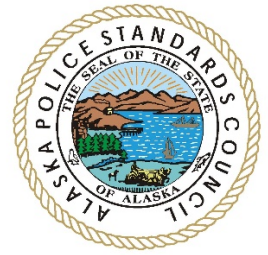




DPS TRAINING BULLETIN



Reference: Arthur Gregory Lange
v
California

LEGAL BULLETIN NO. 389
July 12, 2021
United States Supreme Court
No 20-18
June 23, 2021

HOT PURSUIT OF FLEEING MISDEMEANOR SUSPECT DOES NOT QUALIFY AS EXIGENT CIRCUMSTANCE

FACTS:

Lange drove by a highway patrol officer while playing loud music and honking his horn. The officer followed Lange, then activated his overhead lights to signal Lange to stop. Rather than stop, Lange drove a short distance to his residence and entered into his attached garage. The officer followed Lange into his garage. The officer observed signs of intoxication and put him through some sobriety tests. Lange was arrested. A subsequent blood test revealed Lange blood alcohol level was three times over the legal limit.

Lange moved to suppress the evidence obtained after the officer entered his garage, arguing that the warrantless entry violated the Fourth Amendment.

ISSUE:

When a minor offense alone is involved, can the warrantless entry into a home be justified?

HELD:

No. In many cases, flight creates a need for police to act swiftly. However, no evidence suggests that every misdemeanor flight case creates such a need.

REASONING:

1. When a minor offense alone is involved, police officers do not usually face the kind of emergency that can justify a warrantless home entry.
2. When the totality of circumstances shows an emergence – such as imminent harm to others or escape from the home – police may act without waiting.
3. When the nature of the crime, the nature of the flight, and surrounding facts present no such exigency, officers must respect the sanctity of the home and get a warrant.

NOTES:

Our Alaska Court of Appeals reached a similar conclusion in State v. Siftsoff (see Bulletin No. 349) where Sitka police followed speeding truck to Siftsoff's trailer court residence. The officer, who knew Siftsoff, told Siftsoff that he was doing a traffic stop and that he should remain outside. Siftsoff ignored the officer and went into his residence. The officer called for backup and when the second officer arrived, they made a warrantless entry into the residence. Siftsoff was charged with felony failure to stop, reckless driving, and driving under the influence. The state argued the entry was justified under the "hot pursuit" theory. The Alaska Court of Appeals disagreed, ruling there was no exigency to make such entry and police should have applied for a search warrant. See also Gray v State (Bulletin No. 25) where the Alaska Supreme Court upheld warrantless seizure of evidence obtained from a vehicle fleeing from a felony offense justified as "hot pursuit."