No. 20-___

IN THE

Supreme Court of the United States

EDWARD A. CANIGLIA,

Petitioner,

v.

ROBERT F. STROM, *ET AL.*,

Respondents.

On Petition For A Writ Of Certiorari To The United States Court Of Appeals For The First Circuit

PETITION FOR A WRIT OF CERTIORARI

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QUESTION PRESENTED

Whether the "community caretaking" exception to the Fourth Amendment's warrant requirement extends to the home.

PARTIES TO THE PROCEEDING

Petitioner is Edward A. Caniglia.

Respondents are Robert F. Strom, as the Finance Director of the City of Cranston; the City of Cranston; Colonel Michael J. Winquist, in his official capacity as Chief of the Cranston Police Department; Russell C. Henry, Jr., individually and in his official capacity as an Officer of the Cranston Police Department; Brandon Barth, individually and in his official capacity as an officer of the Cranston Police Department; John Mastrati, individually and in his official capacity as an officer of the Cranston Police Department; Wayne Russell, individually and in his official capacity as an officer of the Cranston Police Department; and Austin Smith, individually and in his official capacity as an officer of the Cranston Police Department.

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INTRODUCTION

In *Cady v. Dombrowski*, 413 U.S. 433 (1973), this Court held that police officers did not violate the Fourth Amendment when they searched the trunk of a car that had been towed after an accident. The Court acknowledged that, "except in certain carefully defined classes of cases," police cannot search private property without consent or a warrant. *Id.* at 439. It emphasized, however, that "there is a constitutional difference between houses and cars." *Id.* (quoting *Chambers v. Maroney*, 399 U.S. 42, 52 (1970)). "[P]olice officers . . . frequently investigate vehicle accidents in which there is no claim of criminal liability and engage in what, for want of a better term, may be described as community caretaking functions, totally divorced from the detection, investigation, or acquisition of evidence relating to the violation of a criminal statute." *Id.* at 441. The Court thus held that a "caretaking 'search' conducted . . . of a vehicle that was neither in the custody nor on the premises of its owner . . . was not unreasonable solely because a warrant had not been obtained." *Id.* at 447–48.

Cady drew on a line of cases "treating automobiles differently from houses" for purposes of the Fourth Amendment. *Id.* at 441; *see also id.* at 439–47 (discussing other automobile cases). And the Court limited *Cady*'s rule to vehicle searches. *See, e.g.*, *id.* at 439 (emphasizing that "automobile searches" are different); *id.* at 441–42 (explaining the reasons why automobiles receive less Fourth Amendment protection); *id.* at 441 (describing "community caretaking functions" only in terms of "vehicle accidents"); *id.* at 446–48 (announcing a

holding limited to searches of cars). As the opinion took pains to make clear, it does *not* apply to houses. *See id.* at 439–42 (emphasizing "[t]he constitutional difference between . . . houses . . . and . . . vehicles").

In the decades since *Cady*, however, the so-called "community caretaking" exception has taken on a life of its own. Courts across the country are deeply divided about whether the "community caretaking" exception can justify a warrantless intrusion into a home. There is at least a four-to-three split on that question among the federal Courts of Appeals. State courts are similarly divided. Courts have acknowledged the split repeatedly, as did the Defendants in their briefing below. *See, e.g.*, Pet.App.60a n.3 ("[C]ourts are split about whether the community caretaking function standard [this] Court first set forth in *Cady* in the vehicle context also applies to searches of a home."); Appellees' App. Ct. Br. at 34 ("[T]here is a split among the federal circuits concerning whether the community caretaking function applies outside of the automobile context."); *Ray v. Twp. of Warren*, 626 F.3d 170, 176–77 (3d Cir. 2010) (acknowledging split); *Sutterfield v. City of Milwaukee*, 751 F.3d 542, 554 (7th Cir. 2014) (same); *Corrigan v. Dist. of Columbia*, 841 F.3d 1022, 1034 (D.C. Cir. 2016) (same).

In the decision below, the First Circuit "join[ed] ranks with those courts that have extended the community caretaking exception beyond the motor vehicle context." Pet.App.16a. Police officers, the court emphasized, "provide an infinite variety of services to preserve and protect community safety." *Id.* And "the community caretaking doctrine," in the First Circuit's view, "is designed to give police elbow

room to take appropriate action." *Id.* "Given the doctrine's core purpose, its gradual expansion since *Cady*, and the practical realities of policing," the First Circuit held "that the community caretaking doctrine may, under the right circumstances, have purchase outside the motor vehicle context"—including to justify a "warrantless entry into an individual's home" *Id.* at 16a–17a.

The First Circuit chose the wrong side of the circuit split. Exceptions to the Fourth Amendment's warrant requirement are "jealously and carefully drawn." *Jones v. United States*, 357 U.S. 493, 499 (1958). And *Cady*'s exception is about cars, and cars only. Extending it into the home—the most protected of all private spaces, *see, e.g.*, *Payton v. New York*, 445 U.S. 573, 589 (1980)—would create a loophole in the Fourth Amendment's warrant requirement wide enough to drive a truck through. So long as an officer reasonably claims to be taking care of the community, he can disregard the Fourth Amendment's protections.

This case, moreover, is an unusually good vehicle for addressing this important question. The courts below squarely decided it based on full briefing. Both courts recognized the split of authority, which is dispositive of Petitioner's claim. Moreover, the First Circuit opinion carefully sets the "stage" for the "community caretaking" question by laying out the assumptions on it which it relied and the principles on which it did not—thus isolating the question presented and teeing it up for this Court's review. Pet.App.10a–11a.

