to the creation of a separate class of teachers; the District posited that a rational basis test was applicable. Strict scrutiny would only apply if a "fundamental right" had been trammeled—here, the right was interstate travel. The fundamental right of interstate travel is manifested in three ways: the right to move freely between states, the right to be treated amicably when present as a visitor inn a second state, and the right, once establishing residency in a new state, to be treated equally with other state residents.

The third of these tests would seem to be implicated in Connelly's case. But the Circuit Court articulated that only in the case of durational requirements for generally available state-provided benefits did strict scrutiny apply: for example, laws which imposed a one-year residency requirement for welfare benefits or access to hospital care or voting rights. Otherwise, rational basis applied. "When the receipt of a government benefit is conditioned on factors other than duration of residency, we apply rational basis review to determine whether the right to travel has been unconstitutionally burdened."

The Third Circuit found that Connelly was being treated no differently than other Pennsylvania residents similarly situated. If, for example, a teacher lived in Gettysburg but taught in nearby Frederick, Maryland, he would not receive credit for the Maryland experience if he subsequently took a teaching job in Pennsylvania. The preference for Pennsylvania experience was rationally related to the State's interest in having teachers who were familiar with Pennsylvania's curriculum and educational standards. *Connelly v. Steel Valley School District*, No. 11-4206 (3d Cir. Jan 24, 2013).

911 Call Creates "Exigent Circumstances" Justifying Warrantless Entry

In December 2008, Susan Stricker, an attorney and registered nurse, called 911 in Cambridge Township, Michigan. Her 20-year old son Andrew had overdosed on drugs, could not speak and was having difficulty moving. Andrew had previously been arrested on heroin charges, so Township police and officers from Lenawee County responded, along with EMS personnel. Andrew's parents initially allowed entry to their home, but once they realized that law enforcement personnel were among the group, they required all the responders to leave, locked their front door and claimed that their son was fine. As the evening progressed they became increasingly belligerent and refused to allow entry without a warrant.

Police had observed Andrew in the house and determined that he was in a very precarious state. Ultimately, they broke down the front door. Officers conducted a sweep of the home and located Andrew hiding in the basement. He was taken to the hospital by EMS personnel, where he admitted to having used heroin and taken multiple Xanax capsules. His father was found trying to run down the basement stairs and his mother was located in a locked bedroom. Each was handcuffed and brought to the precinct house; they were initially charged with resisting arrest but the charges were dropped.

The family brought suit under Section 1983 against the Township, the County, and various officers of the Township, the County and the State in their individual and official capacities, alleging Fourth Amendment violations including warrantless entry, unreasonable search, unreasonable seizure and arrest and excessive force.

The Sixth Circuit affirmed the lower court's grant of summary judgment for the defendants. Warrantless entry into the home was constitutional due to "exigent circumstances." A substantial group of precedents including *Brigham City v. Stuart*, 547 U.S. 398 (2006) delineate that the officer's subjective intent is irrelevant if objective grounds exist to justify entry. A 911 call is an objective indication that emergency conditions exist within the home. A victim may need immediate assistance and medical personnel may need protection.

Similarly, the sweep of the home did not violate the Fourth Amendment. Where the parents were acting aggressively and where a drug overdose was involved, protection of medical personnel and the need for more information about the drugs were justification for the officers' search of the premises.

Plaintiffs' arguments that they had been arrested without probable cause were also unpersuasive. When they refused to cooperate with officers who had a legitimate need to enter the premises under exigent circumstances, and attempted to hide within the home to evade police, plaintiffs created probable cause for officers to conclude that they were obstructing lawful police activity.

Finally, plaintiff's claims of excessive force failed. Pointing a gun or taser at persons who are actively trying to evade police capture is not proscribed. Handcuffing them, however "roughly," is not actionable unless some lasting injury results. *Stricker v. Township of Cambridge*, no. 11-1998 (6th Cir. Jan. 14, 2013). ML

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