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THE COUNCIL OF STATE GOVERNMENTS

U.S. Supreme Court Draws Firm Line Between Fourth Amendment and Community Caretaking

By Lisa Soronen, Executive Director, State & Local Legal Center (SLLC)

In a four-page opinion the U.S. Supreme Court held unanimously in [*Caniglia v. Strom*](#) that police community caretaking duties do not justify warrantless searches and seizures in the home.

During an argument with his wife, Edward Caniglia put a handgun on their dining room table and asked his wife to “shoot [him] now and get it over with.” After spending the night at a hotel, Caniglia’s wife could not reach him by phone and asked police to do a welfare check. Caniglia agreed to go to the hospital for a psychiatric evaluation after officers allegedly promised not to confiscate his firearms. The officers went into his home and seized his guns regardless.

Caniglia sued the officers for money damages claiming that he and his guns were unconstitutionally seized without a warrant in violation of the Fourth Amendment.

In *Cady v. Dombrowski* (1973), the Court held that a warrantless search of an impounded vehicle for an unsecured firearm did not violate the Fourth Amendment. According to the Court in that case, “police officers who patrol the ‘public highways’ are often called to discharge noncriminal ‘community caretaking functions,’ such as responding to disabled vehicles or investigating accidents.” The First Circuit ruled in favor of the police officers in *Caniglia* extending *Cady*’s



“community caretaking exception” to the warrant requirement beyond the automobile.

Justice Thomas, writing for the Court, rejected the First Circuit’s extension of *Cady*. Justice Thomas noted the *Cady* opinion repeatedly stressed the “constitutional difference” between an impounded vehicle and a home. “In fact, *Cady* expressly contrasted its treatment of a vehicle already under police control with a search of a car ‘parked adjacent to the dwelling place of the owner.’”

Caniglia argued that unless a “true emergency” is taking place, no entry into a home by police without a warrant can ever be reasonable. The Court didn’t go that far. In Justice Alito’s words, it simply held that “there is no special Fourth Amendment rule for a broad category of cases involving ‘community caretaking.’”

The State and Local Legal Center (SLLC) filed an [amicus brief](#) asking the Court to reject Caniglia’s proposed rule. In three concurring opinions, a number of Justices discussed some of concerns the SLLC raised regarding the nature and frequency of police community caretaking activities to discourage the Court from issuing a broad opinion in this case.

In a one-paragraph opinion, Chief Justice Roberts, joined by Justice Breyer, agreed to join the majority opinion because it didn’t undermine precedent allowing warrantless entry into the home when there is a “need to assist persons who are seriously injured or threatened with such injury.”

Justice Alito emphasized the narrowness the Court’s decision stating: “While there is no overarching ‘community caretaking’ doctrine, it does not follow that all searches and seizures conducted for non-law-enforcement purposes must be



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analyzed under precisely the same Fourth Amendment rules developed in criminal cases. Those rules may or may not be appropriate for use in various non-criminal-law-enforcement contexts.” He also encouraged states to consider instituting warrant procedures for welfare checks.

Justice Kavanaugh opined that “the Court’s exigency precedents, as I read them, permit warrantless entries when police officers have an objectively reasonable basis to believe that there is a current, ongoing crisis for which it is reasonable to act now.” Justice Kavanaugh offered examples, similar to those in the SLLC brief, of police being able to enter a home without a warrant when a person is suicidal or elderly and uncharacteristically absent from church.

John Korzen of the Wake Forest University School of Law Appellate Advocacy Clinic wrote the SLLC [amicus brief](#) which the following organizations joined: National Association of Counties, National League of Cities, U.S. Conference of Mayors, International City/County Management Association, and International Municipal Lawyers Association.

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