In the Supreme Court of the State of California

THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff and Respondent,

v.

WILLIE OVIEDA,

Defendant and Appellant.

Case No. S247235

Second Appellate District, Division Six, Case No. ~~B277860~~
Santa Barbara County Superior Court, Case No. 1476460
The Honorable Jean M. Dandona, Judge

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INTRODUCTION

The role of public officers includes investigating crime; but our society also expects police and other public officials to act as first responders for those requiring medical assistance, to reunite lost children with their parents, and to respond to calls about missing persons, sick neighbors, or premises left open at night. These and other "community caretaking" activities frequently involve entries onto property and "searches" governed by the Fourth Amendment. The lead opinion in *People v. Ray* recognized that such searches are constitutional so long as a "prudent and reasonable officer" would have "perceived a need to act in the proper discharge of his or her community caretaking duties." (*People v. Ray* (1999) 21 Cal.4th 464, 477 (lead opn.).) *Ray*'s standard strikes the correct constitutional balance between society's interest in appropriate community caretaking by law enforcement and an individual's interest in being free from unwanted government intrusions.

Ovieda argues that officers should generally be required to obtain a warrant before entering a home to perform a community caretaking function. He would limit warrantless entries to situations in which they appear necessary to prevent "death or imminent injury to human life." (OBM 32.) But as this Court and the high court have made clear, the warrant framework is inapposite when officers act to assist the public, not to investigate crime. That is true whether the need for community caretaking arises in public or within a home. No doubt, an urgent threat to life or limb provides a clear justification for entering a home. But limiting assistance-related searches to those circumstances would prohibit other important community caretaking functions that society rightly expects public officers to perform.

Preserving *Ray*'s community caretaking doctrine will not undermine the general rule that police must obtain a warrant before entering a home to

investigate crime. Courts are well equipped to distinguish reasonable community caretaking entries from unreasonable or pretextual searches. Many categories of police activity are evaluated on a case-by-case basis using an objective standard of reasonableness. And under *Ray*, the community caretaking doctrine will not apply if the record shows that police entered a home to investigate crime rather than to render aid.

In this case, police acted reasonably in entering Ovieda's home to ensure, among other things, that he did not regain access to firearms while he still posed a danger to himself. But even if this Court were to conclude that the particular facts here did not justify a protective entry, it should reaffirm the community caretaking doctrine. That rule provides the most appropriate framework for evaluating a range of important and highly desirable activities on the part of public officials.

STATEMENT OF THE CASE

A. Factual Background

In June 2015, the Santa Barbara Police Department received a call from Willie Ovieda's sister reporting that Ovieda was suicidal. (Reporter's Transcript (RT) 8, 35.) She told police that Ovieda was with two friends at his home, and that, within the last two hours, he had attempted to grab a gun while threatening to kill himself. (RT 35-36.) The sister was relaying information received from Ovieda's friends; she was not with Ovieda, nor had she witnessed the incident. (RT 8-9, 35-36.)

After arriving at Ovieda's house, police spoke with Ovieda and his two friends outside. (RT 21, 25, 36-39.) One of the friends, Trevor Case, was emotional and told the officers that he feared Ovieda would hurt himself because Ovieda was depressed. (RT 37-38.) Case also confirmed that Ovieda had threatened to kill himself a few hours earlier. (RT 37.) He described how he and his wife had physically restrained Ovieda to prevent him from grabbing a gun. (RT 37-38.) Case informed the officers that he

had removed a handgun and two rifles from Ovieda's bedroom and placed them in the garage. (RT 37-38.) Case was unsure whether Ovieda kept other guns in the home. (RT 38.) For his part, Ovieda initially denied making suicidal comments or having access to firearms. (RT 39.)

One of the responding officers considered the situation "emotional," "dynamic," and "volatile." (RT 9, 13.) The officers concluded that a search of the home was necessary to ensure that no other dangerous weapons were left out in the open, that nobody was inside and armed, and that no one was injured or needed assistance. (RT 11-12, 39-40.) While inside, officers saw, in plain view, equipment for cultivating and producing concentrated cannabis. (RT 13-14.) When they entered the garage, they observed a silencer, several high-capacity magazines, over 100 rounds of ammunition, and four to six firearms. (RT 18.) One was an "Uzi style submachine gun." (RT 18.) The officers also observed additional supplies for growing and processing marijuana. (RT 17-18.)