This Court should grant certiorari and hold that the "community caretaking" exception to the Fourth

Amendment's warrant requirement cannot justify incursions into the home.

OPINIONS BELOW

The District Court's opinion granting Respondents' Motion for Summary Judgment in relevant part (Pet.App.50a–79a) is published at 396 F. Supp. 3d 227 (D.R.I. 2019). The First Circuit's opinion affirming the District Court's judgment (Pet.App.1a–49a) is published at 953 F.3d 112 (2020).

JURISDICTION

The First Circuit entered judgment on March 13, 2020. This petition was timely filed, consistent with the Supreme Court's March 19, 2020 Order, within 150 days of that judgment. This Court has jurisdiction under 28 U.S.C. § 1254(1).

CONSTITUTIONAL PROVISION INVOLVED

The Fourth Amendment to the U.S. Constitution provides:

> The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

STATEMENT

1. Petitioner Edward Caniglia is a 68-year-old man with no criminal history and no record of violence. *See* D.Ct. Dkt. 44, ¶ 1. He had been married to his wife Kim Caniglia for 22 years when,

on August 20, 2015, they had a disagreement inside their Cranston, Rhode Island home. *See id.*; Pet.App.53a. When the argument escalated, Petitioner went into the bedroom and retrieved an unloaded gun. Pet.App.53a. He returned to the living room and, in a dramatic gesture, put the gun on the table and said, "why don't you just shoot me and get me out of my misery." *Id.* When Mrs. Caniglia threatened to call 911, Petitioner left the home. *Id.* Mrs. Caniglia did not call 911. *Id.* But the argument continued when Petitioner returned home. *Id.* at 54a. So Mrs. Caniglia decided to spend the night at a motel. *Id.*

The next day, Mrs. Caniglia tried to call her husband. *Id.* When he did not answer, she became worried and called the Cranston police. *Id.* She asked the police to make a "well call" to check on Petitioner and to escort her home. *Id.* When multiple officers arrived to meet her, Mrs. Caniglia told them what had happened and that she was concerned about her husband's safety—including the possibility that he could be suicidal. *Id.*

After calling Petitioner, who "sounded fine," the officers escorted Mrs. Caniglia back to the home, where they instructed her to stay in the car while they spoke with Petitioner on the back deck. *Id.* at 55a. Petitioner told the officers about what had happened, and that he had said "just shoot me" because he "couldn't take it anymore." *Id.* "He was calm for the most part," "seemed normal," and said "that he would never commit suicide." *Id.* Mrs. Caniglia then entered the home. *Id.*

2. Based on their conversations with Petitioner and Mrs. Caniglia, the officers believed there was a

risk that Petitioner would harm himself. *Id.* As a result, they summoned a rescue lieutenant from the Cranston Fire Department to the Caniglias' home. *Id.* That officer told Petitioner that he was taking him to a local hospital. *Id.* at 56a. Petitioner went along after the police told him they would not take his two handguns if he did so. *Id.* At the hospital, a nurse and a social worker examined Petitioner. *Id.* He was discharged the very same day, but had to pay about $1000 for the visit. *See id.*; D.Ct. Dkt. 44, ¶ 143.

Meanwhile, the officers entered the Caniglias' home to seize Petitioner's guns. Pet.App.56a. The officers believed "it was reasonable to do so based on [Petitioner's] state of mind," and feared that "[Petitioner] and others could be in danger" if guns remained in the home. *Id.* After the officers falsely represented to Mrs. Caniglia that Petitioner had consented, she led the officers to the guns. *Id.* at 56a–57a. The officers then seized them. *Id.*

A few days later, Mrs. Caniglia went to the police station to retrieve the guns. *Id.* at 57a. Officers refused her request. *Id.* A month later, Petitioner went to the police station with the same request. *Id.* Again, the officers refused. *Id.* When Petitioner's attorney made the same request, he fared no better. *Id.*

3. Petitioner sued the City of Cranston and the individual officers in the Federal District Court for the District of Rhode Island. Petitioner alleged, by way of § 1983 claims, that Defendants had violated his rights under the Second Amendment, the Fourth Amendment, and the Fourteenth Amendment's Due Process and Equal Protection Clauses. D.Ct. Dkt.

51, ¶¶ 72–82 He also brought claims under Rhode Island law. *Id.* at ¶¶ 63–96. Petitioner sought money damages, as well as declaratory and injunctive relief. *Id.* at pp. 16–17. After Petitioner filed suit, his guns were returned to him. Pet.App.57a.

The parties cross-moved for summary judgment. *Id.* at 53a. The District Court granted summary judgment for Petitioner on only the due process claim, finding that the City had violated his due process rights by providing no process for recovering his guns and arbitrarily denying his requests for their return. *Id.* at 68a–72a, 79a. It granted summary judgment for Defendants on the other claims. *Id.* at 58a–68a, 72a–79a.

