context. A lone police officer in that case stopped a speeding car in which Belton was one of four occupants. While asking for the driver's license and registration, the officer smelled burnt marijuana and observed an envelope on the car floor marked "Supergold" -- a name he associated with marijuana. Thus having probable cause to believe the occupants had committed a drug offense, the officer ordered them out of the vehicle, placed them under arrest, and patted them down. Without handcuffing the arrestees, ¹ the officer "'split them up into four [*13] separate areas of the Thruway . . . so they would not be in physical touching area of each other'" and searched the vehicle, including the pocket of a jacket on the backseat, in which he found cocaine. 453 U.S., at 456, 101 S. Ct. 2860, 69 L. Ed. 2d 768.

1 The officer was unable to handcuff the occupants because he had only one set of handcuffs. See Brief for Petitioner in *New York v. Belton*, O. T. 1980, No. 80-328, p. 3 (hereinafter Brief in No. 80-328).

The New York Court of Appeals found the search unconstitutional, concluding that after the occupants were arrested the vehicle and its contents were "safely within the exclusive custody and control of the police." *State v. Belton*, 50 N.Y.2d 447, 452, 407 N.E.2d 420, 423, 429 N.Y.S.2d 574 (1980). The State asked this Court to consider whether the exception recognized in *Chimel* permits an officer to search "a jacket found inside an automobile while the automobile's four occupants, all under arrest, are standing unsecured around the vehicle." Brief in No. 80-328, p. *i*. We granted certiorari because "courts ha[d] found no workable definition of 'the area within the immediate control of the arrestee' when that area arguably includes the interior of an automobile." 453 U.S., at 460, 101 S. Ct. 2860, 69 L. Ed. 2d 768.

[W]e held that when an officer lawfully arrests "the occupant [*15] of an automobile, he may, as a contemporaneous incident of that arrest, search the passenger compartment of the automobile" and any containers therein. *Belton*, 453 U.S., at 460, 101 S. Ct. 2860, 69 L. Ed. 2d 768 (footnote omitted). That holding was based in large part on our assumption "that articles inside the relatively narrow compass of the passenger compartment of an automobile are in fact generally, even if not inevita-

bly, within 'the area into which an arrestee might reach.'" *Ibid.*

The Arizona Supreme Court read our decision in *Belton* as merely delineating "the proper scope of a search of the interior of an automobile" incident to an arrest, *id.*, at 459, 101 S. Ct. 2860, 69 L. Ed. 2d 768. That is, when the passenger compartment is within an arrestee's reaching distance, *Belton* supplies the generalization that the entire compartment and any containers therein may be reached. On that view of *Belton*, the state court concluded that the search of Gant's car was unreasonable because Gant clearly could not have accessed his car at the time of the search. It also found that no other exception to the warrant requirement applied in this case.

Gant now urges us to adopt the reading of *Belton* followed by the Arizona Supreme Court.

III

Since we decided *Belton*, Courts of Appeals have given different answers to the question whether a vehicle must be within an arrestee's reach to justify a vehicle search incident to arrest,² but Justice Brennan's reading of the Court's opinion has predominated. As Justice O'Connor observed, "lower court decisions seem now to treat the ability to search a vehicle incident to the arrest of a recent occupant as a police entitlement [*17] rather than as an exception justified by the twin rationales of *Chimel*." *Thornton*, 541 U.S., at 624, 124 S. Ct. 2127, 158 L. Ed. 2d 905 (opinion concurring in part). JUSTICE SCALIA has similarly noted that, although it is improbable that an arrestee could gain access to weapons stored in his vehicle after he has been handcuffed and secured in the backseat of a patrol car, cases allowing a search in "this precise factual scenario . . . are legion." *Id.*, at 628, 124 S. Ct. 2127, 158 L. Ed. 2d 905 (opinion concurring in judgment) (collecting cases).³ Indeed, some courts have upheld searches under *Belton* "even when . . . the handcuffed arrestee has already left the scene." 541 U.S., at 628, 124 S. Ct. 2127, 158 L. Ed. 2d 905 (same).

