IN THE SUPREME COURT OF THE STATE OF KANSAS

No. 125,812

STATE OF KANSAS,
Appellee,

v.

NICOLE WILLARD,
Appellant.

SYLLABUS BY THE COURT

Fourth Amendment of the United States Constitution prohibitions do not apply exclusively to the acts of law enforcement officers.

Review of the judgment of the Court of Appeals in an unpublished opinion filed October 24, 2025. Appeal from Reno District Court; KEITH SCHROEDER, judge. Oral argument held May 18, 2026. Opinion filed August 21, 2026. Judgment of the Court of Appeals reversing the district court is reversed. Judgment of the district court is affirmed.

Dylan J. Pryor, of Kansas Appellate Defender Office, argued the cause and was on the briefs for appellant.

Brian E. Koch, assistant district attorney, argued the cause, and *Thomas Stanton*, district attorney, and *Kris W. Kobach*, attorney general, were with him on the brief for appellee.

The opinion of the court was delivered by

ROSEN, C.J.: Three firefighters and a police officer responded to a call regarding a woman unconscious under a bridge. When they woke her, she refused any treatment but

told the firefighters her name. The officer ran a warrant check, found an outstanding warrant, and arrested Nicole Willard. A search incident to arrest revealed Willard in possession of a plastic bag of methamphetamine. The State charged her with one count of possession of methamphetamine and one count of possession of drug paraphernalia.

Willard moved to suppress the results of the search, arguing she was unlawfully seized by the firefighters and the officer because the initial encounter fell outside the scope of a lawful public welfare check. The district court denied her motion and found Willard guilty of both counts. Willard appealed, challenging only the denial of her motion to suppress. A majority of the Court of Appeals panel reversed the district court, reversed her convictions, vacated her sentence, and remanded the case with instructions to suppress the evidence from the search. The State petitioned for review. We reverse the Court of Appeals and affirm the district court.

FACTUAL AND PROCEDURAL BACKGROUND

On May 13, 2021, Captain Ian Arndt of the Hutchinson Fire Department and two other firefighters responded to a civilian's call there was an unconscious person under a bridge. When they arrived, they found a person lying under a bridge and not moving. Captain Arndt shook her awake. Once awake, she did not want to provide any information and turned down any care. She eventually told the firefighters her name was Nicole Willard.

Three to five minutes after the firefighters arrived, Sergeant Cole Long arrived on the scene in response to a request for a "welfare check." Sergeant Long's bodycam footage shows Willard sitting against the bridge wall with three firefighters around her in a semi-circle. Willard told Long that the firefighters would not let her call her friend. The firefighters told Willard her phone was behind her, and she could call whoever she

wanted. She asked the firefighters to call Christopher Shane Douglas; the firefighters handed her the phone and she made the call herself.

While Willard was talking to her friend on the phone, the three firefighters and Sergeant Long stayed with her. Long gave Willard a description of where she was so she could relay the information to the friend. Willard told the person on the phone "these people are stupid, he's smart," and pointed to the firefighters and then Long. One of the firefighters responded, "[W]e're just with the fire department, we're just trying to help you out." Captain Arndt then walked up to Sergeant Long and showed him a piece of paper, saying "this is the name that she gave me." Willard told the person on the phone "hurry up, please, because they're going to take me to jail in like . . . 10 seconds." A firefighter responded "no one has any intentions of taking you anywhere." At this point, Long turned around and called Willard's name into dispatch and asked them to check for warrants.

While Sergeant Long waited for the warrant check results, a firefighter again told Willard they were just trying to help her. A few minutes later, emergency medical services (EMS) personnel arrived, and the firefighters reported that Willard was "not cooperative" and did not want anyone to check her vitals. The sergeant then backed away and let EMS and the firefighters move in closer to Willard. Willard permitted EMS to take her vitals, and EMS told the firefighters they could go, and they left. A few minutes later, EMS pulled the sergeant aside to tell him they could see about him taking off if he wanted to. Long responded "she's got a warrant, so." A second officer arrived, and three minutes later, Long told Willard there was a warrant out for her arrest and took her into custody.

