

Name \_\_\_\_\_

Date \_\_\_\_\_

## MARCH ROLL CALL TRAINING

### High Risk Critical Task / Arrest, Search, and Seizure

The provisions of the Constitution restrict the power of the government officials, and specifically law enforcement officers, with respect to an officer's authority over citizens. The amount of power an officer can exercise over an individual is often controlled by the level of proof or the level of suspicion that the officer has regarding that individual. The policy of this agency is to protect and serve the public while preserving the constitutional rights of all citizens when stopping, arresting, or searching individuals. Officers must balance the intrusion on citizens' rights against the needs of law enforcement in solving crimes for the protection of the community. Probable cause to arrest is defined as facts and circumstances based upon observations or information that would lead a reasonable law enforcement officer to believe that a crime has been or is being committed and the person to be arrested is the one who is about to or has committed the crime.

**Scenario:** An officer is on patrol and observes a car fail to stop at a stop sign in a residential area. The officer initiates a traffic stop and the car continues to drive at a normal rate of speed. The car continues for about 150 feet and then turns into a driveway, pulls up to the house, and drives into the attached garage. The garage door begins to lower. The officer quickly exits his car, stops the garage door from lowering, and enters the garage. After speaking to the driver, the officer smells a strong odor of alcoholic beverage. The officer performs field sobriety evaluations on the driver and arrests him for DUI.

**Question:** Was it lawful under the Fourth Amendment for the officer to enter the driver's garage to conduct the stop and investigation?

**Answer:** No. In 2021, the Supreme Court decided *Lange v. California* and held "the flight of a suspected misdemeanor does not always justify a warrantless entry into a home." Thus, if an officer is in hot pursuit of a fleeing misdemeanor suspect, the suspect's flight alone will not justify pursuing the suspect into his residence without a warrant. However, if some other exigent circumstance is also present, such as destruction of evidence, preventing imminent violence, or some other valid exigent circumstance, the officer may make a warrantless entry in pursuit of a fleeing misdemeanor suspect.