At issue here is Petitioner's claim that the entry into his home and resulting seizures—effected without a warrant or civil order—violated his Fourth Amendment rights. The officers' only justification for the entry and seizures was the "community caretaking" exception. *Id.* at 59a–64a. And the District Court acknowledged the circuit "split about whether the community caretaking function standard the United States Supreme Court first set forth in *Cady* in the vehicle context also applies to searches of a home." *Id.* at 60a–61a n.3. Opining that "community caretaking" "services could be required not only in vehicles, but also in homes," the District Court sided with those courts that have taken a broad view of the exception. *Id.* Because the District Court found that the officers' actions had been "reasonable," it held that the warrantless entry and seizures were covered by the "community caretaking" exception and, as a result, "did not

violate [Petitioner's] rights under the Fourth Amendment." *Id.* at 64a.[1]

4. The First Circuit affirmed. In so doing, the court took care to isolate the dispositive legal issue. The court assumed that the seizures and "the officers' entry into the home [were] not only warrantless but also nonconsensual." *Id.* at 11a; *see also id.* at 9a–10a. The Defendants did not "contend that their seizures . . . were carried out pursuant to a state civil protection statute." *Id.* at 12a. And they did not "invoke either the exigent circumstances or emergency aid exceptions to the warrant requirement"—which the court noted would likely not apply in any event. *Id.* at 11a–12a & n.5. Instead, "[D]efendants [sought] to wrap both of the contested seizures in the community caretaking exception to the warrant requirement." *Id.* at 11a.

The question for the court, accordingly, was simple and clear: Did the "community caretaking" exception justify the officers' warrantless entry into Petitioner's home and the resulting seizures? The answer it gave was just as straightforward: "Yes."

The First Circuit recognized that this Court has applied the "community caretaking exception" only "in the motor vehicle context." *Id.* at 2a, 13a. And, indeed, until the decision below the First Circuit

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[1] The District Court ruled in the alternative that Petitioner's claim was barred by the doctrine of qualified immunity. Pet.App.64a–66a. That alternative holding, however, applied only to Petitioner's individual-capacity claims against the officers. As the First Circuit recognized, "[q]ualified immunity . . . offers no refuge either to the City or to the officers in their official capacities." Pet.App.8a n.3.

itself had "applied the community caretaking exception only in the motor vehicle context." *Id.* at 14a. The panel observed, however, that "the doctrine's reach outside the motor vehicle context" differs across circuits. *Id.* at 14a–15a. Some circuits, the court noted, have held that "the community caretaking exception *cannot* justify a warrantless entry into a home." *Id.* at 15a (emphasis added) (citing, *e.g.*, *Ray*, 626 F.3d at 177, and *Sutterfield*, 751 F.3d at 554). Others, however, have held that the exception "allows warrantless entries onto private premises (including homes)," as well as seizures from them, "in particular circumstances." *Id.* (citing, *e.g.*, *United States v. York*, 895 F.2d 1026, 1029–30 (5th Cir. 1990), *United States v. Rohrig*, 98 F.3d 1506, 1521–23 (6th Cir. 1996), *United States v. Smith*, 820 F.3d 356, 360–62 (8th Cir. 2016), and *Rodriguez v. City of San Jose*, 930 F.3d 1123, 1137–41 (9th Cir. 2019)).

The First Circuit "join[ed] ranks with those courts that have extended the community caretaking exception beyond the motor vehicle context." *Id.* at 16a. "In taking [that] step," the court emphasized the "'special role' that police officers play in our society." *Id.* "[A] police officer," according to the court, "must act as a master of all emergencies, who is 'expected to . . . provide an infinite variety of services to preserve and protect community safety.'" *Id.* (quoting *United States v. Rodriguez-Morales*, 929 F.2d 780, 784–85 (1st Cir. 1991)). And the "community caretaking" exception, according to the court, "is designed to give police elbow room to take appropriate action when unforeseen circumstances present some transient hazard that requires

immediate attention." *Id.* Because "[t]hreats to individual and community safety are not confined to the highways" and in light of "the practical realities of policing," the court held that the "community caretaking doctrine may, under the right circumstances, have purchase outside the motor vehicle context"—and, indeed, inside the home. *Id.*

Here, applying the "community caretaking" exception to the home, the court found that the officers had acted in a "community caretaking" capacity because, rather than investigating a crime, they were responding to an individual whom they understood to be mentally unstable. *See id.* at 17a–37a. The officers' actions, according to the court, were reasonable and consistent with good police practices. *See id.* "Consequently," the court held that Defendants' warrantless "actions fell under the protective carapace of the community caretaking exception and did not abridge the Fourth Amendment." *Id.* at 37a.

This petition followed.

REASONS FOR GRANTING THE WRIT

Courts across the country are deeply divided about whether the "community caretaking" exception extends to the home. Four federal Courts of Appeals have said no; three have said yes. State courts are likewise split. The decision below conflicts both with this Court's conception of the "community caretaking" exception as an automobile-specific doctrine and with its broader jurisprudence about the sanctity of the home. And this case is a good vehicle for addressing this important question. This Court should grant certiorari and reverse.

I. COURTS ACROSS THE COUNTRY ARE DEEPLY DIVIDED.

As both the District Court and the First Circuit recognized, "courts are split about whether the community caretaking function standard [this] Court first set forth in *Cady* in the vehicle context also applies to searches of a home." Pet.App.60a n.3; *see also id.* at 14a–15a ("[T]he doctrine's reach outside the motor vehicle context . . . admits of some differences among the federal courts of appeals."). Courts have acknowledged that division of authority repeatedly. *See, e.g.*, *Ray*, 626 F.3d at 175–77 (recognizing "confusion among the circuits as to whether the community caretaking exception set forth in *Cady* applies to warrantless searches of the home"); *Sutterfield*, 751 F.3d at 554 (observing that "courts have divided over the scope of the community caretaking doctrine"); *Corrigan*, 841 F.3d at 1034 (noting that "some circuits have confined the community caretaking exception to automobiles," while others "have extended the exception to warrantless searches of the home"). Indeed, Defendants conceded the split in their briefing below. Appellees' App. Ct. Br. at 34 ("[T]here is a split among the federal circuits concerning whether the community caretaking function applies outside of the automobile context.").

