



UNITED STATES SUPREME COURT

THE AUTOMOBILE EXCEPTION DOES NOT PERMIT THE WARRANTLESS ENTRY OF A HOME OR ITS CURTILAGE IN ORDER TO SEARCH A VEHICLE THEREIN

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In *Collins v. Virginia*,¹ the United States Supreme Court examined the sanctity of a home's curtilage, [an area adjacent to the home and to which activity of home life extends] when balanced against the long-standing motor vehicle exception to the warrant requirement.

The Court outlined the facts in *Collins* as follows:

Officer Matthew McCall of the Albemarle County Police Department in Virginia saw the driver of an orange and black motorcycle with an extended frame commit a traffic infraction. The driver eluded Officer McCall's attempt to stop the motorcycle. A few weeks later, Officer David Rhodes of the same department saw an orange and black motorcycle traveling well over the speed limit, but the driver got away from him, too. The officers compared notes and concluded that the two incidents involved the same motorcyclist. Upon further investigation, the officers learned that the motorcycle likely was stolen and in the possession of petitioner Ryan Collins. After discovering photographs on Collins' Facebook profile that featured an orange and black motorcycle parked at the top of the driveway of a house, Officer Rhodes tracked down the address of the house, drove there, and parked on the street. It was later established that Collins' girlfriend lived in the house and that Collins stayed there a few nights per week.¹

From his parked position on the street, Officer Rhodes saw what appeared to be a motorcycle with an extended frame covered with a white tarp, parked at the same angle and in the same location on the driveway as in the Face-book photograph. Officer Rhodes, who did not have a warrant, exited his car and walked toward the house. He stopped to take a photograph of the covered motorcycle from the sidewalk, and then walked onto the residential property and up to the top of the driveway to where the motorcycle was parked. In order "to investigate further," Officer Rhodes pulled off the tarp,

¹ *Collins v. Virginia*, (slip opinion 16-1027 decided May 29, 2018).

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revealing a motorcycle that looked like the one from the speeding incident. He then ran a search of the license plate and vehicle identification numbers, which confirmed that the motorcycle was stolen. After gathering this information, Officer Rhodes took a photograph of the uncovered motorcycle, put the tarp back on, left the property, and returned to his car to wait for Collins.

Shortly thereafter, Collins returned home. Officer Rhodes walked up to the front door of the house and knocked. Collins answered, agreed to speak with Officer Rhodes, and admitted that the motorcycle was his and that he had bought it without title. Officer Rhodes then arrested Collins.

In its analysis the Court noted the long-standing protection of the home and its curtilage. In doing so, the Court pointed out that Curtilage, “the area immediately surrounding and associated with the home—[is considered] to be part of the home itself for Fourth Amendment purposes...The protection afforded the curtilage is essentially a protections of families and personal privacy in an area intimately linked to the home, both physically and psychologically where privacy expectations are most heightened.”

The Court wrote: “When a law enforcement officer physically intrudes on the curtilage to gather evidence, a search within the meaning of the Fourth Amendment has occurred. Such conduct thus is presumptively unreasonable absent a warrant.”

In determining that the area where the motorcycle had been located was curtilage the Court, using photographs of the property noted that a person going to the front door would walk partially up the driveway, but would turn off to enter the front porch before reaching an enclosed portion of the driveway where the motorcycle was located.

The Court determined that clearly the entry onto the curtilage in the area where the motorcycle was located was an invasion of Collins’ Fourth Amendment interest, but then turned to the question of whether the Motor Vehicle exception would justify the invasion of Collins’ Fourth Amendment interest. The Court held that the motor vehicle exception would not justify an entry onto the curtilage.

In reaching its decision, the Court noted that the scope of the motor vehicle exception has always been limited to the vehicle itself and containers within the vehicle. In this case, Virginia was asking for the motor vehicle exception to be extended to areas outside of the motor vehicle itself, specifically the curtilage of a home.

The Court remanded the case back to the Virginia courts for a determination as to whether Officer Rhodes’ entry into the curtilage may have been reasonable under a different basis such as exigency.

Bottom Line:

The motor vehicle exception does not justify an entry into a home or its curtilage where the vehicle, for which the officer has probable cause, is parked within the home or its curtilage.

Agencies should consider conducting training on the concept of “curtilage” and the limitations on what will be considered curtilage. It should be made clear to officers that an entry into curtilage that is not justified by a warrant, consent, or some exception to the warrant requirement, other than the motor vehicle exception, may be considered a violation of the Fourth Amendment.

Note: The United States Supreme Court has previously held that there is an implied invitation to knock on someone’s front door. (*Florida v. Jardines* 569 U.S. 1)