

One Minute Brief

LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
DISTRICT ATTORNEY NATHAN J. HOCHMAN



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BY: Michele A. Hanisee

TOPIC: Warrantless Entry – Emergency Aid Exception

ISSUE: When can officers enter a home without a warrant to provide emergency aid?

In *Case v. Montana* (2026) 146 S.Ct. 500, the United States Supreme Court clarified when officers can enter a home without a warrant to provide emergency aid. The decision clarifies that this type of entry is governed by its own standard, separate from probable cause or reasonable suspicion.

In *Case v. Montana*, officers responded to a 911 call from William Case's ex-girlfriend, who reported that Case had called her threatening suicide and sounding erratic. She said she heard a noise over the phone like a gun being cocked. When she said she would call the police, Case responded he would "shoot them all, too." The call ended after a "pop" and silence. She called out his name several times but received no response. She immediately called 911 and drove to his home.

Officers responding to the house for a welfare check were aware that Case had a history of alcohol abuse, mental health issues, prior suicide threats, and possible "suicide by cop." Repeated knocking and announcements—including through an open window—went unanswered. When they shined their lights inside, officers saw an empty gun holster and what appeared to be a suicide note. They believed Case may have already harmed himself or was in imminent danger of doing so.

The officers decided to enter the home to render aid or attempt to de-escalate the situation if Case was still alive. Because of concerns that Case might respond violently, they entered with long-barrel firearms and a ballistic shield, while loudly announcing their presence. Case was uninjured and hiding in an upstairs bedroom closet. When officers entered the room, Case suddenly emerged holding a black object. An officer fired, striking Case. A firearm was found from a laundry basket next to Case. Case was charged with assault on a peace officer.

The issue before the Court was what legal standard applies. The Court explained that although entering a home without a warrant is generally not allowed, one form of the **exigent circumstances** exception is when officers need to provide emergency aid. Under this exception, officers may enter if they have an **objectively reasonable basis** to believe that someone inside is seriously hurt or in immediate danger.

Importantly, the Court held that officers don't need probable cause to enter under this exception. Probable cause is relevant when investigating a crime. Here, the purpose is different—officers are trying

to protect life, not gather evidence. For that reason, the Court rejected using a probable cause standard. At the same time, the Court did not lower the standard to mere suspicion. Instead, the question is whether the facts would lead a reasonable officer to believe that immediate action is necessary.

Applying that standard, the Court found the entry lawful. The officers relied on a credible report of suicidal behavior, and their on-scene observations corroborated an imminent risk of harm. The absence of any response from inside the home, combined with the visible holster and apparent suicide note, provided a sufficient factual basis to justify immediate entry. Under the **totality of the circumstances**, the officers acted reasonably in concluding that delay could result in serious injury or death.

The decision provides important clarification for both law enforcement and courts. It confirms that the emergency aid exception stands on its own doctrinal footing and should not be analyzed through the lens of criminal investigative standards. The focus is not on whether officers had probable cause to believe a crime occurred, but whether they had **“an objectively reasonable basis for believing that an occupant is seriously injured or imminently threatened with such injury.”** (Case at 508.)

The “emergency-aid doctrine” should be distinguished from the “community caretaking” doctrine which does **not** apply to entry of residences. (*People v. Oviedo* (2019) 7 Cal.5th 1034, 1048.)

In *Oviedo*, the California Supreme Court held that officers lacked justification for a warrantless entry where a suicidal individual had already been removed from the residence by friends, firearms had also been removed, and no other persons were believed to be inside. The Court emphasized that hypothetical justifications or reasons short of an emergency won’t justify a warrantless entry into a home. *Id.* at 1038.

BOTTOM LINE: Officers may make a warrantless entry to render emergency aid when specific, articulable facts establish an **objectively reasonable basis for believing that an occupant is seriously injured or imminently threatened with such injury**. An emergency-aid entry **will not justify a search of the premises** beyond what is reasonably needed to handle the emergency while maintaining officer safety.

OFFICERS: Be prepared to articulate specific facts showing a reasonable belief of imminent harm such as: source of information (911 call, witnesses); observations at the scene, prior knowledge of the individual’s history; and to articulate why delay in entry would risk serious injury or death.

PROSECUTORS: Frame the entry as non-investigatory. Emphasize urgency and risk of harm—not criminal suspicion. Avoid probable cause arguments. The objective belief standard for emergency aid is a distinct standard that must be evaluated based on the urgency of the situation, not criminal suspicion.

As *Oviedo* cautions, courts will reject entries where the record lacks articulable facts demonstrating an emergency. In *Oviedo* the Court noted: “[h]ere, the officers pointed to no such facts. If they existed, the prosecution failed to elicit them.” (*Id.* at p. 1043.) Accordingly, the justification for entry must be grounded in clearly developed facts showing an immediate need to render aid.

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