On one side, the Third, Seventh, Ninth, and Tenth Circuits have held that the community caretaking exception *cannot* justify warrantless intrusions inside a home. On the other side, the Fifth, Eighth, and now First Circuits have held that the community caretaking exception *does* extend beyond that threshold. State courts are likewise

deeply divided. That conflict is entrenched, and will persist unless this Court intervenes.

A. The Third, Seventh, Ninth, and Tenth Circuits Have Held that the Community Caretaking Exception Does *Not* Extend to the Home.

At least four Circuits have held that the "community caretaking" exception does not apply to searches of or seizures from a home.

1. In *Ray v. Township of Warren*, 626 F.3d 170 (3d Cir. 2010), the Third Circuit addressed the "community caretaking" exception in the context of officers' entry into a home to follow up on a mother's concerns about the safety of her daughter, who she believed was inside. *Id.* at 171–72. Because *Cady* was "expressly based on the distinction between automobiles and homes," the court held that the "community caretaking" exception "cannot be used to justify warrantless searches of a home." *Id.* at 176–77. The court did not rule out the possibility that "the exception [might] *ever* apply outside the context of an automobile search"—say, to a search of a non-residential building. *Id.* at 177 (emphasis added). "[I]n the context of a search of a *home*," however, the "community caretaking" exception "does not override the warrant requirement of the Fourth Amendment or the carefully crafted and well-recognized exceptions to that requirement." *Id.* (emphasis added).

2. Almost thirty years earlier, in *United States v. Pichany*, 687 F.2d 204 (7th Cir. 1982), the Seventh Circuit cabined the community caretaking exception to searches of cars. *Id.* at 207. Confronted with

officers' warrantless entry into a private warehouse, the court concluded that there was "no basis" for extending *Cady* beyond the context of vehicle searches. *Id.* Doing so, the court reasoned, "would require . . . ignor[ing] express language in the *Cady* decision confining the 'community caretaker' exception to searches involving automobiles." *Id.* at 208. Accordingly, the court declined to adopt "an expansive construction of the [*Cady*] decision" that would "allow[ ] warrantless searches of private homes or businesses." *Id.* at 209.

The Seventh Circuit more recently reaffirmed that holding in *Sutterfield v. City of Milwaukee*, 751 F.3d 542 (7th Cir. 2014). There, it counted itself among the Courts of Appeals that have taken "the narrow view" and "confined the community caretaking exception to the automobile context." *Id.* at 554, 556.

3. In *United States v. Erickson*, 991 F.2d 529 (9th Cir. 1993), the Ninth Circuit addressed the "community caretaking" exception in the context of an officer's decision to "pull[ ] back the plastic" from an open basement window and look inside "in order to determine whether [the] residence had been burglarized." *Id.* at 530. Like the Seventh Circuit, the Ninth Circuit reasoned that this Court had "intended to confine [*Cady*'s] holding to the automobile exception and to foreclose an expansive construction" of the "community caretaking" exception. *Id.* at 532. "The fact that [the] officer [was] performing a community caretaking function," the court thus held, "cannot itself justify a warrantless search of a private residence." *Id.* at 531; *see also Mathis v. Cnty. of Lyon*, 757 F. App'x

542, 545 (9th Cir. 2018) (citing *Erickson* for the proposition that the "community caretaking" exception "applies only to the impounding and inventory searches of motor vehicles").[2]

4. Finally, in *United States v. Bute*, 43 F.3d 531 (10th Cir. 1994), the Tenth Circuit considered the applicability of the "community caretaking" exception to the search of a warehouse. An officer entered the warehouse, suspecting burglary, after noticing that the garage door was open. *Id.* at 532–33. The court agreed with the Ninth and Seventh Circuits that this Court's decision in *Cady* "turned on the 'constitutional difference' between searching a house and searching an automobile." *Id.* at 535 (quoting *Cady*, 413 U.S. at 439). It thus held the "community caretaking" exception applies "only in cases involving automobile searches." *Id.*

[2] In the decision below, the First Circuit counted the Ninth Circuit's decision in *Rodriguez v. City of San Jose*, 930 F.3d 1123 (9th Cir. 2019), on the other side of the split. *See* Pet.App.15a. Although *Rodriguez* held that officers may enter a home without a warrant "to investigate safety or medical emergencies," it did not purport to depart from *Erickson*'s holding—echoed in *Mathis*—that "the 'community caretaking function . . . cannot itself justify a warrantless search.'" *Rodriguez*, 930 F.3d at 1137 (quoting *Erickson*, 991 F.2d at 531–32); *see also Mathis*, 757 F. App'x at 545. To the contrary, the court quoted *Erickson* for exactly that proposition. *Rodriguez*, 930 F.3d at 1137.

B. The Fifth, Eighth, and First Circuits Have Held that the Community Caretaking Exception Can Extend to the Home.

On the flipside, three other circuits have held that the "community caretaking" exception can justify warrantless intrusions into a home.

