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## ***LAW ENFORCEMENT OFFICER TRAINING CASE OF THE MONTH***

**By Don Hays**

Month of July – 2022

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# LAW ENFORCEMENT OFFICER TRAINING CASE OF THE MONTH

## Month of July - 2022

### People v. Abdullah Aljohani, 2022 IL 127037, June 16, 2022

The police entered Aljohani's apartment to search for an injured person. Legal entry?

**FACTS:** Two Officers responded to a call concerning a fight in progress at Aljohani's apartment building. The caller met them outside the building. He told the officers that he had heard a loud verbal argument between two men in the apartment above his, which was followed by the sound of two people wrestling. The caller then heard a person asking, "are you ok, get up," and the wrestling stopped. He then went upstairs, where he spoke with Aljohani, and that Aljohani stated that the victim, whom he described as his brother, was in the bathroom.

The Officers went upstairs, knocked on Aljohani's apartment door, and talked to him. Aljohani stated that everything was okay. The officers asked if they could speak with his "brother," and Aljohani replied that he was sleeping. The officers then went back downstairs, where the caller was "adamant" that someone was seriously injured, so the officers went back upstairs and knocked again on Aljohani's door. This second time, the officers knocked for five minutes and received no response. However, the officers did not depart. Instead, they drove around the building and into the alley behind the building because, as one Officer explained, "[s]omething didn't feel right." After parking, they saw that the back gate of Aljohani's apartment building was wide open. The Officers then proceeded into the yard and found that the building's garage door was open and the side entrance to the back of the building was also open. The Officers entered the side entrance of the building and went back up to the second-floor apartment, where they noticed that the back door to the apartment was "wide open." The Officers knocked on the back door and announced their "office" but received no response. They entered the apartment and entered a bedroom where they saw the victim lying on a mattress. After determining that the victim was unresponsive and not breathing, they called for an ambulance. The victim was DOA at the hospital. Aljohani was no longer present in the apartment.

Subsequently, Aljohani was charged with murder and moved to suppress the evidence against him. The trial court, finding that the Officers were properly acting pursuant to their Community Caretaking duties, denied his motion, and, after a bench trial, he was convicted. The appellate court affirmed. He then brought this appeal before the Illinois Supreme Court.

**ISSUE:** Should the trial court have granted Aljohani's motion to suppress?

**ARGUMENT #1:** Aljohani argued that the trial court erred in denying his motion to suppress, whether it be through application of the community caretaking doctrine or the emergency aid exception to the warrant requirement.

**THE LAW:** The Fourth Amendment provides the people with the right "to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures." Similarly, the Illinois Constitution provides "the right to be secure" against unreasonable searches and seizures. "Generally, a search is per se unreasonable if conducted without a warrant supported by probable cause and approved by a judge or magistrate." However, there are a few "clearly recognized" exceptions to the warrant requirement. "The need to protect or preserve life or avoid serious injury is justification for what would be otherwise illegal absent an exigency or emergency." Accordingly, law enforcement officers may enter a home without a warrant to render emergency assistance to an injured occupant or to protect an occupant from imminent injury." This exception involves a two-part test. "First, the police must have 'reasonable grounds' to believe there is an emergency at hand; and second, the police must have some reasonable basis, 'approximating probable cause,' associating the emergency with the area to be searched or entered." "The reasonableness of the officers' beliefs as to the existence of an emergency is determined by the totality of the circumstances known to the officer at the time of entry." "[E]mergency situations include instances when someone may be injured or threatened with injury."

**SUB-ISSUE #1: Community Caretaking Doctrine v. the Emergency Aid Exception.** The trial and appellate courts in this case analyzed and relied upon the Community Caretaking Doctrine to support their conclusions. In response, the Supreme Court noted that in 2021, the United States Supreme Court held a police officer's community caretaking duties do not create "a standalone doctrine that justifies warrantless searches and seizures in the home." *Caniglia v. Strom*, 141 S. Ct. 1596, (2021). However, given that the Court found the emergency aid doctrine applied in this case and since it could affirm on any basis in the record, notwithstanding the trial court's reasoning, the Court declared that it need not address the community caretaking doctrine further.

**SUB-ISSUE #2: Reasonable Grounds to Believe an Emergency Exists.** Did the Officer have reasonable grounds to believe that an emergency existed? **FINDINGS #2:** The Supreme Court found that the police officers had reasonable grounds to believe an emergency existed. It noted that the Officers responded to a 911 call at approximately 4 a.m. in regard to a suspected battery in progress. After speaking with a witness, the officers proceeded upstairs to Aljohani's apartment. After knocking on the door, Aljohani answered, only opening the door about a foot. Aljohani said everything was okay. When the officers asked to speak with Aljohani's brother, he said the man was sleeping. After deciding to leave and returning downstairs, the officers conversed again with the witness, who was "adamant" about what had occurred and that someone was seriously hurt. The officers returned upstairs and knocked on defendant's door for approximately five minutes, but they received no response. The officers returned to their squad car and "punched in a code" that everything was okay. However, an Officer felt that "[s]omething didn't feel right." He drove around the building to the alley. There the Officer saw the back gate open. After entering the yard, the officers observed the garage door open as well as the side entrance to the building. They entered the building and went to the upstairs apartment. Once there, they saw the door "wide open." They knocked and announced their office, but they received no response. They then entered the apartment and searched room to room, ultimately finding the victim unresponsive on a bed.

