

WHAT CAN A POLICE OFFICER DO DURING A TRAFFIC STOP?

The Fourth Amendment

of the United States Constitution protects citizens (and non-citizens) from unreasonable search and seizure.



Without your consent, the police officer must have

REASONABLE SUSPICION

OR PROBABLE CAUSE that you have committed a traffic violation, or are going to commit a crime.



REASONABLE SUSPICION

exists when there are articulable facts or circumstances that would lead to suspicion that a crime has been, is being, or will be committed.



'PROBABLE CAUSE'

exists when there are articulable facts or hard evidence that would lead to suspicion that a crime has been, is being, or will be committed.

WITHOUT PROBABLE CAUSE OR REASONABLE SUSPICION, A POLICE OFFICER **CAN:**



Ask to see a drivers license, registration, insurance, or other relevant information

Act on suspicions that the police officer has developed during the stop



Order the driver and passengers out of the vehicle

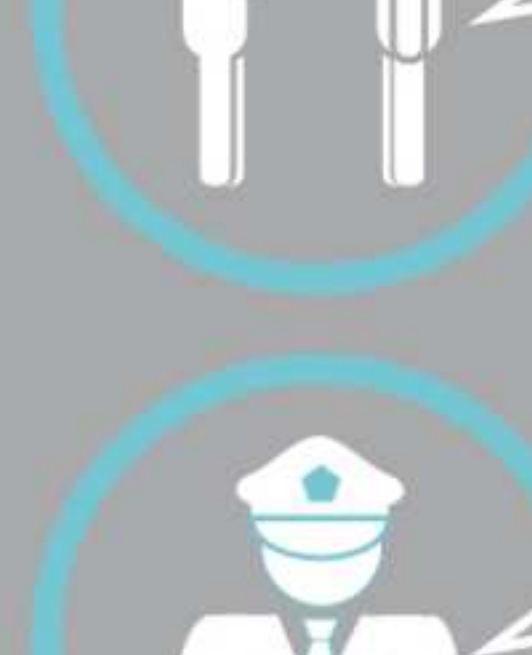
Have a K9 unit sniff the vehicle (as long as the K9 unit is present and the sniff doesn't extend the stop)



WITHOUT PROBABLE CAUSE OR REASONABLE SUSPICION, A POLICE OFFICER **CANNOT:**



Search your vehicle at a simple traffic stop for speeding with no probable cause or reasonable suspicion.



Hold you on the side of the road, without reasonable suspicion or probable cause of a traffic violation or crime.



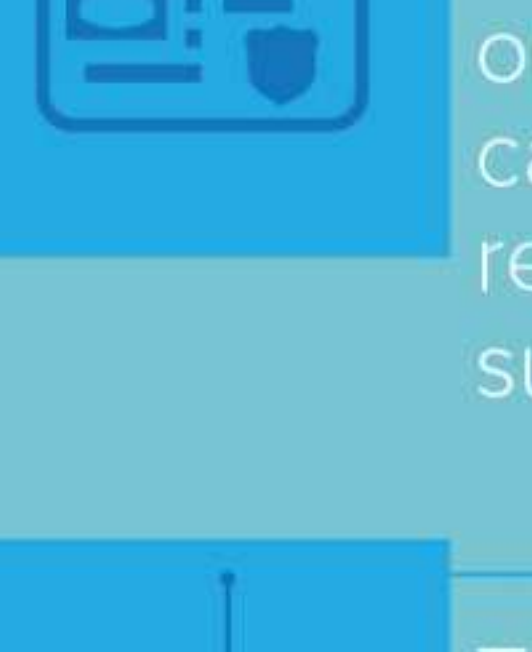
Detain you for any longer than necessary to achieve the reason that the police officer pulled you over (example: writing a speeding ticket).

WHEN A POLICE OFFICER **CAN** SEARCH YOU AND YOUR CAR:



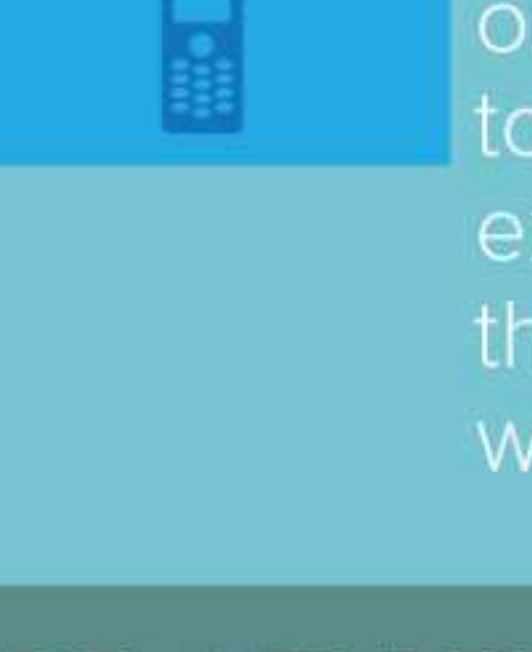
You've given consent to search your vehicle