Officers performed a search at the jail and located a plastic baggie containing methamphetamine. The State charged Willard with possession of paraphernalia and possession of methamphetamine. Willard moved to suppress the evidence obtained from

the search. She argued the evidence was the result of an unlawful seizure because Sergeant Long converted a permissible welfare check into a criminal investigation without reasonable suspicion. The State filed a response opposing the motion.

The district court held a hearing, during which Sergeant Long and Captain Arndt testified. At the conclusion of the hearing, the court denied the motion from the bench. It did not file a written journal entry. It held that Willard had not been seized for purposes of the Fourth Amendment.

The case moved to a bench trial on stipulated facts. The court found Willard guilty of both charges and sentenced her to 13 months' imprisonment for the methamphetamine count and 6 months in jail for the paraphernalia count. It suspended the sentence and placed her on 18 months of probation with mandatory drug treatment.

Willard appealed, arguing that the district court erred when it denied her motion to suppress. A majority of the panel agreed, reversed the convictions, vacated the sentence, and remanded the case to the district court with instructions to grant the motion to suppress. Judge Gardner dissented. *State v. Willard*, No. 125,812, 2025 WL 2993737 (Kan. App. 2025) (unpublished opinion).

The State has petitioned for review of the panel's decision.

ANALYSIS

Willard does not argue that the warrant check, on its own, violated the Fourth Amendment. Instead, she argues that an unlawful seizure of her person facilitated the warrant check and, consequently, the warrant check was unlawful and the eventual search incident to arrest should have been suppressed under the exclusionary rule. The district

court disagreed and denied her motion to suppress. A majority of the Court of Appeals panel reversed.

Generally, an appellate court reviews a district court's decision on a motion to suppress evidence through a bifurcated standard. It reviews factual findings for substantial competent evidence and considers de novo the legal conclusion resting on those facts. *State v. McCullough*, 321 Kan. 618, 623, 582 P.3d 1080 (2026). "When the material facts supporting a district court's decision on a motion to suppress evidence are not in dispute, the ultimate question of whether to suppress is a question of law over which an appellate court has unlimited review." *State v. McDonald*, 318 Kan. 486, 487, 544 P.3d 156 (2024). The State carries the burden to prove a search or seizure was legal. *McDonald*, 318 Kan. at 487. Here, the district court ruled from the bench and made very limited factual findings. But the material facts are not in dispute; the parties are arguing whether the facts demonstrate a seizure occurred. Thus, our review is de novo. See *McDonald*, 318 Kan. at 487.

The Fourth Amendment of the United States Constitution, applicable to the states through the Fourteenth Amendment, prohibits the government from subjecting individuals to unreasonable searches or seizures. U.S. Const. amend. IV. A warrantless search or seizure is presumptively unreasonable unless the State proves it fell within a recognized exception to the prohibition. *McDonald*, 318 Kan. at 488; see also *State v. Walker*, 292 Kan. 1, 8, 251 P.3d 618 (2011) (investigatory detention is a seizure but permissible under the Fourth Amendment when supported by reasonable suspicion of crime).

But the Fourth Amendment permits interactions with government actors that do not rise to the level of a search or seizure. See, e.g., *State v. Hanke*, 307 Kan. 823, 827, 415 P.3d 966 (2018) (voluntary encounters are permissible under the Fourth Amendment

because they are not a seizure). Thus, a critical inquiry in a Fourth Amendment analysis is whether an encounter with a government actor constituted a search or seizure.

In this case, the parties and the lower courts disagree on whether Willard was seized. An encounter constitutes a seizure when "'in view of all of the circumstances surrounding the incident, a reasonable person would have believed that he was not free to leave.'" *State v. Morris*, 276 Kan. 11, 17-18, 72 P.3d 570 (2003) (quoting *United States v. Mendenhall,* 446 U.S. 544, 554, 100 S. Ct. 1870, 64 L. Ed. 2d 497 [1980]); *State v. Hill*, 281 Kan. 136, 145, 130 P.3d 1 (2006).