B. Proceedings Below

Ovieda was charged with (1) manufacturing hashish oil or cannabis wax (Health & Saf. Code, § 11379.6, subd.(a)); (2) possession of an assault weapon (Pen. Code, § 30605, subd. (a)); (3) possession of a silencer (Pen. Code, § 33410); and (4) possession of a short-barreled shotgun or short-barreled rifle (Pen. Code, § 33210). (Clerk's Transcript (CT) 14-16.) He pleaded not guilty to all counts and moved to suppress the evidence obtained from his home and garage as fruits of an unlawful search. (CT 17, 19-26.)

At the suppression hearing, the prosecutor argued that the entry into Ovieda's home was justified under the protective sweep and community caretaking doctrines. (RT 48; see also CT 31-34.) The prosecutor noted that the officers did not know how many weapons were inside the home or whether the weapons were secure. (RT 47-49.) Ovieda argued that the

officers lacked a sufficient basis to conclude that he or anyone else was in danger at the time the officers entered his home. (RT 50-52.)

The superior court denied the motion to suppress. (RT 54.) In explaining its ruling, the court began by distinguishing the protective sweep and community caretaking doctrines, and noting that its ruling was grounded in the community caretaking doctrine. (RT 53-54.) The court said that it found credible the officers' testimony "that they wanted to remove firearms" and "didn't know if there were others in the residence, either victims or other people who might cause a harm." (RT 53.) In the court's view, the officers were "not required to accept Mr. Case's word that he removed the firearm that Mr. Ovieda had reached for." (RT 53.) The court concluded that the officers were "acting under their community caretaker function" when they searched Ovieda's house and would be "subject to criticism . . . had they not done what they did." (RT 54.) Ovieda withdrew his plea of not guilty, pleaded no contest to counts 1 and 2, and the remaining counts were dismissed. (RT 60-66; CT 50-58, 60.) The court suspended judgment and sentenced Ovieda to three years of probation. (RT 74-76.)

The Court of Appeal affirmed, over a dissent. (Opn. p. 2.) Deferring to the trial judge's express factual findings, the appellate court concluded that the search was reasonable under the circumstances. (Opn. pp. 2, 5.) It reasoned that Ovieda's actions "put himself at risk, his friends at risk, and the responding officers at risk." (Opn. p. 6.) And it inferred from the circumstances that the officers justifiably feared for Ovieda's safety (opn. p. 11), and were entitled to enter his home to "separate appellant from his firearms" and "safeguard everyone" (opn. p. 10). In reaching that conclusion, it relied principally on *People v. Ray* (1999) 21 Cal.4th 464, where three justices of this Court recognized that local law enforcement perform a variety of "community caretaking functions" apart from

investigating crime, and that searches to perform these functions may be objectively reasonable even in the absence of a warrant. (Opn. p. 5, citing *Ray, supra*, 21 Cal.4th at pp. 471, 473 (lead opn.).) The Court of Appeal concluded that requiring a warrant in these circumstances "would be at variance with common sense and violative of the letter and spirit" of the community caretaking doctrine. (Opn. p. 9.)[1] The dissent concluded that none of the exceptions to the warrant requirement, including the community caretaking doctrine, justified entering Ovieda's home. (Dis. opn. pp. 2-10.)

ARGUMENT

I. THIS COURT SHOULD PRESERVE THE COMMUNITY CARETAKING DOCTRINE ANNOUNCED IN *PEOPLE V. RAY*

A. The Community Caretaking Doctrine

The Fourth Amendment proscribes "unreasonable searches and seizures." (U.S. Const., 4th Amend.) As its text makes plain, "the ultimate touchstone of the Fourth Amendment is 'reasonableness.'" (*Brigham City, Utah v. Stuart* (2006) 547 U.S. 398, 403; *People v. Troyer* (2011) 51 Cal.4th 599, 602.)

This case concerns how courts should evaluate the reasonableness of entries into a home that are made for the purpose of providing assistance rather than investigating crime. Modern law enforcement is obliged to "perform a multitude of community functions apart from investigating crime." (*United States v. Coccia* (1st Cir. 2006) 446 F.3d 233, 238.) By "design or default," police are expected to "'assist those who cannot care for themselves,' 'resolve conflict,' 'create and maintain a feeling of security in the community,' and 'provide other services on an emergency basis.'" (3

[1] The People conceded before the Court of Appeal that the protective sweep doctrine did not apply. (Opn. p. 4, fn. 2.)

