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## Constitutional Law—Fourth Amendment Community Caretaking Exception Analysis Against the Community—Caniglia v. Strom, 953 F.3d 112 (1st Cir. 2020)

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**CONSTITUTIONAL LAW—FOURTH  
AMENDMENT COMMUNITY CARETAKING  
EXCEPTION ANALYSIS AGAINST THE  
COMMUNITY—*CANIGLIA V. STROM*, 953 F.3D 112  
(1ST CIR. 2020).**

The Fourth Amendment of the United States Constitution protects individuals from unreasonable searches and seizures conducted by the State.<sup>1</sup> These unreasonable searches and seizures generally occur when government officials enter homes without warrants; however, this general rule is subject to a few exceptions.<sup>2</sup> As a matter of first impression, the United States Court of Appeals for the First Circuit in *Caniglia v. Strom* (“Case-in-Chief”),<sup>3</sup> considered whether Fourth Amendment protections apply where police officers, acting as community caretakers, conduct a warrantless search of a home and seize items from the private premises.<sup>4</sup> The

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<sup>1</sup> See U.S. CONST. amend. IV (outlining Fourth Amendment protections). Such protections include “[t]he right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures[.]” *Id.*; see also *United States v. Jacobsen*, 466 U.S. 109, 113 (1984) (noting Fourth Amendment protections only apply against “governmental action”); *Camara v. Municipal Court*, 387 U.S. 523, 528 (1967) (highlighting Fourth Amendment’s purpose to safeguard privacy of individuals against government interference).

<sup>2</sup> See *Payton v. New York*, 445 U.S. 573, 586-88 (1980) (stating warrantless searches and seizures of home are unreasonable unless exception applies); *Birchfield v. North Dakota*, 136 S. Ct. 2160, 2173 (2016) (recognizing warrant requirement “is subject to a number of exceptions”); David Fox, Note, *The Community Caretaking Exception: How the Courts Can Allow the Police to Keep Us Safe Without Opening the Floodgates to Abuse*, 63 WAYNE L. REV. 407, 409-13 (2018) (defining Fourth Amendment warrant requirement and exceptions); see also 22 C.J.S. *Criminal Procedure and Rights of Accused* § 266 (2020) (“The ‘community caretaking doctrine’ is a judicially created exception to the warrant requirement of the Fourth Amendment and allows police with a non-law enforcement purpose to seize or search a person or property in order to ensure the safety of the public or the individual, regardless of any suspected criminal activity.”)

<sup>3</sup> 953 F.3d 112 (1st Cir. 2020).

<sup>4</sup> See *id.* at 118 (addressing whether community caretaker protections extend to police officer activity on private premise). After acknowledging the existing circuit split, the court announced its stance of joining those courts who have expanded the community caretaking doctrine beyond the motor vehicle context. *Id.* at 124. The court outlined three questions that were necessary to address and assess whether the community caretaking doctrine extended to the defendants’ conduct:

First, we must consider the involuntary seizure of an individual whom officers have an objectively reasonable basis for believing is suicidal or otherwise poses an imminent risk of harm to himself or others. Second, we must consider the temporary seizure of firearms and associated paraphernalia that police officers have an objectively reasonable basis for thinking such an individual may use in the immediate future to harm himself or others. Third, we must consider the appropriateness of a warrantless entry into

court held that the constitutional protections did not apply because the officers were acting as community caretakers, which justified their warrantless search and seizure.<sup>5</sup>

On August 20, 2015, a disagreement arose between Edward Caniglia (“Caniglia”) and his wife, Kim (“Kim”) which resulted in Caniglia retrieving a handgun from their bedroom, tossing it on the table, and stating to Kim “shoot me now and get it over with.”<sup>6</sup> Caniglia subsequently left the residence, while Kim returned the gun to a location in the bedroom and decided that she was going to stay in a hotel for the night if Caniglia returned upset.<sup>7</sup> Caniglia’s return ultimately “sparked a second spat[,]” so Kim left for the hotel; later that evening, she spoke to Caniglia on the phone, who still “sounded upset and [a] little angry.”<sup>8</sup> The next morning, Kim called Caniglia but she became worried when he did not answer; consequently, she called the police “on a non-emergency line and asked that an officer accompany her to the residence.”<sup>9</sup> Kim explained to the officer what happened the night before, and stressed that she was not concerned for her safety, but she was fearful that her husband might have committed suicide.<sup>10</sup> The officer then contacted Caniglia, who said he was willing to speak with the police in person.<sup>11</sup>

Four officers arrived at the residence and spoke with Caniglia, while Kim waited in the car.<sup>12</sup> Three of the four officers on scene thought

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an individual’s home when that entry is tailored to the seizure of firearms in furtherance of police officers’ community caretaking responsibilities.

*Id.* at 124-25.

<sup>5</sup> See *id.* at 132-33, 139 (finding police officers’ conduct reasonable under community caretaking exception).

<sup>6</sup> See *id.* at 119 (recounting couple’s disagreement). The gun was unloaded, which was unknown to Kim at the time of the argument. *Id.* There is some dispute about what exactly was said, but ultimately Caniglia confirmed that he brought the firearm to Kim and asked her to shoot him because “‘he was sick of the arguments’ and ‘couldn’t take it anymore.’” *Id.*; see also Brief for Defendant at 2, *Caniglia v. Strom*, 953 F.3d 112 (1st Cir. 2020) (No. 19-1764) (claiming Caniglia said “why don’t you shoot me and put me out of my misery.”)