Public safety or welfare stops can constitute a seizure. See *McDonald*, 318 Kan. at 488 ("As far as the Fourth Amendment is concerned, a public safety traffic stop is a seizure."). But we have held the seizure justified as an exception to the warrant by "community caretaking or public safety reasons." *Hanke*, 307 Kan. at 827.

In some instances, an encounter described as a public safety or welfare encounter does not rise to the level of a seizure because a reasonable person would understand they can end an encounter. In that case, the official's engagement with a civilian for safety purposes is simply a voluntary encounter that does not violate the Fourth Amendment.

The district court concluded Willard was never seized. A majority of the Court of Appeals panel disagreed and held that the seizure violated the Fourth Amendment because it constituted an investigatory detention that was not supported by reasonable suspicion. Judge Gardner dissented, agreeing with the district court that Willard was never seized. The parties and the lower courts spend a fair amount of time discussing whether this stop, if it was a seizure, was nonetheless justified because it constituted a "public safety stop." We need not delve into that question today because we agree with the district court and the Court of Appeals dissent that Willard was not seized, although our reasoning differs slightly.

Again, a seizure occurs "when the totality of circumstances surrounding the incident would communicate to a reasonable person the person is not free to disregard the officer's questions, decline the officer's requests, or otherwise terminate the encounter, and the person submits to the show of authority." *State v. Williams*, 297 Kan. 370, 377, 300 P.3d 1072 (2013). "[A] seizure does not occur simply because a police officer approaches an individual and asks a few questions." *State v. McGinnis*, 290 Kan. 547, 552, 233 P.3d 246 (2010). But the presence of other factors may transform simple questioning into a seizure. Those include "the presence of more than one officer, the display of a weapon, physical contact by the officer, use of a commanding tone of voice, activation of sirens or flashers, a command to halt or to approach, and an attempt to control the ability to flee." *McGinnis*, 290 Kan. at 553.

The Court of Appeals judges disagreed on whether the totality of the circumstances included the actions of the firefighters or the EMS personnel. The Court of Appeals majority believed it did; the dissent did not.

We agree with the majority's position because the United States Supreme Court has clearly held that "the Fourth Amendment . . . do[es] not apply exclusively to the acts of law enforcement officers." *State v. Brittingham*, 296 Kan. 597, 602, 294 P.3d 263 (2013). The United States Supreme Court discussed this principle in *Michigan v. Tyler*, 436 U.S. 499, 504-06, 98 S. Ct. 1942, 56 L. Ed. 2d 486 (1978):

> "The decisions of this Court firmly establish that the Fourth Amendment extends beyond the paradigmatic entry into a private dwelling by a law enforcement officer in search of fruits or instrumentalities of crime. As this Court stated in *Camara v. Municipal Court*, 387 U.S. 523, 528, 87 S. Ct. 1727, 1730, 18 L. Ed. 2d 930, the 'basic purpose of [the Fourth] Amendment . . . is to safeguard the privacy and security of individuals against arbitrary invasions by governmental officials.' The officials may be health, fire, or building inspectors. Their purpose may be to locate and abate a suspected public

> nuisance, or simply to perform a routine periodic inspection. The privacy that is invaded may be sheltered by the walls of a warehouse or other commercial establishment not open to the public. . . .
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> "Thus, there is no diminution in a person's reasonable expectation of privacy nor in the protection of the Fourth Amendment simply because the official conducting the search wears the uniform of a firefighter rather than a policeman, or because his purpose is to ascertain the cause of a fire rather than to look for evidence of a crime, or because the fire might have been started deliberately." *Tyler*, 436 U.S. at 504-06.