LaFave, Search and Seizure (5th ed. 2017) § 6.6, quoting 1 ABA Standards for Criminal Justice (2d ed. 1980) §§ 1-2.2.) These functions have a "longstanding tradition" in the United States. (Livingston, *Police, Community Caretaking, and the Fourth Amendment* (1998) 1998 U. Chi. Legal F. 261, 302.) Studies on local policing estimate that up to two-thirds of police time is spent on non-law-enforcement activities. (See Livingston, *supra*, 1998 U. Chi. Legal F. at p. 263, fn. 9, citing Walker, The Police in America (McGraw Hill 2d ed. 1992) p. 112.)

Communities generally expect public servants to perform these functions. "'[M]any citizens look to the police to assist them in a variety of circumstances, including delivering emergency messages, giving directions, searching for lost children, assisting stranded motorists, and rendering first aid.'" (*State v. Kinzy* (Wash. 2000) 5 P.3d 668, 676.) Indeed, many community caretaking activities have "achieved relatively unquestioned acceptance in local communities." (Livingston, *supra*, 1998 U. Chi. Legal F. at p. 302; see also *Ray*, *supra*, 21 Cal.4th at p. 480 (lead opn.).) At the same time, community caretaking sometimes requires police to intrude on personal privacy or restrain persons or property, thereby implicating the Fourth Amendment.

"'[W]here a search is undertaken by law enforcement officials to discover evidence of criminal wrongdoing, . . . reasonableness generally requires the obtaining of a judicial warrant.'" (*People v. Macabeo* (2016) 1 Cal.5th 1206, 1213, quoting *Riley v. California* (2014) 134 S.Ct. 2473, 2482.) But other categories of searches are properly analyzed for their reasonableness on a case-by-case basis under the totality of the circumstances. (See, e.g., *United States v. Knights* (2001) 534 U.S. 112, 118-119, 121.)

Under the community caretaking doctrine, courts evaluate the objective reasonableness of assistance activities on a case-by-case basis. In

People v. Ray, the lead opinion adopted the following standard to gauge the reasonableness of community caretaking entries: "Given the known facts, would a prudent and reasonable officer have perceived a need to act in the proper discharge of his or her community caretaking functions." (*Ray*, *supra*, 21 Cal.4th at p. 477 (lead opn.).) The officer "'must be able to point to specific and articulable facts from which he concluded that his action was necessary.'" (*Id.*, quoting *People v. Block* (1971) 6 Cal.3d 239, 244.) Evidence that purported community caretaking was instead a pretext for a criminal investigation will defeat application of the doctrine. (*Id.*)

Ray involved the response to a report that the front door of an apartment had been open all day and that the interior was in "shambles." (*Ray*, *supra*, 21 Cal.4th at p. 468 (lead opn.).) After announcing their presence and receiving no response, police entered "'to see if anyone inside might be injured, disabled, or unable to obtain help.'" (*Id.*) This Court upheld the search, with three justices relying on the community caretaking doctrine. (*Id.* at pp. 478-480.) These justices concluded that "[w]hile the facts known to the officers may not have established exigent circumstances or the apparent need to render emergency aid, they warranted further inquiry to resolve the possibility someone inside required assistance or property needed protection." (*Id.* at p. 478.)[2]

Courts widely recognize the community caretaking doctrine in cases involving searches and seizures of automobiles. (See, e.g., *Coccia*, *supra*, 446 F.3d at p. 238; OBM 34-35.) And courts universally agree that

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[2] Three justices concurred on the ground that exigent circumstances justified the warrantless entry. (*Id.* at pp. 480-482 (conc. opn.).) These justices took no position on the community caretaking doctrine. (See *id.*) Justice Mosk dissented, concluding that exigent circumstances were not present, and that the community caretaking doctrine could not justify entering a home. (*Id.* at pp. 482-488 (dis. opn.).)

government officials may enter a home without a warrant to perform one of their core community caretaking functions—providing emergency aid. (See, e.g., *Brigham City*, *supra*, 547 U.S. at p. 403; *Troyer*, *supra*, 51 Cal.4th at p. 605.) As Professor LaFave catalogues, courts have upheld the reasonableness of community caretaking entries into private areas in a wide variety of circumstances:

