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Brown v. State

Supreme Court of New Jersey - July 24, 2017 - A.3d - 2017 WL 3140608

Burglary suspect's girlfriend filed suit against state police officer and others seeking damages and injunctive relief under Civil Rights Act for violating her state constitutional rights when officer entered her home without warrant or consent to secure premises while awaiting issuance of search warrant.

The Superior Court, Law Division, entered judgment on jury verdict in favor of defendants. Suspect's girlfriend appealed. The Superior Court, Appellate Division, affirmed as to other defendants, but reversed as to whether officer was entitled to qualified immunity. Attorney General petitioned for certification.

The Supreme Court of New Jersey held that parameters of permissible seizure of a home pending search warrant were not clearly established, and, thus, officer was entitled to qualified immunity.

Parameters of permissible seizure of a home pending search warrant were not clearly established when state police officer entered home of burglary suspect's girlfriend without her consent to secure premises while awaiting warrant, and, thus, officer was entitled to qualified immunity, in action by suspect's girlfriend alleging that officer's entry violated her state constitutional right to be free from unreasonable searches and seizures, where United States Supreme Court opinion holding that an officer could secure home from outside by preventing a suspect's reentry did not foreclose possibility that officers could lawfully enter home to secure it, and New Jersey case law at time of entry did not define boundaries within which an officer must abide when securing a home.