

People v. Williams

15 Cal.App.5th 111

Issue

Did officers unlawfully enter the defendant's property?

Facts

A Los Angeles County animal control officer was dispatched to a rural area near Lancaster where a caller had reported a loose horse. The officer located the horse walking along a street and saw a motorist swerve to avoid hitting it. As the officer walked up to the horse, it walked slowly toward the defendant's house nearby and tried to enter a corral behind the house through a break in a wooden fence. But because he was unable to push through, he walked up the driveway to an attached garage and tried to enter the corral from another route; but, again, he couldn't get through. So, apparently out of options, he walked back to the front of the house and ate some weeds on the ground.

While waiting for his sergeant to arrive with a horse trailer, the officer yelled into the yard and honked the horn on his car hoping to attract the attention of the property owner. No one responded. Because they could not leave the horse on the street, the officer and his sergeant put him into the trailer so they could transport him to a secure animal control facility. (And because the horse looked thin, they gave him a bucket of feed.) The officer then asked his dispatcher to phone the residence but the call went to voicemail. About then, the officer heard a dog barking and whining inside the attached garage and, when he looked inside through a tall window in the garage door he saw that the dog was being held under conditions that were "unhealthful." He also saw a treadmill and a "slat mill" which are devices that are used in training fighting dogs.

Still looking for the owner, the officers walked into the corral where they saw that several dogs were confined there in makeshift kennels; the dogs were all pit bulls and some had obvious injuries that were consistent with dog fighting. The sergeant then instructed the officer to take photos of the property, including the interior of the garage through the upper window. Later, the owner, Williams, arrived and the officer issued him a citation and impounded the horse.

All of this information was given to an LASD deputy who, like the sergeant, was an expert in "bloodsports." The deputy included this information in an affidavit for a warrant to search the corral and garage for evidence of illegal dogfighting. In the course of the search, officers recovered several emaciated dogs with sores or scars. They also seized the "slat mill" and boxes containing documents pertaining to dog fighting.

Williams filed a motion to suppress the evidence and the photos on grounds that they were obtained in the course of an illegal search, but the motion was denied. Williams then pled no contest to the charges and was sentenced to a year in the county jail.

Discussion

Williams appealed the denial of his motion to suppress, arguing that even if the loose horse constituted an exigent circumstance that warranted some intrusion onto his property, the exigency ended when the horse was secured in the trailer and, therefore, the officers' subsequent entry onto his property to take photos and inspect the corral constituted an illegal search.

A warrantless entry or search onto private property is permitted if the need for immediate action outweighed the intrusiveness of the entry or search.¹ Here, the intrusiveness was relatively minor because, as noted, the officers merely entered unsecured private property that was visible from the street.

Consequently, the central issue was whether the officers really needed to take immediate action, and the court ruled they did for two reasons: (1) they needed to secure the horse, and this justified the initial entry into the corral see if the corral was secure; and (2) the subsequent entry into the corral and also the garage area (from which the photos were taken) was necessary because, by then, the officers reasonably believed that many dogs on the premises were in distress. Williams attempted to downplay the need for immediate action, pointing out that the officers “did not find any animals in immediate threat or injury or death.” The court responded, “Simply because the dog, while living in unhealthful conditions, did not appear to be in immediate risk of death, does not mean exigent circumstances did not justify [the officer’s] decision to look inside.” Accordingly, the court concluded that, “[g]iven the facts known to the officers, it was not unreasonable for them to be concerned about the condition of the dogs they could hear barking incessantly from the back yard,” and therefore the officers’ entry onto Williams’s property was lawful. POV

Date posted: November 21, 2017

¹ 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.”]; *Illinois v. Lidster* (2004) 540 U.S. 419, 426 [“[I]n 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”].