According to the Court, the first part of the two-part test concerning "emergency circumstances" focused on the reasonableness of the officer's beliefs as to the existence of an emergency and requires an examination of the "totality of the circumstances known to the officer at the time of entry." Here, the Court held that the totality of the circumstances justified the officers' entry into the apartment. The witness had called 911 to report a suspected battery in progress. The officers were then able to speak directly with the witness, who was adamant about what he heard. The officers' initial investigation was inconclusive, so much so that, after further conversation with the witness, they returned upstairs, only to receive a lack of response from Aljohani. Then, the officers' further investigation revealed an open gate, an open garage door, an open door to the building, and an open door to Aljohani's apartment—all at four in the morning—with no response from inside the apartment. At that time, the Supreme Court declared that considering the totality of the circumstances, the officers could have reasonably believed that an emergency existed, the perpetrator had fled, and someone may be inside and injured.

**SUB-ISSUE #3: Was the Emergency Over.** Aljohani argued the passage of time from the officers' arrival on the scene and their entry into the apartment, "[r]oughly" 15 to 20 minutes, established that no emergency existed. **FINDINGS #3:** The Court, however, noted that the passage of time was but one fact to consider. Moreover, the Court stated that "judges should be cautious about second-guessing a police officer's assessment, made on the scene, of the danger presented by a particular situation." Here, the elapsed time allowed the officers to investigate further and, with the accumulation of factual evidence, ultimately provided reasonable grounds to enter the apartment. The Court reiterated that emergency situations include instances when someone is injured or threatened with injury and "[o]fficers do not need ironclad proof of 'a likely serious, life-threatening' injury to invoke the emergency aid exception" The Court concluded that while the facts in this case, taken individually, might not have established the presence of an injured person, the totality of the circumstances at the time of entry provided an objective, reasonable basis for believing someone was injured inside the apartment.

**SUB-ISSUE #4: Did Probable Cause Exist.** Aljohani argued that the police lacked probable cause to believe that a crime had occurred when they entered his apartment without a warrant. **FINDINGS #4:** In response, the Court held that the officers also had a reasonable basis, akin to probable cause, associating the emergency with the area to be entered and searched. "[I]n an emergency, the probable cause element may be satisfied where officers reasonably believe a person is in danger. Here, the circumstances established reasonable grounds to believe an emergency existed in Aljohani's apartment. The events described by the downstairs neighbor, Aljohani's initial presence in the apartment, and the open gate and doors leading to the apartment all go toward establishing the police had a reasonable basis, approximating probable cause, to associate the emergency with the area to be entered and searched.

**SUB-ISSUE #5: Reasonableness of Entry into and Search of Aljohani's Apartment.** Aljohani finally argued that the totality of the circumstances in this case did not justify the warrantless entry into and search of his apartment by the police. **FINDINGS #5:** Again, the Supreme Court disagreed. It concluded that warrantless searches are allowed when the circumstances make it reasonable, within the meaning of the Fourth Amendment, to dispense with the warrant requirement. Here, given the totality of the circumstances, the Court held that it was reasonable for the Officers to enter the apartment, absent a warrant, to see if one of the occupants was in need of emergency aid.

**CONCLUSION:** The appellate court affirmed Aljohani's conviction and sentence. In so doing, the Supreme Court held that the Officers' entry and search were both reasonable, and the trial court did not err in denying Aljohani's motion to suppress.

**QUIZ QUESTIONS FOR THE MONTH OF JULY – 2022**

**People v. Abdullah Aljohani, 2022 IL 127037, June 16, 2022**

1. As a general rule, a search conducted without first obtaining a search warrant is considered to be unreasonable.
  - a. True.
  - b. False.
  
2. The Community Caretaking function of police officers is a well-established exception to the warrant requirement and provides a stand-alone justification for making a warrantless search of a home.
  - a. True.
  - b. False.
  
3. In this week's case, Aljohani argued that the 15 to 20 minutes it took for the police to actually enter his apartment proved that no emergency situation still existed inside his apartment. Did the appellate court disagree with this argument?
  - a. Yes.
  - b. No.
  
4. Aljohani argued that the totality of the circumstances found in this case simply did not justify the warrantless entry by the police into his home. Did the appellate court agree with this argument?
  - a. Yes.
  - b. No.

## QUIZ ANSWERS AND DISCUSSION FOR THE MONTH OF JULY – 2022

### People v. Abdullah Aljohani, 2020 IL App (1st) 190692, June 16, 2022

1. As a general rule, a search conducted without first obtaining a search warrant is considered to be unreasonable.  
  
a. **True.** “Generally, a search is per se unreasonable if conducted without a warrant supported by probable cause and approved by a judge or magistrate.”
  
2. The Community Caretaking function of police officers is a well-established exception to the warrant requirement and provides a stand-alone justification for making a warrantless search of a home.  
  
b. **False.** In response, the Supreme Court noted that in 2021, the United States Supreme Court held a police officer's community caretaking duties do not create “a standalone doctrine that justifies warrantless searches and seizures in the home.” Caniglia v. Strom, 141 S. Ct. 1596, (2021).
  
3. In this week’s case, Aljohani argued that the 15 to 20 minutes it took for the police to actually enter his apartment proved that no emergency situation still existed inside his apartment. Did the appellate court disagree with this argument?  
  
a. **Yes.** The Court determined that, “(h)ere, the elapsed time allowed the officers to investigate further and, with the accumulation of factual evidence, ultimately provided reasonable grounds to enter the apartment.”
  
4. Aljohani argued that the totality of the circumstances found in this case simply did not justify the warrantless entry by the police into his home. Did the appellate court agree with this argument?  
  
b. **No.** The Court concluded that, “(h)ere, given the totality of the circumstances, it was reasonable for the Officers to enter the apartment, absent a warrant, to see if one of the occupants was in need of emergency aid.”