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Chemical suicides present hazmat perils

Chemical suicide is a growing and alarming trend in the United States, and it poses a risk for more than just the intended victim. Law enforcement officers acting as first responders also are in jeopardy, making it vital for them to know the warning signs in order to protect themselves and their communities.

Also known as toxic or detergent suicide, chemical suicide is carried out by combining acidic household cleaners with those containing sulfide in an enclosed environment. So, for instance, a suicidal person would take an item such as disinfectant, toilet bowl cleaner, or drain cleaner and mix it with dandruff shampoo, pesticides, or fungicides. The heat-releasing reaction produces hydrogen sulfide gas, which is highly flammable and toxic. If inhaled in high concentrations, the gas can cause suffocation.

Chemical suicide first surfaced in Japan about 2007 and quickly spread to this country. The Carroll County Sheriff's Office in Eastern Ohio responded to a chemical suicide in December, luckily without harm to deputies or the public.

An Ohio Peace Officer Training Academy course, Hazmat and WMD Awareness for the First Responder, covers how law enforcement should respond to these and other hazmat situations.

When dispatched to a scene, it's important to recognize whether you have a hazmat situation. Common places to commit chemical suicide are small interior bathrooms or vehicles. Any small, confined space can be turned into a chemical suicide chamber. In the Carroll County case, a caller reported that a disabled car was on his property. Signs on the car's windows stated, "Call the police" and "Call hazmat."

While it is important to manage the situation immediately, do not rush in and risk harm to yourself. Try to identify the hazard and the harm it can cause, all while considering your own safety.

If you are responding to a disabled vehicle, for example, it may be difficult to see inside the car because hydrogen sulfide gas may create condensation or frost on the car's windows. If you do have visibility, determine whether the driver is unresponsive.

Look around the vehicle for empty cleaning product containers. Also look for a bucket or open cooler, since suicide victims often combine the products in larger containers to create a high concentration of the gas. Sometimes they cover openings such as air vents or line door seals with duct or electrical tape. You also may smell sulfur, in which case you should quickly move away from the area.

Next, you should isolate the area to prohibit public access. Finally, notify your dispatcher or designated command post about the hazmat problem. Give as many specific details about the scene as possible, including weather conditions, exact location, and victim's condition.

At all times, remember the incident command system if your department has one in place. Otherwise, brief the in-command officer once he or she arrives at the scene.

And, just as with other hazmat situations, always remember your own safety first.

Morgan A. Linn
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Important resources

- Kerry Curtis, OPOTA law enforcement training officer, can answer questions on hazmat situations or training. E-mail him at Kerry.Curtis@OhioAttorneyGeneral.gov.
- For information on OPOTA courses covering hazardous materials, visit www.OhioAttorneyGeneral.gov/OPOTA or e-mail askOPOTA@OhioAttorneyGeneral.gov.

Case Law Caveat: *Florence v. Board of Chosen Freeholders*

On April 2, 2012, the U.S. Supreme Court held that a jail strip search of any arrestee does not violate the Fourth Amendment even if there is no reasonable suspicion for it. Although this decision sets a new federal limit on lawsuits, Ohio has a separate law that forbids strip searches of any arrestee unless jail officials have probable cause and pre-authorization to conduct the search. For more information on the Ohio law, consult [Ohio Revised Code Section 2933.32](#).

Trending Topic in the Courts: Do dog sniffs constitute a search?

The U.S. Supreme Court is taking another look at law enforcement's use of dog sniffs later this year.

In *Florida v. Harris*, the court will decide whether an alert by a trained and certified drug dog is enough to find probable cause to search a vehicle. A Florida police officer pulled over a truck for having expired license tags. The officer noticed the driver was nervous and saw an open beer can in one of the truck's cup holders. The driver refused to consent to a search of the truck, so the officer had his drug detection dog walk around the outside of the vehicle. The dog alerted to the driver's side door. The officer then searched the vehicle and discovered pseudoephedrine pills, matches, and muriatic acid, all used to make methamphetamine.

The Florida Supreme Court previously held in *Harris* that a drug dog's false positive detections should be considered when determining if probable cause exists. The state court held that drug dog alerts alone are not enough to give officers probable cause to search without a warrant. Probable cause should be based on the totality of the circumstances and take into consideration the dog's training, the dog handler's training, and the dog's accuracy.

