

ILLINOIS PROSECUTOR SERVICES, LLC

PO Box 722, Carlinville, IL 62626
Phone: (217) 854-8041 Fax: (217) 854-5343
Website: www.ipsllonline.com
E-mail: don@ipsllonline.com



LAW ENFORCEMENT OFFICER TRAINING CASE OF THE MONTH

By Don Hays

Month of January – 2024 - ALTERNATIVE

Copyright © 2023 Illinois Prosecutor Services, LLC. All Rights Reserved.

LAW ENFORCEMENT OFFICER TRAINING CASE OF THE MONTH

Month of February - 2024 - ALTERNATIVE

United States v. Charles Hays, No. 22-3294, 2024 WL 136776, January 12, 2024.

THE CASE: Hays was driving the suspect car when he was stopped for a minor traffic violation. Was the subsequent search of the suspect car, including looking under the car's hood, reasonable?

FACTS: An Illinois State Police (ISP) Inspector received information that a male subject known as "Chuck" was distributing methamphetamine. That same month, ISP agents were surveilling a suspected drug trafficking location and saw a man driving a silver Cadillac arrive at the location. The agents determined that the car was registered to the mother of Charles Hays, and Hays was the driver. Thereafter, an ISP agent spotted the Cadillac traveling on a local highway and noticed that the vehicle did not have working taillights. The agent notified the local police that an Officer located the Cadillac. After observing the Cadillac cross the center lane twice, the Officer initiated a traffic stop.

During the stop, the officers identified the driver as Hays, recognized the passenger from previous encounters and knew she had an outstanding arrest warrant. When questioned, the passenger falsely identified herself. An Officer noticed that the passenger was attempting to conceal something in her right hand, which he recognized as a glass pipe used to smoke methamphetamine. The Officer then went to grab the passenger's hands, at which time he observed her shove something in her mouth. At the Officer's demand, the passenger spat out the object, and he identified it as a plastic container carrying suspected methamphetamine. The passenger was consequently arrested. Meanwhile, the Officer directed Hays to get out of the car. During questioning, Hays looked nervous, falsely identified the passenger, and stated that he had been arrested before and gone to prison for drug possession.

At that point, the officers decided to search the Cadillac. The officers did not find contraband inside the passenger compartment but spotted a screwdriver in the center console, which they knew could be used to hide drugs in traps within vehicles. An officer then searched under the hood, including inside the air filter (a screwdriver is used to open the air filter housing box). In the air filter housing, he found a bag containing methamphetamine.

Following his indictment, Hays moved to suppress the evidence obtained during the traffic stop, which the district court denied. Following his subsequent conviction, Hays brought this appeal.

ARGUMENT: On appeal, Hays argues that the officers did not have probable cause to search under the hood and in the air filter.

RULES ARTICULATED BY THE COURT OF APPEALS: **1).** Under the automobile exception to the Fourth Amendment's warrant requirement, officers may conduct a warrantless search of a vehicle so long as there is probable cause to believe it contains contraband or evidence of illegal activity. U.S. Const. Amend. 4. **2).** Officers can search a car without a warrant where there is probable cause to believe that illegal substances are present. U.S. Const. Amend. 4. **3).** Officers may search all containers within car where they have probable cause to believe contraband or evidence is contained. U.S. Const. Amend. 4. **4).** If probable cause justifies search of lawfully stopped vehicle, it justifies search of every part of vehicle and its contents that may conceal object of search, including closed compartments, containers, packages, and trunks. U.S. Const. Amend. 4. **5).** To justify probable cause for a search of an automobile, all that is required is a fair probability of discovering contraband; this is true without qualification as to ownership of the containers searched. U.S. Const. Amend. 4.

ISSUE #1: Were these Officers justified in searching the interior of the suspect car?

THE LAW: Under the automobile exception to the Fourth Amendment's warrant requirement, officers may conduct “a warrantless search of a vehicle ... so long as there is probable cause to believe it contains contraband or evidence of illegal activity.”

FINDINGS: The Court of Appeals concluded that it was well settled that officers can search a car without a warrant where there is probable cause to believe that illegal substances are present. During the traffic stop in this case, the Officers saw the passenger in possession of a pipe for smoking methamphetamine and methamphetamine itself. Further, the Officers knew that Hays was recently seen at a known drug trafficking location. Consequently, the Court concluded that the Officers in this case were legally entitled to search the inside of the suspect car.

ISSUE #2: Did the fact that the Officers discovered contraband on the passenger and not on Hays prevent them from searching the inside of the car Hays was driving?

FINDINGS: After noting that it had previously held that under the automobile exception, an officer has the authority to conduct a warrantless search of a car when he discovers a passenger in possession of contraband, the Court rejected the driver/passenger distinction argued by Hays. Specifically, the Court noted that a vehicle's driver and passenger “will often be engaged in a common enterprise ... and have the same interest in concealing the fruits or the evidence of their wrongdoing”. Therefore, the Court held that even though Hays was not, himself, found in possession of any contraband, the Officers still had the authority to conduct a search of the inside of the suspect car.

