



Advanced Traffic Stops

Course Outline

Blue to Gold Law Enforcement Training
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GOAL

learners

In-service training for certified law enforcement, including patrol, investigations, specialty units, and administration

length of instruction

8 Hours

Advanced Traffic Stops focuses on all the legal issues surrounding searching and seizing a vehicle in your state - a skill every officer needs to possess. Whether you are fresh out of the academy or two years before retirement, this training will help you become an expert on traffic stop case law.

Course Introduction (10 Minutes)

1. Instructor introduction.
2. I'm going to help you become more proficient in the constitutional law most applicable to traffic stops.
3. Explain the course objective.
 - a. Recognize how the Fourth Amendment applies to each situation.
 - b. Demonstrate the understanding of reasonable suspicion and how to apply that to traffic stops.
 - c. Demonstrating an understanding of actions that can and cannot be taken with vehicle occupants.
 - d. Translate the Fourth Amendment to make good case law.
4. Encourage attendees to ask questions and share feedback with other attendees.
5. Explain that certificates will be emailed after the class and each student will be registered in the Blue to Gold University.
6. Go over the three disclaimers:
 - a. Laws and agency standard operating procedures may be more restrictive. Blue to Gold teaching the federal standard unless otherwise stated. Therefore, students must know their state and local requirements in addition to the federal standard.
 - b. If students have any doubts about their actions, ask a supervisor or legal advisor.
 - c. The course is not legal advice, but legal education. Therefore, nothing we teach should be interpreted as legal advice. Check with your agency's legal advisor for legal advice.

Preface (10 Minutes)

1. The Three Golden Rules of Search & Seizure
 - a. Rule #1: The more you articulate why you did something, the more likely it will be upheld in court.
 - b. Rule #2: The more serious the crime, the more reasonable your actions are likely to be viewed.
 - c. Rule #3: Conduct all warrantless searches and seizures in the same manner as if you had judicial pre-approval.

Module One – Major Cases (30 Minutes)

1. 1925 *Carroll v. US*
2. 1970 *Chambers v. Maroney*
3. Why Courts Allow So Many Warrantless Vehicle Searches
 - a. Vehicles can take off before search warrant is obtained.
 - b. Vehicles are highly regulated and that means less privacy.
 - c. Roadside searches are often better for suspects.
 - d. Judges wouldn't get any sleep if warrants were required.
4. 1973 *Cady v. Dombrowski*
5. 1976 *S. Dakota v. Opperman*
6. 1985 *California v. Carney*
7. 2012 *US v. Jones*

Module Two – Every search and seizure requires C.R.E.W. (30 minutes)

1. C.R.E.W Stands for Consent, Recognized Exception, and Warrant
2. Example: *US v. Richmond* – The Wobbling Tire
3. Example: *State v. Speights*
4. Example: *Taylor v. City of Saginaw*

Module Three – Pretext Stops (15 minutes)

1. Courts look at objective facts.
2. Example: *Whren v. US*
3. Watch the Video: Pretext Traffic Stops

Module 4 – Scope of a Traffic Stop (90 minutes)

1. Questioning Occupants
2. Prolonging the Stop
 - a. Example: *Rodriguez v. US*
 - b. Example: *Arizona v. Johnson*
 - c. Pro Tip – Rodriguez is all about **time** not **topic**.

3. Best Practice: Permitted – Routine questions rapport/de-escalation travel plans “breadcrumbs.” Requires R.S. – Intrusive questions, unrelated crimes, hunches and accusations.
4. Checking license stats, warrants against driver, and inspecting paperwork are all related to stop.
 - a. Example: *U.S. v. Campbell*
 - b. Example: *U.S. v. Holt*
 - c. Per *U.S. v. Mason*
 - d. Example: *State v. Smith*
 - e. Asking generally if illegal items are in the vehicle relates to highway safety.
 - f. Watch the Video: Obstructed View and Unrelated Questions
 - g. Example: Driver was stopped for faulty blinker.
 - h. Watch the Video: Unrelated Drug Questions
5. Completed Unrelated Questions May Occur With:
 - a. Consent
 - b. Unavoidable Downtime
 - c. Multi-tasking
 - d. Backup Officer
 - e. Per *People v. White*

Module Five - Passengers (45 Minutes)

1. Identifying Passengers
2. Controlling Passengers
 - a. Example: *Brendlin v. California*
 - b. Example: *Arizona v. Johnson*
 - c. Example: *Maryland v. Wilson*
3. Legal Rule
4. Best Practice

