

PREVIEW in the Classroom Case Study

Caniglia v. Strom

Argument Date: March 24, 2021

Does the “community caretaking” exception to the Fourth Amendment’s warrant requirement extend to the home?

Key Definitions:

Exigent Circumstance – An emergency that requires quick action to avoid danger to life or damage to property. Examples include: a fire, someone destroying evidence, or a medical emergency.

Fourth Amendment -- 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.

Fourteenth Amendment

Probable Cause – A reasonable belief that a crime has occurred or is going to occur.

Qualified Immunity - A legal principal that grants government officials performing government tasks a certain level of protection from civil law suits.

Second Amendment – The Constitutional right to keep and bear arms.

Suppress – To prevent evidence from being admitted in court – usually because the evidence was illegally or improperly obtained.

Warrant – A document from a court official (usually a judge) giving law enforcement authority to undertake a certain action – for example, search a home or arrest an individual.

Case at a Glance

Here an argument between spouses over a coffee mug evolved into the husband suing the City of Cranston, Rhode Island, and multiple police officers for violation of his Fourth Amendment rights. Since the Court’s 1973 decision in *Cady v. Dombrowski*, law enforcement has sought to justify various noninvestigatory searches and seizures in the name of “community caretaking.” As these actions are not for criminal investigation purposes, police claim they are not subject to traditional Fourth Amendment requirements, such as warrants, probable cause, or reasonable suspicion. Although the Court’s grant of *certiorari* in this case presumes such an exception exists and merely asks the parties to address whether it applies to house searches, the case’s facts and the parties’ arguments may require the Court to address the broader question of whether there is indeed such a separate



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exception and what its scope is. Respondent Robert F. Strom is the finance director of the City of Cranston, Rhode Island, which itself is among the multiple defendants.

Facts

This is not a criminal case, although it involves protections most often invoked in criminal proceedings. On the evening of August 20, 2015, Edward Caniglia, 68, and Kim, his wife of 27 years, got into an argument over a coffee mug. Edward became frustrated, went into their bedroom, and retrieved an unloaded handgun. He returned to where his wife was, threw the gun on a table, and told her, “Why don’t you just shoot me and get me out of my misery?” Kim threatened to call 911 but did not when Edward left the house. Kim then took the gun, which she learned for the first time had been unloaded, and hid it in their bedroom. Edward returned, and the argument continued. This time Kim left—going to a local hotel for the night. The next morning Kim became concerned when she could not reach Edward by phone and called the Cranston Police so they could make a wellness check on him. Three officers went to the hotel and talked with Kim. She told them about the argument, her concerns for Edward’s safety, and her concerns he might have committed suicide.

The police called Edward and found he was well. At the home, Edward and the police talked on the porch. He admitted bringing out the gun but denied any suicidal intentions, telling the police his mental health was “none of their business.” Four officers were at the home. Two felt Edward seemed fine and normal, but the lead officer, Sergeant Barth, was concerned about Edward’s condition. Officer Greene from the Cranston Fire Department arrived and eventually Edward went with him to the local hospital for evaluation. The police claim this was voluntary while Edward disputes this and says he only went because police promised not to seize his guns. After Edward’s departure, Barth called Captain Henry, his supervisor, and informed Henry of the situation. Based on their discussion, Henry authorized Barth to seize any guns Edward had. Kim showed the police where two guns, plus magazines and ammunition for them were, which the police seized. They did not seize anything else nor search any places other than those Kim showed them. At the hospital, Edward was evaluated, released as nonsuicidal, and sent home, where he discovered his property taken.

A few days later, Edward tried unsuccessfully to get his guns back. After a month, he was told the guns would not be returned. Police also ignored a letter from Edward’s attorney demanding the guns’ release. Finally, after Edward filed a lawsuit against the City of Cranston, the four officers, Captain Henry, and others, the guns were returned without explanation.

