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Supreme Court Weighs Allowing Police To Enter Homes Without A Warrant For ‘Caretaking’

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The U.S. Supreme Court considered Wednesday whether it’s permissible under the Fourth Amendment for police officers to enter people’s homes without a warrant in limited circumstances under a “community caretaking” exception, which the Biden administration has backed but has provoked objections from civil rights groups.

KEY FACTS

The Supreme Court heard arguments Wednesday in *Caniglia v. Strom*, which considered whether police acted lawfully by entering a man’s home and removing his firearms without a warrant after he had expressed thoughts of suicide and was taken to the hospital for a psychiatric evaluation.

The justification for doing so was a “community caretaking” exception allowing entry in cases where doing so benefits the public interest, which has traditionally applied to incidents regarding vehicles but not in homes, as was the case here.

Two lower courts sided with the police officers, whose attorneys argued to the Supreme Court, “The Fourth Amendment does not prohibit law enforcement officers from diffusing a volatile situation in a home to protect the residents or others.”

The Department of Justice filed an amicus brief in February saying it agreed the police officers should have been allowed to enter the home without a warrant in this case, and more broadly when their actions are “objectively grounded in a non-investigatory public interest, such as health or safety.”

The Biden administration’s position has gained attention from right-wing critics and been criticized as an overreach of power, though the DOJ makes clear in the court filing they only believe entering a home without a warrant “may be reasonable in limited circumstances,” and support Fourth Amendment protections in cases where entering a home would not “address serious threats to health or safety.”

The American Civil Liberties Union, Cato Institute and American Conservative Union Foundation filed their own brief opposing the policy as being a dangerous slippery slope, which could “give police free rein to enter the home without probable cause or a warrant.”

WHAT TO WATCH FOR

Justices offered mixed views during the hearing, pointing out that warrantless entries into the home seemed necessary in cases like senior citizens who may be in trouble or potential suicide cases. They also acknowledged, however, that the caretaking exception could be interpreted in an overbroad way. “The starkest form of your position will lead to officers backing away from going into houses when old people have fallen or there's concern about that or when there's a risk of suicide,” Justice Brett Kavanaugh told the plaintiffs’ attorney, while Justice Samuel Alito acknowledged, “One of the things that is troubling to a lot of people about the caretaking exception is that it doesn't seem to have any clear boundaries.”

CHIEF CRITIC

“Allowing ill defined notions of ‘community caretaking’ to override the Fourth Amendment is unwise, unmanageable, and unnecessary, and it opens the door to abusive police conduct, including against those who most need society’s protections,” the ACLU, Cato and American Conservative Union Foundation wrote in their joint brief. “When every interaction with police or request for help can become an invitation for police to invade the home, the willingness of individuals to seek assistance when it is most needed will suffer.”

CRUCIAL QUOTE

“Under the appropriate reasonableness standard, the warrantless home entry and seizures in this case were reasonable and did not violate the Fourth Amendment,” the DOJ wrote. “The respondent officers confronted a specific, credible, and reasonably impending threat of suicide or domestic violence, and they reasonably determined that petitioner presented a serious risk of violence to himself or others.”

KEY BACKGROUND

The case dates back to 2015, but has reached the Supreme Court as police and their expansive powers have come under heavier scrutiny in the wake of last summer’s racial justice protests.