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16-056  
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## Entering Residences: Houses, Apartments, Hotels, including SRO Hotels (Re-Issue DB 12-142)

The United States Supreme Court recently explained the limitations the Fourth Amendment imposes on law enforcement officers' authority to enter a residence when they do not have a warrant and no exigency exists: "When law enforcement officers who are not armed with a warrant knock on a door, they may do no more than any private citizen might do. And whether the person who knocks on the door and requests the opportunity to speak is a police officer or a private citizen, the occupant has no obligation to open the door to speak." *Kentucky v. King*, 131 S.Ct. 1849, 1862 (2011).

Members are reminded that individuals have an expectation of privacy in their residences. Tenants of hotels, including single room occupancy hotels, possess the same constitutional rights and protections related to law enforcement entry into their hotel room.

When entering a person's residence, officers shall comply with the Constitutional mandates of search and seizure law. Under the Constitution, law enforcement officers may enter a residence only if one or more of the following conditions is present **prior to entry**:

- A resident or person with actual or apparent authority over the residence requests that the officers enter.
- A resident or person with actual or apparent authority over the residence consents to the officers entering.
- The officers have an objective reasonable basis for believing that a resident has a search condition as a condition of his/her active parole or probation.
- The officers have a valid search warrant for the residence.
- The officers have a valid arrest warrant for a resident of the premises.
- There are exigent circumstances that warrant immediate entry, such as the need to respond to an imminent threat to the safety of officers or other persons, or to prevent the imminent destruction of evidence (this "destruction of evidence" condition does not apply to infractions).
- Officers have an objectively reasonable basis for believing that someone in the residence needs medical assistance.
- The officers are in fresh pursuit or hot pursuit of a suspect.
- The residence is a crime scene.

**PASS KEYS:** Officers shall not enter apartments or hotel rooms with a pass key unless one or more of the above conditions are met.

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**PROPERTY MANAGERS:** Officers may not ask a property manager or other building representative to use a pass key to provide officers entry to an apartment or hotel room unless one of the above conditions is met. Further, a property manager or other building representative may not request or give consent on behalf of a resident for officers to enter that resident's lawfully occupied apartment or hotel room.

**SEARCHES:** Any search based on consent must comply with Department Bulletin 15-136.

Per DB 15-141, sworn members are required to electronically acknowledge this Department Bulletin in HRMS.



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