

TIME

SCOTUS Rules Police Cannot Search Homes Without Warrants in the Name of 'Community Caretaking'

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The U.S. Supreme Court unanimously ruled on Monday that an exception to the Fourth Amendment for “community caretaking” does not allow police to enter and search a home without a warrant.

The “community caretaking” exception originated from a 1973 case, *Cady v. Dombrowski*, in which an officer took a gun out of an impounded car without a warrant. The Supreme Court ruled at the time that police can conduct such warrantless searches if they are performing “community caretaking functions” in a “reasonable” manner.

Monday’s ruling, in the case *Caniglia v. Strom*, centered on whether that exception also justifies warrantless searches of homes. In a 9-0 ruling, the court decided that it does not.

While *Cady* recognized that police perform “many civil tasks” in modern society, the “recognition that these tasks exist” is not “an open-ended license to perform them anywhere,” Justice Clarence Thomas wrote in the majority opinion. “The Fourth Amendment protects “[t]he right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures,”” he continued.

(As Justice Samuel Alito noted in his concurrence, Monday’s ruling does not apply to another Fourth Amendment exception known as the “exigent circumstances” exception, which allows police to enter homes without a warrant to help “an injured occupant or to protect an occupant from imminent injury.”)

“Perhaps not coincidentally, the Court’s unanimous ruling comes at a time of national debate over whether we should dial back the scope of police activities and only use them for actual law-enforcement purposes,” said Clark Neily, senior vice president for criminal justice at the conservative think tank the Cato Institute, which had filed a brief urging the court to agree with *Caniglia*. “This represents a welcome, albeit unusual, refusal on the justices’ part to give the government greater leeway in conducting warrantless searches of people’s homes and personal effects.”

The suit was filed by a Rhode Island man, Edward Caniglia, after police officers searched his home and seized two handguns without a warrant in 2015. During an argument with his wife, Caniglia had placed a handgun on the dining room table and asked her to “shoot [him] and get it over with.” His wife left and spent the night elsewhere, and after not being able to reach him the next day, called the police. The police found Caniglia on his porch; he denied he was suicidal but

agreed to go to the hospital for psychiatric evaluation “on the condition that the officers would not confiscate his firearms,” according to Monday’s opinion.

The police did so anyway after he left.

Caniglia later sued the officers, arguing that the search and seizure violated his Fourth Amendment rights. The officers argued that their actions were legal because they believed Caniglia was suicidal. The District Court and the First Circuit Court of Appeals agreed with the police, ruling that the search counted as “community caretaking”—and that *Cady* had extended to both cars and homes.

A nonpartisan coalition of civil liberty advocates had worried that a similar Supreme Court ruling could have created a potentially dangerous precedent. The American Civil Liberties Union and the American Conservative Union Foundation had joined the Cato Institute to file a joint brief urging the court to keep the community caretaking exception “confined to its historic vehicle-related origins” and reject a broader standard that “would give police free rein to enter the home without probable cause or a warrant.”

On Monday, the Supreme Court did just that, ruling that neither “the holding nor logic” of *Cady* justified the police’s actions.