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# Prolonged Standoff & Probable Cause: Seventh Circuit Grants Qualified Immunity in Jackson v. City of Madison

By **Daigle Law Group**

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*Jackson v. City of Madison*, No. 24-2104, 2026 WL 1492153 (7th Cir. May 28, 2026)

The United States Court of Appeals for the Seventh Circuit recently decided *Jackson v. City of Madison*, addressing a warrantless in-home arrest following reports of gunfire that led to an hours-long standoff with a suspect believed to be armed and dangerous. The Court ultimately held that the officers had probable cause to arrest Mr. Jackson and upheld their entitlement to qualified immunity without deciding whether exigent circumstances justified the warrantless arrest. The Court concluded that the officers were entitled to qualified immunity because, as of December 2019, it was not clearly established that a warrantless arrest during a prolonged standoff with a suspect reasonably believed to be armed and dangerous violated the Fourth Amendment.

## Summary of the Facts

The case arose from a 2019 incident in Madison, Wisconsin. Mr. Jackson was visiting his then-wife, Sherry, at a residence she owned while the couple was in the process of divorcing. During the visit, Jackson drank heavily, prompting Sherry to leave the home with his keys. At approximately 7:35 p.m., Jackson went next door to ask his neighbor, Tim Mitkos, for a ride. Mitkos declined because he had guests over. Shortly after Jackson left, Mitkos called 911 to report hearing a gunshot and explained that he thought Jackson might have fired a gun. Mitkos had not actually seen a gun being fired and also reported that a car had driven by around the same time.

Madison police officers responded within minutes. As they arrived, three officers heard sounds they believed were consistent with gunshots coming from the direction of the Jackson residence. As the officers approached the driveway, Sergeant Loreda saw an unidentified man holding something above his head. The officers then heard what sounded like two additional gunshots before seeing the man close the garage door and disappear into the home.

Sergeant Loreda established a perimeter and requested SWAT officers, a crisis negotiator, and a BearCat rescue vehicle. Officers learned that Jackson suffered from alcoholism and had a “weapons history.” Mitkos later informed them that several firearms were inside the home. Based on the 911

report, the information they received, and their observations at the scene, the officers believed they had probable cause to arrest Jackson for disorderly conduct and recklessly endangering safety. They treated the incident as a barricaded-person situation and deployed the full SWAT team.

Over the next six hours, the BearCat's sirens and lights remained active as officers repeatedly attempted to contact Jackson through announcements broadcast over the vehicle's loudspeaker. When Jackson did not respond, officers fired four foam rounds to break the rear windows and used the BearCat's ram to force open the front door. The officers later explained that these actions were intended to make their announcements more audible inside the home.

At approximately 1:30 a.m., Jackson appeared at the top of a dark stairway wearing only boxer shorts. Officers could see that he had nothing in his hands. Nevertheless, Jackson remained at the top of the stairs, yelling and refusing commands to raise his hands and come downstairs. Sergeant Loredó directed officers to prepare their less-lethal foam rounds.

As Jackson continued yelling and cursing at the officers, Officers Weberpal and Gonzalez each fired a 40-millimeter foam round, striking Jackson. Jackson then moved down the stairs with his hands raised while continuing to yell. At the bottom of the stairs, he stepped toward a kitchen window, gestured at an officer outside, and repeatedly yelled for the officer to shoot him. Jackson did not comply with commands to kneel or turn away from the officers. After he lowered his hands and moved to his right, Gonzalez fired a third foam round. Jackson turned away, and the officers tackled and arrested him.

Following the incident, Jackson was charged with being a felon in possession of a firearm but was ultimately acquitted. He then filed suit against the City of Madison and six officers under 42 U.S.C. § 1983, asserting several constitutional claims under the Fourth and Fourteenth Amendments, including claims involving property damage, excessive force, a warrantless arrest, failure to intervene, and municipal liability under Monell. The district court granted summary judgment to the defendant officers on all claims. Jackson appealed to the United States Court of Appeals for the Seventh Circuit.

## **United States Court of Appeals for the Seventh Circuit**

The Seventh Circuit considered whether the officers violated the Fourth Amendment by arresting Jackson inside his home without a warrant following the prolonged standoff. The Court affirmed the district court's grant of summary judgment in favor of the defendant officers. In addressing Jackson's warrantless-arrest claim, the Court held that the officers had probable cause to arrest him and were entitled to qualified immunity.

The Court explained that, regardless of whether exigent circumstances existed, Jackson's arrest still had to be supported by probable cause to be constitutional. The Court clarified that exigent circumstances, standing alone, do not establish probable cause or independently justify an arrest or search.

On appeal, Jackson challenged the existence of probable cause, prompting the Court to begin its analysis with that issue. The Court first explained that probable cause to justify an arrest exists when the totality of the facts and circumstances known to the officer at the time of the arrest would warrant a reasonable, prudent person in believing that the individual had committed, was committing, or was about to commit a crime. The Court emphasized that this inquiry applies an objective, commonsense standard focused on what the officer knew at the time of the incident.

Applying these principles, the Court found that the totality of the information available to the officers, including what they saw and heard that night, reasonably supported the belief that Jackson had committed, was committing, or was about to commit a crime. Mitkos had called 911 to report a possible gunshot originating from the residence, officers heard additional gunshot-like sounds upon arrival, and officers learned through the command post that Jackson suffered from alcoholism and had a weapons history. Taken together, these facts provided sufficient probable cause to arrest Jackson for disorderly conduct and reckless endangerment.

The Court then considered whether exigent circumstances justified the warrantless arrest. Jackson argued that the officers had at least five hours between their initial arrival at the scene and his eventual arrest, which, he contended, provided ample time to obtain an arrest warrant. He therefore urged the Court to reject the officers' reliance on exigent circumstances.

The Court explained that, even if Jackson was correct that exigent circumstances did not exist and the officers were required to obtain an arrest warrant, the officers were nevertheless entitled to qualified immunity for the warrantless arrest. Comparing the circumstances with those presented in similar cases, the Court noted that the officers reasonably believed Jackson was intoxicated, armed, and had fired a gun earlier that night. The Court concluded that, at the time of Jackson's arrest in December 2019, the right to be free from a warrantless arrest during a prolonged police standoff in which officers reasonably believed the suspect to be armed and dangerous was not clearly established.

## **Key Takeaways**

Jackson v. City of Madison provides important insights for law enforcement officers responding to complex and rapidly evolving barricaded-person incidents. As the Court emphasized, exigent

circumstances may justify a warrantless entry into a home to make an arrest or conduct a search. However, exigent circumstances, standing alone, do not establish probable cause or independently justify an arrest or search. Regardless of whether exigent circumstances exist, an arrest must still be supported by probable cause to satisfy the Fourth Amendment.

The Court also emphasized that probable cause must be evaluated based on the facts known to officers at the time of the arrest. Jackson's subsequent acquittal and the results of any later investigation were not dispositive of the probable-cause inquiry, which turns on whether the facts known to the officers at the time reasonably supported the arrest.

Officers should clearly document their observations, the information they receive, and how those facts support their decisions. As a barricaded-person incident develops, officers should continually reassess the circumstances to determine whether a warrantless entry remains justified. When operationally practicable, officers should also consider whether a warrant can be obtained while the tactical response continues.

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