1. In *United States v. York*, 895 F.2d 1026 (5th Cir. 1990), the Fifth Circuit addressed a warrantless home entry in connection with a domestic disturbance call. *Id.* at 1027. The court held that the home entry was constitutional—despite the absence of a warrant—because the officers had been "community caretaking." *Id.* at 1030. Because the officers were acting in a caretaking capacity, the court held that "[n]o fourth amendment 'search' took place." *Id.*

2. In *United States v. Smith*, 820 F.3d 356 (8th Cir. 2016), officers responded to a request for a welfare check on the defendant's ex-girlfriend, who was believed to be at his home. *Id.* at 358–59. Citing its prior decision in *United States v. Quezada*, 448 F.3d 1005, 1007 (8th Cir. 2006), the Eighth Circuit held that the "entry into [the defendant's] home was a justifiable exercise of [the officers'] community caretaking function." *Smith*, 820 F.3d at 360; *see also Quezada*, 448 F.3d at 1007 (applying the "community caretaking" exception to a warrantless home entry).

3. Finally, in the decision below, the First Circuit outlined the "differences among the federal courts of appeals" and "join[ed] ranks with those courts that have extended the community caretaking

exception beyond the motor vehicle context" and into the home. Pet.App.16a; *see supra* 7–9. It could hardly have done so more clearly:

> Understanding the core purpose of the doctrine leads inexorably to the conclusion that it should not be limited to the motor vehicle context. Threats to individual and community safety are not confined to the highways. Given the doctrine's core purpose, its gradual expansion since *Cady*, and the practical realities of policing, we think it plain that the community caretaking doctrine may, under the right circumstances, have purchase outside the motor vehicle context. We so hold.

Pet.App.16a.

In the short time since the decision below came down, the First Circuit has relied on the "community caretaking" exception to justify a warrantless home entry in another case. In *Castagna v. Jean*, 955 F.3d 211 (1st Cir. 2020), officers entered a home without a warrant when they observed teenagers partying inside. "[A]pply[ing] the analysis laid out in *Caniglia*," the court held "that the officers' entry was justified under the community caretaking exception to the warrant requirement." *Id.* at 220. It thus concluded that the officers were entitled to qualified immunity. *See id.* at 224.[3]

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[3] In the decision below, the First Circuit counted the Sixth Circuit's decision in *United States v. Rohrig*, 98 F.3d 1506 (6th Cir. 1996), on this side of the split. *See* Pet.App.15a. But *Rohrig* mentioned "community caretaking functions" only in the

C. State Courts of Last Resort Are Likewise Deeply Divided.

Like the federal Courts of Appeals, state courts of last resort have also split on whether the "community caretaking" exception can justify an intrusion into the home.

1. On the one hand, several state courts—including the high courts of Arizona, California, New Jersey, and North Dakota—have held that the "community caretaking" exception does *not* apply to searches of, or seizures from, a home.

In *State v. Wilson*, 350 P.3d 800 (Ariz. 2015), for example, the Arizona Supreme Court addressed the exception in the context of a warrantless home entry based on suspicion that a toxic substance had been spilled. *Id.* at 801. The court "agree[d] with the Seventh Circuit" "that *Cady* 'intended to confine the holding to the automobile exception and to foreclose an expansive construction of the decision allowing warrantless searches of private homes or businesses.'" *Id.* at 804 (citing *Pichany,* 687 F.2d at 209). "Extending the community caretaker exception to homes," the court reasoned, "would substantially reduce the protection of privacy afforded by the

(continued…)

context of applying the exigent circumstances exception. *See* 98 F.3d at 1521; *see also id.* at 1518 ("Exigent Circumstances Justified the Warrantless Entry into Defendant's Home in This Case."). More recently, the Sixth Circuit has made clear that, "despite references to the doctrine in *Rohrig*, [it] doubt[s] that community caretaking will generally justify warrantless entries into private homes." *United States v. Williams*, 354 F.3d 497, 508 (6th Cir. 2003).

warrant requirement without significantly increasing the ability of law enforcement to make searches to protect the public." *Id.* at 805.

In *People v. Ovieda*, 446 P.3d 262 (Cal. 2019), the California Supreme Court considered the applicability of the exception to a warrantless home entry conducted "after family members reported [an individual] was suicidal and had access to a gun." *Id.* at 266. The court held that the "community caretaking" exception did not apply. "[T]he community caretaking exception," it reasoned, "is not one of the carefully delineated exceptions to the residential warrant requirement recognized by the United States Supreme Court." *Id.* at 276. That concept, it concluded, applies "only in the context of vehicle searches." *Id.* at 296.

Similarly, in *State v. Vargas*, 63 A.3d 175 (N.J. 2013), the New Jersey Supreme Court considered the "community caretaking" exception in connection with a warrantless entry made after a landlord expressed concern about a tenant's apparent absence. *Id.* at 177. The court held that "the community-caretaking doctrine is not a justification for the warrantless entry and search of a home." *Id.*

Finally, in *State v. Gill*, 755 N.W.2d 454 (N.D. 2008), the North Dakota Supreme Court addressed a warrantless home entry based on officers' concern for the wellbeing of an individual who had previously been in a car accident. "[T]he scope of an officer's community caretaking function," the court reasoned, "does not encompass dwelling places." *Id.* at 461. It therefore held "that a law enforcement officer's entry into a dwelling place cannot be justified alone on the

basis that the officer is acting in a community caretaking capacity." *Id.* at 459.

2. On the other hand, several state courts—including the high courts of South Dakota, and Wisconsin—have reached the opposite result.

