



LEGAL UPDATE

Probable Cause Not Standard for Warrantless Entry of Home under Emergency Aid Doctrine

Case v. Montana, USSC (January 14, 2026).

RELEVANT FACTS

During a phone call with his ex-girlfriend, the defendant was erratic and said he was going to kill himself. He mentioned a note and the ex-girlfriend heard a “clicking noise” that sounded like the cocking of a gun. When she said she would call the police the defendant said he would “shoot them all too.” The ex-girlfriend heard a “pop” followed by silence. Believing the defendant shot himself, she called 911.

Upon arrival, officers found the ex-girlfriend outside. Officers were aware of the defendant’s history of alcohol abuse and mental health issues. They were also aware that he had previously threatened suicide and that there was a prior attempt at “suicide by cop” when he confronted officers “in a way that was likely to provoke a lethal response.” The officers requested that the Chief respond to the scene. While waiting for the Chief to arrive, they looked around the outside of the house, knocked on doors, and yelled into an open window. There was no response. Officers could see empty beer cans, an empty holster and a notepad with some writing on it inside the home. They did not see the defendant.

After speaking to the Chief upon his arrival, the decision was made to enter the home. Officers hoped to “talk him down” to prevent any injury but also feared that he had already shot himself and in need of medical aid. They also considered that entry into the home would escalate the defendant’s behavior and result in a confrontation.

Officers entered the home through the front door calling out to the defendant. The defendant was hiding in a bedroom closet. When an officer entered the bedroom, the defendant “threw open the closet curtain and appeared from behind it, holding ‘a black object’ which looked like a gun.” The officer shot the defendant in the abdomen. A different officer rushed to begin first aid. An ambulance arrived

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

and brought the defendant to the hospital. Officers found a handgun in a laundry basket that was next to where the defendant had been standing.

The defendant was charged with assaulting a police officer. He moved to suppress the evidence, arguing that the entry into his home was unlawful. That motion was denied. After conviction, he appealed.

DISCUSSION

When officers intrude into a private place, the presumption is that they need a warrant. There are exceptions. Warrantless entry into a home for purposes of rendering emergency aid was first recognized by the court in Brigham City v. Stuart, 547 U.S. 389 (2006). In Brigham City, the court concluded that an officer can enter a home when an officer has “an objectively reasonable basis for believing” that an occupant is seriously injured or imminently threatened with such harm.

The United States Supreme Court (USSC) heard this case because the Circuit Courts have disagreed on what the appropriate standard to apply is when officers enter a home under the emergency aid exception. Some courts have concluded that officers needed probable cause to believe an occupant is in peril. The USSC held that probable cause has been used exclusively in the criminal context and that to apply it in a non-criminal context, such as the emergency aid doctrine, would be awkward.

The USSC ruled that the standard first articulated in Brigham City is to be applied when officers enter a home under the emergency aid doctrine.

The officers may enter if, but only if, they have an “objectively reasonable basis for believing” that an occupant faces serious danger. *quoting Brigham City v. Stuart*, 547 U.S. 389, 400 (2006).

Applying the “objectively reasonable basis for believing” standard to the facts of this case, the court found that entry into the home was lawful.

The concerns that call raised were heightened by what the officers could see through the windows—empty beer cans, an empty holster, and a notepad—as well as by Case’s failure to respond to their urgent knocking. If Case had already shot himself, he could have been severely injured and in need of immediate medical care. And if he had not, the risk of suicide remained acute, given all the facts then known to the officers. It was thus objectively reasonable for the police to believe that Case needed emergency aid.

The defendant further argued that the “likely danger” was actually created by officers entering the home. He argued that, if officers had simply let him be, nothing would have happened. The USSC found that this oversimplified the issue. While “suicide by cop” was one possibility, the totality of the facts suggested that the defendant may have already shot himself or was going to do so.

The decision of the officers to enter his home to prevent [his suicide]—even at some significant risk to themselves—was (at the least) reasonable. The Fourth Amendment did not require them, as Case now argues, to leave him to his fate.

When the court considered the totality of the circumstances, it found there was an objectively reasonable basis for believing the defendant was in need of emergency aid.

The entry into the home was lawful.

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