



LGIT'S ROLL CALL REPORTER

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The “Emergency Aid Exception” to the Warrant Requirement

QUESTION: Do officers need proof of a life-threatening injury before entering a residence pursuant to the “emergency aid exception” to the Fourth Amendment’s warrant requirement?

ANSWER: No. To invoke the “emergency aid exception,” officers need only have an objective reasonable basis to believe that a person within the residence is in need of immediate aid.

**CASE: *Michigan v. Fisher*, Supreme Court of the United States
Decided December 7, 2009**

In this case, the Supreme Court was called upon to examine the “emergency aid exception” to the warrant requirement. The facts in the case established that police officers responded to a complaint of a disturbance. When Officer Christopher Goolsby and his partner approached the area in which the disturbance was reported, a couple directed them to a residence where a man was “going crazy.” Upon their arrival, the officers observed a pickup truck in the driveway with its front smashed, damaged fenceposts along the side of the property, and three broken house windows, the glass still on the ground outside. The officers also noticed blood on the hood of the pickup and on clothes inside of it, as well as on one of the doors to the house. Through a window, the officers could see a man, later identified as Jeremy Fisher, inside the house, screaming and throwing things. The back door was locked, and a couch had been placed to block the front door. The officers knocked, but Fisher refused to answer. The officers observed that Fisher had a cut on his hand, and they asked him if he needed medical assistance. In response, Fisher, using profanity, told the officers to go get a search warrant. At this point, Officer Goolsby pushed the front door partway open and stepped in the house. Through the window in the open door, he saw Fisher pointing a rifle at him. Officer Goolsby immediately withdrew.

Fisher was subsequently arrested and charged under Michigan law with assault with a dangerous weapon and possession of a firearm during the commission of a felony. Prior to his criminal trial, Fisher moved to suppress the evidence against him, arguing that Officer Goolsby violated the Fourth Amendment when he entered Fisher’s house. The trial court agreed with Fisher and suppressed Officer Goolsby’s statement that Fisher

pointed a rifle at him. The Michigan Court of Appeals upheld the trial court's decision, and the State sought, and was granted, review in the Supreme Court.

The Supreme Court reversed the Michigan court's finding that there was a violation of the Fourth Amendment. In doing so, the Supreme Court relied upon the "emergency aid exception" to the Fourth Amendment's warrant requirement. This exception enables an officer to enter a home without a warrant to render emergency assistance to an injured occupant or to protect an occupant from imminent injury. The "emergency aid exception" does not depend on the officer's subjective intent or the seriousness of any crime they are investigating when the emergency arises. Instead, the exception requires only that there be "an objectively reasonable basis for believing that a person within the house is in need of immediate aid."

Under the circumstances encountered by the officers in this case, it was plainly reasonable for the officer to enter the house. The officers were responding to a report of a disturbance and, when they arrived, they encountered a chaotic situation in the house. They also found evidence of recent injury, perhaps from a car accident, outside of the house. Finally, the officers could see violent behavior inside of the house, including the throwing of objects that might have had a human target. For all of these reasons, the Supreme Court held that no violation of the Fourth Amendment had occurred.

NOTE: When relying upon the "emergency aid exception" to enter a residence, officers do not need "ironclad" proof of a likely serious, life-threatening injury. The test is an objective one, requiring only that the officer have a reasonable basis for believing that medical assistance might be needed or that an occupant is in danger. As the Supreme Court said, "[i]t does not meet the needs of law enforcement or the demands of public safety to require officers to walk away from a situation like the one they encountered here."

By John F. Breads, Jr., Director of Legal Services, Local Government Insurance Trust

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