



DPS TRAINING BULLETIN

LEGAL BULLETIN NO. 232
April 13, 1999

SEARCH OF PASSENGER'S PERSONAL BELONGINGS
INSIDE A LAWFULLY STOPPED VEHICLE

Reference: Wyoming United States Supreme Court
v. No. 98-194
Sandra Houghton April 5, 1999

FACTS:

A Wyoming highway patrol officer stopped a car for speeding. The officer noticed a hypodermic syringe in the shirt pocket of the driver, David Young. When asked why he had the syringe, Young told the officer he used it to take drugs. At that time, Young and his two female passengers were ordered out of the vehicle. The officers began to search the passenger compartment for contraband. On the back seat, the officer found a purse with the identification of Houghton, who was one of the passengers. The purse contained a brown pouch with drug paraphernalia and a syringe with 60cc's of methamphetamine inside. Houghton was arrested and charged with felony possession of methamphetamine. Houghton argued that, as a passenger who was not suspected of criminal activity, her purse should have been outside the scope of the search.

ISSUE:

Do police officers violate the Fourth Amendment when they search a passenger's personal belongings inside an automobile which they have probable cause to believe contains contraband?

HELD: No.

REASONING:

1. It is uncontested that the police had probable cause to believe there were illegal drugs in the car.
2. If probable cause justifies the search of a lawfully stopped vehicle, it justifies the search of every part of the vehicle and its contents which may conceal the object of the search; see U.S. v. Ross, Legal Bulletin No. 59.
3. It is reasonable for police officers, like customs officers in the founding era, to examine packages and containers without a showing of individualized probable cause for each one.
4. A passenger's personal belongings, just like the driver's belongings or containers attached to the car like a glove compartment, are "in" the car, and the officer has probable cause to search for contraband "in" the car.
5. During virtually the entire history of our country (whether contraband was transported in a horse-drawn carriage, a 1921 roadster, or a modern automobile), it has been assumed that a lawful search of a vehicle would include a search of any container that might conceal the object of the search.

NOTES:

This case involves the search of a container seized from a lawfully stopped vehicle. The search of the person of the passenger is not addressed. You must have probable cause or consent to search the passenger. If, however, you obtain probable cause to arrest the passenger, such as happened in this case, you may then search the passenger as incident to the arrest.

NOTE TO SUBSCRIBERS TO THE ALASKA LEGAL BRIEFS MANUAL:

Add this case to Section J, "Vehicle Exception," of your Contents and Text. File Legal Bulletin No. 232 numerically under Section R of the manual.