² Compare *United States v. Green*, 324 F.3d 375, 379 (CA5 2003) (holding that *Belton* did not authorize a search of an arrestee's vehicle when he was handcuffed and lying facedown on the ground surrounded by four police officers 6-to-10 feet from the vehicle), *United States v. Edwards*, 242 F.3d 928, 938 (CA10 2001) (finding unauthorized a vehicle search conducted while the arrestee was handcuffed in the back of a patrol car), *United States v. Vasey*, 834 F.2d 782, 787 (CA9 1987) (finding unauthorized a vehicle search conducted 30-to-45 minutes after an arrest and after

[*18] the arrestee had been handcuffed and secured in the back of a police car), with *United States v. Hrasky*, 453 F.3d 1099, 1102 (CA8 2006) (upholding a search conducted an hour after the arrestee was apprehended and after he had been handcuffed and placed in the back of a patrol car); *United States v. Weaver*, 433 F.3d 1104, 1106 (CA9 2006) (upholding a search conducted 10-to-15 minutes after an arrest and after the arrestee had been handcuffed and secured in the back of a patrol car), and *United States v. White*, 871 F.2d 41, 44 (CA6 1989) (upholding a search conducted after the arrestee had been handcuffed and secured in the back of a police cruiser).

³ The practice of searching vehicles incident to arrest after the arrestee has been handcuffed and secured in a patrol car has not abated since we decided *Thornton*. See, e.g., *United States v. Murphy*, 221 Fed. Appx. 715, 717 (CA10 2007); *Hrasky*, 453 F.3d at 1100; *Weaver*, 433 F.3d at 1105; *United States v. Williams*, 170 Fed. Appx. 399, 401 (CA6 2006); *United States v. Dorsey*, 418 F.3d 1038, 1041 (CA9 2005); *United States v. Osife*, 398 F.3d 1143, 1144 (CA9 2005); *United States v. Sumrall*, 115 Fed. Appx. 22, 24 (CA10 2004).

Under this broad reading [*19] of *Belton*, a vehicle search would be authorized incident to every arrest of a recent occupant notwithstanding that in most cases the vehicle's passenger compartment will not be within the arrestee's reach at the time of the search. To read *Belton* as authorizing a vehicle search incident to every recent occupant's arrest would thus untether the rule from the justifications underlying the *Chimel* exception -- a result clearly incompatible with our statement in *Belton* that it "in no way alters the fundamental principles established in the *Chimel* case regarding the basic scope of searches incident to lawful custodial arrests." 453 U.S., at 460, n. 3, 101 S. Ct. 2860, 69 L. Ed. 2d 768. Accordingly, we reject this reading of *Belton* and hold that the *Chimel* rationale authorizes police to search a vehicle incident to a recent occupant's arrest only when the arrestee is unsecured and within reaching distance of the passenger compartment at the time of the search.⁴

⁴ Because officers have many means of ensuring the safe arrest of vehicle occupants, it will be the rare case in which an officer is unable to fully effectuate an arrest so that a real possibility of access to the arrestee's vehicle remains. Cf. 3 W. LaFare, Search [*20] and Seizure § 7.1(c), p. 525 (4th ed. 2004) (hereinafter LaFare) (noting that the availability of protective measures "ensur[es] the nonexistence of circumstances in which the arrestee's 'control' of the car is in

doubt"). But in such a case a search incident to arrest is reasonable under the *Fourth Amendment*.

Although it does not follow from *Chimel*, we also conclude that circumstances unique to the vehicle context justify a search incident to a lawful arrest when it is "reasonable to believe evidence relevant to the crime of arrest might be found in the vehicle." *Thornton*, 541 U.S., at 632, 124 S. Ct. 2127, 158 L. Ed. 2d 905 (SCALIA, J., concurring in judgment). In many cases, as when a recent occupant is arrested for a traffic violation, there will be no reasonable basis to believe the vehicle contains relevant evidence. See, e.g., *Atwater v. Lago Vista*, 532 U.S. 318, 324, 121 S. Ct. 1536, 149 L. Ed. 2d 549 (2001); *Knowles v. Iowa*, 525 U.S. 113, 118, 119 S. Ct. 484, 142 L. Ed. 2d 492 (1998). But in others, including *Belton* and *Thornton*, the offense of arrest will supply a basis for searching the passenger compartment of an arrestee's vehicle and any containers therein.

Neither the possibility of access nor the likelihood of discovering offense-related evidence authorized the search in this [*21] case. Unlike in *Belton*, which involved a single officer confronted with four unsecured arrestees, the five officers in this case outnumbered the three arrestees, all of whom had been handcuffed and secured in separate patrol cars before the officers searched Gant's car. Under those circumstances, Gant clearly was not within reaching distance of his car at the time of the search. An evidentiary basis for the search was also lacking in this case. Whereas *Belton* and *Thornton* were arrested for drug offenses, Gant was arrested for driving with a suspended license -- an offense for which police could not expect to find evidence in the passenger compartment of Gant's car. Cf. *Knowles*, 525 U.S., at 118, 119 S. Ct. 484, 142 L. Ed. 2d 492. Because police could not reasonably have believed either that Gant could have accessed his car at the time of the search or that evidence of the offense for which he was arrested might have been found therein, the search in this case was unreasonable.