See also *New Jersey v. T.L.O.*, 469 U.S. 325, 335, 105 S. Ct. 733, 83 L. Ed. 2d 720 (1985) ("[T]he [Fourth] Amendment's prohibition on unreasonable searches and seizures" is not limited "to operations conducted by the police. Rather, the Court has long spoken of the Fourth Amendment's strictures as restraints imposed upon 'governmental action'—that is, 'upon the activities of sovereign authority.'"); *O'Connor v. Ortega*, 480 U.S. 709, 715, 107 S. Ct. 1492, 94 L. Ed. 2d 714 (1987) (plurality) (citing *T.L.O.* in explaining "[s]earches and seizures by government employers or supervisors of the private property of their employees . . . are subject to the restraints of the Fourth Amendment").

And in *City of Ontario, Cal. v. Quon*, 560 U.S. 746, 755-56, 130 S. Ct. 2619, 177 L. Ed. 2d 216 (2010), the Court confirmed that

> "[i]t is well settled that the Fourth Amendment's protection extends beyond the sphere of criminal investigations. *Camara v. Municipal Court of City and County of San Francisco,* 387 U.S. 523, 530, 87 S. Ct. 1727, 18 L. Ed. 2d 930 (1967). 'The Amendment guarantees the privacy, dignity, and security of persons against certain arbitrary and invasive acts by officers of the Government,' without regard to whether the government actor is investigating crime or performing another function. *Skinner v. Railway Labor Executives' Assn.,* 489 U.S. 602, 613-614, 109 S. Ct. 1402, 103 L. Ed. 2d 639 (1989). The Fourth Amendment applies as well when the Government acts in its capacity as an employer."

City of Ontario, Cal. v. Quon, 560 U.S. 746, 755-56, 130 S. Ct. 2619, 177 L. Ed. 2d 216 (2010).

The Court of Appeals majority relied on much of this caselaw to conclude it could consider the activity of the firefighters "as part of a larger inquiry into the totality of circumstances of the encounter." *Willard*, 2025 WL 2993737, at *8. We agree with this assessment and move on to consider whether all of the circumstances, including the actions of the firefighters and EMTs, communicated to a reasonable person in Willard's position that she was free to end the encounter. We conclude they did.

While there was more than a single official involved here, nothing else suggested Willard could not leave. The officer never displayed his weapon, the three firefighters were not armed, and no one spoke in a commanding tone of voice. See *State v. Lee*, 283 Kan. 771, 776, 156 P.3d 1284 (2007) (defendant was not seized in part because "there is no evidence that the officers displayed their weapons, physically restrained Lee, or spoke with a commanding tone of voice"). No one kept any of Willard's belongings or her identification, and the firefighters indicated they wanted only to help her. See *State v. Ellis*, 311 Kan. 925, 930-31, 469 P.3d 65 (2020) (retention of identification weighs in favor of seizure).

In fact, the officials' behavior tended to affirmatively communicate that Willard was not being detained, and she could leave upon her own accord. When Willard said she wanted to call her friend, a firefighter pointed out her phone and let her know she was free to use it. When Willard indicated to the person on the phone she was going to jail, a firefighter told her they had no intention of taking her anywhere. The officer described Willard's location for her when she told her friend to come pick her up. See *State v. Andrade-Reyes*, 309 Kan. 1048, 1055, 442 P.3d 111 (2019) (fact officer did not tell defendant they were free to leave or did not answer questions and continued engaging with defendant after defendant refused to answer questions weighed in favor of seizure).

In concluding that Willard was seized, the Court of Appeals majority relied in part on the fact that Willard believed she was going to be taken to jail. But we use a reasonable person standard to assess whether a seizure occurred; the defendant's subjective beliefs do not inform our analysis. *McGinnis*, 290 Kan. at 555 ("We reiterate, however, that the seizure test is based upon the viewpoint of a reasonable person, i.e., an objective determination.").

The dissent concluded, as we do, that Willard was not seized. It looked to only the sergeant's behavior, however, reasoning that he took no action beyond running a warrant check, which does not constitute a seizure. *Willard*, 2025 WL 2993737, at *12-13 (Gardner, J., dissenting).

