

## STATE V. MOATS

Tennessee Supreme Court

March 22, 2013

At 2:00 a.m. on a Sunday morning, an officer with the Etowah Police Department observed a man sitting in the driver's seat of a pickup truck in the parking lot of the Bi-Lo grocery. The officer had noticed the truck when she drove by five minutes earlier. The headlights were on but the truck was not running. The parking lot of the closed grocery was posted with no trespassing signs. A business owner had requested frequent patrols after hours due to suspected drug activity. The officer pulled in behind the parked truck and activated her blue lights. After approaching the truck, she determined the driver was intoxicated. He would be arrested and convicted in a jury trial of 4<sup>th</sup> offense D.U.I., a felony.

On appeal, the Tennessee Court of Criminal appeals reversed the conviction holding that when the officer activated her blue lights she had no reasonable suspicion that the defendant was violating the law. Therefore, the seizure of the defendant was illegal and all evidence after that point was suppressed.

The Supreme Court agreed to review the case to determine if the officers "community caretaking role" would justify her actions. They held that it did not.

In 2006 the Tennessee Supreme Court, in the case of State v. Williams, 185 SW3d 311, **unanimously** held that an officer's activation of his blue lights behind a vehicle, stopped on a city street in the wee hours of the morning, constituted a seizure and thus required a minimum of reasonable suspicion to be legal. In that case, the officer saw the car running, with the lights on, and someone in the driver's seat. The officer approached to determine if everything was all right. When the officer stopped behind the car, he activated his blue lights and approached the vehicle. The driver was passed out and intoxicated. The court said this did not fall under the caretaker role of the police but was instead an illegal seizure. The court ruled that the officer's intent for activating the blue lights was irrelevant to their determination. Their decision would be based only on what a "reasonable person" in the shoes of the defendant would think under the circumstances. The court concluded that a "reasonable person" in the defendant's shoes would believe they were not free to go, and therefore seized,

when the blue lights came on. This case made it clear that anytime the police turned on their blue lights behind a vehicle, either moving or already stopped, it would be considered a seizure because the court would consider **only** the perspective of someone in the suspect's position.

In the **Moats** case, the court revisits the question of the "community caretaking role" of the police. After determining that the officer did not have reasonable suspicion of a crime to support an investigative detention of the suspect, in a majority 3-2 decision, the court pointed out that police may still approach citizens in a public place to ask questions of them. The citizen is free to leave or not answer the questions. The "community caretaking role" of the police only applies in a purely consensual interaction. When the officer pulled in behind the truck and activated her blue lights, she had no other reason for doing so except to make the defendant aware of her presence. Based on the objective reasonableness test this would constitute a seizure and require reasonable suspicion of a crime. Had she done everything the same way, without activating her blue lights, the encounter would have been valid as a consensual "community caretaking function" and the conviction would have stood.

### **The Dissent**

The dissent states that the "community caretaker doctrine" is an exception to the 4<sup>th</sup> amendment's reasonable suspicion or probable cause requirements. They point out that the 4<sup>th</sup> amendment protects against unreasonable searches and seizures and that the police's legitimate concern for someone's wellbeing, based on facts, could give rise to a reasonable seizure or search that required no further evidence of reasonable suspicion or probable cause. They further note that the majority opinion makes Tennessee only one of two states (North Dakota) that limits the caretaker doctrine to consensual encounters and does not recognize it as an exception to the warrant requirement of the 4<sup>th</sup> amendment. The dissent would have upheld the conviction and reversed the **Williams** case.