Edward’s lawsuit in Rhode Island federal court alleged seven grounds for damages and injunctive relief. Four claims were brought under 42 U.S.C. § 1983 for violations of his constitutional rights under the Second and Fourth Amendments, plus violations of his due process and equal protection rights under the Fourteenth Amendment. The other three counts alleged violations of state and common law.



On the Fourth Amendment claims, United States District Court Judge John J. McConnell Jr. assumed that Edward was seized when taken to the hospital for evaluation, that his house had been nonconsensually entered, and that his weapons had been involuntarily seized. Even so, Judge McConnell found the authorities' actions did not violate the Fourth Amendment and that if they did, the authorities were entitled to qualified immunity. Judge McConnell did find Edward's due process rights violated when the city retained his property and failed to provide him prompt notice of how to retrieve it. The court awarded him minimal damages for this and denied the remaining constitutional, state law, and common-law claims. *Caniglia v. Strom*, 396 F. Supp. 3d 227 (D.R.I. 2019). Judge McConnell rejected the Fourth Amendment claims, citing the community caretaking doctrine under which "[a] part from investigating crime, police are 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 public safety."

The district court cited the Supreme Court's decision in *Cady v. Dombrowski*, 413 U.S. 433 (1973), in finding the community caretaking doctrine justified the authorities' actions here. In *Cady*, Wisconsin police had searched without a warrant the towed rental car Chicago police Officer Cady had crashed. The police did not initially suspect Cady of any crime other than DUI but searched the car because they believed Chicago officers had to carry their firearms with them at all times, even while off duty. The search led to the discovery of evidence ultimately leading to Cady's murder conviction. Judge McConnell recognized other courts had limited the doctrine to vehicle searches but declined to do so. Instead, the district court here found that as long as the police acted reasonably in balancing Caniglia's liberty interests against government interests in preventing harm to him and others, the defendants' actions were constitutionally reasonable. The court also found that even if they violated the Fourth Amendment, qualified immunity protected the defendants against the lawsuit.

Caniglia appealed the district court's decisions, except for those portions dealing with due process and common-law issues. The United States Court of Appeals for the First Circuit in a unanimous decision affirmed the district court's rulings. *Caniglia v. Strom*, 953 F.3d 112 (1st Cir. 2020). On the Fourth Amendment claims, the court assumed the police entry of Caniglia's home and the seizure of his property were nonconsensual. The circuit court also assumed he was involuntarily seized when taken to the hospital and evaluated. However, the First Circuit found these actions justified under the community caretaking doctrine. The court recognized that the Fourth Amendment's language specifically refers to houses and that usually governmental home invasions are unconstitutional without a warrant. The court noted two exceptions to the warrant requirement for home entries and searches: emergency aid and exigent circumstances. However, the First Circuit found neither exception applicable here. Instead, like the district court, the First Circuit relied solely on the community caretaking doctrine, extending it to houses as well as automobiles. The court noted that *Cady* had generally described "community caretaking functions [as those] totally divorced from the detection, investigation, or acquisition of evidence relating to the violation of a criminal statute." Thus, a police officer "must act as a master of all emergencies, who is expected to...provide an infinite variety of services to preserve and protect community safety." This public expectation and the variable situations where safety hazards can occur justified the doctrine extension to homes.



The court found that police response to situations involving mental issues and potential suicidal behavior fell within classic community caretaking.

The First Circuit stated that police action in the name of community caretaking is not unlimited. Police must first have “solid, non-investigatory reasons for engaging in community caretaking activities.” Second, once acting as caretakers, police actions must be based on state law or sound police procedure. Yet no established protocols must support their actions. Rather, the First Circuit held that the ultimate test is whether the officers’ actions “are within the realm of reason.” This does not require that police always choose the least intrusive means. In analyzing the officers’ actions, the court repeatedly found them within this realm, thus justifying action under the exception, even within Caniglia’s home.