They are searching the reaching area of the driver for weapons



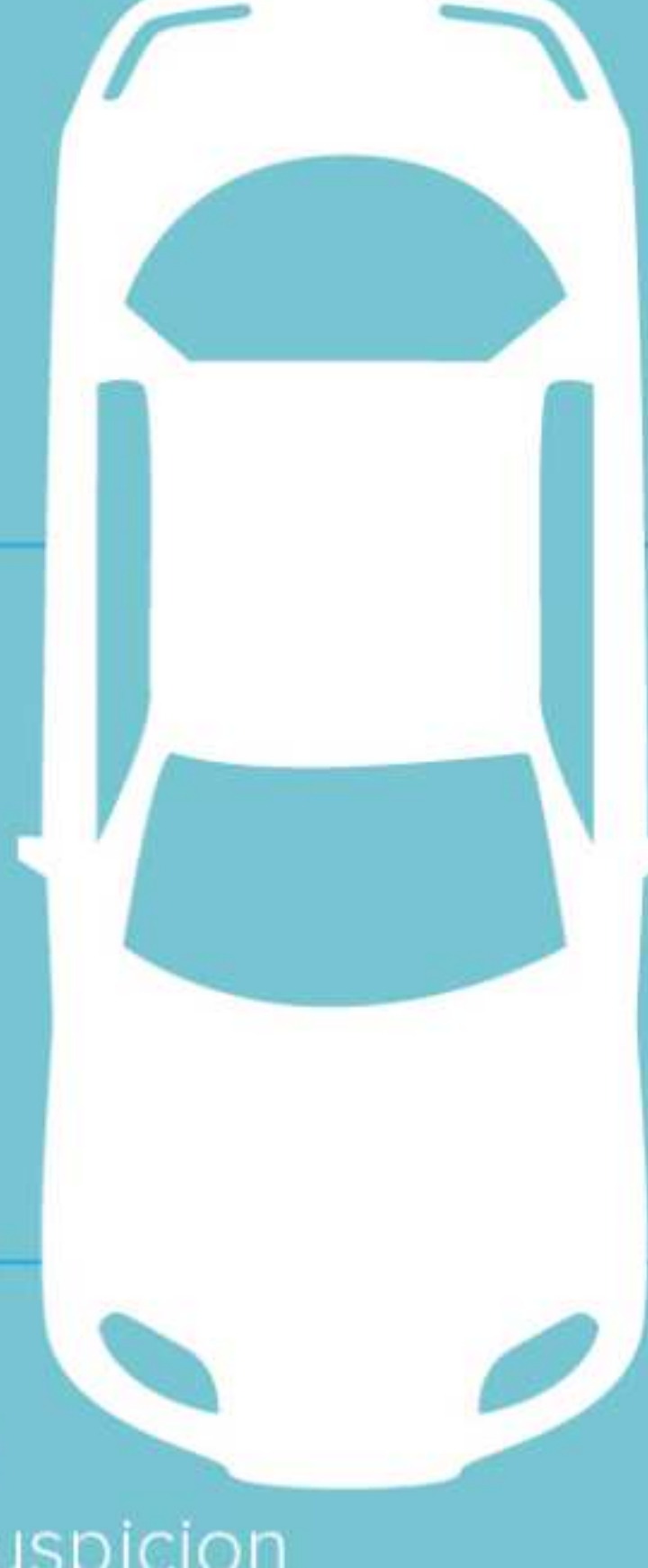
They have a warrant based on probable cause or reasonable suspicion

They conduct an inventory search of the vehicle following the arrest of the driver and impoundment of the vehicle



They have probable cause or reasonable suspicion to search and there are exigent circumstances that would not require a warrant

Pat down the driver or passengers for weapons



PLAIN VIEW DOCTRINE: any criminal conduct or evidence that a police officer observes in plain view is subject to search and seizure without a warrant or probable cause.

The police officer must have seen the criminal activity or evidence from a position or location that the officer was legally allowed to be in.

3 Elements:

The police officer must be able to physically access the criminal activity or evidence

The activity or evidence must be immediately identifiable by the police officer as being criminal in nature.



REMEMBER:



If the officer asks you for permission to search the vehicle, you have every right to refuse consent for this search.



If there is a language barrier, ask to speak to an interpreter



Do not sign anything that you cannot read and fully understand.



Remember you can always withdraw your consent once it is given, but you must make this clear to law enforcement.



Always be polite and courteous; being rude or combative will get you nowhere.



Be clear with those you share a home with that they do not have your permission to consent to a search and that if police ask, they should say no.