



DPS TRAINING BULLETIN

LEGAL BULLETIN NO. 230
December 12, 1998

SEARCH OF VEHICLE INCIDENT TO A
TRAFFIC CITATION

Reference: Patrick Knowles
v.
Iowa

United States Supreme Court
No. 97-7597
December 8, 1998

FACTS:

Iowa police stopped Knowles for speeding and issued him a citation rather than, as Iowa law permitted, arresting him. The police then conducted a full search of the car, without either Knowles' consent or probable cause. After finding marijuana and a "pot pipe," police arrested Knowles.

ISSUE:

Does the Fourth Amendment allow police to conduct a full search of a vehicle incident to issuance of a traffic citation?

HELD: No.

REASONING:

1. Once Knowles was stopped for speeding and issued a citation, all the evidence necessary to prosecute that offense had been obtained. No further evidence of excessive speed was going to be found either on the person of the offender or in the passenger compartment of the car.
2. The threat to officer safety from issuing a traffic citation is a good deal less than in the case of a custodial arrest.
3. While concern for the officer in this context may justify the "minimal" additional intrusion of ordering a driver and passengers out of a car, it does not by itself justify the often considerable greater intrusion attending a full-field type of search. (emphasis added)

4. Police may order out of a vehicle both the driver and any passengers to perform a "patdown" upon reasonable suspicion that they may be armed and dangerous. (emphasis added)

5. A "Terry patdown" of the passenger compartment of a vehicle is permissible if based on reasonable suspicion that an occupant is dangerous and may gain immediate control of a weapon.

6. Police may conduct a full search of the passenger compartment, including any contents therein, pursuant to a custodial arrest.

NOTES:

Nothing in this opinion precludes you from asking "consent" to search a vehicle which was stopped for a traffic violation.

Review of the following Sections of your manual is recommended:

Section E, "Incident to Arrest"

Section I, "Stop and Frisk"

Section J, "Vehicle Exception"

NOTE TO SUBSCRIBERS TO THE ALASKA LEGAL BRIEFS MANUAL:

Add this case to Sections E--"Incident to Arrest," I--"Stop and Frisk," and J--"Vehicle Exception" of your Contents and Text. File Legal Bulletin No. 230 numerically under Section R of the manual.