<sup>7</sup> See *Caniglia*, 953 F.3d at 119 (noting Kim returned gun to “its customary place” and hid ammunition).

<sup>8</sup> See *id.* (identifying Kim’s concerns for Caniglia’s safety); see also Brief for Appellant Ex. A at 3, *Caniglia v. Strom*, 953 F.3d 112 (1st Cir. 2020) (No. 19-1764) (indicating Caniglia called Kim and “asked her to come home and that he misse[d] her. Kim stated that she told him that she wasn’t [coming home] and [that] he sounded upset on the phone.”)

<sup>9</sup> See *Caniglia*, 953 F.3d at 119 (explaining Kim was worried “about what [she] would find” when she arrived home).

<sup>10</sup> See *id.* (highlighting that Kim was not worried about her safety). The court noted that Kim mentioned to an officer that the gun Caniglia gave to her during their dispute was unloaded. *Id.*

<sup>11</sup> See *id.* (describing how officers met with Caniglia “on the back porch” of his residence).

<sup>12</sup> See *id.*; see also *Caniglia v. Strom*, 396 F. Supp 3d, 227, 231 (D.R.I. 2019) (outlining lower court’s perception of events). One of the officers asked Caniglia if they could speak in person.

Caniglia was fine; however, the ranking officer believed that Caniglia seemed “[a]gitated” and “angry[.]”<sup>13</sup> Consequently, the ranking officer determined that Caniglia was “imminently dangerous to himself and others[.]” and requested that an ambulance transport Caniglia for a psychiatric evaluation, to which Caniglia reluctantly agreed.<sup>14</sup> When Caniglia was transported, the officers, accompanied by Kim, entered the home and seized Caniglia’s firearms, magazines, and ammunition—despite their awareness of Caniglia’s disapproval.<sup>15</sup> Following a psychiatric evaluation, Caniglia was not admitted into the hospital and returned home.<sup>16</sup>

After multiple, unsuccessful attempts to retrieve his firearms from the police department, Caniglia’s attorney formally requested their return.<sup>17</sup> The firearms were not returned until four months after the incident.<sup>18</sup> Caniglia subsequently filed a lawsuit with multiple claims in the federal district court against the City of Cranston, the Finance Director of Cranston, the Cranston police chief, and six officers.<sup>19</sup> Both parties filed cross-motions for summary judgment, and the lower court granted the defendants’ motion for summary judgment on several counts.<sup>20</sup> Caniglia ap-

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*Caniglia*, 396 F. Supp. 3d. at 231. While the officer told Kim that “her husband sounded fine” over the phone, he still instructed her to stay in the car during the encounter. *Caniglia*, 396 F. Supp. 3d. at 231.

<sup>13</sup> See *Caniglia*, 953 F.3d at 119 (indicating officers’ varying evaluations of Caniglia). After speaking with Caniglia in person, one officer “subsequently reported that the plaintiff ‘appeared normal’ during this encounter [while a different officer] described the plaintiff’s demeanor as calm and cooperative.” *Id.* The sergeant on scene, however, thought Caniglia seemed somewhat ‘agitated’ and angry[.]” *Id.*

<sup>14</sup> See *id.* at 119-20 (establishing priority of ranking officer’s opinion). The sergeant “determined, based on the totality of the circumstances, that the plaintiff was imminently dangerous to himself and others.” *Id.*; see also Brief for Appellant Ex. A at 4, *Caniglia v. Strom*, 953 F.3d 112 (1st Cir. 2020) (No. 19-1764) (indicating officers asked Caniglia “to get checked out by rescue and to talk to someone at the hospital which he willingly agreed to do.”) Caniglia maintains that he only agreed to go to the hospital to get an evaluation because the officers told him they would confiscate his firearms if he did not agree to go. *Caniglia*, 953 F.3d at 120.

<sup>15</sup> See *Caniglia*, 953 F.3d at 120 (highlighting officers took Caniglia’s firearms after he was transported by ambulance). The court further explained that “there was no dispute . . . that the officers understood that the firearms belonged to the plaintiff and that he objected their seizure.” *Id.* The court noted, however, that there was a dispute as to whether Kim told the officers that she wanted the guns removed or whether the officers “secured her cooperation by telling her that her husband had consented to confiscation of the firearms.” *Id.* In light of the “factual disputes surrounding the representations made to [Kim] . . . [the court] assumed[d] that the officers’ entry into the home was not only warrantless but also nonconsensual.” *Id.* at 122.

<sup>16</sup> See *id.* at 120 (elucidating Caniglia was not admitted into hospital).

<sup>17</sup> See *id.* (outlining attempts to retrieve firearms).

<sup>18</sup> See *id.* (explaining firearms were not returned until lawsuit was filed).

<sup>19</sup> See *id.* at 118, 120 (indicating claims arose from alleged seizures of Caniglia’s person and firearms).