The First Circuit rejected the idea that either the emergency aid or exigent circumstances exceptions applied because the facts did not present “the degree of immediacy typically required,” under these exceptions. No one was seriously hurt when the Cranston police became involved nor was one likely to be so in the near future. Indeed, the appeals court noted 12 hours had passed since Edward made the alleged suicidal statement. Yet the court found the officers’ actions justified as the officers could have reasonably concluded Edward “posed an imminent risk to himself or to others.”

Case Analysis

The arguments in this case reflect the constant tension in Fourth Amendment cases between bright, fixed lines and more flexible case-by-case standards of evaluating police conduct. Two terms ago in *Collins v. Virginia*, 138 S. CT. 1663 (2018), the Court refused to extend the automobile exception to the warrant requirement to permit police invasion of a home’s curtilage (area immediately outside the home) where a stolen motorcycle was allegedly parked. There, the Court emphasized the sanctity of the home under the Amendment, noting there were only a few exceptions to the warrant requirement when houses are concerned. That case clearly involved the search for evidence of a crime, unlike this one, which does not. Notably none of the briefs supporting respondents cite *Collins*, while many of those supporting Caniglia do.

The Fourth Amendment contains two clauses protecting people “in their persons, houses, papers, and effects, against unreasonable searches and seizures” and additionally requiring that “no Warrants shall issue, but upon probable cause...particularly describing the place to be searched, and the persons or things to be seized.” These two clauses play a major role in the arguments.

Arguments for Petitioner Edward Caniglia

- *Cady’s* community caretaking exception to the warrant requirement does not apply here.
 - *Cady* limited the community caretaking exception to searches of vehicles that were not in an owner’s custody or on an owner’s property.

- As noted in *Cady*, there is a difference in the reduced privacy expectations one has in vehicles from the heightened privacy expectations people have in homes.
- The Court has never extended the *Cady* exception beyond vehicles and, certainly, not into the home.
- *Cady* created a narrow exception, which requires a vehicle be involved, it be in police custody, and it be searched under standard police caretaking standards. The *Cady* exception is inapplicable beyond searches involving vehicles and movable property in police possession.
- The Fourth Amendment’s text, the common-law tradition, the historical motivation behind the Amendment’s passage support Caniglia’s argument that the exemption does not apply here.
 - “Houses” are textually the only place given protection in the Fourth Amendment, highlighting how critical protecting the home was to the Amendment’s drafting.
 - At common law, the home had the highest protection against invasion. A major complaint leading to the American Revolution was British use of general warrants or writs of assistance to allow otherwise unjustified home invasions or searches of commercial property for either smuggled goods or libelous writings against the king. These offensive practices led to the Fourth Amendment’s adoption soon after the Constitution’s passage.
- The extension of the community care-taking exception to the home is bad policy.
 - It would make the warrant requirement a nullity for the one place it was designed to most protect.
 - Expecting police to only act “within the realm of reason” is requiring very little before the home can be invaded in the name of community caretaking.
- The emergency aid and exigent circumstances exception already sometimes allow police warrantless home entry.
 - If a situation is not dire enough to invoke these exceptions—as the First Circuit found it was not here—then it is not pressing enough to avoid the warrant requirement.
 - There should be a bright line test for police conduct under the community caretaking exception: warrantless entries of homes are off limits under it.

Arguments for Amicus in Support of Petitioner Edward Caniglia

Pacific Legal Foundation

- The community care taking exception to the warrant requirement does not, and should not, extend to the home.
 - The most basic application of the Fourth Amendment is to secure private homes from warrantless government trespass.

- “The historic importance of the liberty, property, and privacy interests Americans hold in their own houses outweighs the government’s interest in trespassing on the home without a warrant to carry out a nonemergency community caretaker function.”
- A trespass on a home without a warrant is *per se* unreasonable.
- A search of a home for noninvestigatory reasons does not lower the level of scrutiny a court should apply to it.
- Privacy interests are greatest in our homes.
 - “Even if the Court were to look past the trespassory test for reasonableness that requires exigent circumstances or an emergency to justify a warrantless search, the balance of interests would weigh against extending the community caretaking exception to private homes.”
 - “Only compelling emergencies allow warrantless intrusions by the state,⁴ and the lower court made no finding of such a condition here.”