IV

The State does not seriously disagree with the Arizona Supreme Court's conclusion that Gant could not have accessed his vehicle at the time of the search, but it nevertheless asks us to uphold the search of his vehicle under the broad reading [*22] of *Belton* discussed above. The State argues that *Belton* searches are reasonable regardless of the possibility of access in a given case because that expansive rule correctly balances law enforcement interests, including the interest in a bright-line rule, with an arrestee's limited privacy interest in his vehicle.

For several reasons, we reject the State's argument. First, the State seriously undervalues the privacy inter-

ests at stake. Although we have recognized that a motorist's privacy interest in his vehicle is less substantial than in his home, see *New York v. Class*, 475 U.S. 106, 112-113, 106 S. Ct. 960, 89 L. Ed. 2d 81 (1986), the former interest is nevertheless important and deserving of constitutional protection, see *Knowles*, 525 U.S., at 117, 119 S. Ct. 484, 142 L. Ed. 2d 492. It is particularly significant that *Belton* searches authorize police officers to search not just the passenger compartment but every purse, briefcase, or other container within that space. A rule that gives police the power to conduct such a search whenever an individual is caught committing a traffic offense, when there is no basis for believing evidence of the offense might be found in the vehicle, creates a serious and recurring threat to the privacy of countless [*23] individuals. Indeed, the character of that threat implicates the central concern underlying the *Fourth Amendment* -- the concern about giving police officers unbridled discretion to rummage at will among a person's private effects.⁵

5 See *Maryland v. Garrison*, 480 U.S. 79, 84, 107 S. Ct. 1013, 94 L. Ed. 2d 72 (1987); *Chimel*, 395 U.S., at 760-761, 89 S. Ct. 2034, 23 L. Ed. 2d 685; *Stanford v. Texas*, 379 U.S. 476, 480-484, 85 S. Ct. 506, 13 L. Ed. 2d 431 (1965); *Weeks v. United States*, 232 U.S. 383, 389-392, 34 S. Ct. 341, 58 L. Ed. 652, T.D. 1964 (1914); *Boyd v. United States*, 116 U.S. 616, 624-625, 6 S. Ct. 524, 29 L. Ed. 746 (1886); see also 10 C. Adams, *The Works of John Adams* 247-248 (1856). Many have observed that a broad reading of *Belton* gives police limitless discretion to conduct exploratory searches. See 3 LaFave § 7.1(c), at 527 (observing that *Belton* creates the risk "that police will make custodial arrests which they otherwise would not make as a cover for a search which the *Fourth Amendment* otherwise prohibits"); see also *United States v. McLaughlin*, 170 F.3d 889, 894 (CA9 1999)(Trott, J., concurring)(observing that *Belton* has been applied to condone "purely exploratory searches of vehicles during which officers with no definite objective or reason for the search are allowed to rummage around in a car to see what they might find"); *State v. Pallone*, 2000 WI 77, PP87-90, 236 Wis. 2d 162, 203-204, 613 N.W.2d 568, [*24] and n. 9, 2000 WI 77, 236 Wis. 2d 162, 613 N.W.2d 568, 588, and n. 9 (2000)(Abrahamson, C. J., dissenting)(same); *State v. Pierce*, 136 N. J. 184, 211, 642 A.2d 947, 961 (1994)(same).

At the same time as it undervalues these privacy concerns, the State exaggerates the clarity that its reading of *Belton* provides. Courts that have read *Belton* expansively are at odds regarding how close in time to the arrest and how proximate to the arrestee's vehicle an offic-

er's first contact with the arrestee must be to bring the encounter within *Belton's* purview⁶ and whether a search is reasonable when it commences or continues after the arrestee has been removed from the scene.⁷ The rule has thus generated a great deal of uncertainty, particularly for a rule touted as providing a "bright line." See 3 LaFave, § 7.1(c), at 514-524.

6 Compare *United States v. Caseres*, 533 F.3d 1064, 1072 (CA9 2008)(declining to apply *Belton* when the arrestee was approached by police after he had exited his vehicle and reached his residence), with *Rainey v. Commonwealth*, 197 S. W. 3d 89, 94-95 (Ky. 2006)(applying *Belton* when the arrestee was apprehended 50 feet from the vehicle), and *Black v. State*, 810 N.E.2d 713, 716 (Ind. 2004)(applying *Belton* [*25] when the arrestee was apprehended inside an auto repair shop and the vehicle was parked outside).