Module Six - Consent to Search (120 Minutes)

1. Why Suspects Consent to Search
 - a. Can explain away evidence
 - b. Hope evidence won't be found
 - c. Appear cooperative
 - d. Consent is consistent with innocence
 - e. May feel discovery is inevitable

2. Free and Voluntary Consent
3. Facts to Consider
 - a. Threats or Misinterpretations
 - b. Show of Force
 - c. Allowing Person to Watch
 - d. Advising He Can Deny Consent
 - e. Level of Intrusion
4. Common Authority
 - a. Legal Rule
 - b. Pro Tip
 - c. The "Piggyback Rule"
 - d. Examples
5. Don't Exceed Scope
 - a. Legal Rule
 - b. Pro Tip
 - c. Example: *US v. Gregoire*
6. Your Words Matter
 - i. Search
 - ii. Example: *People v. Cantor*
 - iii. Example: *US v. Elliott*
 - iv. Consent is **automatically withdrawn** when you ask to search for a **particular thing which is found.**
 - v. A destructive search requires explicit permission.
 - vi. Example: *US v. Osage*
 - vii. Examples
 - viii. Examples

Module Seven – Community Caretaking (40 minutes)

1. Community caretaking encounters are not criminal investigations.
2. Example: *State v. Cryan*
3. Example: *State v. Elders*
4. Example: *State v. Martinez*
5. Example: *Comm. V. Livingstone*
6. What would you articulate?
 - a. Example: *Comm. V. Robertson*

Module Eight - Warrantless Searches (90 minutes)

1. Six Warrantless Searches

a. Weapons

- i. Pro Tip
- ii. Three Justifications
- iii. Example: *State v. Chang*
- iv. Watch the Video: Driver Grabs Another Gun from Car
- v. Factors to Consider
- vi. Example: *US v. Arnold*
- vii. Often Upheld Patdowns
- viii. Watch the Video: Officer Conducts Illegal Patdown

b. Search Incident to Arrest

- i. Example: *Arizona v. Gant*
- ii. Example: *People v. Sims*

c. Evidence Related Search

- i. You arrest a driver for a DUI, can you search car for evidence?
- ii. Watch video: "Traffic Stop: Warrant"
- iii. Example: *U.S. v. Reedy*

d. Inventory Searches

- i. Pro Tip
- ii. Example: *U.S. v. Del Rosario*
- iii. Pro Tip
- iv. Red Flags – Courts keep an eye out for the following:
 - No community caretaking rationale articulated.
 - Tow called after "thorough" inventory conducted.
 - Tow not typically called for same situations.
 - Area searched not typical.
 - Policy not followed.
- v. Example: *Com. v. Landamus*
- vi. Example: *Blakes v. Superior Court*
- vii. Ask the class
- viii. Watch the Video: Goodbye, My Love

e. K9 Searches

- i. Example: *US v. Ludwig*
- ii. Example: *US v. Cornejo*
- iii. Example: *US v. Hawley*
- iv. Example: *State v. Linze*
- v. Watch the video: Loitering Call
- vi. Example: *US v. Thomas*
- vii. What if the dog touches the vehicle without handler direction?

- viii. Watch the Video: Florida Traffic Stop With Free Air Sniff
- ix. Takeaway: Instinctual touching is also problematic under Jones.
- x. Example: *State v. Howard*
- xi. Example: *State v. Dorff*

f. PC Search

- i. Step One: **Probable Cause**
- ii. The most powerful word in a police report is the word, **"because."**
- iii. Step Two- **Not Within Curtilage**
- iv. Apparently Mobile
- v. Disabled Vehicles
- vi. Legal Rule: you conduct the search in the same manner as if you had a warrant.
- vii. Example: *US v. Ross*
- viii. Watch video: Traffic Stop, PC Search
- ix. Watch video: Let's Put it All Together

g. Passengers

- i. Example: *US v. Di Re*
- ii. Pro Tip: Warrantless searches of passengers require a nexus between contraband and passenger.
- iii. Example: *State v. Wallace*
- iv. Example
- v. Pro Tip: Remember, you need a nexus!
- vi. Example: *Jordan v. State*
- vii. Show the class the Dashcam Video.
 - i. Nexus Factors:
 - Where did dog alert?
 - Guilty-mind Evidence
 - Description and Nervousness
 - Prior History
 - Plain View Observations

*****End of Class*****