



DPS TRAINING BULLETIN

LEGAL BULLETIN NO. 308

June 4, 2006

WARRANTLESS ENTRY INTO HOME JUSTIFIED WITH BELIEF OF HARM TO OCCUPANT

Reference: Utah United States Supreme Court
v. No. 05-502
Charles W. Stuart et al. _____ U.S. _____
May 22, 2006

FACTS:

At about 3:00 a.m. on July 23, 2000, four Brigham City, Utah, police officers responded to a call regarding a loud party at a residence. Upon approaching the house, they could hear "an altercation occurring--some kind of fight." The officers hear "thumping and crashing" and people yelling "stop, stop" and "get off me." The noise seemed to be coming from the back of the house. After looking in the front window and seeing nothing, the officers proceeded around back to investigate further. They found two juveniles drinking beer in the back yard.

From that location, they could also see that a fracas was taking place in the kitchen. A juvenile, fists clenched, was being held back by several adults. As the officers watched, he broke free and hit one of the adults in the face, sending the adult to the sink spitting blood. At this point, an officer opened the screen door and announced police presence. Amid the tumult, nobody noticed. The officer entered the kitchen and again cried out, and as the occupants slowly became aware of the police, the altercation ceased.

Stuart and several other adults were arrested and charged with contributing to the delinquency of a minor, disorderly conduct and intoxication. The defendants argued, successfully up to the Utah Supreme Court, that the warrantless entry violated the Fourth Amendment.

ISSUE:

Are police able to enter a home without a warrant when they have an objectively reasonable basis to believe that an occupant is seriously injured or imminently threatened with harm?

HELD: Yes--because the ultimate touchstone of the Fourth Amendment is "reasonableness," the warrant requirement is subject to certain exceptions.

REASONING:

1. The officers had an objectively reasonable basis for believing both that the injured adult might need help and that the violence in the kitchen was just a beginning. Nothing in the Fourth Amendment required them to wait until another blow rendered someone unconscious.

2. The role of a peace officer includes preventing violence and restoring order, not simply rendering first aid to casualties.

3. The manner of the officers' entry was reasonable. The announcement of police presence was at least equivalent to a knock on the screen door. Under the circumstances, there was no violation of the Fourth Amendment's knock-and-announce rule.

NOTE TO SUBSCRIBERS TO THE ALASKA LEGAL BRIEFS MANUAL:

File Legal Bulletin No. 308 numerically under Section R of the manual.