Unlike the Court of Appeals dissent, we consider the actions of all the government actors who interacted with Willard. But we conclude that even considering every participant, a reasonable person in Willard's circumstances would believe they were free to end the encounter. Consequently, she was never seized.

Because Willard was never seized, the district court made no error in denying her motion to suppress. Willard has not claimed that the warrant check or the search incident to arrest, on their own, constituted an unlawful search or seizure. She argued only that the unlawful seizure facilitated the warrant check, which facilitated the arrest and the eventual search. Because we reject that premise, her argument fails.

Judgment of the Court of Appeals reversing the district court is reversed. Judgment of the district court is affirmed.

* * *

STANDRIDGE, J., dissenting: I respectfully dissent. I agree with the majority that the Fourth Amendment is not limited to law-enforcement conduct and that the actions of the firefighters, emergency medical personnel, and the police officer all belong in the totality-of-the-circumstances analysis. In that respect, the majority properly rejects the narrower approach taken by the Court of Appeals' dissent, which considered only Sergeant Cole Long's conduct. I also agree that the controlling question is objective: whether the officials made a show of authority that would communicate to a reasonable person in Nicole Willard's position that she was not free to disregard their requests or otherwise terminate the encounter, and whether she submitted to that show of authority. See *State v. Williams*, 297 Kan. 370, 377, 300 P.3d 1072 (2013); *State v. Smith*, 286 Kan. 402, 406, 184 P.3d 890 (2008).

But I part company with the majority at the point where it concludes a reasonable person in Willard's position would have felt free to leave before the warrant check came back. Slip op. at 10. That conclusion cannot be reconciled with the undisputed physical circumstances captured by Sergeant Long's body camera. Willard was seated on the ground beneath a bridge, with her back against a concrete wall. Three uniformed firefighters stood or crouched immediately in front of and around her in a tight semicircle. A uniformed police officer stood just beyond them. The officials occupied the only practical route by which she could rise and depart. A reasonable person in that position would not understand that they could simply stand up, pass directly between or around the closely positioned responders, and walk away without first obtaining the responders' permission.

The majority correctly holds that the firefighters' conduct must be considered because the Fourth Amendment restrains governmental action, not merely police

investigation. Slip op. at 7-8. See *City of Ontario, Cal. v. Quon*, 560 U.S. 746, 755-56, 130 S. Ct. 2619, 177 L. Ed. 2d 216 (2010); *Michigan v. Tyler*, 436 U.S. 499, 504-06, 98 S. Ct. 1942, 56 L. Ed. 2d 486 (1978). Yet my colleagues give little operative weight to the most coercive aspect of that governmental conduct—the officials' physical positioning around Willard. Instead, they emphasize the absence of weapons, retained identification, commands, or a harsh tone of voice as though those circumstances were the only prerequisites to a seizure. Slip op. at 9-10. They are not.

As this court explained in *State v. McGinnis*, 290 Kan. 547, 553, 233 P.3d 246 (2010), the objective circumstances bearing on whether an encounter is consensual include, among other nonexclusive factors, "an attempt to control the ability to flee." Therefore, when applicable, this factor should be considered as part of the totality-of-the-circumstances inquiry. An attempt to control a person's movement need not be accomplished by physical force or an explicit command to remain; it may be conveyed just as effectively through the government actor's physical positioning.

Although the majority recites "'an attempt to control the ability to flee'" as one of the relevant circumstances, it does not meaningfully apply that factor. Slip op. at 7. Instead, the majority treats the absence of other indicia of coercion as effectively dispositive, even though *McGinnis* makes clear that no single factor controls and the inquiry remains one of the totality of the circumstances. The majority's analysis moves directly from the number of officials present to the absence of weapons, commands, physical contact, or a retained identification document. Again, that approach leaves the physical-obstruction factor without operative effect, even though it is the circumstance most directly supported by the body-camera recording.

