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Biden Administration Argues Police Should Be Able To Enter Homes Without A Warrant For ‘Caretaking’

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The Joe Biden administration has argued it is lawful under the US Fourth Amendment for police officers to enter homes without a warrant in certain public health and safety circumstances.

This week, the US Supreme Court heard arguments in *Caniglia v. Strom*, a case that dates back to 2015.

The court must determine whether police officers violated the law when they entered Edward Caniglia’s home and seized his guns without a warrant after his wife said she feared he was suicidal.

The question at the centre of the case is whether government officials, ‘who reasonably believe that a potentially mentally unstable person presents an impending threat of harming himself or others with a firearm’, can seize firearms and order a person to undergo a medical evaluation without a warrant.

In an *amicus brief* filed in February, the US Department of Justice argued the exception is justified in ‘limited circumstances’ where there is a serious threat to health or safety.

Urging the Supreme Court to uphold earlier rulings by lower courts, it said the Fourth Amendment’s ‘reasonableness standard’ requires ‘not a warrant’ but a ‘circumstance-specific balancing of the degree of privacy intrusion’ against ‘the need for government intervention’.

The administration said that while a person’s home has the ‘highest protections’ under the Fourth Amendment and the government must have a sufficiently important reason to support warrantless entry, ‘ensuring public safety is the paramount governmental interest’, and is therefore justified.

‘The seizure of the firearms — one of which [Caniglia] had admitted to throwing the previous day and the other of which had been specifically called to the officers’ attention — was likewise reasonable,’ the administration wrote, adding that the police officers had a ‘compelling interest’ in protecting both Caniglia and his wife.

However, civil rights groups have rebuked this stance, urging the Supreme Court that the policy could ‘give police free rein to enter the home without probable cause or a warrant’.

In their own brief, filed in January, the American Civil Liberties Union, Cato Institute and American Conservative Union Foundation said that when public safety is at issue, and officers consider ‘violating the sanctity of the home’, there must be a serious risk of harm, *Forbes* reports.

The groups argued that warrantless searches of the home should only be considered in cases of imminent danger, such as circumstances involving the protection of a child’s welfare.

‘When there is no such urgency, police must obtain a warrant,’ the group wrote in their filing.