7 Compare *McLaughlin*, 170 F.3d at 890-891 (upholding a search that commenced five minutes after the arrestee was removed from the scene), *United States v. Snook*, 88 F.3d 605, 608 (CA8 1996)(same), and *United States v. Doward*, 41 F.3d 789, 793 (CA1 1994)(upholding a search that continued after the arrestee was removed from the scene), with *United States v. Lugo*, 978 F.2d 631, 634 (CA10 1992)(holding invalid a search that commenced after the arrestee was removed from the scene), and *State v. Badgett*, 200 Conn. 412, 427-428, 512 A.2d 160, 169 (1986)(holding invalid a search that continued after the arrestee was removed from the scene).

Contrary to the State's suggestion, a broad reading of *Belton* is also unnecessary to protect law enforcement safety and evidentiary interests. Under our view, *Belton* and *Thornton* permit an officer to conduct a vehicle search when an arrestee is within reaching distance of the vehicle or it is reasonable to believe the vehicle contains evidence of the offense of arrest. Other established exceptions to the warrant requirement authorize a vehicle search under additional [*26] circumstances when safety or evidentiary concerns demand. For instance, *Michigan v. Long*, 463 U.S. 1032, 103 S. Ct. 3469, 77 L. Ed. 2d 1201 (1983), permits an officer to search a vehicle's passenger compartment when he has reasonable suspicion that an individual, whether or not the arrestee, is "dangerous" and might access the vehicle to "gain immediate control of weapons." *Id.*, at 1049, 103 S. Ct. 3469, 77 L. Ed. 2d 1201 (citing *Terry v. Ohio*, 392 U.S. 1, 21, 88 S. Ct. 1868, 20 L. Ed. 2d 889 (1968)). If there is probable cause to believe a vehicle contains evidence of criminal activity, *United States v. Ross*, 456 U.S. 798, 820-821, 102 S. Ct. 2157, 72 L. Ed. 2d 572 (1982), authorizes a search of any area of the vehicle in which the evidence

might be found. Unlike the searches permitted by JUSTICE SCALIA's opinion concurring in the judgment in *Thornton*, which we conclude today are reasonable for purposes of the *Fourth Amendment*, *Ross* allows searches for evidence relevant to offenses other than the offense of arrest, and the scope of the search authorized is broader. Finally, there may be still other circumstances in which safety or evidentiary interests would justify a search. Cf. *Maryland v. Buie*, 494 U.S. 325, 334, 110 S. Ct. 1093, 108 L. Ed. 2d 276 (1990)(holding that, incident to arrest, an officer may conduct a limited protective sweep of those areas [*27] of a house in which he reasonably suspects a dangerous person may be hiding).

These exceptions together ensure that officers may search a vehicle when genuine safety or evidentiary concerns encountered during the arrest of a vehicle's recent occupant justify a search. Construing *Belton* broadly to allow vehicle searches incident to any arrest would serve no purpose except to provide a police entitlement, and it is anathema to the *Fourth Amendment* to permit a warrantless search on that basis. For these reasons, we are unpersuaded by the State's arguments that a broad reading of *Belton* would meaningfully further law enforcement interests and justify a substantial intrusion on individuals' privacy.⁸

8 At least eight States have reached the same conclusion. Vermont, New Jersey, New Mexico, Nevada, Pennsylvania, New York, Oregon, and Wyoming have declined to follow a broad reading of *Belton* under their state constitutions. See *State v. Bauder*, 181 Vt. 392, 401, 924 A.2d 38, 46-47 (2007); *State v. Eckel*, 185 N. J. 523, 540, 888 A.2d 1266, 1277 (2006); *Camacho v. State*, 119 Nev. 395, 399-400, 75 P. 3d 370, 373-374 (2003); *Vasquez v. State*, 990 P.2d 476, 488-489 (Wyo. 1999); *State v. Arredondo*, 1997-NMCA-081, 1997 NMCA 81, 123 N.M. 628, 636, 944 P.2d 276 (Ct. App.), [*28] overruled on other grounds by *State v. Steinzig*, 1999-NMCA-107, 1999 NMCA 107, 127 N.M. 752, 987 P.2d 409 (Ct. App.); *Commonwealth v. White*, 543 Pa. 45, 57, 669 A.2d 896, 902 (1995); *People v. Blasich*, 73 N.Y.2d 673, 678, 541 N.E.2d 40, 43, 543 N.Y.S.2d 40 (1989); *State v. Fesler*, 68 Ore. App. 609, 612, 685 P.2d 1014, 1016-1017 (1984). And a Massachusetts statute provides that a search incident to arrest may be made only for the purposes of seizing weapons or evidence of the offense of arrest. See *Commonwealth v. Toole*, 389 Mass. 159, 161-162, 448 N.E.2d 1264, 1266-1267 (1983)(citing *Mass. Gen. Laws, ch. 276, § 1* (West 2007)).

