6-04/060.00 Entry into Dwelling of Third Party

The U.S. Supreme Court has ruled that, absent consent or exigent circumstances, an arrest warrant does not authorize a search of the home of persons not named in the warrant. The court said that the house to be entered and searched must be the home of the person named in the arrest warrant. Otherwise, a search warrant must be obtained, absent consent or exigent circumstances, in order for the entry and search to be deemed reasonable and protect Fourth Amendment interests of persons not named in the warrant. In making an arrest pursuant to a warrant of arrest, forcible entry into a dwelling shall be made only if there is reasonable cause to believe (1) that the subject of the warrant is within the dwelling, and (2) the dwelling is the home of the person to be arrested. Otherwise, absent consent or exigent circumstances, a search warrant shall be obtained prior to making forcible entry.

Exigent circumstances means an emergency situation requiring swift action to prevent imminent danger to life or serious damage to property or to forestall the imminent escape of a suspect or destruction of evidence. (People v. Ramey, 16 CA 3rd 263)