

# TWRA Court Case

## Key Takeaways:

- Property owners in Benton County sued Tennessee Wildlife Resource Agency over warrantless trespassing.
- The “open fields doctrine” allows for seemingly open areas to be searched by law enforcement without a warrant.
- The Tennessee Constitution provides more detail on what is protected from the open fields doctrine.
- Farm Bureau policy stands that private property rights are of utmost importance.

## Questions:

1. **Should TWRA and other state law enforcement be limited in use of the open fields doctrine?**
2. **Was this update helpful?**

## Background

**In 2017, there were two separate instances of Tennessee Wildlife Resource Agency (TWRA) trespassing without a warrant and cameras being placed by these agents on private property in Benton County.** Both of these properties were used by the owners for farming, hunting, living and many other personal activities. The property owners had both seen the TWRA agents on their properties without a warrant. Around this time, is when cameras were placed on the properties by TWRA agents. The cameras were located in fields behind no trespassing signs along with gates and fences and branches were cut to ensure the camera had full view of the land. These unmarked cameras were later found by the property owners leaving both owners feeling unsettled. This discovery caused the two property owners to file a court case against TWRA and the specific agent responsible for placing the cameras. The case is referred to as *Rainwaters v. TWRA*.

According to the U.S. Supreme Court, the fourth amendment does not apply to “open fields” and law enforcement does not need a warrant or probable cause to conduct any searches or surveillance. This doctrine allows for pastures, wooded areas, bodies of water or other seemingly “open” areas to be searched by law enforcement with no warrant. This principle comes from a Supreme Court ruling in 1924 claiming the protection accorded by the Fourth Amendment to the people in their "persons, houses, papers, and effects," does not extend to open fields Since the Supreme Court ruling in 1924, this principle has been questioned numerous times. In 1984, the argument of the open fields doctrine was strengthened in *Oliver v. United States* which stated: “open fields do not provide the setting for those intimate activities that the Amendment is intended to shelter from government interference or surveillance. There is no societal interest in protecting the privacy of those activities, such as the cultivation of crops, that occur in open fields.”

The Tennessee Constitution supplies additional protection from arbitrary searches of private land separate from the Supreme Court precedent as applied under the U.S. Constitution. **The Tennessee Supreme Court has denied the “open fields” principle various times. Because of this, Tennessee landowners have greater protection from warrantless searches.** Article 1, section 7 of the Tennessee

Constitution states “The people shall be secure in their persons, houses, papers and possessions, from unreasonable searches and seizures; and that general warrants, whereby an officer may be commanded to search suspected places, without evidence of the fact committed, or to seize any person or persons not named, whose offences are not particularly described and supported by evidence, are dangerous to liberty and ought not to be granted.” **The Tennessee Supreme court concluded this statement is enough to reject the open fields doctrine.**

The initial complaint in the *Rainwaters v. TWRA* case was filed in 2020, and the Benton County Circuit Court made its ruling in March of 2022. The court ruled the use of the open field doctrine for warrantless surveillance and trespassing by TWRA is unconstitutional. The court determined most of the property consisted of farmland, all of which was either fenced or posted with no trespassing signs, which differs from the “wild and wasteland” which may be “roamed without a search warrant” according to prior court precedent (*Lakin* 588 S.W.2 at 549). TWRA has appealed the case to the Tennessee Court of Appeals in April of 2022.

**Farm Bureau Policy opposes any erosion of private property rights which can weaken all other rights guaranteed by the Constitution.**

## **Policy**

### *AFBF Resolutions: 537 Private Property Rights*

We support: Legislation that requires federal officials to identify themselves, notify property owners and obtain written permission or a search warrant before going onto private property; We oppose: Surveillance of private property or personal or financial data by any government agency without a search warrant.

AFBF policy states technology, such as cameras, can expand the boundaries of property right infringement and must be taken into consideration.