



---

# DPS TRAINING BULLETIN

---

LEGAL BULLETIN NO. 103

May 3, 1986

## WARRANTLESS ENTRY INTO HOTEL ROOM

### BY PRIVATE CITIZENS WHO INVITED POLICE

Reference: Stephen Lee Staats  
v.  
State of Alaska

Alaska Court of Appeals  
Opinion No. 612

717 P.2d 413  
April 18, 1986

#### FACTS:

An airline crewmember checked into an assigned hotel room only to discover other suitcases and belongings already in the room. Believing that they may have been personal effects of another crewmember, she opened a small red suitcase looking for identification. She discovered a substantial quantity of a white crystalline substance, which she believed might be contraband. She summoned another crewmember, who also looked at the suitcase and called the hotel management.

The chief of the hotel security, a former police officer, instructed the crewmember to go to the desk and obtain another room. He then accompanied the second crewmember to the subject hotel room and entered by use of his pass key. The security officer examined the suitcase contents and concluded that it was drugs. After determining that the hotel had double-booked the room in error, the security officer called police. The first officer to arrive examined the suitcase contents and concluded it was "probably" contraband, then called for investigators. The investigators arrived and conducted a field test showing positive results for cocaine. The suitcase was returned to its original position. Several officers left to secure a search warrant, while others maintained a surveillance of the room.

Soon after the warrant was obtained, Staats, who had also been booked into the room, entered. The officers knocked on the door and announced their authority. When Staats did not respond to their knock, they entered by use of the pass key. The room window was open and the officers saw the suitcase on a roof five floors below.

The trial court allowed the evidence to be used against Staats; he appealed, claiming numerous illegal entries were made into his hotel room.

#### ISSUE:

Did the warrantless entry by the two crewmembers, hotel security, the first officer and finally the investigators violate the United States Constitution's Fourth Amendment or Article I, Section 14, and Article I, Section 22, of the Alaska Constitution?

HELD: No.

REASONING:

1. The constitutional prohibitions against unreasonable searches and seizures governs only the actions of the public officials and does not extend to private searches.
2. The security officer was not acting as an agent of the police, but as a private citizen. His actions were undertaken in his capacity as a hotel employee responding to a request by a hotel guest. He had a legitimate private interest in reporting the contraband to the police and in seeking its expeditious removal from the premises. His past experience as a police officer and his duties as a security guard do not, alone, establish governmental participation.
3. The security guard was initially admitted to the hotel room with the consent of the crewmember lawfully occupying the room.
4. The security guard, once authorized to remain on the premises, had continuing authority to be in the room and to admit police officers for purposes of removing the contraband.
5. The officers, in this case, did not go to the hotel seeking permission to conduct a search; they were summoned to the hotel.
6. Even though the room was double-booked, the first crewmember must be regarded as being a lawful occupant, who had authority to consent to the hotel security's entry into the room and his subsequent admission of police for the limited purpose of dealing with the contraband discovered.
7. The initial searches conducted by the crewmember and hotel security were private searches and the contents were in plain view of police officers who conducted the field test.

NOTES:

The court addressed a number of issues in this case, including the fact that the hotel room was double-booked, thereby giving the second booking (the crewmember) authority to enter the room.

Review of the following cases is highly recommended:

Snyder v. State, Legal Bulletin No. 17--search of air freight by private person putting contraband in plain view of the police.

McConnell v. State, Legal Bulletin No. 24--search of air freight by airline employee.

Sumdum v. State, Legal Bulletin No. 37--warrantless entry into hotel room and plain view seizure of person.

Phillips v. State, Legal Bulletin No. 43--consent to search murder scene is on-going until revoked.

Doyle v. State, Legal Bulletin No. 52--authority to consent to search.

Cullom v. State, Legal Bulletin No. 78--search made by private security guard not acting as an agent is a private search not governed by Fourth Amendment.

Lowry v. State, 707 P.2d 280 (no Legal Bulletin)--private security guard hired by coroner is agent of state and evidence seized without warrant must be suppressed.