> [Where] entry is made to thwart an apparent suicide attempt; to rescue people from a burning building; to check on any occupants of a hotel room from which a person had fallen[;] to seek an occupant reliably reported as missing; to seek a person known to have suffered a gunshot or knife wound; to assist a person recently threatened therein to retrieve his effects; to seek possible victims of violence in premises apparently burglarized recently; to assist a person or animal within reported or seen to be ill or injured; to ensure the prompt involuntary commitment of a person who is apparently mentally ill and dangerous; to rescue a person being detained therein; to assist unattended small children; to ensure a weapon within does not remain accessible to children there; to discover the location of explosives; to seek persons possibly affected by detected noxious fumes therein; to respond to what appears to be a fight within; or to check out an occupant's hysterical telephone call to the police, screams in the dead of the night, or an inexplicably interrupted telephone call from the premises.

(3 LaFave, *supra*, § 6.6(a), fns. omitted.)

Many of the cases compiled by Professor LaFave expressly rely on the community caretaking doctrine in concluding that a warrantless search was reasonable. (See, e.g., *United States v. Smith* (8th Cir. 2016) 820 F.3d 356, 360; *People v. Slaughter* (Mich. 2011) 803 N.W.2d 171, 177-180; *State v. Deneui* (S.D. 2009) 775 N.W.2d 221, 239; *State v. Pinkard* (Wis. 2010) 785 N.W.2d 592, 594, 601.) Others hold that the need to render emergency aid justified the warrantless search, without expressly framing their discussion in terms of community caretaking. But as courts have recognized, providing emergency aid is one of law enforcement's

community caretaking duties. (See, e.g., *Ray*, *supra*, 21 Cal.4th at p. 471; *Martin v. City of Oceanside* (9th Cir. 2004) 360 F.3d 1078, 1082.)

Ovieda argues that the community caretaking doctrine should be limited to automobiles, and that the need to prevent death or imminent injury is the only justification that can support a community caretaking entry into the home without a warrant. (See OBM 33-41.) The lead opinion in *Ray* rejected both arguments, concluding that "circumstances short of a perceived emergency may justify a warrantless entry [of a home]" in certain circumstances. (*Ray*, *supra*, 21 Cal.4th at p. 473 (lead opn.).) The Sixth and Eighth Circuits, and the highest courts of Maryland, Michigan, South Dakota, and Wisconsin also hold that the community caretaking doctrine provides a justification for entering a home without a warrant. (See *United States v. Rohrig* (6th Cir. 1996) 98 F.3d 1506, 1519, 1525; *Smith*, *supra*, 820 F.3d at p. 360; *State v. Alexander* (Md. 1999) 721 A.2d 275, 284-287; *Slaughter*, *supra*, 803 N.W.2d at p. 177-180; *Deneui*, *supra*, 775 N.W.2d at p. 239; *Pinkard*, *supra*, 785 N.W.2d at pp. 594, 601.)[3]

As explained below, that understanding of the community caretaking doctrine is consistent with Fourth Amendment principles. The reasonableness of community caretaking searches must be evaluated on a case-by-case basis, whether the intrusion involves an automobile or a home.

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[3] The Sixth Circuit described its holding in *Rohrig* as resting on exigent circumstances. (See *Rohrig*, *supra*, 98 F.3d at p. 1521.) But the officers in *Rohrig* entered a house without a warrant to abate a nuisance which "did not pose a substantial and immediate threat" to safety. (*Id.* at p. 1519.) And in upholding the entry, the court emphasized that the officers were acting in their community caretaking role. (*Id.* at pp. 1521, 1523.) The State agrees with Ovieda that *Rohrig* "relied on the community caretaking exception to permit a non-emergency entry of a residence." (OBM 45.)

And although the need to prevent death or imminent injury may provide the strongest case for entering a home, community caretaking can justify entering a home in other circumstances.