The fact that the law enforcement community [*31] may view the State's version of the *Belton* rule as an entitlement does not establish the sort of reliance interest that could outweigh the countervailing interest that all individuals share in having their constitutional rights fully protected. If it is clear that a practice is unlawful, individuals' interest in its discontinuance clearly outweighs any law enforcement "entitlement" to its persistence. Cf. *Mincey v. Arizona*, 437 U.S. 385, 393, 98 S. Ct. 2408, 57 L. Ed. 2d 290 (1978) ("[T]he mere fact that law enforcement may be made more efficient can never by itself justify disregard of the *Fourth Amendment*"). The dissent's reference in this regard to the reliance interests cited in *Dickerson v. United States*, 530 U.S. 428, 120 S. Ct. 2326, 147 L. Ed. 2d 405 (2000), is misplaced. See *post*, at 5. In observing that "*Miranda* has become embedded in routine police practice to the point where the warnings have become part of our national culture," 530 U.S., at 443, 120 S. Ct. 2326, 147 L. Ed. 2d 405, the Court was referring not to police reliance on a rule requiring them to provide warnings but to the broader societal reliance on that individual right.

11 Because a broad reading of *Belton* has been widely accepted, the doctrine of qualified immunity will shield officers from liability for searches [*32] conducted in reasonable reliance on that understanding.

The dissent also ignores the checkered history of the search-incident-to-arrest exception. Police authority to search the place in which a lawful arrest is made was broadly asserted in *Marron v. United States*, 275 U.S. 192, 48 S. Ct. 74, 72 L. Ed. 231, *Treas. Dec.* 42528 (1927), and limited a few years later in *Go-Bart Importing Co. v. United States*, 282 U.S. 344, 51 S. Ct. 153, 75 L. Ed. 374 (1931), and *United States v. Lefkowitz*, 285 U.S. 452, 52 S. Ct. 420, 76 L. Ed. 877 (1932). The limiting views expressed in *Go-Bart* and *Lefkowitz* were in turn abandoned in *Harris v. United States*, 331 U.S. 145, 67 S. Ct. 1098, 91 L. Ed. 1399 (1947), which upheld a search of a four-room apartment incident to the occupant's arrest. Only a year later the Court in *Trupiano v.*

United States, 334 U.S. 699, 708, 68 S. Ct. 1229, 92 L. Ed. 1663 (1948), retreated from that holding, noting that the search-incident-to-arrest exception is "a strictly limited" one that must be justified by "something more in the way of necessity than merely a lawful arrest." And just two years after that, in *United States v. Rabinowitz*, 339 U.S. 56, 70 S. Ct. 430, 94 L. Ed. 653 (1950), the Court again reversed course and upheld the search of an entire apartment. Finally, our opinion in *Chimel* overruled *Rabinowitz* and what remained of *Harris* and established the present boundaries [*33] of the search-incident-to-arrest exception. Notably, none of the dissenters in *Chimel* or the cases that preceded it argued that law enforcement reliance interests outweighed the interest in protecting individual constitutional rights so as to warrant fidelity to an unjustifiable rule.

The experience of the 28 years since we decided *Belton* has shown that the generalization underpinning the broad reading of that decision is unfounded. We now know that articles inside the passenger compartment are rarely "within 'the area into which an arrestee might reach,'" 453 U.S., at 460, 101 S. Ct. 2860, 69 L. Ed. 2d 768, and blind adherence to *Belton's* faulty assumption would authorize myriad unconstitutional searches. The doctrine of *stare decisis* does not require us to approve routine constitutional violations.

VI

Police may search a vehicle incident to a recent occupant's arrest only if the arrestee is within reaching distance of the passenger compartment at the time of the search or it is reasonable to believe the vehicle contains evidence of the offense of arrest. When these justifications are absent, a search of an arrestee's vehicle will be unreasonable unless police obtain a warrant or show that another exception to the warrant [*34] requirement applies. The Arizona Supreme Court correctly held that this case involved an unreasonable search. Accordingly, the judgment of the State Supreme Court is affirmed.

It is so ordered.