



## Our View: Kicking down your door just got easier

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The next time police knock at your door, be careful what you do next. Any sound you make inside could grant police the authority to search your home without a warrant.

That's the result of last week's misguided Supreme Court decision expanding the definition of an exigent circumstance under which police can conduct a warrantless search. In an 8-1 ruling, the court created a new precedent that grants law enforcement the power to bypass a warrant based on arbitrary standards, which could be as minimal as "hearing" evidence being destroyed. We strongly disagree with the court because, in the words of dissenting Justice Ruth Bader Ginsburg, it "arms the police with a way routinely to dishonor the Fourth Amendment's warrant requirement."

The case of *Kentucky v. King* addressed the question of whether police can themselves create the emergency conditions to bypass the need for a warrant. While pursuing a drug suspect, police smelled marijuana from an apartment. They knocked on the door, identified themselves as police and then heard what sounded like evidence being destroyed. The knock at the door, the police argued, scared the suspects into destroying evidence, and thereby constituted the exigent circumstance to justify their warrantless search.

What does evidence being destroyed sound like? The court shrewdly tossed this crucial question back to the Kentucky Supreme Court. However, the high court offered a broad precedent that allows police the nearly unfettered power to manufacture an emergency. The court only explicitly excluded exigent circumstances where police violate or threaten to violate the Fourth Amendment.

Justice Ginsburg explained how this ruling will empower police to conduct more warrantless searches. "In lieu of presenting their evidence to a neutral magistrate, police officers may now knock, listen, then break the door down, nevermind that they had ample time to obtain a warrant," she explained in her dissenting opinion.

The process of obtaining a warrant doesn't just protect the accused; it also minimizes the number of "wrong door" police raids that injure and kill innocents. In this very case, police picked the wrong apartment that did not conceal their intended suspect. The Cato Institute, which tracks botched police raids, has called the problem "an epidemic of isolated incidents." We can expect more of them.

Defenders of liberty should be worried by this easy circumvention of the Fourth Amendment. It violates basic tenets of a free society: that individuals are presumed innocent; that our homes are our private sanctuaries; and that government can search our property only after obtaining a warrant.

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