



LEGAL UPDATE

ENTRY INTO HOME LAWFUL UNDER EMERGENCY AID DOCTRINE

Commonwealth v. Regan, Appeals Court (August 23, 2024).

RELEVANT FACTS

The 66-year-old victim worked at FedEx. He never missed work and always answered his cell phone. The victim did not report to his morning shift on March 12, 2014, and then failed to answer several calls placed by concerned coworkers. The victim's supervisor called 911 to request a well-being check when the victim failed to report for his afternoon shift. He feared that the victim was ill, although he was unaware of any specific medical issues the victim had.

Police received another request for a well-being check on March 14, 2014. The responding officer met with two different neighbors who reported not seeing the victim in a couple of days or any lights on in the house or other signs of activity in the past few nights. Officers knocked on the door and rang the doorbell but got no response. A perimeter check of the home revealed no unlocked or damaged doors. Officers saw a stack of mail between the storm door and the front door and the victim's car was parked out front. The car was covered in ice and snow from a storm that had ended the previous morning.

The victim's brother arrived at the home at 8:30 AM. He encouraged officers to enter the home as he was concerned about his brother. After a supervisor authorized entry into the home, officers gained entry through an unlocked second story window. The victim's body was found in the hall. The victim's son was also in the home. Officers secured the home and obtained a search warrant.

For specific guidance on the application of this case or any law, please consult your supervisor or your department's legal advisor.

The son was ultimately charged and convicted of second-degree murder of his father. On appeal, the defendant argued that the initial entry in the home was unlawful and any evidence should be suppressed as fruit of the poisonous tree.

DISCUSSION

The court cannot justify an entry into a home under the community caretaking function.¹ Under the emergency aid doctrine, officers may enter a home without a search warrant in order to render emergency aid to an injured person in the home or to protect someone in the home from imminent injury.

To satisfy the emergency aid doctrine, a warrantless entry into the home must satisfy two requirements:

1. there must be objectively reasonable grounds to believe an emergency exists and
2. the actions of the police are reasonable under the circumstances.

With respect to the first requirement, “the injury sought to be avoided must be immediate and serious, and the mere existence of a potentially harmful. circumstances is not sufficient.” quoting *Commonwealth v. Kirschner*, 67 Mass.App.Ct. 836, 841-842 (2006).

“Even though performing wellness checks on vulnerable members of the community is among police officers’ most important duties, the mere fact that a concerned friend, family member, or neighbor has requested a wellness check does not automatically justify warrantless entry into a home. Instead, the facts known by the police at the time must establish an objectively reasonable basis to believe that entering a home is warranted to address an emergency.”

Based upon the facts of this case, there was an objectively reasonable basis to believe the victim was in his home and in need of emergency aid. He failed to appear at work and failed to answer his phone. This behavior was so out of character that police received two calls asking for a wellness check. The victim was 66 years old and “had certain, unspecified medical issues.” Neighbors had not seen the victim or observed any indication of his normal activities in days and the victim’s brother was concerned about the victim. There was no response to knocks on the door, there was a stack of mail at the front door, and the victim’s car was covered in snow in the driveway.

“Considering these facts in their totality, we conclude that it was objectively reasonable for officers to believe that the victim was in his home and faced an immediate and serious risk to his health and safety.”

The initial entry into the home was lawful under the emergency aid doctrine and the actions of the officers, including securing the scene and obtaining a search warrant after the victim’s body was found, were reasonable.

The motion to suppress was properly denied.

¹ *Caniglia v. Strom*, 593 U.S. 194 (2021).

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