

Lange v. California

(2021) __ U.S. __ [141 S.Ct. 2011]

Issue

Under what circumstances may officers pursue a fleeing suspect into a home if the suspect was wanted for only a misdemeanor?

Facts

A CHP officer in Sonoma County noticed that the driver of a car that had passed him was playing music extremely loud and was repeatedly honking his horn. The court observed that “it is fair to say” that the driver “was asking for attention.” And he got it. But when the officer lit him up, he continued on for about 100 feet, then drove into the attached garage of a home. The driver was Arthur Lange, and the garage was attached to his home.

The officer entered the garage and arrested Lange after he failed the field sobriety tests. Later analysis of his blood proved that he was highly intoxicated. Lange filed a motion to suppress the blood test results on grounds that the officer’s warrantless entry into his garage was unlawful. When California courts denied the motion, he appealed to the U.S. Supreme Court.

Discussion

Officers may, of course, chase motorists who ignore an officer’s signal to stop. The issue in *Lange*, however, was whether officers may pursue the suspect into his home (including the garage) if he was wanted only for a misdemeanor. The reason the Supreme Court took this case is that many lower courts have ruled that officers may *always* do so, even if the suspect was wanted only for a misdemeanor.

The Court rejected this idea, ruling instead that such entries are governed by the same rules as any other search based on exigent circumstances; i.e., the entry is lawful only if the need to arrest the suspect outweighed the intrusiveness of the entry. As the Court explained in *Illinois v. Lidster*, “In judging reasonableness, we look to the gravity of the public concerns served by the seizure, the degree to which the seizure advances the public interest, and the severity of the interference with individual liberty.”¹

If the suspect was a fleeing felon, the need to arrest him almost always outweighs the intrusiveness of the police conduct—including a warrantless entry into a home—because, as the Court observed in *Lange*, the delay required to obtain a warrant for a fleeing felon “would bring about some real immediate and serious consequences.” But because the need to arrest a fleeing misdemeanant is ordinarily less serious, the Court ruled that the legality of intrusions to do so depends on “whether an emergency justified a warrantless search in a particular case.”

The Court did not, however, rule on whether the intrusion into Lange’s garage was warranted by exigent circumstances. Instead, it determined that, because the California court ruled that the pursuit of misdemeanants “is always permissible under the exigent

¹ (2004) 540 U.S. 419, 426. Also see *Illinois v. McArthur* (2001) 531 U.S. 326, 331 [“[W]e balance the privacy-related and law enforcement-related concerns to determine if the intrusion was reasonable.”].

circumstances exception,” the Court ordered that the case be sent back to California to conduct such a balancing test.

Comment

This might not be an important case because, as Justice Kavanaugh observed in his concurring opinion, “Cases of fleeing misdemeanants will almost always also involve a recognized exigent circumstance—such as a risk of escape, destruction of evidence, or harm to others—that will still justify warrantless entry into a home.” This is especially so when the crime under investigation was DUI since impaired drivers almost always present an immediate threat to anyone in their way.

Although it is arguable that Lange did not present such a threat because he was parked in his garage, the fact remains that he could have driven off after the officer left, plus the officer did not know that Lange lived in the house, plus any delay in arresting him would be used by him in court to challenge the accuracy of a subsequent blood-alcohol test. In addition, if the courts started ruling that officers could not pursue suspected DUI drivers into homes or garages, the result would be a dramatic increase in the number of such pursuits. As Chief Justice Roberts observed in his concurring opinion:

Every hot pursuit implicates the government interest in ensuring compliance with law enforcement. Flight is a direct attempt to evade arrest and thereby frustrate out society’s interest in having its laws obeyed. Disregarding an order to yield to law enforcement authority cannot be dismissed with a shrug of the shoulders simply because the underlying offense is regarded as “innocuous.” Law enforcement is not a child’s game with apprehension and conviction depending upon whether the officer or defendant is the fleetest of foot.

Note that we have reported on another Supreme Court case pertaining to exigent circumstances. It is *Caniglia v. Strom* and we have posted a report on it also. POV

Date posted: July 20, 2021