B. The Warrant and Probable Cause Framework Is Inappropriate When Evaluating the Reasonableness of Community Caretaking Activities

The lead decision in *Ray* correctly concluded that community caretaking is a category of police activity that can be objectively reasonable on its own account, independent of the warrant requirement that generally applies when the purpose of a search is to discover evidence of crime. In all Fourth Amendment cases, "the permissibility of a particular practice 'is judged by balancing its intrusion on the individual's Fourth Amendment interests against its promotion of legitimate governmental interests.'" (*Skinner v. Railway Labor Executives' Ass'n* (1989) 489 U.S. 602, 619, quoting *Delaware v. Prouse* (1979) 440 U.S. 648, 654.) "In most criminal cases, [courts] strike this balance in favor of the procedures described by the Warrant Clause of the Fourth Amendment." (*Id.* at p. 619.) For that reason, warrantless searches and seizures are sometimes described as "presumptively unreasonable." (*Payton v. New York* (1980) 445 U.S. 573, 586.)

But "there is no fixed standard of reasonableness that applies to all types of governmental action which is subject to the mandates of the Fourth Amendment." (*Ingersoll v. Palmer* (1987) 43 Cal.3d 1321, 1328, italics omitted, quoting *People v. Hyde* (1974) 12 Cal.3d 158, 173 (conc. opn.).) When faced with "a type of official conduct that (1) has objectives qualitatively different from those of the conventional search and seizure in the criminal context and (2) cannot feasibly be subjected to regulation through the traditional probable cause standard of justification," this Court "may assess the reasonableness of the particular type of search and seizure

by examining and balancing the governmental interest justifying the search and the invasion which the search entails." (*Id.*, italics omitted, quoting *Hyde*, *supra*, 12 Cal.3d at p. 173 (conc. opn.).)

The purpose of community caretaking is to assist the public, not to investigate crime. The warrant and probable cause framework, on the other hand, is uniquely tailored to criminal investigations. "Warrants cannot be issued . . . without the showing of probable cause required by the Warrant Clause." (*Vernonia School Dist. 47J v. Acton* (1995) 515 U.S. 646, 653.) And the probable cause standard is "peculiarly related to criminal investigations." (*South Dakota v. Opperman* (1976) 428 U.S. 364, 370, fn. 5.) Requiring a warrant tempers the zeal of law enforcement "engaged in the often competitive enterprise of ferreting out crime." (*Johnson v. United States* (1948) 333 U.S. 10, 14.) It "assures that legal inferences and conclusions as to probable cause will be drawn by a neutral magistrate unrelated to the criminal investigative-enforcement process." (*Opperman*, *supra*, 428 U.S. at p. 370, fn. 5.)

For this reason, the warrant requirement and the probable cause standard are not appropriate for evaluating the reasonableness of community caretaking activities. The federal Supreme Court recognized as much in *Cady v. Dombrowski* (1973) 413 U.S. 433, which considered what the Fourth Amendment requires of officers who seek to inventory the contents of a vehicle in police custody. (*Id.* at pp. 442-443.) The Court described an inventory search as one of the "community caretaking functions" of local police—functions "totally divorced from the detection, investigation, or acquisition of evidence relating to the violation of a criminal statute." (*Id.* at p. 441.) Since an inventory search is incident to the caretaking function of the local police, *Cady* held that police do not

need a warrant before inventorying the contents of a vehicle in police custody. (See *id.* at pp. 447-448; *Opperman*, *supra*, 428 U.S. at p. 374.)[4]

In reaching that conclusion, *Cady* explained that traditional Fourth Amendment standards may be inappropriate tools for reviewing many of the day-to-day interactions between local officials and the public. Those standards developed when the Fourth Amendment applied only to federal officials, whose contact with the public almost always involved the investigation of crime. (See *Cady*, *supra*, 413 U.S. at p. 440.) Local law enforcement, in contrast, frequently interacts with the public in less adversarial contexts, demanding a fresh assessment of how Fourth Amendment norms should apply. (See *id.* at p. 441; see also *Terry v. Ohio* (1968) 392 U.S. 1, 20 ["[W]e deal here with an entire rubric of police conduct—necessarily swift action predicated upon the on-the-spot observations of the officer on the beat—which historically has not been, and as a practical matter could not be, subjected to the warrant procedure."].)[5]

In later cases applying *Cady*, the high court has repeatedly emphasized that the warrant and probable cause framework is simply "inapplicable" to inventory searches, because these searches are "noncriminal" and "noninvestigative" in nature. (*Opperman*, *supra*, 428 U.S. at p. 370, fn. 5.) Because the "justification for such searches does not rest on probable cause, . . . the absence of a warrant is immaterial to the

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[4] Inventory searches serve a community caretaking function because they "protect an owner's property while it is in the custody of the police," "insure against claims of lost, stolen, or vandalized property," and "guard the police from danger." (*Colorado v. Bertine* (1987) 479 U.S. 367, 372.)

