

U.S. Supreme Court Affirms Officers' Right to Enter Property

The belief that a person's home is his castle and that it is a fundamental right to be able to exclude others from entering it are sentiments shared by many Americans. The Fourth Amendment of the United States Constitution recognizes the value our society places on this right to exclude. Principally, it protects people from unreasonable searches of their homes and other property. While this protection is great, it is not absolute; law enforcement officers may enter private property, so long as the entry is reasonable. In *Brigham City, Utah v. Stuart*, 547 U.S. ___ (2006), the U.S. Supreme Court revisited the limits the Fourth Amendment places on warrantless entries by police officers into private residences.

What constitutes a "reasonable" entry has caused much debate. For law enforcement officers, the results of this debate have real world consequences, in that an entry must be considered reasonable for evidence to be admissible at trial. If a court finds an entry is unreasonable, evidence may be suppressed at trial.

In prior Fourth Amendment cases, the Court has held that a warrantless entry onto private property is presumptively unreasonable. The linchpin of the Fourth Amendment is "reasonableness." Nevertheless, the Court has authorized warrantless entries in several situations. For example, an officer may enter private property without a warrant to fight a fire, to prevent the imminent destruction of evidence, or to chase a fleeing suspect so long as the officer is in "hot pursuit."

Another situation where a warrantless entry may be deemed "reasonable" is where an officer enters to assist a person who is seriously injured or threatened with such injury. In the *Brigham City* case, police officers responded at 3:00 a.m. to a loud party at a private residence. After the officers heard shouting from the inside, they walked down the driveway. At the end of the driveway the officers observed two juveniles drinking beer in the backyard.

The officers entered the backyard to investigate and observed, through a screen door and windows, an altercation inside the home. According to the officers, four adults were trying to restrain a juvenile. After a few moments the juvenile broke free and punched one of the adults in the face. The victim of the blow was seen spitting blood into a sink.

Again the adults attempted to restrain the juvenile. At this time an officer opened the screen door and announced their presence. Amidst the ongoing melee nobody seemed to notice the presence of the officers. An officer then entered the home and again voiced the officers' presence. As the occupants became aware of the police presence at the scene, the altercation ceased. The defendants in this case, the adults, were arrested and charged with contributing to the delinquency of a minor, disorderly conduct, and intoxication.

The Court was faced with defining "reasonable" in the context of a warrantless entry. The defendants argued that courts should take a subjective view of "reasonableness" and consider the officers' intent in entering a home. The Court rejected this approach, instead adopting an objective approach. Under the Court's approach, "reasonableness" is determined by asking whether an officer had an "objectively reasonable basis" for believing that an injured victim may

need help or that violence is ongoing. Under this approach, the intent of the officers entering the home is irrelevant. Courts may only consider whether the officers had an “objectively reasonable basis” for entering.

The Court found that an “objectively reasonable basis” existed in *Brigham City* and that the officers’ warrantless entry was constitutional. Important to the Court’s decision was the fact that the officers were responding in the early morning hours to a complaint, and that they *observed* an ongoing, violent fracas that had already resulted in one injury.

The Court’s opinion reinforces the police officer’s role as peace officer and recognized the need for officers to freely respond to violence, assist the injured, and restore order. When police officers *observe* ongoing violence occurring within a private residence, they can rest assured that it is constitutional for them to enter the home to help victims and restore peace.

- *Ben Rau, Intern, VLCT Municipal Assistance Center*

VLCT News, July 2006