ISSUE #3: Just because the Officers were justified in searching the interior of the car, were they also justified in searching under the hood of the car?

FINDINGS: To answer this question, the Court noted that to justify probable cause for a search, “[a]ll that is required is a fair probability of discovering contraband.” This, the Court held, was true “without qualification as to ownership” of the containers searched. Further, the Court held that Officers may search all containers within a car “where they have probable cause to believe contraband or evidence is contained.” In other words, “[i]f probable cause justifies the search of a lawfully stopped vehicle, it justifies the search of every part of the vehicle and its contents that may conceal the object of the search[,]” “including closed compartments, containers, packages, and trunks,”

ISSUE #4: Was the Officer’s discovery of a screwdriver inside of the suspect car important in this case?

In this case, the Court determined that once the officers began searching the car's interior, they discovered a screwdriver in the center console but nothing else to suggest that the screwdriver was a tool of Hays's trade. Based on their experience, the officers knew that the screwdriver could have been used to hide methamphetamine in the vehicle. Thus, considering the circumstances leading up to and during the stop “viewed from the position of a reasonable police officer,” the officers reasonably found a fair probability that the area under the hood, including the air filter, could contain methamphetamine.

NOTE: See United States v. Eymann, 962 F.3d 273, 286 (7th Cir. 2020) “Probable cause to search a vehicle exists ‘if, given the totality of the circumstances, there is a fair probability that contraband or evidence of a crime will be found in a particular place.’ ” (quotation omitted); see also United States v. Patterson, 65 F.3d 68, 71 (7th Cir. 1995) (finding probable cause to search behind a vehicle's tailgate panel where officers observed missing screws from the tailgate interior and a drug-sniffing dog alerted to the odor of drugs).

CONCLUSION: Accordingly, the Court of Appeals affirmed the District Court’ denial of the defendant’s motion to suppress and Hays’ convictions.

QUIZ QUESTIONS FOR THE MONTH OF FEBRUARY – 2024 - ALTERNATIVE

United States v. Charles Hays, No. 22-3294, 2024 WL 136776, January 12, 2024.

1. The automobile exception to the warrant requirement authorizes Officers to conduct warrantless searches of the inside of vehicles under certain limited circumstances.
 - a. True.
 - b. False.
2. The automobile exception to the warrant requirement authorizes Officers to make a warrantless search of a vehicle if the Officers have developed reasonable suspicion to believe that the vehicle contains contraband.
 - a. True.
 - b. False.
3. Hays argued that since the Officers discovered no contraband on his person, they were not authorized to search the vehicle he was driving. Did the Court of Appeals agree with this argument?
 - a. Yes.
 - b. No.
4. In this case, the Officers discovered methamphetamine on the person of a passenger in the suspect car and also found a screwdriver inside the vehicle. Was this evidence sufficient to justify a search under the hood of the car?
 - a. Yes.
 - b. No.

QUIZ QUESTIONS FOR THE MONTH OF FEBRUARY – 2024 - ALTERNATIVE

United States v. Charles Hays, No. 22-3294, 2024 WL 136776, January 12, 2024.

1. The automobile exception to the warrant requirement authorizes Officers to conduct warrantless searches of the inside of vehicles under certain limited circumstances.
 - a.** **True.** Under the automobile exception to the Fourth Amendment's warrant requirement, officers may conduct “a warrantless search of a vehicle ... so long as there is probable cause to believe it contains contraband or evidence of illegal activity.” United States v. Washburn, 383 F.3d 638, 641 (7th Cir. 2004)
2. The automobile exception to the warrant requirement authorizes Officers to make a warrantless search of a vehicle if the Officers have developed reasonable suspicion to believe that the vehicle contains contraband.
 - b.** **False.** It is well settled that officers can search a car without a warrant where there is probable cause to believe that illegal substances are present. See, e.g., Wyoming v. Houghton, 526 U.S. 295, (1999).
3. Hays argued that since the Officers discovered no contraband on his person, they were not authorized to search the vehicle he was driving. Did the Court of Appeals agree with this argument?
 - b.** **No.** The Court rejected this argument by noting that when contraband is found on any person inside of a vehicle, Officers are authorized to search the interior of the vehicle.
4. In this case, the Officers discovered methamphetamine on the person of a passenger in the suspect car and also found a screwdriver inside the vehicle. Was this evidence sufficient to justify a search under the hood of the car?
 - a.** **Yes.** The Court held that this evidence supported the Officer’s act of searching under the hood of the suspect car and event removing the air filter found under the hood with the use of the screwdriver found inside the car.