96 S.Ct. 2406
Supreme Court of the United States

UNITED STATES, Petitioner,
v.
Dominga SANTANA and William Alejandro.

No. 75-19.
|
Argued April 27, 1976.
|
Decided June 24, 1976.

**Synopsis**
After being indicted for possessing heroin with intent to distribute, defendants moved to suppress heroin and marked money seized by the police at the time of the arrests. The United States Court of Appeals for the Third Circuit affirmed a district court order granting the suppression motion, and certiorari was granted. The Supreme Court, Mr. Justice Rehnquist, held that while standing in doorway of her house, defendant was in a "public place" for purposes of the Fourth Amendment; that when the police, who concededly had probable cause to do so, sought to arrest her, they merely intended to make a warrantless arrest in a public place upon probable cause and did not violate the Fourth Amendment; that by retreating into a private place, her house, defendant could not thwart an otherwise proper arrest that had been set in motion in a public place, the threshold of her house; and that since there was a need for the police to act quickly to prevent the destruction of narcotics evidence, there was a true "hot pursuit," and therefore the warrantless entry by the police into the house to make the arrest was justified, as was the ensuing search incident thereto.

Mr. Justice REHNQUIST delivered the opinion of the Court.

[Edited Facts: police arranged to buy drugs as part of a drug investigation. They paid the drug dealer with marked dollars (so they could be traced). She later returned with drugs. Upon her arrest, she told them from whom she had obtained the drugs, and the police proceeded to that location. Upon arriving at the location, police saw who they suspected was the main drug dealer and she sought to run back into her house. Police followed her into the house and arrested her. She was in possession of the marked dollar bills and drugs.

In the trial court "[o]ne of the police officers . . . testified that the mission was to arrest Defendant Santana. Another police officer testified that the mission was to recover the bait money. Either one would require a warrant, one a warrant of arrest under ordinary circumstances and one a search warrant."

The court...held that [the suspect's] "reentry from the doorway into the house" did not support allowing the police to make a warrantless entry into the house on the grounds of "hot pursuit," because it took "hot pursuit" to mean "a chase in and about public streets." The court did find, however, that the police acted under "extreme emergency" conditions. The Court of Appeals affirmed this decision without opinion.

In United States v. Watson, 423 U.S. 411, 96 S.Ct. 820, 46 L.Ed.2d 598 (1976), we held that the warrantless arrest of an individual in a public place upon probable cause did not violate the Fourth Amendment. Thus the first question we must decide is whether, when the police first sought to arrest Santana, she was in a public place.

While it may be true that under the common law of property the threshold of one's dwelling is "private," as is the yard surrounding the house, it is nonetheless clear that under the cases interpreting the Fourth Amendment Santana was in a "public" place. She was not in an area where she had any expectation of privacy. "What a person knowingly exposes to the public, even in his own house or office, is not a subject of Fourth Amendment protection." Katz v. United States, 389 U.S. 347, 351, 88 S.Ct. 507, 511, 19 L.Ed.2d 576 (1967). She was not merely visible to the public but was as exposed to public view, speech, hearing, and touch as if she had been standing completely outside her house. Hester v. United states, 265 U.S. 57, 59, 44 S.Ct. 445, 446, 68 L.Ed. 898 (1924). Thus, when the police, who concededly had probable cause to do so, sought to arrest her, they merely intended to perform a function which we have approved in Watson.

The only remaining question is whether her act of retreating into her house could thwart an otherwise proper arrest. We hold that it could not. In Warden v. Hayden, 387 U.S. 294, 87 S.Ct. 1642, 18 L.Ed.2d 782 (1967), we recognized the right of police, who had probable cause to believe that an armed robber had entered a house a few minutes before, to make a warrantless entry to arrest the robber and to search for weapons. This case, involving a true "hot pursuit,"[3] is clearly governed by *Warden* ; the need to act quickly here is even greater than in that case while the intrusion is much less. The District Court was

  

correct in concluding that "hot pursuit" means some sort of a chase, but it need not be an extended hue and cry "in and about (the) public streets." The fact that the pursuit here ended almost as soon as it began did not render it any the less a "hot pursuit" sufficient to justify the warrantless entry into Santana's house. Once Santana saw the police, there was likewise a realistic expectation that any delay would result in destruction of evidence. See Vale v. Louisiana, 399 U.S. 30, 35, 90 S.Ct. 1969, 1972, 26 L.Ed.2d 409 (1970). Once she had been arrested the search, incident to that arrest, which produced the drugs and money was clearly justified. United States v. Robinson, 414 U.S. 218, 94 S.Ct. 467, 38 L.Ed.2d 427 (1973); Chimel v. California, 395 U.S. 752, 762-763, 89 S.Ct. 2034, 2039, 23 L.Ed.2d 685 (1969).

We thus conclude that a suspect may not defeat an arrest which has been set in motion in a public place, and is therefore proper under Watson, by the expedient of escaping to a private place. The judgment of the Court of Appeals is

Reversed.

  