The U.S. Supreme Court also will review *Florida v. Jardines* to decide whether a trained and certified drug dog sniff at the front door of a suspected drug house is a Fourth Amendment search that requires probable cause. In this case, police received an anonymous tip that Jardines was growing marijuana in his home. Officers surveyed Jardines' house for 15 minutes and then walked their drug dog to the front door of the home. The dog alerted to the presence of drugs. With the tip and dog sniff, officers were able to get a search warrant. When police executed the warrant, they discovered marijuana plants and growing equipment inside the home.

The Florida Supreme Court held that the dog sniff was a substantial intrusion into Jardines' privacy rights in his home, so police needed to establish probable cause before conducting the dog sniff of the private residence. The court found that the Florida officers violated the Fourth Amendment for conducting a dog sniff "search" without first establishing probable cause.

Before this set of Florida cases, which the court will hear this fall, the U.S. Supreme Court held in *United States v. Place* (1983) that drug detection dog sniffs do not invade a person's privacy rights because they only alert for criminal activity, such as possessing illegal drugs. The court found dog sniffs to be unique, so it did not label the sniffs as a "search."

The court later held in *Illinois v. Caballes* (2005) that using a drug detection dog sniff during a traffic stop does not change the encounter of the stop as long as it is not prolonged beyond what's reasonably necessary to carry out the original purpose of the stop. The court also found that law enforcement does not even need reasonable suspicion to conduct a dog sniff of a vehicle.

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Key Cases

Messerschmidt v. Millender — U.S. Supreme Court, Feb. 22, 2012

Question: If a court finds your search warrant overbroad, are you open to civil liability?

Quick answer: Probably not. If you acted with a reasonable belief of probable cause, you should be entitled to qualified immunity.

Facts: Jerry Bowen, a known member of a gang, assaulted his girlfriend, Shelly Kelly, with a sawed-off shotgun for calling the police on him. Kelly reported the assault, and Detective Curt Messerschmidt met with her to discuss the crime. The detective investigated the girlfriend's statement and learned that Bowen was involved in two gangs. He previously had been convicted of several violent firearms offenses, and at the time he was living in Augusta Millender's home.

The detective drafted a warrant to search Millender's house, including for "any firearms capable of firing ammunition," "all caliber of ammunition," and "evidence showing street gang membership." The warrant application included two affidavits: one explained the detective's experience and training in gang-related crimes and the other explained Bowen's attack on his girlfriend and why there was probable cause to search the home. The detective's supervisor and a deputy prosecutor reviewed the warrant application before a magistrate issued the warrant.

Police recovered Millender's shotgun, a California Social Services letter addressed to Bowen, and a box of .45-caliber ammunition. As a result of the search, the Millenders filed a civil suit claiming the search violated the Fourth Amendment because the warrant was overbroad in allowing a search for all firearms, ammunition, and gang-related evidence.

Why the case is important: The Supreme Court held that the officers were entitled to qualified immunity because they had objective "good faith" that probable cause existed to search. Proof of the officers' reasonableness was, first, that a neutral magistrate issued the warrant for the search. Second, a supervisor and deputy district attorney also reviewed and approved the warrant application.

More specifically, when considering Bowen's gun assault on his girlfriend, his possession of an illegal gun, and his gang affiliation, officers may have believed probable cause existed to search the home for firearms and ammunition. Also, it was not objectively unreasonable for them to seize gang-related evidence because it may have been relevant to the crime, to Bowen's control over the home, and to his connection to the evidence found there. The police officers received qualified immunity because they took every step reasonably expected.

Keep in mind: When getting a warrant, be as specific as possible in describing (1) the place to be searched, (2) the contents you want to seize, and (3) what evidence you believe shows probable cause for the search. But even if the warrant is later found invalid, you may be entitled to qualified immunity as long as no "reasonable officer" would find the warrant to be completely lacking in probable cause. To be sure, you should have a supervising officer and/or a prosecutor review your application to show your good faith in trying to follow the law.

Click [here](#) to read the entire opinion.

***United States v. Jones* — Sixth Circuit Court of Appeals, March 7, 2012**

Question: Is approaching a suspect on the street considered a Fourth Amendment “seizure” that requires reasonable suspicion?