<sup>20</sup> See *Caniglia*, 953 F.3d at 120 (identifying defendants and basis of lawsuit); see also *Caniglia v. Strom*, 396 F. Supp. 3d 227, 242 (D.R.I. 2019) (setting forth court’s conclusion);

pealed and the United States Court of Appeals for the First Circuit affirmed the lower court's ruling.<sup>21</sup> After a de novo review, the First Circuit upheld the police officers' conduct as justified acts under the Fourth Amendment community caretaking doctrine.<sup>22</sup> Caniglia appealed and filed a writ of certiorari, which was granted.<sup>23</sup> The Supreme Court later vacated the First Circuit's holding and held police acting as community caretakers, does not justify warrantless searches and seizures in homes ("*Caniglia* 2021").<sup>24</sup>

The Fourth Amendment of the Constitution declares "[t]he right of the people to be secure in their person, *houses*, papers, and effects, against unreasonable searches and seizures, shall not be violated . . . ."<sup>25</sup> The Amendment prohibits searches and seizures that are conducted without a warrant; however, this requirement is subject to "a few specifically established and well-delineated exceptions."<sup>26</sup> In *Cady v. Dombrowski*, the Supreme Court of the United States established a new standard called the community caretaking exception, which allows officers acting apart from their investigatory functions, to bypass the warrant requirement when conducting searches and seizures.<sup>27</sup> The Court justified the warrantless search

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Brief for Appellant at 8, *Caniglia v. Strom*, 953 F.3d 112 (1st Cir. 2020) (No. 19-1764) (outlining substance of counts). Caniglia's amended complaint alleges:

[V]iolation of the Rhode Island Firearms Act (Count I), [Caniglia's] right to keep arms (Count II), violation of [Caniglia's] due process (Count III), and violation of [Caniglia's] right to equal protection (Count IV), violation of [Caniglia's] rights under the Fourth Amendment and Art. I, Sec. 6 of the Rhode Island Constitution (Count V); violation of [Caniglia's] rights under the Rhode Island Mental Health Law (Count VI), and trover and conversion (Count VII).

Brief for Appellant at 8.

<sup>21</sup> See *Caniglia*, 953 F.3d 118, 139 (affirming lower court's ruling).

<sup>22</sup> See *id.* at 118, 120 (interpreting court's holding after "de novo review"). Despite multiple counts within the complaint, the crux of the action revolves around the Fourth Amendment and the community caretaking exception to the warrant requirement. *Id.* at 118.

<sup>23</sup> See *Caniglia v. Strom*, 141 S. Ct. 1596, 1599 (2021).

<sup>24</sup> See *id.* at 1597 ("Neither the holding nor logic of *Cady* justifies such warrantless searches and seizures in the home.")

<sup>25</sup> See U.S. CONST. amend. IV (emphasis added); *Camara v. Municipal Court*, 387 U.S. 523, 528 (1967) ("The basic purpose of this Amendment, as recognized in countless decisions of [the Supreme Court], is to safeguard the privacy and security of individuals against arbitrary invasion by government officials.")

<sup>26</sup> See *Coolidge v. New Hampshire*, 403 U.S. 443, 454-55 (1971) ("[T]he most basic constitutional rule in this area is that 'searches conducted outside the judicial process, without prior approval by judge or magistrate, are per se unreasonable under the Fourth Amendment—subject only to a few specifically established and well delineated exceptions.'" (quoting *Katz v. United States*, 389 U.S. 347, 357 (1967)))

<sup>27</sup> See 413 U.S. 433, 447-48 (1973) ("[T]he type of caretaking . . . conducted here . . . was not unreasonable solely because a warrant had not been obtained.") In *Cady*, the Wisconsin police responded to a car crash, where the defendant identified himself as a Chicago police officer.

by relying on the fact that the police officers were engaged in conduct that “may be described as community caretaking functions, totally divorced from the detection, investigation, or acquisition of evidence relating to the violation of a criminal statute.”<sup>28</sup> Prior to the *Cady* decision in 2021, the Supreme Court had only mentioned community caretaking in two subsequent cases—both involving automobile searches.<sup>29</sup> In each case, the Court remained silent as to whether the exception applies to homes, causing ambiguity around its scope.<sup>30</sup>

The Supreme Court has distinguished homes from automobiles and consistently held that homes deserve special protection under the Fourth Amendment.<sup>31</sup> Despite this special protection, the government is allowed

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*Id.* at 435-36. The Wisconsin police “believed that Chicago police officers were required by regulation to carry their service revolvers at all times.” *Id.* at 436. When the Wisconsin police did not find a revolver on the defendant’s person, “one of the officers looked into the front seat and glove compartment of that car for respondent’s service revolver. No revolver was found.” *Id.* Unable to locate the revolver, one officer went to the third-party garage where the defendant’s car had been towed to look for it and according to the officers “the efforts to find the revolver was ‘standard procedure in [their] department.’” *Id.* at 437. Once there, the officer seized potentially incriminating evidence without a warrant. *Id.*

<sup>28</sup> See *id.* at 441, 443 (explaining “community caretaking functions” and rationale). The Court relied on the fact that the officer was “concern[ed] for the safety of the general public who might be endangered if an intruder removed a revolver from the trunk of the vehicle.” *Id.* at 447. In his dissent, Justice Brennan noted that the officer’s intention to search the vehicle “was to protect the public safety rather than to gain incriminating evidence does not of itself eliminate the necessity for compliance with the warrant requirement.” *Id.* at 453-54 (Brennan, J., dissenting); see also Michael R. Dimino, Sr., *Police Paternalism: Community Caretaking Assistance Searches, and Fourth Amendment Reasonableness*, 66 WASH. & LEE L. REV. 1485, 1491 (2009) (stating community caretaking functions are different from law enforcement functions, yet “ironically coupled with” standard police procedure).