In *State v. Deneui*, 775 N.W.2d 221 (S.D. 2009), the South Dakota Supreme Court confronted "the question whether the community caretaker doctrine, which [it] previously applied to an automobile search, should also be applied to a home search." *Id.* at 226. The case involved officers' warrantless entry into a home "to see if anyone inside needed assistance" after "smelling ammonia fumes outside." *Id.* The court found that the entry was not justified either by exigent circumstances or by any need for emergency aid. *See id.* at 240. It held, however, that "the community caretaker exception applie[d] to the warrantless entry into this home." *Id.* at 244.

Similarly, in *State v. Gracia*, 826 N.W.2d 87 (Wis. 2013), the Wisconsin Supreme Court considered "whether a warrantless search of [the defendant's] bedroom was a valid exercise of the community caretaker exception to the warrant requirement." *Id.* at 90. The officers entered the bedroom on the basis of an alleged concern that the defendant had been injured in a car accident. *See id.* at 92. Relying on its prior decision in *State v. Pinkard*, 785 N.W.2d 592 (Wis. 2010), the court noted that the "community caretaker function" can be "reasonably exercised within the context of a home." *Gracia*, 826 N.W.2d at 94 (quoting *Pinkard*, 785 N.W.2d at 601). And it ultimately concluded that "[t]he facts of th[e] case, when balanced in light of the totality of the circumstances, lead . . . to the conclusion that this

was a reasonable exercise of the community caretaker function." *Id.* at 98.

II. THE DECISION BELOW IS WRONG.

The "community caretaking" exception this Court recognized in *Cady* is a narrow carveout from the Fourth Amendment's warrant requirement that applies only to searches of motor vehicles. The First Circuit's contrary ruling stretches *Cady* beyond recognition. It conflicts with Fourth Amendment first principles. And it threatens to replace the Fourth Amendment's warrant requirement with a reasonableness regime that would balance away the sanctity of the home and fundamentally alter the relationship between the citizenry and the police.

1. In *Cady*, this Court considered the constitutionality of a police search of an automobile conducted in the wake of a car accident. 413 U.S at 436–37. The defendant was a Chicago police officer who had crashed a rental car in West Bend, Wisconsin. *Id.* at 435–36. The local police removed the damaged car to a private garage and searched it in an attempt to locate and secure defendant's police revolver. *See id.* at 436. The Court held that the warrantless search was consistent with the Fourth Amendment, under a newly minted "community caretaking" exception. *See id.* at 448.

On nearly every page of its opinion, however, the *Cady* Court was careful to emphasize that vehicle searches are different.

- "One class of cases which constitutes at least a partial exception to th[e] general rule [that warrantless searches are unreasonable] is automobile searches." *Id.* at 439.

- "Although vehicles are 'effects' within the meaning of the Fourth Amendment, 'for the purposes of the Fourth Amendment there is a constitutional difference between houses and cars.'" *Id.* (quoting *Chambers*, 399 U.S. at 52).
- "[S]earches of cars that are constantly movable may make the search of a car without a warrant a reasonable one although the result might be the opposite in a search of a home, a store, or other fixed piece of property." *Id.* at 440 (quoting *Cooper v. California*, 386 U.S. 58, 59 (1967)).
- "[T]he application of Fourth Amendment standards, originally intended to restrict only the Federal Government, to the States presents some difficulty when searches of automobiles are involved." *Id.*; *see also id.* at 440–41 (describing the different circumstances under which federal and state officers might search an automobile).
- "Because of the extensive regulation of motor vehicles and traffic, and also because of the frequency with which a vehicle can become disabled or involved in an accident on public highways, the extent of police-citizen contact involving automobiles will be substantially greater than police-citizen contact in a home or office." *Id.* at 441.
- "Although the original justification advanced for treating automobiles differently from houses, insofar as warrantless searches of automobiles by federal officers was concerned, was the vagrant and mobile nature of the former,

warrantless searches of vehicles by state officers have been sustained in cases in which the possibilities of the vehicle's being removed or evidence in it destroyed were remote, if not nonexistent." *Id.* at 441–42 (citations omitted).

- "The constitutional difference between searches of and seizures from houses and similar structures and from vehicles stems both from the ambulatory character of the latter and from the fact that extensive, and often noncriminal contact with automobiles will bring local officials in 'plain view' of evidence, fruits, or instrumentalities of a crime, or contraband." *Id.* at 442.
- "The Court's previous recognition of the distinction between motor vehicles and dwelling places leads us to conclude that the type of caretaking 'search' conducted here of a vehicle that was neither in the custody nor on the premises of its owner, and that had been placed where it was by virtue of lawful police action, was not unreasonable solely because a warrant had not been obtained." *Id.* at 447–48.

The Court, moreover, carefully tailored the phrase "community caretaking" to the work that "[l]ocal police officers" do in "investigat[ing] vehicle accidents": "Local police officers, unlike federal officers, frequently investigate vehicle accidents in which there is no claim of criminal liability and engage in what, for want of a better term, may be described as community caretaking functions, totally divorced from the detection, investigation, or

acquisition of evidence relating to the violation of a criminal statute." *Id.* at 441.

