

**Lange v. California, ---- U.S. ----, 141 S.Ct. 2011 (2021)**

**FACTS:** Lange drove by a California Highway Patrol Officer in Sonoma, California, while listening to loud music with his windows rolled down and was repeatedly honking his horn. The officer began to follow Lange's vehicle and ultimately decided to execute a traffic stop by activating his cruiser's emergency equipment. At this point, Lange was approximately one hundred feet from his residence. Rather than stopping, Lange continued to his driveway and pulled his car into his attached garage. The officer followed Lange into the garage and began questioning him. Observing signs of intoxication, the officer subjected Lange to several field sobriety tests. Lange did not perform well on the field sobriety tests, and a later blood test revealed that his blood alcohol content was more than three times the legal limit in California.

The officer charged Lange with driving under the influence of alcohol, a misdemeanor, and a noise infraction. Lange moved to suppress all evidence obtained after the officer entered his garage, arguing that the warrantless entry violated the Fourth Amendment. In response, the State of California argued that the officer had probable cause to arrest Lange for the misdemeanor offense of failing to comply with a police signal. Further, the State of California asserted that the pursuit of a suspected misdemeanant always qualifies as an exigent circumstance authorizing a warrantless home entry. The Superior Court denied the motion to suppress, and this decision was affirmed on appeal.

The United States Supreme Court granted certiorari. During the pendency of the appeal before the United States Supreme Court, the State of California abandoned its position.

**ISSUE:** Does the pursuit of a fleeing misdemeanor suspect always qualify as an exigent circumstance, thereby permitting law enforcement to enter a residence without a warrant?

**HOLDING:** No. Under the Fourth Amendment, the pursuit of a fleeing misdemeanor suspect does not always or categorically qualify as an exigent circumstance justifying a warrantless entry into a home.

**RATIONALE:** The Fourth Amendment provides that "[t]he right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated." As that text makes clear, "the ultimate touchstone of the Fourth Amendment is 'reasonableness.'"<sup>1</sup> That standard "generally requires the obtaining of a judicial warrant" before a law enforcement officer can enter a home without permission.<sup>2</sup> But not always: The "warrant requirement is subject to certain exceptions."<sup>3</sup>

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<sup>1</sup> Brigham City v. Stuart, 547 U.S. 398, 403, 126 S.Ct. 1943, 164 L.Ed.2d 650 (2006).

<sup>2</sup> Riley v. California, 573 U.S. 373, 382, 134 S.Ct. 2473, 189 L.Ed.2d 430 (2014) (internal quotation marks omitted).

<sup>3</sup> Brigham City, 547 U.S., at 403, 126 S.Ct. 1943.

Exigent circumstances are one important exception. An officer may make a warrantless entry when “the exigencies of the situation” create a compelling law enforcement need.<sup>4</sup> The exigent circumstances exception enables law enforcement officers to handle emergency situations presenting a “compelling need for official action and no time to secure a warrant.”<sup>5</sup> Over the years, this Court has identified several such exigencies. An officer, for example, may “enter a home without a warrant to render emergency assistance to an injured occupant[,] to protect an occupant from imminent injury,” or to ensure his own safety.<sup>6</sup> So too, the police may make a warrantless entry to “prevent the imminent destruction of evidence” or to “prevent a suspect's escape.”<sup>7</sup> In those circumstances, the delay required to obtain a warrant would bring about “some real immediate and serious consequences”—and so the absence of a warrant is excused.<sup>8</sup>

Exigent circumstances “requires a court to examine whether an emergency justified a warrantless search in each particular case.”<sup>9</sup> Or put more curtly, the exception is “case-specific.”<sup>10</sup> That approach reflects the nature of emergencies. Whether a “now or never situation” actually exists depends upon facts on the ground.<sup>11</sup> The issue is most naturally considered by “look[ing] to the totality of circumstances” confronting the officer as he decides to make a warrantless entry.<sup>12</sup>

The United States Supreme Court continued to recognize that a person’s living space has the greatest expectation of privacy under the Fourth Amendment. The Fourth Amendment is based on the principle that the “right of a man to retreat into his own home and there be free from unreasonable government intrusion.”<sup>13</sup> The Fourth Amendment thus “draw[s] a firm line at the entrance to the house.”<sup>14</sup> What lies behind that line is of course not inviolable. An officer may always enter a home with a proper warrant. Exigent circumstances allow even warrantless intrusions.<sup>15</sup> But the contours of that or any other warrant exception permitting home entry

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<sup>4</sup> Kentucky v. King, 563 U.S. 452, 460, 131 S.Ct. 1849, 179 L.Ed.2d 865 (2011).

<sup>5</sup> Riley, 573 U.S., at 402, 134 S.Ct. 2473; Missouri v. McNeely, 569 U.S. 141, 149, 133 S.Ct. 1552, 185 L.Ed.2d 696 (2013).

<sup>6</sup> Brigham City, 547 U.S., at 403, 126 S.Ct. 1943; Riley, 573 U.S., at 388, 134 S.Ct. 2473.

<sup>7</sup> Brigham City, 547 U.S., at 403, 126 S.Ct. 1943; Minnesota v. Olson, 495 U.S. 91, 100, 110 S.Ct. 1684, 109 L.Ed.2d 85 (1990) (internal quotation marks omitted).

<sup>8</sup> Welsh v. Wisconsin, 466 U.S. 740, 751, 104 S.Ct. 2091, 80 L.Ed.2d 732 (1984)

<sup>9</sup> Riley, 573 U.S., at 402, 134 S.Ct. 2473.

<sup>10</sup> Id., at 388, 134 S.Ct. 2473.

<sup>11</sup> Id., at 391, 134 S.Ct. 2473 (internal quotation marks omitted); McNeely, 569 U.S., at 149, 133 S.Ct. 1552 (internal quotation marks omitted).

<sup>12</sup> Id., at 149, 133 S.Ct. 1552.

<sup>13</sup> Collins v. Virginia, 584 U.S. —, —, 138 S.Ct. 1663, 1670, 201 L.Ed.2d 9 (2018) (internal quotation marks omitted).

<sup>14</sup> Id., at 590, 100 S.Ct. 1371.

<sup>15</sup> See ibid.; supra, at 2017 - 2018.

are “jealously and carefully drawn,” in keeping with the “centuries-old principle” that the “home is entitled to special protection.”<sup>16</sup>

The Supreme Court held that misdemeanors are usually minor offenses, categorized by less violent and less dangerous crimes. When a minor offense alone is involved, law enforcement does not usually face the kind of emergency that can justify a warrantless home entry. While flight could potentially necessitate quick action by police, the Supreme Court determined that every case of misdemeanor flight does not pose immediate dangers of evidence destruction or further flight.

Accordingly, the Fourth Amendment requires an assessment of the case-by-case exigencies arising from a misdemeanant’s flight. That approach will in many, if not most, cases allow a warrantless home entry. When the totality of circumstances shows an emergency—such as imminent harm to others, a threat to the officer himself, destruction of evidence, or escape from the home—the police may act without waiting. And those circumstances, as described just above, include the flight itself. But the need to pursue a misdemeanant does not trigger a categorical rule allowing home entry, even absent a law enforcement emergency. Accordingly, the Supreme Court held that when nature of the crime, the nature of the flight, and surrounding facts present no such exigency, officers must respect the sanctity of the home—which means that they must get a warrant.

The United States Supreme Court vacated the judgment of the California Court of Appeal and remanded for further proceedings.

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<sup>16</sup> Georgia v. Randolph, 547 U.S. 103, 109, 115, 126 S.Ct. 1515, 164 L.Ed.2d 208 (2006).