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## CLIENT BULLETIN

### U.S. SUPREME COURT PROHIBITS SEARCHES OF HOME UNDER "COMMUNITY CARETAKING" DOCTRINE

June 15, 2021

When police officers in Cranston, Rhode Island seized a suicidal homeowner's firearms after removing him for a psychiatric evaluation, they set in motion a case that may have significant implications for nationwide changes to community policing in the post-Floyd era. The U.S. Supreme Court ruled last month in *Caniglia v. Strom* (2021) 141 S. Ct. 1596 that the officers' entry into the home violated the Fourth Amendment and was not justified by the "community caretaking function" law enforcement officers are often asked to perform.

In August, 2015, the wife of homeowner Edward Caniglia called police because her husband had placed an unloaded firearm on the dining room table and asked her to "shoot me now and get it over with". The police detained Caniglia for psychiatric evaluation because he posed a risk to himself or others. With Caniglia's wife, the officers entered the home and seized two handguns.

The homeowner sued the police, claiming they violated his Fourth Amendment right against unreasonable search and seizure when they entered his home and seized both him and the firearms without a warrant. The state argued no consent or exigent circumstance was necessary to justify the entry and seizures because of the need to protect the homeowner and the public in a noncriminal situation.

#### ***"Community Caretaking" Extends to Vehicles, Not Homes***

This "community caretaking" exception to the Fourth Amendment was established by the Supreme Court itself in 1973 in a case involving the search of the locked trunk of a rental car for a murder weapon. Wisconsin officers searched the trunk on the basis its contents

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had to be secured against the possibility a vandal would break into the car and obtain the driver's revolver. The Court said the search was reasonable, and several cases since 1973 upheld warrantless vehicle searches on that basis.

The community caretaking function has been described by the courts as "a catchall for a wide range of police responsibilities" that is "totally divorced from the detection, investigation, or acquisition of evidence relating to the violation of a criminal statute." But the policy or doctrine was limited to vehicle-related issues until Rhode Island raised it as a defense to the officers' seizure of the homeowner's guns in the *Caniglia* case.

Writing for a unanimous court, Justice Clarence Thomas rejected this reliance on "community caretaking" to justify the seizure. Officers may need to provide aid to motorists or perform other noncriminal functions relating to vehicles, he wrote, but homes are different. Law enforcement officers cannot enter private property without a warrant or an exigency; the need to provide "caretaking" for the safety of a resident or others is no exception.

For decades, peace officers have been asked to be all things to all people all the time. As law enforcement undergoes yet another shift away from crime prevention and toward more "community policing", the *Caniglia* decision will limit how far officers must go in protecting individuals and the community when a crime has not occurred. The decision may in a small way ease the burden on peace officers by supporting the trend toward non-law enforcement responses to mental illness and public safety.

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