



## DPS TRAINING BULLETIN



**Reference:** Edward A. Caniglia  
v  
Robert Strom, et al.

**LEGAL BULLETIN NO. 388**  
**July 12, 2021**  
**United States Supreme Court**  
**No 20-157**  
**May 17, 2021**

**SEIZURE OF WEAPON FROM RESIDENCE IN**  
**CONJUNCTION WITH “WELFARE CHECK”**  
**VIOLATED FOURTH AMENDMENT**

**FACTS:**

During an argument with his wife, Caniglia placed a handgun on the dining room table and asked his wife to “shoot him and get it over with.” Caniglia’s wife left the house and spent the night in a hotel. The next morning, she was unable to contact her husband by phone, and called the police to request a “welfare check.” Officers accompanied Caniglia’s wife to the residence where they found her husband outside the residence on the porch. Believing that Caniglia may be a danger to himself or others, police called an ambulance. Caniglia agreed to go to the hospital for a psychiatric evaluation “on the condition that the officers not confiscate his firearms”.

Once the ambulance left with Caniglia, and guided by his wife, the officers entered the residence and seized two weapons. The officers did not inform Caniglia’s wife about his willingness to go to the hospital only on the condition his firearms would not be confiscated.

**ISSUE:**

Did the officer violate the Fourth Amendment when they entered his home and seize his firearms without a warrant?

**HELD:**

Yes.

**REASONING:**

1. Law enforcement officers may enter private property without a warrant when certain exigent circumstances exist, including the need to “render emergency assistance to an injured occupant” or to protect an occupant from imminent injury.

2. In this case, police had no warrant or consent, and were not reacting to a crime.