The body-camera image reproduced in the Appendix to my dissent illustrates this point. The timestamp on the recording establishes that the frame was captured before Captain Ian Arndt provided Sergeant Long with Willard's name, before Long initiated the

warrant check, and before dispatch advised that Willard had an outstanding warrant. Thus, the image depicts the objective circumstances existing before any warrant investigation began and at the precise point the court concludes a reasonable person would have felt free to leave. It shows Willard seated with her back against the concrete bridge abutment while three firefighters formed a semicircle immediately in front of her as Sergeant Long stood nearby.

As shown, the officials placed themselves between Willard and the only practical route of departure while she sat with her back against a concrete bridge abutment. To leave, she would have had to stand, move directly through the semicircle of uniformed responders, and physically pass the officials surrounding her. A reasonable person would not believe she was free to do so. Under these circumstances, the officials' physical arrangement objectively communicated restraint every bit as effectively as an express command to stay where she was. Thus, the objective circumstances constituting the seizure were already present before Sergeant Long initiated the warrant check. The later arrival of EMS is relevant not because it retroactively created the seizure, but because it confirms that the welfare encounter continued without any intervening communication that Willard was free to depart.

Of course, the body-camera image is not a substitute for legal analysis. Yet it accurately depicts the undisputed physical arrangement that informs the objective reasonable-person inquiry under the Fourth Amendment and shows why the *totality* of the circumstances matters. The geometry of the encounter itself conveyed restraint.

The majority concludes that the officials affirmatively communicated Willard's freedom to leave by allowing her to use her telephone, denying any present intention to take her somewhere, and helping her tell a friend where to find her. Slip op. at 9. But none of those actions communicated that she could terminate the encounter immediately. Permission to make a phone call is not permission to leave; an assurance that officials do

not intend to transport a person is not an assurance that the person may walk away; and assistance arranging a future pickup does not convey freedom to leave before the ride arrives. These statements and actions must be considered in the context of the responders' physical positioning around Willard. The semicircle remained. When EMS arrived, the welfare encounter simply continued without any material change in the officials' physical positioning and without any communication that Willard was now free to terminate the encounter. No one stepped aside, opened a path, or otherwise conveyed through words or conduct that Willard could get up and leave.

The same is true of Willard's phone call. The majority emphasizes that Willard was allowed to use her phone and arrange for a friend to pick her up. Slip op. at 9. This fact does not establish freedom to terminate the encounter. A reasonable person who believes they must remain until a ride arrives is not necessarily free to leave. Indeed, the officer helped Willard describe her location to the person coming to retrieve her while the officials continued to surround her. Viewed objectively, those circumstances indicate that the officials expected Willard to remain where she was until her ride arrived—not that she was free to terminate the encounter before then.

Finally, I agree that Willard's subjective belief is not the legal test. But her contemporaneous statement that she believed she was about to be taken to jail is still part of the surrounding circumstances. It does not establish a seizure by itself. Rather, it is consistent with—and corroborates—the objective impression created by the officials' physical positioning and conduct.

Here, the majority's analysis effectively isolates each fact and finds it insufficient: the firefighters were unarmed; no one used a commanding tone; no identification was retained; Willard had her phone; a firefighter denied the intent to transport her. Slip op. at 9. But the constitutional inquiry does not ask whether any single fact independently proves a seizure. It asks what all the circumstances, taken together, would communicate

to a reasonable person. *Williams*, 297 Kan. at 377. Here, those circumstances included four uniformed government officials, a confined space beneath a bridge, a concrete wall at Willard's back, responders immediately in front of and beside her, and no practical exit that did not require her to push through or directly challenge the officials.

A reasonable person need not test the limits of official authority by attempting a physically awkward departure before the Fourth Amendment recognizes the restraint. The law does not require a person to rise from the ground and squeeze between uniformed officials—or risk physical contact with them—to determine whether they will be permitted to leave. When government actors position themselves so that departure would require such an overt confrontation, the encounter is no longer consensual merely because no one has yet uttered the words "stay there."

