

# Emergency Searches

By CHARLES D. RAY

**P**olice officers are called on to deal with a wide and varied array of societal issues. Two of those issues—the welfare of senior citizens and interactions with people suffering mental health issues—arose together in the Supreme Court’s recent decision in *State v. Samuolis*, 344 Conn. 200 (2022). The only issue in *Samuolis* was whether the trial court properly denied the defendant’s motion to suppress evidence taken from his home. Specifically, the body of his father, which police discovered inside the home the two shared. The trial court concluded that a warrantless entry into the home was justified under the emergency

do exist. Indeed, the emergency exception at issue in *Samuolis* foregoes the warrant requirement where the “exigencies of the situation make the needs of law enforcement so compelling that the warrantless search is objectively reasonable....” *Brigham City v. Stuart*, 547 U.S. 398, 403 (2006).

Under this exception, an officer making a warrantless entry must have an “objectively reasonable basis for believing that an occupant is seriously injured or imminently threatened with such injury.” *Brigham City*, 547 U.S. at 400. And while the test is an objective one, the officer(s) making the search must have reason to believe that life or limb is in immediate jeopardy and that a warrantless entry is necessary to deal with the threat. Once entry is made, the scope and manner of a resulting search must be reasonable to meet the need of the emergency.

Against this legal background, facts become crucial. The *Samuolis* story began when two Willimantic police officers were sent to check on the well-being of John *Samuolis*, the defendant’s father. Earlier in the day, one of the two officers had been told by neighbors that they were concerned because they had not seen John in a quite some time. Upon their arrival at the *Samuolis*’ home, the officers knocked on the locked doors and called into open windows without any response. They concluded that no one was home. The next morning, one of the neighbors asked the police to make another check of the property because of changes made after the officers’ prior visit. Namely, chicken wire covering the lower rear windows of the house and a huge number of flies massing in one of upper rear windows.

Upon arriving, two officers (one of whom had been to the property the day before) found the doors to the house all locked and the window curtains all drawn. The officers concluded that neither the chicken wire nor the flies had been present when the well-being check had been made the previous day. One of the officers used a ladder to reach the upper rear window and

exception to the fourth amendment’s warrant requirement and, in addition, that any possible taint from the initial warrantless entry was erased when the defendant shot the officer who first entered his house.

To begin, searches and seizures inside a person’s home, without consent and without a warrant, are presumptively unreasonable. Indeed, the Court has stated that warrantless entry into a person’s home is “the chief evil” against which the fourth amendment is directed. And the fourth amendment’s warrant requirement applies to both criminal investigations and the government’s enforcement of administrative regulations. As with most rules, however, exceptions



discovered flies everywhere, but no odor. The window was propped open a bit by an air freshener but the officer could not see anything inside the room. The officers were, at that point, concerned not only for the welfare of John *Samuolis*, but also for the welfare of the defendant, who, they had been told, suffered from mental health issues. Having concluded that an entry into the house was called for, the officers contacted their supervisor, who also decided that entry into the house was necessary.

One of the officers used the ladder to enter the house through a better lit window at the front of the house. As he headed downstairs to open the front door for the other officers, he heard a noise coming from the basement. The officer announced his presence, but heard nothing in response. The front door was held shut by a heavy metal bar, which the officer removed and tossed toward the basement. As the officer was opening the front door, the defendant emerged from the basement, dressed in camo, wearing a ballistic vest, and carrying a rifle, which he fired at the officer, hitting him in the elbow. The officers fled the house, as did the defendant, who was later captured by a state police officer.

Once the defendant was in custody, officers entered the house and discovered that a second-floor bedroom had been sealed with plastic and a rope. Fearing a booby-trap, the officers left the house and the lead detective climbed a ladder outside and discovered the father's decomposed body, wrapped in plastic. In the meantime, the defendant gave a voluntary statement to the state police, in which admitted he had shot his father several months earlier and had sealed the room because the body began to smell.

Against this backdrop, the defendant argued that there was no reasonable basis to conclude that an emergency existed, and that, regardless, recovery of a dead body is not an emergency. The unanimous Court, per Justice Keller, held that the emergency exception justified the warrantless entry into the defendant's home. Justice Keller framed the issue as "whether there was an objectively reasonable basis for the responding officers to believe that there was a need to render emergency assistance to an injure occupant or to protect an occupant from imminent injury, either *the defendant or [his father]*, when [the officer] made the initial entry into the home. *Samuolis*, 344 Conn. at 218 (emphasis added).

In terms of the defendant, the Court concluded that the state failed to meet its burden of establishing that "immediate entry was necessary because the defendant required *emergency aid*." *Id.* at 220. There was evidence that in the days before the warrantless entry the defendant had performed chores at the property, such as cutting a portion of the grass. Also, prior to entering the defendant's home, the officers did not seek to learn more about the defendant's mental health issues and did not make a reasonable attempt to discover a less intrusive way to make contact with the defendant. Although some of the defendant's behavior—placing chicken wire over windows, cutting a peep hole in window blinds, and cutting only a portion of the lawn—could possibly be symptomatic of a mental disorder, without more, such odd behavior "does not reasonably indicate a need for *immediate* medical assistance, physical or mental." *Id.* And while the defendant living in a house with a dead or decomposing body "could reasonably indicate that the defendant was suffering from a serious psychological impairment" the Court declined to address the "profound implications" of expanding the emergency doctrine beyond its current limitations in order to address situations similar to the defendant's. *Id.* at 219, n.11.

Instead, the Court upheld the entry and search based on its conclusion that there was "a reasonably objective basis for believing that an elderly occupant was in need of immediate medical assistance." *Id.* at 220. In so concluding, the Court avoided the issue of whether the presence of a dead body in a home could constitute an emergency. Instead, the Court based its holding on a line of previous cases in which other courts have upheld emergency entries even if the available information, such as the presence of flies and the smell of decomposing flesh, makes it more probable that a victim is dead rather than alive. "As long as there is a reasonable possibility that the person remains alive, the situation is an emergency because, in all likelihood, time is of the essence." *Id.* at 222. On top of this, the defendant's behavior, although not sufficient to justify an emergency entry as to him, was relevant in terms of the officers' assessment of whether an emergency existed in regard to his father.

All in all, a logical, careful, and well-crafted decision. ■

■ Any views expressed herein are the personal views of the author.



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