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TRAINING BULLETIN

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Hot Pursuit Has Limits: When Losing Sight Ends the Chase

The Ninth Circuit Court recently clarified how far the “hot pursuit” exception to the Fourth Amendment’s warrant requirement can go, and where it stops.

The Incident:

In *Jones v. City of North Las Vegas*, North Las Vegas officers responded to a domestic battery call. When Officer Rose saw a suspect flee into a neighboring yard, she and other officers attempted to establish a perimeter. Eighteen minutes later, a K-9 unit alerted to the Plaintiffs’ walled backyard. Without a warrant or consent, Lieutenant Salkoff entered the yard, and Officer Rose passed the K-9 over the wall. The homeowners’ dogs were stirred, and two of them attacked the police K-9, leading Lieutenant Salkoff to shoot and kill the dogs. The suspect was never located. The homeowner plaintiffs’ sued, alleging violations of their Fourth Amendment rights due to the warrantless entry and the shooting of their dogs.

The trial court initially decided in favor of the officers and Police Department. The Ninth Circuit reversed in part and affirmed in part.

The Court’s Decision:

No Hot Pursuit Exception: The Ninth Circuit ruled that the officers’ warrantless entry after 18 minutes broke the continuity of any “immediate or continuous pursuit”. The officers’ belief that the suspect was still in the neighborhood was insufficient to justify a warrantless search; they needed more than mere belief. The officers needed to obtain a search warrant or secure consent to enter private property.

Qualified Immunity for Shooting Dogs: The court found that the officer was entitled to qualified immunity for the use of deadly force against the dogs because the situation was spontaneous, requiring a split-second reaction to an unexpected attack. The Court noted there was no clearly established law establishing precedent that makes the officer’s actions unreasonable.

Takeaways:

- If there's a significant delay or loss of visual contact, get a warrant. Hot pursuit requires immediacy and continuity.
- If facing a similar incident, always carefully document the timeline and decision-making process when entering property or using force because the court will scrutinize the breaks in pursuit and reasonableness of each decision.