

THE FOURTH
AMENDMENT

Emergency Exceptions
to the Warrant Requirement

The Fourth Amendment protects the “right of the people” against unreasonable searches and seizures.¹ The Supreme Court has held that a search or seizure without a warrant is generally not reasonable.² The Court has recognized, however, certain “well-delineated” exceptions to the warrant requirement.³ This infographic clarifies the differences between a few of these emergency-related exceptions: **exigent circumstances**, **community caretaking**, and **emergency aid**.

Key Terms and Concepts

			
A Fourth Amendment “search” generally involves government: • intrusion upon a person’s reasonable expectation of privacy, or • trespass upon a constitutionally protected space.⁴	A Fourth Amendment “seizure” generally involves the meaningful government interference with a person’s possessory interests in property or self.⁵	The Fourth Amendment provides that “no Warrants shall issue, but upon probable cause.” Probable cause generally requires a “fair probability” that a search will reveal evidence of criminal activity or that a seizure is of a person who committed a crime.⁶	Law enforcement responsibilities include duties: • preventing and investigating criminal activity, including by preserving evidence of such activity, and⁷ • promoting public safety.⁸

Emergency-Related Exceptions

	The “exigent circumstances” exception captures situations in which law enforcement is performing a crime-related function, such as preserving evidence, and taking the time to secure a warrant would frustrate those crime-related interests.⁹ <i>Features</i> ▶ Involves traditional crime-related functions ▶ Probable cause required for warrantless entry into a home.¹⁰
	The “community caretaking” exception recognizes that law enforcement may perform certain non-crime-related “civic functions,” such as responding to disabled vehicles and accidents.¹¹ <i>Features</i> ▶ Involves non-crime-related, civic-related functions ▶ Does not alone justify warrantless entry into a home
	The “emergency aid” exception applies when law enforcement responds to emergency or crisis situations in which an individual poses an immediate threat to themselves or others, or in which a person is in need of immediate medical attention.¹² <i>Features</i> ▶ Involves non-crime-related, crisis situations¹³ ▶ Probable cause not required; a warrantless entry into a home must be supported by an “objectively reasonable basis” to believe someone inside has been or is about to be seriously injured.¹⁴

¹ U.S. CONST. amend. IV.

² *Skinner v. Railway Labor Executives’ Ass’n*, 489 U.S. 602, 619 (1989).

³ *Katz v. United States*, 389 U.S. 347, 357 (1967).

⁴ *United States v. Jones*, 565 U.S. 400, 405–406 (2012).

⁵ *United States v. Jacobsen*, 466 U.S. 109, 113 (1984).

⁶ *Illinois v. Gates*, 462 U.S. 213, 238 (1983).

⁷ *Terry v. Ohio*, 392 U.S. 1, 29–30 (1968).

⁸ *Illinois v. McArthur*, 531 U.S. 326, 328 (2001).

⁹ CRS Legal Sidebar LSB10499, “No-Knock” Warrants and Other Law Enforcement Identification Considerations, by Peter G. Berris and Michael A. Foster (2020), at *3.

¹⁰ *Kirk v. Louisiana*, 536 U.S. 635, 638 (2002).

¹¹ *Caniglia v. Strom*, 593 U.S. 194, 197–98 (2021).

¹² *Mincey v. Arizona*, 437 U.S. 385, 392 (1978).

¹³ See *Case v. Montana*, 607 U.S. 107, 117 (2026) (“[W]e note that an emergency-aid entry provides no basis to search the premises beyond what is reasonably needed to deal with the emergency while maintaining the officers’ safety.”).

¹⁴ *Id.* at 116.

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