<sup>29</sup> See Fox, *supra* note 2, at 414 (noting community caretaking exception mentioned twice by Supreme Court in automobiles cases); see also *Colorado v. Bertine*, 479 U.S. 367, 381 (1987) (Marshall, J., dissenting) (determining warrantless inventory search did not violate Fourth Amendment “because [it was] conducted by the government as part of a ‘community caretaking’ function” (quoting *Cady*, 413 U.S. at 441)); *South Dakota v. Opperman*, 428 U.S. 364, 368-69 (1976) (identifying “caretaking functions” involving automobiles (quoting *Cady*, 413 U.S. at 441)); *Caniglia*, 141 S. Ct. at 1599 (detailing community caretaking scope forty-eight years after its adoption).

<sup>30</sup> See Fox, *supra* note 2, at 414 (recognizing neither case clarified ambiguity); Valerie Moss, Comment, *The Community Caretaking Doctrine: The Necessary Expansion of the New Fourth Amendment Exception*, 85 MISS. L.J. 9, 16 (2017) (acknowledging no language in *Cady* strictly limits community caretaking exception to automobiles); Megan Pauline Marinos, Comment, *Breaking and Entering or Community Caretaking? A Solution to the Overboard Expansion of the Inventory Search*, 22 GEO. MASON. U. CIV. RTS. L.J. 249, 258 (2012) (accentuating ambiguity with application of community caretaking exception in *Cady*).

<sup>31</sup> See *Opperman*, 428 U.S. at 367 (“This Court has traditionally drawn a distinction between automobiles and homes or offices in relation to the Fourth Amendment. Although automobiles are ‘effects’ and thus within the reach of the Fourth Amendment, warrantless examinations of automobiles have been upheld in circumstances in which a search of a home or office would not.”); *Cady*, 413 U.S. at 442 (“The constitutional difference between searches of and seizures

to enter a home without a warrant in limited circumstances.<sup>32</sup> Police officers acting as community caretakers was one of these special exceptions, and this exception permitted warrantless searches and searches in the home.<sup>33</sup> Searches and seizures of automobiles are also subjected to Fourth Amendment protections, but the characteristics of automobiles have justified its lower constitutional safeguards in comparison to a home.<sup>34</sup> Therefore, the community caretaking exception established in *Cady* caused confusion amongst the circuit courts due to the uncertainty as to whether the community caretaking exception applies beyond automobiles.<sup>35</sup> Prior to *Caniglia* 2021, some circuits strictly followed the Supreme Court's application and only applied the community caretaking exception to vehicles.<sup>36</sup>

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from houses and similar structures and from vehicles stems both from the ambulatory character of the latter and from the fact that extensive, and often noncriminal contact with automobiles will bring local officials in 'plain view' of evidence, fruits, or instrumentalities of a crime, or contraband."); *see also, e.g.*, *Collins v. Virginia*, 138 S. Ct. 1663, 1670 (2018) ("Fourth Amendment's protection of curtilage has long been black letter law."); *Payton v. New York*, 445 U.S. 573, 573 (1980) (noting Fourth Amendment protects "invasion of the sanctity of the home, which is too substantial an invasion to allow without a warrant"); *Camara v. Municipal Court*, 387 U.S. 523, 528-29 (1967) (emphasizing fundamental purpose of Fourth Amendment is to protect against warrantless searches of private property).

<sup>32</sup> *See Kentucky v. King*, 563 U.S. 452, 459-60 (2011) (acknowledging warrantless search and seizures of homes are allowed in certain circumstances); *Brigham City v. Stuart*, 547 U.S. 398, 403 (2006) (explaining warrantless searches of homes may be allowed in some situations "because the ultimate touchstone of the Fourth Amendment is 'reasonableness,' the warrant requirement is subject to certain exceptions").

<sup>33</sup> *See cases cited infra* note 37 and accompanying text (outlining circuits justified warrantless searches and seizures under community caretaking exception).

<sup>34</sup> *See California v. Carney*, 471 U.S. 386, 390 (1985) (explaining "the ready mobility of the automobile" subjects vehicles to lesser Fourth Amendment protection); Brent E. Newton, *The Real-World Fourth Amendment*, 43 HASTINGS CONST. L.Q. 759, 762 (2016) (underscoring Fourth Amendment analysis applies in many contexts including homes and automobiles); *cf.* Gregory T. Holding, Comment, *Stop Hammering Fourth Amendment Rights: Reshaping the Community Caretaking Exception with the Physical Intrusion Standard*, 97 MARQ. L. REV. 123, 133 (2013) (characterizing Fourth Amendment reasonableness test as "malleable standard").

<sup>35</sup> *See Corrigan v. District of Columbia*, 841 F.3d 1022, 1034 (D.C. Cir. 2016) ("Because the Supreme Court's reasoning in *Cady* focused on attributes unique to vehicles, some circuits have confined the community caretaking exception to automobiles."); *see also* Fox, *supra* note 2, at 419 (acknowledging circuits different approaches when applying community caretaking exception); Marinos, *supra* note 30, at 263-64 (observing circuits have either expanded or restricted application of community caretaking exception).

