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Factors resulting in legal warrantless entry and search of home

FACTS:

Local and state police officers responded to a 911 call from Susan Stricker requesting help for her son, Andrew, who was suffering from an apparent drug overdose. In the call, Susan indicated that she did not know what drugs Andrew had taken but that he was “falling down...losing consciousness, [was] not in touch with reality,...and [could not] move.” Cambridge Township EMS personnel were the first to arrive on the scene, but in accordance with township policy, waited until police officers arrived to secure the premises. A Cambridge Township officer then arrived and was allowed in the house by Kevin Stricker, Andrew’s father. The officer had previously arrested Andrew and was aware that he was a heroin addict. The officer observed Andrew and noted that he looked very pale. Susan then asked the police officer to leave. She indicated that she had not called the police, but rather EMS. The officer stated that, according to policy, it was necessary for the police to secure the premises. Susan then stated that there was no longer any need for EMS and the officer left the premises. Kevin called 911 and reported Susan’s earlier call as a false alarm.

After the refusal by the Strickers to allow police officers to enter the premises or to permit medical personnel to check Andrew on the front porch, officers ultimately entered the house without a warrant and searched the premises. Andrew was found hiding in the basement. He was transported by ambulance to the hospital for treatment. Other officers conducted a search of the entire premises. The Strickers repeatedly disobeyed lawful officer commands throughout the search and were arrested for resisting and obstructing arrest.

The Strickers filed suit claiming that the police officers violated their Fourth Amendment right to be secure in their home against an unreasonable entry and search.

QUESTION:

Did the warrantless entry and search of the Strickers’ home violate their Fourth Amendment right against an unreasonable entry and search and seizure?

Answer according to the Federal District Court:
No.

Answer according to the Sixth Circuit Court of Appeals:

No. The Court began its analysis by stating that the Fourth Amendment protects the right of people to be secure in their homes against unreasonable searches and seizures. Citing the U.S. Supreme Court, “Searches and seizures inside a home without a warrant are presumptively unreasonable.” Exceptions to the warrant requirement have been recognized based on a reasonableness standard. In this case the Court examined medical emergencies under the exigent circumstances exception. The Court noted that the combination of the 911 call soliciting help for a drug overdose, the police’s independent knowledge and observations confirming the reported overdose, and the Strickers’ attempts to prohibit access to Andrew despite the initial call for help made it objectively reasonable for the officers to believe that Andrew was overdosing on drugs and was in need of immediate medical care.

The Court also found that the search to find Andrew and to conduct a protective sweep of the house was reasonable and that the search of the premises in an attempt to determine what Andrew had ingested to aid EMS in its treatment was justified as well.

Stricker v Township of Cambridge, No. 11-1998, CA6, 2013.

This column highlights a recent judicial decision or Michigan Municipal League Legal Defense Fund case that impacts municipalities. The information in this column should not be considered a legal opinion or to constitute legal advice.