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Justices Say Cops Can Enter, Stop Fight

Brigham City Case: The Role of Police Includes Preventing Violence

By Thomas Burr

WASHINGTON – The U.S. Supreme Court ruled unanimously Monday that Brigham City police acted legally in entering a home without a warrant in 2001 to stop a fight.

Less than a month after hearing arguments in the case, the high court said that the Fourth Amendment’s protection against unreasonable searches does not preclude law enforcement officials from entering a private home when they believe someone is seriously injured or imminently threatened with injury.

“The role of a police officer includes preventing violence and restoring order, not simply rendering first aid to casualties,” Chief Justice John Roberts wrote for the court. “An officer is not like a boxing (or hockey) referee; poised to stop a bout only if it becomes too one-sided.”

The case – which was remanded back to Utah courts – is not expected to have a large effect on law enforcement operations, experts say, because the court simply confirmed existing exceptions to the Fourth Amendment prohibition against unreasonable search and seizure.

But it will affect police officers in Utah and a dozen other states where judges have ruled that an officer’s motivation for going into a home in such a situation can play into whether they violated the Fourth Amendment.

Utah Attorney General Mark Shurtleff heralded the ruling.

“This decision lets victims know they will be protected; it lets police officers know they can offer that protection; and finally the ruling lets criminals know they will be stopped even when they are making too much noise to answer the door,” Shurtleff said.

The defendant’s attorney, Michael Studebaker, called the decision a “blow to federal Fourth Amendment protections.”

With charges still pending against his clients – Charles Stuart, Sandy Taylor and Shayne Taylor – Studebaker was unsure of the next step but wants the case dropped.

“These are misdemeanors that are five years old,” Studebaker said. “I would hope that prosecutors don’t continue to push the issue.”

The case stems from a neighbor’s call at 3 a.m. July 23, 2001, about a loud party at a Brigham City home. When officers arrived, they didn’t hear a party but an “altercation.”

Moving to the back of the house to find the fight, the officers saw four adults inside the house trying to restrain a teenager, who was “twisting and turning and writhing” trying to break free, according to briefs filed in the case. The teen then got a hand free and punched one of the adults, drawing blood, and the officers tried to get the attention of the occupants.

No one in the home responded, and the officers entered the home to stop the sparring.

Studebaker, whose clients were charged with disturbing the peace, intoxication and contributing to the delinquency of a minor, had argued that police officers were trying to carve out a new exception to the Fourth Amendment and allow more searches of homes without warrants. A district court tossed out evidence police found in the home, a decision upheld by the Utah Court of Appeals and the state Supreme Court.

The Roberts court disagreed.

“We think the officers’ entry here was plainly reasonable,” Roberts wrote, adding later, “It would serve no purpose to require them to stand dumbly by at the door awaiting a response while those within brawled on, oblivious to their presence.”

Justice John Paul Stevens filed a concurring opinion, reiterating that he didn’t want to hear the case in the first place and chastised attorneys in the case for not citing the Utah Constitution’s prohibition against search and seizure.

“This is an odd flyspeck of a case,” Stevens wrote, noting that two of the charges could have been prosecuted without evidence from inside the home.

He added that the only difficult decision in the case was which was the “most peculiar” – that three Utah courts found a violation of the Fourth Amendment, that prosecutors took the case “all the way” to the U.S. Supreme Court; or that the high court actually agreed to hear the case.

Brigham City’s private prosecutor Stephen Hadfield said that he plans to “pick up where we left off” in the case but is not sure how the case will proceed because they still have to find witnesses in the languishing case.

Either way, Brigham City police Lt. Michael Nelsen says officers are “extremely elated.”

“We certainly feel like we can protect life a little better,” Nelsen said. “We don’t have to sit there and, like the Supreme Court said, be a referee. We don’t have to just sit on the sidelines and watch.”

Attorney Jonathon Hacker, a partner in the appellate practice of Washington-based O’Melveny & Myers who wrote a friend-of-the-court brief on behalf of the National Association of Criminal Defense Lawyers, said he was disappointed with the court’s decision and is concerned the opinion may be misread to expand police powers.

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