<sup>36</sup> *See, e.g.*, *Ray v. Twp. of Warren*, 626 F.3d 170, 177 (3d Cir. 2010) ("The community caretaking doctrine cannot be used to justify warrantless searches of a home."); *United States v. Bute*, 43 F.3d 532, 535 (10th Cir. 1994) (deciding community caretaking exception only applicable in automobile context); *United States v. Erickson*, 991 F.2d 529, 531 (9th Cir. 1993) (declining to extend community caretaking exception to homes); *United States v. Pichany*, 687 F.2d 204, 209 (7th Cir. 1982) (ruling against expansion of community caretaking exception beyond automobiles); *see also* Andrea L. Steffan, Note, *Law Enforcement Welfare Checks and the Community Caretaking Exception to the Fourth Amendment Warrant Requirement*, 53 LOY. L.A. L. REV.

Other circuits took a relaxed approach and extended the exception to justify warrantless searches and seizures in homes.<sup>37</sup>

The community caretaking exception created in *Cady* is still used as a valid exemption from the warrant requirement of the Fourth Amendment; however, it is important to note that the Supreme Court recently narrowed the exception's scope and stressed that the exception applies only to warrantless searches and seizures of *homes*.<sup>38</sup> Although no framework has been implemented to guide the application of this exception, the circuits have relied on the traditional Fourth Amendment reasonableness standard.<sup>39</sup> Prior to *Caniglia* 2021, circuit courts considered principles established in precedent and looked to all of the facts when analyzing whether the community caretaking exception applies beyond the context of automobiles.<sup>40</sup>

The United States Court of Appeals for the First Circuit, as an issue of first impression, expanded the community caretaking exception to apply

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1071, 1085-91 (2020) (discussing circuits that narrowly applied community caretaking exception by holding it inapplicable to homes).

<sup>37</sup> See, e.g., *United States v. Rohrig*, 98 F.3d 1506, 1521-23 (6th Cir. 1996) (extending community caretaking exception beyond automobile context); *United States v. Quezada*, 448 F.3d 1005, 1007 (8th Cir. 2006) (adopting broad application of community caretaking exception); *United States v. York*, 895 F.2d 1026, 1030 (5th Cir. 1990) (applying community caretaking exception to home when residents have reduced expectation of privacy); see also *Castagna v. Jean*, 955 F.3d 211, 220 (1st Cir. 2020) (justifying warrantless home search based on community caretaking exception when officers respond to noise complaint); Steffan, *supra* note 36, at 1091-99 (discussing circuits that loosely apply community caretaking exception).

<sup>38</sup> See Steffan, *supra* note 36, at 1077 nn. 47-48 (identifying circuits that used community caretaking exception); Mary Elisabeth Naumann, Note, *The Community Caretaker Doctrine: Yet Another Fourth Amendment Exception*, 26 AM. J. CRIM. L. 325, 357 (1999) (noting community caretaking doctrine is new area of law that courts are still applying); *Caniglia v. Strom*, 141 S. Ct. 1596, 1600 (2021) (emphasis added) (clarifying community caretaking doctrine scope). But see *MacDonald v. Town of Eastham*, 745 F.3d 8, 12 (1st Cir. 2014) (describing exception as “evolving principle”); *United States v. Rodriguez-Morales*, 929 F.2d 780, 785 (1st Cir. 1991) (noting community caretaking doctrine “is a catchall for the wide range of responsibilities that police officers must discharge aside from their criminal enforcement activities.”)

<sup>39</sup> See *Maryland v. Buie*, 494 U.S. 325, 331 (1990) (“Our cases show that in determining reasonableness, we have balanced the intrusion on the individual’s Fourth Amendment interests against its promotion of legitimate governmental interests.”); see also *Lockhart-Bembrey v. Saurro*, 498 F.3d 69, 75 (2007) (“The community caretaking doctrine gives officers a great deal of flexibility in how they carry out their community caretaking functions. The ultimate inquiry is whether, under the circumstances, the officer acted ‘within the realm of reason.’” (quoting *Rodriguez-Morales*, 929 F.2d at 786)); Fox, *supra* note 2, at 435 (noting community caretaking exception implicates two important interests).

<sup>40</sup> See *Cady v. Dombrowski*, 413 U.S. 433, 440 (1973) (“[W]hether a search and seizure is unreasonable within the meaning of the Fourth Amendment depends upon the facts and circumstances of each case . . . .” (quoting *Cooper v. California*, 386 U.S. 58, 59 (1967))); see also *South Dakota v. Opperman*, 428 U.S. 364, 375 (1975) (highlighting Fourth Amendment protection analysis requires case by case inquiry).

to warrantless searches and seizures from homes in the Case-in-Chief.<sup>41</sup> The court first looked to the exception's history outlined in *Cady*, and subsequently considered precedent cases within the circuit that applied the community caretaking doctrine.<sup>42</sup> Although the *Cady* Court did not consider whether the exception applies to searches and seizures of homes, the court in the Case-in-Chief acknowledged that the First Circuit has previously extended the scope of the exception beyond vehicle searches and impoundment.<sup>43</sup> After acknowledging different scopes of the doctrine, the First Circuit announced that it joined its sister circuits in allowing the community caretaking exception to apply outside of the automobile context.<sup>44</sup> The court's decision to broaden the scope of the doctrine was supported by "the doctrine's core purpose, its gradual expansion since *Cady*, and the practical realities of policing."<sup>45</sup> After the court expanded the scope of the exception, it then assessed whether the community caretaking doctrine encompassed the police activity in question.<sup>46</sup>

The court concluded that the community caretaking exception permitted the police to conduct warrantless searches and seizures without violating the Fourth Amendment.<sup>47</sup> Specifically, the court characterized

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<sup>41</sup> See 953 F.3d 112, 130 (1st Cir. 2020) (outlining holding). Although the court had considered the community caretaking exception in the past, those cases involved motor vehicles, not homes. *Id.* at 123.

