



Roll Call Training Bulletin

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UNDER THE FOURTH AMENDMENT, PURSUIT OF A FLEEING MISDEMEANOR SUSPECT DOES NOT ALWAYS JUSTIFY A WARRANTLESS ENTRY INTO A HOME

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This bulletin will address under what circumstances an officer is allowed to pursue a misdemeanor suspect into a residence without a warrant.

Summary

In *Lange v. California*, the United States Supreme Court held that an officer's pursuit of a fleeing misdemeanor suspect does not categorically justify a warrantless entry into a home. Instead, as per Supreme Court precedent, a case-by-case assessment of exigency is required when deciding whether a suspected misdemeanor's flight justifies a warrantless home entry.

Background

Arthur Lange drove by a California highway patrol officer in Sonoma. Lange was playing loud music with his windows down and repeatedly honking his horn. The officer began to tail Lange, and soon afterward turned on his overhead lights to signal that Lange should pull over. By that time, however, Lange was only approximately 100 hundred feet (and about a four-second drive) from his home. Instead of stopping, Lange continued to his driveway and entered his attached garage. The officer followed Lange into the garage and began questioning him. Observing signs of intoxication, the officer put Lange through field sobriety tests. Lange did not do well on these tests. A later blood test revealed that Lange's blood-alcohol content was more than three times the legal limit.

Hot pursuit of a misdemeanor suspect alone does not justify a warrantless entry into a home. When chasing a misdemeanor suspect into a residence an officer should consider ***the totality of circumstances, exigency***, and some of the following factors:

- Is there reasonable belief of imminent destruction of evidence?
- Is there risk of injury to occupants or others?
- Is there time to obtain a warrant?

In other words, a warrant is required for entry into a location where there is an expectation of privacy, unless exigent circumstances are present.