

Sniffing Around Edges of the Fourth Amendment

June 26, 2015

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Municipal Matters Newsletter - Spring/Summer 2015 Edition

Recently, in the case of *Rodriguez v United States*, the United States Supreme Court addressed the question of whether it was constitutional to extend a traffic stop to permit a K-9 unit to conduct a dog sniff to search for drugs. The Supreme Court found that it was not.

Officer Struble, a K-9 officer, had stopped Denny Rodriguez for driving on a highway shoulder in violation of state law. Rodriguez waited in his car while Officer Struble checked his record and the record of his passenger. Officer Struble called for backup and wrote a warning citation, which he then presented to Rodriguez. Officer Struble later testified that, at that point, all of the reasons for the stop were out of the way, the paperwork had been returned and the warning had been explained. Officer Struble then asked Rodriguez for permission to walk his dog around the vehicle. When Rodriguez declined, he was detained until backup arrived. Officer Struble then walked his dog around Rodriguez's vehicle, which alerted to the presence of a large bag of methamphetamine. This occurred seven to eight minutes after Rodriguez had been given his warning citation.

Rodriguez sought to suppress the evidence on the grounds that the traffic stop had been prolonged without reasonable suspicion in violation of the Fourth Amendment. The magistrate agreed there was no reasonable suspicion, but denied the motion, finding the seven to eight minutes constitutionally permissible. This decision was affirmed by the United State Court of Appeals for the Eighth Circuit, and the U.S. Supreme Court granted certiorari to resolve a division among state courts on the issue of whether police may extend a completed traffic stop to conduct a dog sniff, absent reasonable suspicion.

The Supreme Court concluded that, absent reasonable suspicion, it is unconstitutional to extend a traffic stop for this purpose. The authority for a roadside detention ends when the tasks related to the traffic stop—checks to ensure that vehicles are operated safely and responsibly—have been completed. An officer may conduct other unrelated checks (such as a dog sniff) during a traffic stop, but may not prolong the stop for those checks without reasonable suspicion.

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The focus for the Supreme Court was not on the overall duration of the stop, but whether the stop was prolonged by tasks unrelated to the “mission” of the stop. It does not matter whether the tasks are performed during or after the stop – the question is whether the stop has been lengthened because of those tasks. Officers also cannot earn “bonus time” by being more efficient during the stop. The “reasonable” amount of time is the time the officer requires in order to complete the traffic-related tasks. Extensions beyond that point are unconstitutional unless there is reasonable suspicion to justify them. Therefore, officers should ensure and carefully document the existence of reasonable suspicion when extending a stop for investigatory purposes unrelated to the stop.