

Your Home and the Law is authored by the attorneys at JacksonWhite Attorneys at Law and addresses legal issues that arise for renters, homeowners and neighborhoods. **Have a question related to your home or community?** Send your questions to firm@jacksonwhitelaw.com.

Q: I've always wondered what my rights are if a police officer comes to my home and asks to come in. I have nothing to hide but should I let someone with questions enter my home?

A: Arguably the most protected place under the United States Constitution is your home. The fourth amendment prohibits a police officer from entering your home without authority of law (a warrant). The exceptions to that rule are exigent circumstances (an emergency) or obtaining your consent.

So what do you do when the officer comes by without a warrant wanting to interview your son or daughter or to check (search) their room? If you want to exercise your rights, you could ask to see a warrant. If the officer can't produce one, you could kindly invite them to leave your property. You could tell the officer that you would be glad to allow them to speak to your son or daughter at a scheduled date in the future with both you and your attorney present.

If you decide to consent and waive your Constitutional rights, remember that any contraband in plain view may be seized without a warrant. (Easy solution to that problem: don't possess contraband). Also, remember you do not have to answer any questions the officer may have for you. You can and should, however, ask the officer questions to find out background information on the investigation. But remember, always be respectful. You have a lot to lose if the situation becomes hostile. Remain calm whether or not you chose to exercise your rights.

Jeremy Geigle is a criminal law and juvenile defense attorney at JacksonWhite Attorneys at Law. He can be reached at jgeigle@jacksonwhitelaw.com. For more information on JacksonWhite, please visit www.jacksonwhitelaw.com.

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