[5] That community caretaking "differs decidedly from the concerns that prompted the framers of our Constitution to adopt the Fourth Amendment" influenced the lead opinion in *Ray*. (*Ray*, *supra*, 21 Cal.4th at p. 472 (lead opn.).)

reasonableness of the search." (*Illinois v. Lafayette* (1983) 462 U.S. 640, 643; see also *Bertine*, *supra*, 479 U.S. at p. 371.)

For the same reason, this Court has rejected the traditional probable cause standard in the context of entries to render emergency aid. In *People v. Troyer* (2011) 51 Cal.4th 599, 606, the defendant argued that police must have "probable cause" before entering a home to render emergency aid. This Court disagreed, citing the lead opinion in *Ray* for the proposition that the probable cause standard is "inappropriate" in evaluating assistance activities. (*Id.*, quoting *Ray*, *supra*, 21 Cal.4th at p. 475 (lead opn.).)

What is true in the context of inventory and emergency aid searches is true of all community caretaking entries, whether they involve automobiles or dwellings. When police enter a home to assist or protect persons in need, the "justification for such searches does not rest on probable cause" to believe a crime has been committed. (*Lafayette*, *supra*, 462 U.S. at p. 643.) Accordingly, standards adapted to review the constitutionality of criminal investigations "are not helpful in making the determination of reasonableness." (*Troyer*, *supra*, 51 Cal.4th at p. 606, quoting *Ortiz v. State* (Fla.Dist.Ct.App. 2009) 24 So.3d 596, 606 (en banc) (conc. opn.); see also *Lafayette*, *supra*, 462 U.S. at p. 643; *Bertine*, *supra*, 479 U.S. at p. 371.) The warrant and probable cause framework is simply "inapplicable." (*Opperman*, *supra*, 428 U.S. at p. 370, fn. 5.)[6]

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[6] Indeed, the nature of community caretaking will frequently make it impossible to establish the probable cause necessary to obtain a warrant. (See, e.g., Livingston, *supra*, 1998 U. Chi. Legal F. at pp. 275, 281.) "The failure to obtain a warrant should not be the basis for condemning an otherwise appropriate intrusion when a warrant could not have been obtained in any event." (*Id.* at p. 281; see also *Rohrig*, *supra*, 98 F.3d at p. 1523, fn. 9 ["If a warrant cannot be obtained [to abate an ongoing neighborhood disturbance], we can only conclude that the warrant mechanism is unsuited to the type of situation presented in this case."].)

C. The Community Caretaking Doctrine Legitimately Extends to Entries of the Home

Ovieda acknowledges that the community caretaking doctrine may excuse police from having to obtain a warrant to search or seize automobiles, but he argues that the doctrine should not apply to entries of a home. (OBM 33-38.) Stressing the constitutional distinction between cars and homes, he argues that *Cady* did not intend to establish a community caretaking doctrine applicable to entries of a home. (OBM 33-38.) His argument relies heavily on the fact that *Cady* and later inventory search cases involved searches of automobiles. (OBM 33-34.) While there are important differences between how the Fourth Amendment applies to homes and automobiles, the principles underlying *Cady* support the conclusion that the community caretaking exception extends to the home.

It is common ground that "when it comes to the Fourth Amendment, the home is first among equals." (*Florida v. Jardines* (2013) 569 U.S. 1, 6.) The State agrees that *Cady* (and other inventory search cases) "should not apply in the same manner to warrantless searches of homes." (OBM 36.) The inventory search doctrine permits police to inventory the contents of impounded vehicles and any container within that vehicle, so long as officers follow standardized procedures and the inventory is not a pretext to search for evidence of criminal activity. (See, e.g., *Bertine*, *supra*, 479 U.S. at pp. 372-376.) That doctrine assuredly does not permit police to inventory the contents of a home after arresting its owner. But the community caretaking doctrine, adopted by the lead opinion in *Ray*, authorizes no such thing. Under that doctrine, entries into the home are permissible only if officers face an objectively reasonable "need to act" in furtherance of a community caretaking function, and what they do inside must be carefully tailored to that purpose. (*Ray*, *supra*, 21 Cal.4th at p. 477 (lead opn.).)