



## **Missouri Homeschool Family Sues After Home Raid**

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In September 2011, a homeschool family in Missouri had a traumatic encounter with local law enforcement when a sheriff and his deputy entered their home without a warrant. The parents are now teaming up with the Home School Legal Defense Association (HSLDA) to press charges against the two officers involved, on the grounds the warrantless raid violated their Fourth Amendment rights.

A Child Protective Services (CPS) worker reportedly claimed that the home of Jason and Laura Hagan was “messy” and was denied access to the home on a second visit. This prompted CPS to call Nodaway County Sheriff Darren White, who, along with another officer, Captain David Glidden, came to the Hagans’ house and demanded to be let in. When the Hagans refused to comply, the police responded with force.

According to HSLDA’s report, when the Hagans tried to close their door, Glidden sprayed pepper spray in both of their faces. Laura Hagan collapsed, while Jason remained standing, only to be hit in the back with Glidden’s Taser. Laura tried to close the door as the Taser jolted her husband several more times.

White and Glidden then forced the door open, handcuffed both of the Hagans, and charged them with child endangerment and resisting arrest. The report stated the officers also pepper-sprayed the family’s dog and threatened to shoot it if it did not stop barking. The Hagan’s three kids were soon after taken into custody by social services.

A county judge dropped both of the charges against the Hagans on the grounds the sheriff had not obtained a warrant, and stated the use of force was clearly excessive. The Hagan children were reunited with their parents after being held by the state for nine days, and the Hagans did not regain full legal custody for another six months.

## **Unsettling Incident**

David Boaz, vice president of the Cato Institute, says the incident is unsettling.

“Where is Officer Friendly these days?” asks Boaz. “Police are supposed to keep our communities safe from predators. Using a Taser and pepper spray should be out of bounds for normal interactions with citizens. Apparently Ferguson isn't the only town in Missouri that needs to rein in its police force.”

On November 14 the HSLDA filed a federal civil-rights lawsuit against White and Glidden. HSLDA attorney Peter Kamakawiwoole says that there was little justification for the police to have shown up at the Hagans' door at all, let alone force themselves into the home.

“While the home was not in perfect condition,” admits Kamakawiwoole, “it was not unsanitary. The clutter and other issues with the home were ultimately fixed by the Hagans, and none of these conditions posed an imminent danger to the health or safety of the children. Although the prosecutor at the Hagan's criminal trial offered evidence that the Hagans' home was unsafe, the trial court judge ultimately concluded that even if all the evidence was viewed in the light most favorable to the state, the alleged conditions of the home still did not give rise to exigent circumstances which would have permitted the officers to enter the Hagan home, and remove the Hagan children, without prior judicial authorization.”

## **Respect for Fourth Amendment**

Kamakawiwoole and the HSDLA want to emphasize the importance of the Fourth Amendment to the Constitution, which is supposed to protect civilians from unreasonable searches and seizures, he said.

“Respect for the Fourth Amendment is crucial to the enjoyment of all other civil liberties,” said Kamakawiwoole. “Our country was birthed at a time when the King's soldiers could seize private property, detain criminal suspects, and ransack private homes on the barest of suspicions and without any prior judicial review. The founders of our country chose a decidedly different route.”

Kamakawiwoole stresses HSLDA is not attacking law enforcement in general.

“When HSLDA decides to litigate Fourth Amendment cases such as this, we do not intend to show disrespect for law enforcement officers. Law enforcement officers have a difficult job, often tasked with weighing incomplete evidence in less-than-ideal circumstances,” he said. “This difficulty is precisely why our Constitution demands that in all but the most serious emergencies, investigators must present their evidentiary findings to a neutral magistrate, before they may enter a private home and seize children.”

## **Homeschoolers Concerned**

Although many officers might have handled the situation in a more professional manner, the chilling effects of law enforcement run amok concern many homeschool parents, Kamakawiwoole said.

“These rules exist for a reason,” said Kamakawiwoole. “Law enforcement can only work if our officers follow the law themselves. If we stand by and allow law enforcement to violate our Fourth Amendment rights, those rights will be eroded and eventually ignored. The result comes at a high cost to the very children that the government is supposed to be protecting, shattering the innocence of even the youngest of children, who often experience trauma, anxiety, fear, shame, guilt, stigmatization, powerlessness, self-doubt, depression, and isolation when government agents enter their home.”

The Hagan family has since relocated to a new home in a different town, where they continue to homeschool their kids.