Second Amendment Foundation

- Extending the community caretaking exception on the basis of this case undermines the Fourth and Second Amendments.
 - The extension is “a wholesale shift in constitutional power that sanctions a lone law enforcement officer making a determination, on a case-by-case basis, whether a citizen exercising a fundamental right is consistent with public safety.”

Gun Owners of America, Inc.

- If “reasonableness” is the standard by which the Fourth Amendment is to be interpreted, that Amendment ceases to have any objective meaning and no longer provides the American people any protection from the government.
- Interest balancing like the lower court established elevates the personal opinions of modern judges over the text of the Framers.

Arguments for Respondents Representing the City of Cranston Rhode Island (including Robert Strom)

- Reasonableness is the traditional principle behind the community care-taking cases, so there is no reason to exclude houses from the exception.
 - Warrantless home searches should only occur in narrow cases, but this is one of those cases.
 - Suicide prevention and domestic violence protection should be considered valid caretaking functions, just like aiding the elderly, sick children, or the injured and responding to potential natural disasters.

- To serve these functions, home entries are needed and should be allowed in narrow instances.
- Not recognizing such an exception and extending it to the home would leave some individuals needing assistance to their own resources, which they may not have.
- The First Circuit provided adequate standards for police action.
 - Police should only have to make reasonable choices between workable alternatives. They should not have to always take the least intrusive alternative as it may not be readily perceivable.
 - As to whether the police acted hastily here, the home entry and weapons seizures were not done until a superior officer approved them. Sergeant Barth called Captain Henry after Caniglia left the scene. Only after consultation with, and approval from, Henry did the officers enter the home.
- As to the text and history of the Fourth Amendment, it only demands that searches and seizures be reasonable and does not require warrants for all of them.
 - Caniglia is wrong that common law did not recognize governmental caretaking—for example, town watchmen patrolled from dusk to dawn to ensure safety and peace.
 - Allowing home entries for community caretaking does not violate Fourth Amendment protections. Any entry would still have to be justified by specific articulable facts and be carefully limited in length and scope to the facts justifying it initially.
 - Here, the Cranston police limited their actions to finding and securing Caniglia’s firearms, and once they had them, the police left without any further intrusions.

Arguments for Amicus in Support of Respondents Representing the City of Cranston Rhode Island (including Robert Strom)

Iowa and 8 Other States

- The emergency aid exception permits police officers’ warrantless entry into a home and related seizures when there is an imminent threat of serious harm to an occupant.
- The lower courts misread the community caretaking interest as a warrant exception; community caretaking is not a separate exception but a subcategory of the emergency aid exception.
 - *Cady* did not create a caretaking “exception” but merely recognized the government’s community caretaking interests and applied traditional

Fourth Amendment standards to the unique facts of the case in deciding that the warrantless car search was reasonable.

- *Cady* laid the groundwork for the Court’s adoption of the inventory exception to the warrant requirement for searching a lawfully-impounded automobile, but that exception does not limit the broader application of the Fourth Amendment standards applied in *Cady*.
- Lower courts have created a variety of community caretaking “exceptions” that incorrectly limit the scope of the government’s public safety interests and the searches that advance those interests.

National Association of Counties

- Caniglia’s proposed absolute rule is too broad and doesn’t account for the current reality of community caretaking.
 - Requests for caretaking in the home have grown exponentially since *Cady*.
 - The 911 emergency number and various trends have increased the need for caretaking in the home. Since the 1970s, the 911 emergency number has become a universal feature of public health and safety.

Significance

If the Court, under either a general reasonableness standard, the emergency aid exception, or extension of the community caretaking doctrine to the home, decides for respondents, the petitioner’s case will probably be over. Only if the Court were to then find the First Circuit’s standards too lenient would remand occur. Even if the Court finds any of Caniglia’s Fourth Amendment rights violated, the case will continue. Since the First Circuit never addressed defendants’ qualified immunity claim, the Court would remand for consideration of this issue.

