named person found there.[185] If they can articulate some reasonable basis for fearing for their safety they may conduct a "patdown," but to search they must have probable cause particularized with respect to the unnamed person. Detaining occupants of a premises pending completion of a search is another matter. In *Michigan v. Summers*,[186] the Court held that officers executing a search warrant could detain an occupant found on site without having to show probable cause. The Court determined that detention incident to a search, which it considered "substantially less intrusive" than arrest, was justified because detention could minimize the risk of harm to officers, facilitate entry and the conduct of the search, and prevent flight.[187] The occupant in *Summers* was descending his front steps when the police arrived with the search warrant. The law enforcement interests underlying detention incident to search clearly pertained,and the detention was upheld. But what if law enforcement officers allow an exiting occupant to proceed some distance before stopping and detaining him?

Limits on detention incident to a search under these circumstances were addressed in *Bailey v. United States*.[188] The police obtained a warrant to search Bailey's residence for firearms and drugs. Meanwhile, detectives surreptitiously staked out the residence, saw Bailey leave and drive away, and then called in a search team. While the search was proceeding, the detectives tailed Bailey about a mile before stopping and detaining him. A six-Justice majority held that

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[185] Ybarra v. Illinois, 444 U.S. 85 (1979) (patron in a bar), relying on and reaffirming United States v. Di Re, 332 U.S. 581 (1948) (occupant of vehicle may not be searched merely because there are grounds to search the automobile). *But see* Maryland v. Pringle, 540 U.S. 366 (2003) (distinguishing *Ybarra* on basis that passengers in car often have "common enterprise," and noting that the tip in *Di Re* implicated only the driver.

[186] 452 U.S. 692 (1981).

[187] 452 U.S. at 701–06. *Ybarra* was distinguished on the basis of its greater intrusiveness and the lack of sufficient connection with the premises. Id. at 695 n.4. By the time Summers was searched, police had probable cause to do so. Id. at 695. The warrant here was for contraband, id. at 701, and a different rule may apply with respect to warrants for other evidence, id. at 705 n.20. In Los Angeles County v. Rettele, 550 U.S. 609 (2007), the Court found no Fourth Amendment violation where deputies did not know that the suspects had sold the house that the deputies had a warrant to search. The deputies entered the house and found the new owners, of a different race from the suspects, sleeping in the nude. The deputies held the new owners at gunpoint for one to two minutes without allowing them to dress or cover themselves. As for the difference in race, the Court noted that, "[w]hen the deputies ordered [Caucasian] respondents from their bed, they had no way of knowing whether the African-American suspects were elsewhere in the house." Id. at 613. As for not allowing the new owners to dress or cover themselves, the Court quoted its statement in Michigan v. Summers that "[t]he risk of harm to both the police and the occupants is minimized if the officers routinely exercise unquestioned command of the situation." Id. at 1993 (quoting 452 U.S. at 702–03).

[188] 568 U.S. ___, No. 11–770, slip op. (2013).