<sup>42</sup> See *id.* at 123 (describing history of community caretaking doctrine as "evolving principle" (quoting *MacDonald*, 745 F.3d at 12)). "Since *Cady*, the community caretaking doctrine has become 'a catchall for the wide range of responsibilities that police officers must discharge aside from their criminal enforcement activities.'" *Id.* at 123 (quoting *Rodriguez-Morales*, 929 F.2d at 785). In *Cady*, the Court held that a search or seizure by police, acting as community caretakers, does not "offend the Fourth Amendment so long as it is executed in a reasonable manner." *Id.* at 123 (citing *Cady*, 413 U.S. at 446-48). The *Caniglia* court went on to compare its precedent with *Cady* and explained "we have held that the Fourth Amendment's imperatives are satisfied when the police perform 'noninvestigatory duties, including community caretaker tasks, so long as the procedure employed (and its implementation) is reasonable.'" *Id.* (quoting *Rodriguez-Morales*, 929 F.2d at 785).

<sup>43</sup> See *id.* at 123-24 ("But on one notable occasion, we have recognized a community caretaking function extending beyond vehicle searches and impoundment, holding that the temporary seizure of a motorist for the purpose of alleviating dangerous roadside conditions could be a reasonable exercise of the community caretaking function.")

<sup>44</sup> See *id.* at 118, 124 (announcing community caretaking exception extends to conduct on private premises).

<sup>45</sup> See *id.* at 124 (explaining reason to broaden scope of exception is to allow officers "to preserve and protect community safety" (quoting *Rodriguez-Morales*, 929 F.2d at 784-85)). The court explained "[u]nderstanding the core purpose of the doctrine leads inexorably to the conclusion that it should not be limited to the motor vehicle context." *Id.*

<sup>46</sup> See *Caniglia*, 953 F.3d at 124-25 (acknowledging "[t]his holding does not end our odyssey.") The court outlined three questions that were necessary to address and determine whether the police officers' conduct fell within the community caretaking exception. *Id.*

<sup>47</sup> See *id.* at 126 (holding police activities within "this case fall comfortably within the ambit of the community caretaking exception to the warrant requirement.")

the actions of the police as “a natural fit for the community caretaking exception[.]” and further explained that the exception may lessen police second-guessing in situations where police reasonably believe that they are dealing with a mentally ill person.<sup>48</sup> In its reasoning, the court also considered the Fourth Amendment reasonableness standard and balanced “the need for the caretaking activity and the affected individual’s interest in freedom from government intrusions.”<sup>49</sup> Although the court concluded that the police’s conduct fell within the community caretaking exception, the court acknowledged that the exception is not a “free pass” to bypass the warrant requirement, and outlined some limitations.<sup>50</sup> Ultimately, police may invoke the community caretaking exception so long as they engage in caretaking activities that are “justified on objective grounds,” drawn from “state law or from sound procedure[.]” and considered to be “within the realm of reason.”<sup>51</sup> Therefore, because the police officers were acting as community caretakers and following “sound police procedures” that were viewed as reasonable among the available options, the court held that the warrantless search of the home and seizures of Caniglia and his firearms were reasonable under the Fourth Amendment.<sup>52</sup>

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<sup>48</sup> See *id.* at 125 (stressing police realities and police responding to individual “who present[s] an imminent threat to themselves or others” falls within community caretaking function). The court reasoned, in this context, the police are acting to “preserve and protect community safety” and “aid those in distress.” *Id.* (quoting *Rodriguez-Morales*, 929 F.2d at 784-85). When the police deal with a person who they reasonably believe to be mentally ill, officers are confronted with the “damned-if-you-do, damned-if-you-don’t conundrum that the community caretaking doctrine can help to alleviate.” *Id.*

<sup>49</sup> See *id.* (explaining competing interests that must be balanced when assessing validity of community caretaking exception). The individual’s “robust interests in preserving his bodily autonomy, the sanctity of his home, and his right to keep firearms within the home for self-protection” must be balanced with “the public’s powerful interest” of protecting mentally ill individuals from harming themselves or others. *Id.*

<sup>50</sup> See *id.* at 126 (emphasizing exception does not allow complete freedom because law enforcement face limitations). The court noted the restrictions are “especially pronounced in cases involving warrantless entries into the home.” *Id.*

<sup>51</sup> See *Caniglia*, 953 F.3 at 126 (quoting *Rodriguez-Morales*, 929 F.2d at 780, 785-87) (indicating requirements and restrictions of exception). The doctrine may only be used if the police have “noninvestigatory reasons” for their conduct, supported by “specific articulable facts,” which are sufficient to prove that their conduct objectively fell within the caretaking function. *Id.* Furthermore, these actions must stem from “state law or sound police procedure[.]” which is broadly defined to encompass the reasonable decisions of the options available to the police rather than “established protocols or fixed criteria.” *Id.* The last standard the court invoked to determine if the community caretaking exception applies is “whether decisions made and methods employed in pursuance of the community caretaking function are ‘within the realm of reason.’” *Id.* (quoting *Rodriguez-Morales*, 929 F.2d at 780, 786).

