



Cite as: 2012 (3) AELE Mo. L. J. 401

ISSN 1935-0007

Criminal Law & Procedure Section - March 2012

Entry into a Residence as Exigent Circumstances
Ryburn v. Huff – U.S. Supreme Court

By Barry Krischer
Former State Attorney
Palm Beach County, Florida

Contents

- Factual setting
- Exigent circumstances
- Supreme Court's ruling
- Lessons learned
- References

❖ **Factual setting**

Darin Ryburn and other Burbank police officers responded to a high school. When the officers arrived at the school the principal informed them that a student, Vincent Huff, was rumored to have written a letter threatening to “shoot up” the school. The principal reported that many parents, after hearing the rumor, had decided to keep their children at home. The principal expressed concern for the safety of her students and requested that the officers investigate the threat.

In the course of conducting their investigation the officers learned that Vincent had been absent from school for two days and that he was frequently subjected to bullying. The officers had received training on targeted school violence and were aware that these characteristics are common among perpetrators of school shootings.

Sergeant Ryburn and other officers responded to the Huff residence. They knocked on the door and got no response. Ryburn called the home phone and got no response. He then called Mrs. Huff's cell phone, could hear it ringing inside, when she finally answered he requested that she come to the door. Mrs. Huff disconnected the call without further comment.

A few minutes later she appeared at the door along with Vincent. Sgt. Rayburn explained their reason for being there and the rumor circulating the school. They asked to speak inside, and Mrs. Huff refused them entry. Ryburn then inquired if there were firearms in the house. Mrs. Huff responded by "immediately turning around and running into the house."

Sergeant Ryburn, who was "scared because he didn't know what was in that house" and had "seen too many officers killed," entered the house behind her. Vincent entered the house behind Sgt. Ryburn, and Officer Zepeda entered after Vincent. Officer Zepeda was concerned about "officer safety" and did not want Sergeant Ryburn to enter the house alone.

The officers remained inside the house for a total of 5 to 10 minutes. During that time, the officers talked to the Huffs. They did not conduct any search of Mr. Huff, Mrs. Huff, or Vincent, or any of their property. The officers ultimately concluded that the rumor about Vincent was false, and they reported their conclusion to the school.

The Huffs brought a civil rights lawsuit against the officers for violating their Fourth Amendment rights by entering their home without a warrant. The trial court found for the officers; the Ninth Circuit disagreed, 2-to-1, and denied the officers qualified immunity.

Did the officers violate the Huff's constitutional rights by entering their home without a warrant to verify occupants' safety? The Supreme Court unanimously reversed the Ninth Circuit, and granted qualified immunity to the officers, finding that their actions were a reasonable response to exigent circumstances. [Ryburn v. Huff](#), #11-208, 2012 U.S. Lexis 910 (Jan. 23, 2012). The 9-0 opinion was *per curiam* (unsigned).

❖ Exigent Circumstances

The trial court had concluded that the officers were entitled to qualified immunity because of Mrs. Huff's odd behavior, combined with the information the officers

gathered at the school, could have led reasonable officers to believe “that there could be weapons inside the house, and that family members or the officers themselves were in danger.”

The court noted that “within a very short period of time, the officers were confronted with facts and circumstances giving rise to grave concern about the nature of the danger they were confronting.” With respect to this kind of “rapidly evolving incident,” the court explained, courts should be especially reluctant “to fault the police for not obtaining a warrant.”

As noted above, the Ninth Circuit Court of Appeals disagreed. One panel member, Judge Rawlinson, dissented. She explained that “the discrete incident that precipitated the entry in this case was Mrs. Huff’s response to the question regarding whether there were guns in the house.”

Judge Rawlinson looked to cases that specifically address the scenario where officer safety concerns prompted the entry and concluded that, under the rationale articulated in those cases, “a police officer could have reasonably believed that he was justified in making a warrantless entry to ensure that no one inside the house had a gun after Mrs. Huff ran into the house without answering the question of whether anyone had a weapon.”

❖ **Supreme Court’s ruling**

The U.S. Supreme Court agreed with Judge Rawlinson.

“Judge Rawlinson’s analysis of the qualified immunity issue was correct. No decision of this Court has found a Fourth Amendment violation on facts even roughly comparable to those present in this case. On the contrary, some of our opinions may be read as pointing in the opposition direction.

“In [Brigham City v. Stuart](#), #05-502, 547 U.S. 398 (2006), we held that officers may enter a residence without a warrant when they have ‘an objectively reasonable basis for believing that an occupant is ... imminently threatened with serious injury.’ We explained that ‘the need to protect or preserve life or avoid serious injury is justification for what would be otherwise illegal absent an exigency or emergency.’”