In the decades since, this Court has decided dozens of cases challenging the constitutionality of home searches. Never has it suggested that the "community caretaking" exception could justify a warrantless intrusion into the home. To the contrary, it has discussed that exception only in the context of vehicle searches. *See South Dakota v. Opperman*, 428 U.S. 364, 368 (1976) ("In the interests of public safety and as part of what the Court has called 'community caretaking functions,' automobiles are frequently taken into police custody." (citation omitted); *Colorado v. Bertine*, 479 U.S. 367, 372 (1987) (noting that "our cases accorded deference to police caretaking procedures designed to secure and protect vehicles and their contents within police custody").

2. Cabining the "community caretaking" exception to vehicle searches is consistent with the special protections afforded to the home under the Fourth Amendment. "Widespread hostility" to the Crown's intrusions into the home were a "driving force behind the adoption of [that] Amendment." *Carpenter v. United States*, 138 S. Ct. 2206, 2239 (2018) (Thomas, J., dissenting). It is precisely to prevent such intrusions that "the Constitution requires a magistrate to pass on the desires of the police before they violate the privacy of the home." *McDonald v. United States*, 335 U.S. 451, 455–56 (1948); *see also Florida v. Jardines*, 569 U.S. 1, 6 (2013) ("At the Amendment's 'very core' stands 'the right of a man to retreat into his own home and there be free from unreasonable governmental intrusion.'"

(quoting *Silverman v. United States*, 365 U.S. 505, 511 (1961))).

From the very beginning, accordingly, this Court has recognized the "sanctity" of the home for purposes of the Fourth Amendment. *Boyd v. United States*, 116 U.S. 616, 630 (1886); *Jardines*, 569 U.S. at 6 ("[W]hen it comes to the Fourth Amendment, the home is first among equals."). "[P]rivate residences are places in which the individual normally expects privacy free of governmental intrusion not authorized by a warrant, and that expectation is plainly one that society is prepared to recognize as justifiable." *United States v. Karo*, 468 U.S. 705, 714 (1984); *see also California v. Ciraolo*, 476 U.S. 207, 220 (1986) (Powell, J., dissenting) ("Our decisions have made clear that . . . a home is a place in which a subjective expectation of privacy virtually always will be legitimate."). Indeed, in no setting "is the zone of privacy more clearly defined than when bounded by the unambiguous physical dimensions of an individual's home—a zone that finds its roots in clear and specific constitutional terms: 'The right of the people to be secure in their . . . houses . . . shall not be violated.'" *Payton*, 445 U.S. at 589 (quoting U.S. Const. amend. IV). "We have, after all, lived our whole national history with an understanding of the ancient adage that a man's house is his castle . . . ." *Georgia v. Randolph*, 547 U.S. 103, 115 (2006) (internal quotation marks and citations omitted).

Vehicles, on the other hand, are near the very bottom of the Fourth Amendment pile. By their nature, cars move—and they do so through public spaces. *See Collins v. Virginia*, 138 S. Ct. 1663, 1669 (2018) (noting "[t]he 'ready mobility' of vehicles");

Cardwell v. Lewis, 417 U.S. 583, 590 (1974) (plurality op.) ("A car has little capacity for escaping public scrutiny."). And "unlike homes, [they] are subjected to pervasive and continuing governmental regulation and controls, including periodic inspection and licensing requirements." *Opperman*, 428 U.S. at 368.

For those reasons, the reasonable expectation of privacy in an "automobile is significantly less than that relating to one's home or office." *California v. Carney*, 471 U.S. 386, 391 (1985). "As an everyday occurrence, police stop and examine vehicles when license plates or inspection stickers have expired, or if other violations, such as exhaust fumes or excessive noise, are noted, or if headlights or other safety equipment are not in proper working order." *Opperman*, 428 U.S. at 368. And under the so-called "automobile exception," "officers may search an automobile without having obtained a warrant so long as they have probable cause to do so." *Collins*, 138 S. Ct. at 1670 (citing *Carney*, 471 U.S., at 392–93). Even without probable cause, cars can be searched incident to a lawful arrest "when it is reasonable to believe evidence relevant to the crime of arrest might be found in the vehicle." *Arizona v. Gant*, 556 U.S. 332, 343 (2009) (internal quotation marks and citation omitted).

As this Court made clear in *Collins*, these vehicle-specific doctrines do not apply outside of that context. There, "Virginia ask[ed] the Court to expand the scope of the automobile exception to permit police to invade any space outside an automobile even if the Fourth Amendment protects that space." 138 S. Ct. at 1671. This Court

emphatically declined. "Nothing in our case law," the Court explained, "suggests that the automobile exception gives an officer the right to enter a home or its curtilage to access a vehicle without a warrant." *Id.* To the contrary, "[e]xpanding the scope of the automobile exception in this way would both undervalue the core Fourth Amendment protection afforded to the home and . . . untether the automobile exception from the justifications underlying it." *Id.* (internal quotations omitted).

So too here. This Court has consistently "declined to expand the scope of other exceptions to the warrant requirement to permit warrantless entry into the home." *Id.* at 1672. That has been true of the plain-view doctrine, as well as of doctrines allowing public arrests. *See id.*; *Soldal v. Cook Cnty., Ill.*, 506 U.S. 56, 66 (1992); *Payton*, 445 U.S. at 587–590. Like those other doctrines, "the rationales underlying" the community caretaking exception "are specific to the nature of a vehicle and the ways in which it is distinct from a house." *Collins*, 138 S.Ct. at 1672. And here, as there, "[t]o allow an officer to rely on" the community caretaking exception "to gain entry into a house . . . would unmoor the exception from its justifications, render hollow the core Fourth Amendment protection the Constitution extends to the house . . . , and transform what was meant to be an exception into a tool with far broader application." *Id.* at 1672–73.