Further indicative of a seizure, the record also establishes that Willard submitted to the government's show of authority. She remained seated against the wall while the firefighters continued their assessment, while Captain Arndt provided Long with her name, and while Long initiated the warrant check. EMS's later arrival simply continued the same uninterrupted encounter. Willard never attempted to pass through the officials or otherwise terminate the encounter. Her compliance was not complete or cheerful, but submission to authority does not mean cooperation in every respect. Rather, it can be demonstrated by acquiescence to the restraint on one's freedom of movement, and that is precisely what the record shows here. Willard remained on the ground, without changing position, as the officials stood around her throughout the warrant-check process. That conduct demonstrates submission to the government's show of authority before the warrant was discovered.

Once the encounter is properly recognized as a seizure, the question is whether it was justified by the governmental welfare function that brought the responders to the bridge. A public-welfare check may be reasonable at its inception, but it remains lawful

only so long as it is tied to objective, specific, and articulable facts showing that the person needs assistance or is in peril. *State v. Ellis*, 311 Kan. 925, 929-30, 469 P.3d 65 (2020); *State v. Gonzales*, 36 Kan. App. 2d 446, 456, 141 P.3d 501 (2006). "Our caselaw makes it clear that police may not lawfully extend a welfare check by running a warrant check on an individual who is the subject of the check unless some other circumstances support prolonging the check and converting it into a detention." *Ellis*, 311 Kan. at 932.

The circumstances and timing of the warrant check do not comply with this standard. The firefighters provided Willard's name to Long while Willard was already seated against the wall and surrounded by the firefighters. It was only then that Long ran the warrant check. Thus, Willard remained seized when Long used information obtained during the welfare encounter to initiate a warrant check unrelated to resolving any remaining welfare concern. At that time, no one suspected Willard of criminal activity, no one planned to transport her, and no evidence showed that she posed a danger to the responders or the public.

The undisputed facts show that Long did not request the warrant check because he suspected Willard had committed, was committing, or was about to commit a crime. He did not request it because he expected to place her in his patrol car. He did not identify any particularized safety concern. He testified only that checking for warrants was his standard practice whenever he had contact with anyone. A categorical practice cannot supply the individualized justification required by the Fourth Amendment.

The State cannot avoid that conclusion by characterizing the warrant check as invisible to Willard. The constitutional defect is not that the database query itself conveyed authority. It is that officials had already seized Willard for one limited purpose and then exploited that seizure to conduct a warrant check unrelated to resolving the welfare concern. *Ellis* rejects precisely that use of a public-welfare encounter. 311 Kan. at 932-33. The body-camera footage confirms that this was not an open, casual exchange

between a lone official and a pedestrian free to continue on her way. It was a coordinated governmental encounter in a confined space, with Willard seated against a concrete barrier and officials arrayed across her path. On these facts, a reasonable person would not have felt free to terminate the encounter before the warrant check returned.

The distinction from *State v. McKenna*, 57 Kan. App. 2d 731, 459 P.3d 1274 (2020), remains significant. There, the officer anticipated transporting an intoxicated person in his patrol vehicle, and the warrant check was tied to the officer's safety during that transportation. 57 Kan. App. 2d at 738-39. Here, no responder expected to transport Willard. Indeed, the majority relies on the fact that Long helped Willard arrange her own ride. That circumstance underscores—rather than undermines—the distinction from *McKenna*, because it eliminates the officer-safety rationale that justified the warrant check there.

The State bore the burden to prove the seizure lawful. It did not meet that burden. Because the officials continued Willard's welfare-based seizure and used it to facilitate a warrant check after the record disclosed no remaining welfare need, transportation-related safety concern, or reasonable suspicion of criminal activity, discovery of the warrant and resulting search were fruits of the unlawful detention. I would affirm the Court of Appeals' judgment reversing the district court, reversing Willard's convictions, vacating her sentence, and remanding the case with directions to grant the motion to suppress.

APPENDIX TO DISSENT



Body-camera frame depicting the encounter before Captain Arndt provided Sergeant Long with Willard's name, before Sergeant Long initiated the warrant check, and before dispatch returned warrant information. The image illustrates the undisputed physical positioning of the government officials relevant to the objective reasonable-person analysis.