<sup>52</sup> See *Caniglia*, 953 F.3 at 130, 132-33 (outlining searches and seizures within home are within community caretaking exception).

The ambiguity surrounding the application of the community caretaking exception led the First Circuit to expand the exception to homes, without correctly considering existing precedent.<sup>53</sup> The court properly pointed to the reasonableness standard as the test to determine whether a search or seizure invoked the Fourth Amendment, but ultimately disregarded key facts and principles that guide the analysis.<sup>54</sup> The first concept the circuit court failed to focus on was the different privacy interests at stake between an automobile and a home.<sup>55</sup> While the First Circuit acknowledged the distinction, it ultimately favored the government's interests over the individual's right to be free from arbitrary invasions by not properly considering the "sanctity of a home."<sup>56</sup> Another key principle the court neglected is the weight precedent placed on police following standard police procedure.<sup>57</sup> The court recognized standard procedure as a requirement to invoke the exception, but construed the term so broadly that it diminished

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<sup>53</sup> See Marinos, *supra* note 30, at 280-81 (underscoring *Cady* rationale displays intention to keep community caretaking exception narrow in scope); Naumann, *supra* note 38, at 327 (highlighting doctrine is unclear and inconsistently applied).

<sup>54</sup> See *Brigham City v. Stuart*, 547 U.S. 398, 403 (2006) (emphasizing reasonableness as ultimate standard to assess Fourth Amendment searches and seizures); see also *Cady v. Dombrowski*, 413 U.S. 433, 440 (1973) (citing *Preseton v. United States*, 376 U.S. 364, 366-67 (1964)) (noting reasonableness standard requires consideration of all facts and circumstances surrounding case at bar).

<sup>55</sup> See *Caniglia*, 953 F.3d at 125 (acknowledging court's "assessment of the reasonableness of caretaking functions requires the construction of a balance between the need for the caretaking activity and the affected individual's interest in freedom from government intrusions.") However, when considering the interests of the parties, the court placed much weight on the fact that one of the four officers considered Caniglia to be "mentally ill and imminently dangerous." *Id.* at 119. Without much explanation the court justified the warrantless search of Caniglia's home and seizure of Caniglia and his firearms by holding the interest in "ensuring a swift response to individuals who are mentally ill and imminently dangerous" outweighed Caniglia's interest in "preserving his bodily autonomy, the sanctity of his home, and his right to keep firearms within the home." *Id.*; see also Fox, *supra* note 2, at 422 (explaining different interests at stake pertaining to community caretaking exception); Naumann, *supra* note 38, at 327 (noting expansive interpretation of exception in favor of law enforcement results in Fourth Amendment infringements).

<sup>56</sup> See *Caniglia*, 953 F.3d at 123, 125 (recognizing difference between homes and vehicles but concluding public's interest outweighs individual's interest in preserving "the sanctity of his home"); Fox, *supra* note 2, at 422 (observing courts applying community caretaking exception have chosen to protect either "the interest of the police in performing their duties and keeping citizens safe" or interest individuals have in their homes).

<sup>57</sup> See *South Dakota v. Opperman*, 428 U.S. 364, 374-75 (1976) (noting following "standard procedure" is "a factor tending to ensure that the intrusion would be limited in scope to the extent necessary to carry out the caretaking function."); Dimino, *supra* note 28, at 1524-25 (identifying "standard procedure" requirement limits police discretion when executing search and seizures); see also Marinos, *supra* note 30, at 280-81 (interpreting Supreme Court intended to "refrain from creating an overly broad exception to the Fourth Amendment" when they created community caretaking exception).

the original intention, which was to limit the discretion given to officers when acting as community caretakers.<sup>58</sup>

The court attempted to minimize the discretion given to officers by imposing its own boundaries to prevent the doctrine from becoming a “free pass.”<sup>59</sup> Nonetheless, the restrictions implemented by the court did nothing other than to duplicate the reasonableness standard, given that the limitations only require police officers acting as community caretakers to act “within the realm of reason.”<sup>60</sup> Despite the expansive interpretation of the exception, the court’s ultimate conclusion that the community caretaking doctrine should extend beyond motor vehicles is both plausible and practical based on both the purpose of the exception and societal interests.<sup>61</sup> Additionally, the court’s reasoning in the Case-in-Chief to support its holding may be logical, if is also flawed.<sup>62</sup> The court’s neglect of key facts, and failure to provide guidance regarding how future courts should balance the individual’s interest’s against the government’s, contributed to its faulty analysis.<sup>63</sup>

At the time of its decision, the First Circuit appeared to depart from existing precedent because of its broad interpretation of the doctrine; how-

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<sup>58</sup> See *Caniglia*, 953 F.3d at 126 (“We have defined sound police procedure broadly and in practical terms; it encompasses police officers’ ‘reasonable choices’ among available options.” (quoting *United States v. Rodriguez-Morales*, 929 F.2d 780, 787 (1st. Cir. 1991))); Dimino, *supra* note 28, at 1524-25 (explaining “standard procedure” requirement restricts community caretaking exception scope).