3. The First Circuit's rule would give police officers a blank check to evade the warrant requirement whenever they deem that doing so would be in the community's interest. The First Circuit's conception of the doctrine—which it

describes as "a catchall for the wide range of responsibilities that police officers must discharge aside from their criminal enforcement activities"—seems nearly boundless. Pet.App.13a (quoting *Rodriguez-Morales*, 929 F.2d at 785). Indeed, the panel freely admitted that "[p]olice officers enjoy wide latitude in deciding how best to execute their community caretaking responsibilities." *Id.* at 14a; *see id.* at 20a (explaining that, when community caretaking, officers are not bound by "established protocols or fixed criteria" and need not select the "least intrusive" of "reasonable choices among available options" (quotations omitted)). And "in the typical case," the court held that officers need "only act 'within the realm of reason' under the particular circumstances." *Id.* at 14a (quoting *Rodriguez-Morales*, 929 F.2d at 786).

The First Circuit's expansion of the "community caretaking" exception fundamentally mischaracterizes the job of a police officer. Police officers are agents of the State, and they play an important role in enforcing the law. But they are not "master[s] of all emergencies" any more than they are social workers or psychologists. *Id.* at 16a. Such a dramatic expansion of an officer's role, limited only by "the realm of reason," *id.* at 14a, is troubling when considered, as in this case, through a *de novo* lens. It is intolerable in the context of qualified immunity, which allows recourse against individual officers only when "'[t]he contours of [a] right [are] sufficiently clear' that every 'reasonable official would [have understood] that what he is doing violates that right.'" *Ashcroft v. al-Kidd*, 563 U.S. 731, 741 (2011) (quoting *Anderson v. Creighton*, 483 U.S. 635, 640

(1987)). Absent a prior case directly on point (unlikely, given the number of potentially distinguishing facts at play in any particular case), it is difficult to imagine a community-caretaking scenario in which that standard would be satisfied.

In addition to fraying the citizenry-police relationship, the First Circuit's freewheeling reasonableness regime does exactly what it sets out to avoid—leaving officers "twisting in the wind" without clear guidance on the bounds of their authority. *See* Pet.App.18a. Time and time again, this Court has emphasized "the virtue of providing clear and unequivocal guidelines to the law enforcement profession." *California v. Acevedo*, 500 U.S. 565, 577 (1991) (internal quotation marks omitted). Yet the First Circuit's "within the universe of reasonable choices" standard leaves officers without any predictable means of determining what the Fourth Amendment requires.

More fundamentally, it is the role of the courts—not the police—to decide whether and when an intrusion into the home is justified. "[T]he most basic constitutional rule in this area is that 'searches conducted outside the judicial process, without prior approval by judge or magistrate, are per se unreasonable under the Fourth Amendment—subject only to a few specially established and well-delineated exceptions.'" *Coolidge v. New Hampshire*, 403 U.S. 443, 454–55 (1971) (quoting *Katz v. United States*, 389 U.S. 347, 357 (1967)). And those exceptions are "jealously and carefully drawn." *Jones*, 357 U.S. at 499.

A "community caretaking" exception that justifies warrantless home entries whenever they

seem "reasonable" turns the warrant requirement on its head. Where there is a true exigency—a well-defined concept with settled boundaries—warrantless entry into a home may be justified. *See generally, e.g.*, *Mincey v. Arizona*, 437 U.S. 385 (1978); *Brigham City, Utah v. Stuart*, 547 U.S. 398 (2006). Otherwise, a warrant—issued on the basis of "probable cause," not "reasonableness"—is what the Fourth Amendment demands.

III. THIS CASE IS THE IDEAL VEHICLE TO ADDRESS THIS IMPORTANT QUESTION.

This case is a clean vehicle for this Court to clear up decades of "confusion among the circuits as to whether the community caretaking exception set forth in *Cady* applies to warrantless searches of the home." *Ray*, 626 F.3d at 175–77.

The question was fully briefed before, and squarely decided by, both the District Court and the Court of Appeals. "Community caretaking" was the only justification both courts found for the entry. *See* Pet.App.12a n.5 (noting that "the defendants seek shelter only behind the community caretaking exception"); *id.* at 11a ("[The defendants seek to wrap both of the contested seizures in the community caretaking exception to the warrant requirement."). The applicability of that exception to the home was dispositive of Petitioner's Fourth Amendment claim. And, unlike many other cases, this one does not arise in a qualified-immunity posture. *See id.* at 8a–9a n.3 (clarifying that the court "resolve[d] [Petitioner's] Fourth Amendment claims on the merits" because "[q]ualified immunity . . . offers no refuge either to the City or to the officers in their official capacities").

In short: If this Court had been waiting for the right case in which to take up this question, this is it.

Moreover, this question is important. "[P]hysical entry of the home is the chief evil against which the wording of the Fourth Amendment is directed . . . ." *United States v. U.S. Dist. Ct.*, 407 U.S. 297, 313 (1972). The expansion of an amorphous exception—which, according to the First Circuit, can cover teenage parties, wellness checks, and anything else an officer deems "reasonable" in the name of community care—into that most private of spaces authorizes exactly those intrusions the Founders most feared. And the entrenched split of authority leaves officers without much-needed guidance about the scope of their authority—and citizens without much-needed confidence in the supposed sanctity of their homes.

CONCLUSION

The petition for a writ of certiorari should be granted.

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