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The issue the Supreme Court will decide in [Caniglia v. Strom](#) [2] is whether the Fourth Amendment “community caretaking” exception to the warrant requirement extends to the home.

A police officer determined Edward Caniglia was “imminently dangerous to himself and others” after the previous evening he had thrown a gun on the dining room table and said something to his wife like “shoot me now and get it over with.” Officers convinced Caniglia to go to the hospital for a psychiatric evaluation after apparently telling him they wouldn’t confiscate his firearms. The officers went into his home and seized the guns regardless.

Caniglia sued the officers for money damages claiming that he and his guns were unconstitutionally seized without a warrant in violation of the Fourth Amendment.

The First Circuit held that the Fourth Amendment’s “community caretaker” exception to the warrant requirement applies in this case and that neither of the seizures violated the Fourth Amendment.

The Supreme Court first applied the community caretaking exception in *Cady v. Dombrowski* (1973). In that case the Supreme Court held police officers could search without a warrant a disabled vehicle they reasonably believed contained a gun in the truck and was vulnerable to vandals. According to the Court, police officers frequently engage in “community caretaking functions, totally divorced from the detection, investigation, or acquisition of evidence relating to the violation of a criminal statute.” Police activity in furtherance of the community caretaker function is permissible as long as it is “executed in a reasonable manner pursuant to either ‘state law or sound police procedure.’”

Importantly, the Supreme Court has never extended the community caretaking exception beyond the motor vehicle context.

The First Circuit decided to do so in this case in light of the “special role” that police officers play in our society. The First Circuit reasoned: “[A] police officer — over and above his weighty responsibilities for enforcing the criminal law — must act as a master of all emergencies, who is ‘expected to aid those in distress, combat actual hazards, prevent potential hazards from materializing, and provide an infinite variety of services to preserve and protect community safety.’”

The First Circuit held that sending Caniglia for a psychiatric evaluation fell within the community caretaker exception because “no rational factfinder could deem unreasonable the officers’ conclusion that [Caniglia] presented an imminent risk of harming himself or others.”

The First Circuit held that warrantless entry into Caniglia’s home and seizure of the firearms also fell within the community caretaker exception. “We conclude that the officers could reasonably have believed, based on the facts known to them at the time, that leaving the guns in [Caniglia] home, accessible to him, posed a serious threat of immediate harm.”

The Supreme Court extending the community caretaker exception outside the context of vehicles to

the home would be a significant decision. It would mean officers would be less likely to violate the constitution when engaging in warrantless caretaking activities. Such a holding would be advantageous to states and local governments, who usually pay money damage when officers are sued for constitutional violations.

By:

Monday, November 23, 2020 at 01:32 PM

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