There is a remaining possibility that the parties and amici do not seem to have strongly considered. The police were consensually on the home’s porch when they seized Caniglia and had him taken to the hospital for evaluation. The Court could possibly find this seizure reasonable using the traditional balancing of interests and still find the home entry unreasonable as police did not wait for any evaluation results before entering.

This case will be significant for a number of reasons, no matter who wins. First, the Court’s decision should settle whether there is a separate Fourth Amendment warrant requirement exception for “community caretaking” or whether this is just a subcategory of the emergency aid or exigent circumstances exceptions. Second, if the Court decides community caretaking is an independent exception, its decision will hopefully help distinguish it from the other two—something that lower courts admittedly have had trouble doing. Third, the decision should provide guidance on when such an exception applies. Without this guidance, police do not know when they can lawfully act, and lower courts will have trouble evaluating police conduct in individual cases, including civil rights lawsuits like this one. Finally, the decision may also firmly establish whether a community caretaking

doctrine is limited to movable property, like vehicles already lawfully in police possession, or extends to homes. As *Caniglia* was seized when taken to the hospital, the Court's decision should also address if the caretaking doctrine applies to seizures of persons.

Both sides recognize the split in decisions among the states and among the federal courts on home entries. Indeed, resolving this split of authority is one of the prime reasons the Court was urged to take the case. The First, Fifth, and Eighth Circuits have so extended the doctrine, but the Third, Ninth, and Tenth have not. The parties disagree with the Seventh Circuit on the issue. As for the states, South Dakota and Wisconsin apply community caretaking to the home, while Arizona, California, New Jersey, and North Dakota decline to do so.

One way or another this case will add another piece to the ever-expanding mosaic of Fourth Amendment law.

This classroom case study was modified from PREVIEW of United States Supreme Court Cases 48, no. 6 (February 22, 2021): authored by Mark M. Dobson. © 2021 American Bar Association

Focus Questions:

1. After reading the case study, what questions do you have regarding the case?
2. What are some of the interests the Court will have to balance in coming to a decision in this case?
3. What are some of the strongest arguments in support of the plaintiff?
4. What are some of the strongest arguments in support of the respondent?
5. Some of the amici worry about the underlying purposes of the Second and Fourth Amendments if the Court rules in favor of the law enforcement officials. Do you agree with these concerns? Why or why not?

Additional Resources:

ABA Supreme Court Preview, *Is There a Separate "Community Caretaking" Exception to the Fourth Amendment, and, if So, Does It Extend to Homes?* March 2021, pg 11

Supreme Court Oral Argument Audio

<https://www.c-span.org/video/?508646-1/caniglia-v-strom-oral-argument>

Video Series – Warrant Exceptions

<https://www.youtube.com/watch?v=RhAB4xmHFqo>

<https://www.youtube.com/watch?v=7zcjthmHOLs>



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PREVIEW Update: How did the Court rule?

Decided: May 17, 2021

Issue before the Court:

Does the “community caretaking” exception to the Fourth Amendment’s warrant requirement extend to the home?

Court Ruling:

No. Neither the holding nor logic of *Cady* justifies such warrantless searches and seizures in the home.

From the unanimous opinion by Justice Thomas:

Cady’s unmistakable distinction between vehicles and homes also places into proper context its reference to “community caretaking.” This quote comes from a portion of the opinion explaining that the “frequency with which... vehicle[s] can become disabled or involved in...accident[s] on public highways” often requires police to perform noncriminal “community caretaking functions,” such as providing aid to motorists.... But, this recognition that police officers perform many civic tasks in modern society was just that—a recognition that these tasks exist, and not an open-ended license to perform them anywhere.

Concurring: Chief Justice Roberts (joined by Justice Breyer)

Concurring: Justice Alito

Concurring: Justice Kavanaugh