



DPS TRAINING BULLETIN



LEGAL BULLETIN NO. 345
December 14, 2009

WARRANTLESS ENTRY INTO PRIVATE RESIDENCE
BASED ON EMERGENCY-AID DOCTRINE

Reference:

Michigan
v.
Jeremy Fisher

United States Supreme Court
No. 09-91
U.S.
December 7, 2009

FACTS:

Police responded to a disturbance. On arrival, officers were directed to a house where a witness at the scene said "a man was going crazy." The officers saw a pickup truck in the driveway with its front smashed, damaged fenceposts along the side of the property, and three broken house windows; the glass still on the ground outside. The officers also noticed blood on the hood of the pickup and on clothes inside of it, as well as on one of the doors to the house. Through a window, the officers could see Fisher inside the house; they saw that Fisher had a cut on his hand. Fisher was screaming and throwing things. The back door was locked and a couch had been placed to block the front door.

Fisher refused to answer the officers' knock. Officers could see that Fisher had a cut on his hand, and they asked him whether he needed medical attention. Fisher ignored the questions and demanded, with accompanying profanity, that the officers go get a search warrant. One of the officers pushed the front door part way open and entered the house. The officer saw Fisher pointing a gun at him and he (the officer) withdrew from the house.

Fisher was charged with assault with a deadly weapon and possession of a firearm during the commission of a felony.

Fisher argued, successfully up to the Michigan Court of Appeals, that the Officer's warrantless entry into Fisher's home violated the Fourth Amendment. The Michigan Supreme Court refused to hear an appeal. The State of Michigan then appealed to the U.S. Supreme Court.

ISSUE:

Did the warrantless entry into the residence violate the Fourth Amendment?

HELD:

No. It was "plainly reasonable" for the officers to enter the house and quell the violence, for they had "an objectively reasonable basis for believing both that the injured adult might need help and that the violence in the kitchen was just beginning.

REASONING:

1. A straightforward application of the emergency aid exception dictates that the officer's entry was reasonable.

2. The police officers here, like in Stuart (see Utah v. Stuart), Legal Bulletin 308) were responding to a report of a disturbance and when they arrived on the scene they encountered a tumultuous situation in the house - and they also found signs of a recent injury. The officers could also see violent behavior inside.

3. Officers do not need ironclad proof of "a likely serious, life-threatening" injury to invoke the emergency aid exception.

4. It does not meet the needs of law enforcement or the demands of public safety to require officers to walk away from a situation like the one they encountered here. The role of a peace officer includes preventing violence and restoring order, not simply rendering first aid to casualties.

NOTE:

The U.S. Supreme Court in this case cited Utah v. Stuart (see Legal Bulletin No. 308), where police made a warrantless entry into a residence after observing an assault; entry found to be reasonable under the emergency exception to the warrant requirement. Both the Alaska Supreme Court and the Court of Appeals have also recognized warrantless entries based on our own constitution. These cases include: Anchorage v. Cook (Bulletin No. 28) upheld warrantless entry into a vehicle to investigate person slumped over a steering wheel; Gallmeyer v. State (Bulletin no. 54) emergency/protective entry into a private residence; Williams v. State (Bulletin No. 165) emergency entry based on broken window and blood; Harrison v. State (Bulletin No. 181) warrantless entry into private residence when man was observed passed out on kitchen table and Hotrum v. State (Bulletin No. 305) warrantless entry based on witnesses hearing gunshots coming from residence.

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File Legal Bulletin No. 345 numerically under Section R of the manual.