In addition, in [*Georgia v. Randolph*](#), #04-1067, 547 U. S. 103 (2006), the Court stated that “it would be silly to suggest that the police would commit a tort [a civil wrong] by entering a residence ... to determine whether violence ... is about to (or soon will) occur.”

The Supreme Court then went on to chastise the Ninth Circuit for “Monday- morning- quarterbacking” the actions of the officers when confronted with tense, uncertain, and rapidly evolving circumstances.

“The panel majority-far removed from the scene and with the opportunity to dissect the elements of the situation-confidently concluded that the officers really had no reason to fear for their safety or that of anyone else. As the panel majority saw things, it was irrelevant that the Huffs did not respond when the officers knocked on the door and announced their presence and when they called the home phone because the Huffs had no legal obligation to respond to a knock on the door or to answer the phone.

“The majority attributed no significance to the fact that, when the officers finally reached Mrs. Huff on her cell phone, she abruptly hung up in the middle of their conversation. And, according to the majority, the officers should not have been concerned by Mrs. Huff’s reaction when they asked her if there were any guns in the house because Mrs. Huff ‘merely asserted her right to end her conversation with the officers and returned to her home.’

“Confronted with the facts found by the [trial court], reasonable officers in their position could have come to the conclusion that there was an imminent threat to their safety and to the safety of others. The Ninth Circuit’s contrary conclusion was flawed...”

The Court also faulted the Ninth Circuit for engaging in a piecemeal evaluation of the facts rather than using a “totality of the circumstances” analysis. “Their method of analyzing the string of events that unfolded at the Huff residence was entirely unrealistic.

The majority looked at each separate event in isolation and concluded that each, in itself, did not give cause for concern. But it is a matter of common sense that a combination of events each of which is mundane when viewed in isolation may paint an alarming picture.”

The Supreme Court also took the Ninth Circuit to task for substituting their judgment for that of the officer on the scene. “They did not heed the [trial court’s] wise admonition that judges should be cautious about second-guessing a police officer’s assessment, made on the scene, of the danger presented by a particular situation.

With the benefit of hindsight and calm deliberation, the panel majority concluded that it was unreasonable for petitioners to fear that violence was imminent. But we have instructed that reasonableness ‘must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight’ and that ‘the calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments-in circumstances that are tense, uncertain, and rapidly evolving.’ [*Graham v. Connor*](#), #87-6571, 490 U. S. 386 (1989).

“Judged from the proper perspective of a reasonable officer forced to make a split-second decision in response to a rapidly unfolding chain of events that culminated with Mrs. Huff turning and running into the house after refusing to answer a question about guns, petitioners' belief that entry was necessary to avoid injury to themselves or others was imminently reasonable.”

“In sum, reasonable police officers in petitioners’ position could have come to the conclusion that the Fourth Amendment permitted them to enter the Huff residence if there was an objectively reasonable basis for fearing that violence was imminent. And a reasonable officer could have come to such a conclusion based on the facts as found by the [trial court].”

The judgment of the Ninth Circuit was reversed, and the case was remanded for the entry of a judgment in favor of the officers.

❖ **Lessons learned**

This is a significant case for law enforcement. The Supreme Court re-emphasized that the legal burden placed on an officer responding to a potential critical incident is “reasonableness.” The Court further chastised the majority in the appellate panel for second-guessing the officer’s reasonable assessment of a potentially dangerous circumstance involving the occupants of the residence and their child, as well as themselves.

Once again, effective report writing will save the day. An officer needs to articulate reasonable behavior. Why the actions taken in response to the rapidly evolving circumstances were reasonable under the circumstances based on experience, knowledge, and training. And it is a totality of the circumstances evaluation, so it is important to include all the supporting factors in the decision making process.

❖ References

1. [U.S. Supreme Court Reiterates Rules Regarding Exigent Home Entry](#), PATC Legal & Liability Risk Management Institute (Jan. 2012).
2. [Documents and briefs](#) at SCOTUSblog.

AELE Monthly Law Journal

P.O. Box 75401
Chicago, IL 60675-5401 USA
E-mail: info@aele.org
Tel. 1-800-763-2802

© 2012, by the AELE Law Enforcement Legal Center

Readers may download, store, print, copy or share this article,
but it may not be republished for commercial purposes.
Other web sites are welcome to link to this article.

-
- The purpose of this publication is to provide short articles to acquaint the reader with selected case law on a topic. Articles are typically six to ten pages long. Because of the brevity, the discussion cannot cover every aspect of a subject.
 - The law sometimes differs between federal circuits, between states, and sometimes between appellate districts in the same state. AELE Law Journal articles should not be considered as “legal advice.” Lawyers often disagree as to the meaning of a case or its application to a set of facts.
-

[AELE Home Page](#) — [Publications Menu](#) — [Seminar Information](#)