<sup>59</sup> See *Caniglia*, 953 F.3d at 126 (illustrating use of exception requires compliance with limitations).

<sup>60</sup> See *id.* at 126-27 (quoting *Rodriguez-Morales*, 929 F.2d at 780, 786 ) (outlining limitations and reasonableness standard used to assess each boundary). The outlined “guardrails” that confine the use of the community caretaking doctrine are all assessed by reasonableness. *Id.* at 126. The first guidepost requires police that are acting as community caretakers to provide “specific articulable facts” that their community caretaking activities are “justified on objective grounds” and furthermore, these actions must “draw their essence either from state law or from sound police procedure[.]” which is determined by looking to the officer’s “reasonable choices.” *Id.* (first quoting *United States v. King*, 990 F.2d 1552, 1560 (10th Cir. 1993); and then quoting *Rodriguez-Morales*, 929 F.2d at 780, 787 ). Second, officers that are acting as community caretakers must make decisions and choose methods that are “within the realm of reason” under the circumstances. *Id.* (quoting *Rodriguez-Morales*, 929 F.2d at 786)).

<sup>61</sup> See Fox, *supra* note 2, at 435 (outlining societal privacy expectations in regard to community caretaking exception); Dimino, *supra* note 28, at 1529 (defining purpose of exception); see also Marinos, *supra* note 30, at 280 (noting genuine public interest and need for community caretaking exception).

<sup>62</sup> See Marinos, *supra* note 30, at 280 (explaining need for exception to apply to homes although Supreme Court precedent implies limited application); see also Dimino, *supra* note 28, at 1549 (discussing doctrine should not apply unless person wants help).

<sup>63</sup> See *Cady v. Dombrowski*, 413 U.S. 433, 440 (1973) (noting community caretaking exception analysis requires consideration of all facts and circumstances); Dimino, *supra* note 28, at 1498 (delineating lack of consistency in in courts’ analysis regarding whether search is reasonable).

ever, *Cady* neither implied nor expressly restricted the exception to apply only in the motor vehicle context.<sup>64</sup> In addition to this ambiguous scope, the only consistent standard used to assess whether the doctrine applies is the reasonableness test, which has been described as a “malleable standard” because it “allow[s] for less certain and more varied outcomes.”<sup>65</sup> Both of these factors may have contributed to the inconsistent approaches of the doctrine throughout state and federal courts, but the unsettled scope should not serve as justification for Fourth Amendment violations.<sup>66</sup> Therefore, the Supreme Court’s decision to vacate the First Circuit’s extension of the community caretaking doctrine, and explain the scope of the exception in *Caniglia* 2021, was necessary to uphold the purpose of the Fourth Amendment because—without this guidance—individuals’ right to be free from arbitrary government intrusion remained at the mercy of the uncertain and subjective reasonableness test.<sup>67</sup>

The right to be free from government intrusion within one’s home is guaranteed under the Constitution. However, this right should not be diminished because of the ambiguity surrounding the community caretaking exception. For the past 34 years, courts had the discretion to extend the community caretaking exception to homes, which essentially created arbitrary invasions that the Fourth Amendment attempts to prevent. Ultimately, the Supreme Court decision to overturn the First Circuit’s ruling and provide more guidance on this doctrine was the essential remedy necessary to uphold the Constitution.

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<sup>64</sup> See Marinos, *supra* note 30, at 258 (“[I]n *Cady*, the Supreme Court never explicitly stated or implied an intention to extend the [community caretaking doctrine] to the home.”)

<sup>65</sup> See Holding, *supra* note 34, at 160 (describing reasonableness as “malleable” because of inconsistent results); Marinos, *supra* note 30, at 250-51 (“While the Supreme Court has continually expressed the importance of maintaining the sanctity of the home, it has neglected to specify whether an officer may enter a person’s private home while acting in his community caretaking capacity.”)

<sup>66</sup> See *Caniglia v. Strom*, 953 F.3d 112, 124 (1st Cir. 2020) (finding scope of doctrine beyond vehicles “ill-defined”); Fox, *supra* note 2, at 435 (acknowledging inconsistent application of doctrine); Naumann, *supra* note 38, at 327 (pinpointing inconsistencies in courts’ interpretations of exception threatens Fourth Amendment rights); see also *Castagna v. Jean*, 955 F.3d 211, 218-19 (1st Cir. 2020) (justifying warrantless entry because of community caretaking exception). The First Circuit’s decision in *Caniglia*, which expanded the scope of the community caretaking doctrine beyond automobiles, has already impacted succeeding litigation. *Castagna*, 955 F.3d at 218-19.

<sup>67</sup> See *Camara v. Municipal Court*, 387 U.S. 523, 528 (1967) (citing purpose of Fourth Amendment is to “safeguard the privacy and security of individuals against arbitrary invasion by government officials”); Fox, *supra* note 2, at 428 (“Given the sanctity of the home under the Fourth Amendment, one must wonder why the Supreme Court has not applied further protection in addition to the reasonableness requirement . . .”); Dimino, *supra* note 28, at 1494 (emphasizing community caretaking doctrine needs more “precision”).

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