



Canglia v. Strom Supreme Court of the United States

No. 20-157, decided May 17, 2021

Warrantless Home Search is NOT Justified by the “Community Caretaking Exception”

By unanimous decision, the Supreme Court overruled the First Circuit and held that the warrant requirement for a home search was not excused by a “community caretaking exception”.

Facts: During an argument with his wife, Caniglia placed a handgun on their dining room table and asked her to “shoot [him] and get it over with.” Instead, wife left the house and when she was unable to reach him the next day, called the police to request a welfare check. The responding officers went to the home and found Caniglia on his porch. Believing he was a risk to himself or others, the officers called an ambulance. Caniglia agreed to go to the hospital for a psychiatric evaluation on the condition the officers not take his firearms. But, once Caniglia left the location, officers entered his home, located and seized his weapons.

In a “no good deed goes unpunished” fashion, Caniglia sued, claiming that the officers entered his

home and seized his firearms without a warrant in violation of the 4th Amendment. The district court granted summary judgment to the officers. The Court of Appeal affirmed, based on the theory that the officers’ removal of the firearms was justified by a “community caretaking exception” to the warrant requirement.

Decades ago, the Supreme Court held that a warrantless search of an impounded vehicle for an unsecured firearm did not violate the 4th Amendment. In that case, the Court commented that officers who patrol the “public highways” are often called to discharge non-criminal “community caretaking functions”, like responding to disabled vehicles or investigating accidents. There is no special 4th Amendment rule for cases involving police tasks that go beyond criminal law enforcement.

While the prior case and this one both involve the warrantless search for a firearm, the location of the search is the key point. The locations are “constitutionally different”. The issue here is whether the “caretaking” justified the warrantless searches and seizures in the home. The Supreme Court says no.

The very core of the 4th Amendment’s guarantee is the right of a person to retreat into his home and “there to be free from unreasonable governmental intrusion.” The Court remarked, the recognition of the existence of “community caretaking” tasks is not an open-ended license to perform them anywhere. Stating “[w]hat is reasonable for vehicles is different from what is reasonable for homes”.

So, you might be asking yourself, does this mean officers are prevented from taking reasonable steps to assist those inside a home who need help? The short answer is no.



In fact, so many of the Justices wanted to have officers continue performing “community caretaking” tasks within the home environment, that they felt compelled to write three concurring opinions, two of which were actually longer than the “majority” opinion, stressing how such functions were still permissible.

One concurring opinion stated a warrant to enter a home is not required when there is a “need to assist persons who are seriously injured or threatened with such injury.” Another explained why “police officers may enter a home without a warrant in circumstances where they are reasonably trying to prevent a potential suicide or to help an elderly person who has been out of contact and may have fallen and suffered a serious injury.” The reality is that “municipal police spend a good deal of time responding to calls about missing persons, sick neighbors, and premises left open at night.” The “responsibility of police officers to search for missing persons, to mediate disputes, and to aid the ill or injured has never been the subject of serious debate; nor has” the “responsibility of police to provide services in an emergency.” And the third, while mentioning the elderly men and women who fall in their homes, also wrote about the so-called “red flag” laws that some States, including California, have enacted. These laws enable the police to seize guns pursuant to a court order to prevent their use for suicide or the infliction of harm on innocent persons. The opinion noted that someday, red flag laws may be challenged under the 4th Amendment, but that’s not today’s issue.

Take-away

By all means, keep helping those who live alone and fall, or become incapacitated and unfortunately, cannot call for assistance. In those cases, the chances for a good recovery may fade

with each passing hour. But, in situations similar to the one in this case, a warrant will likely be deemed necessary to enter the home to seize suspected weapons.

Stay Safe and Stay Informed!

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