Quick answer: Not exactly. A “seizure” does not happen until the suspect voluntarily stops or is physically restrained.

Facts: While patrolling an area known for drug trafficking and violent crimes, a police officer watched two men standing on the street making what looked like a hand-to-hand transaction. The officer thought the men were exchanging drugs for cash, so he left his police car to approach them. As he got close, one of the men, James Jones, began to sprint away from the scene. The officer chased Jones, yelling at him several times to stop. Jones never stopped, and during the chase, he dropped a brown paper bag and other unknown items. The officer finally caught up to Jones, pushed him to the ground, and handcuffed him. The officer noticed Jones’ pants and belt were unfastened. Two other police officers arrived to assist, and one officer retraced Jones’ path to find the items he dropped during the chase. He found an ammunition holder with 25 rounds, an ammunition pouch, a holster, a loaded .38-caliber handgun, and a brown paper bag containing an open beer. Police read Jones his *Miranda* rights, and he confessed to possessing the gun. He later tried to suppress the gun because he claimed there was no reasonable suspicion to detain him.

Why the case is important: The Sixth Circuit found that the officer had reasonable suspicion to detain Jones. Jones was not considered to be “seized” until police caught him and pushed him to the ground. A person is not “seized” under the Fourth Amendment during a police pursuit until the officer demands the suspect stop and the suspect actually stops. Until then, the suspect’s actions may provide the reasonable suspicion needed to detain him. Here, an officer observed Jones make a hand-to-hand transaction in a high-crime area known for drug activity; Jones ran when he was approached; and Jones dropped a number of items during the chase. Each fact alone does not create reasonable suspicion, but from the totality of the circumstances, reasonable suspicion existed for the officer to detain Jones.

Keep in mind: Remember that a suspect is not considered “seized” until he has been physically restrained or has voluntarily submitted to your authority as an officer. So a suspect’s actions may create the reasonable suspicion needed to legally detain him under the Fourth Amendment. That’s why it is so important to pay attention to what the suspect does when you approach. His actions may even establish probable cause for an arrest and be used against him in a later trial.

Click [here](#) to read the entire opinion.

***United States v. Evers Sr.* — Sixth Circuit Court of Appeals, Feb. 10, 2012**

Question: While executing a search warrant, can you seize items that are not specifically mentioned in the warrant?

Quick answer: Yes. As long as the items are reasonably related to the crime you are investigating, you can seize the unmentioned items.

Facts: Ovell Evers Jr. (“Junior”) learned from his niece M.E. that his father, Evers Sr. (“Evers”), had sexually assaulted M.E. twice, taken pictures of her body, and saved the pictures on his computer. Junior searched the computer and found a sexually suggestive video of M.E. He called police. Officers then obtained a search warrant for the elder Evers’ home to seize “a digital camera, photos, personal computer, and computer accessories” that may contain evidence of the crimes. They took two computers from Evers’ bedroom, and a quick search showed that images had been deleted before the police search. When officers later had a forensic agent search the computers, they found 40 sexually explicit images of M.E. in her underwear. Evers filed a motion to suppress the photos because searching the computer hard drives exceeded the scope of the warrant, which failed to describe the computers “with particularity.”

Why the case is important: The Sixth Circuit denied suppression because the search of Evers’ hard drive did not exceed the warrant’s scope. A second warrant was not needed because even though Evers’ hard drive was not specifically listed, it reasonably related to his alleged crimes. The court also found that the warrant sufficiently described Evers’ computers. *Computer equipment and other digital media are unique because they can have many “hiding places” to keep information.* So a warrant for these items not only allows peace officers to seize the physical device, but also to access their contents.

Keep in mind: Be as specific as the circumstances reasonably allow when drafting your search warrant application so you satisfy the warrant’s “particularity” requirement. However, it may be difficult to particularly describe evidence from computers or other digital media. You can still seize these and other items unmentioned in the search warrant, but only if they reasonably relate to the crime you are investigating. Otherwise, a court may suppress the evidence.

Click [here](#) to read the entire opinion.

***United States v. Cavazos* — Fifth Circuit Court of Appeals, Jan. 19, 2012**

Question: Does a law enforcement interview held in a suspect’s home automatically mean the person cannot be “in police custody” under the Fifth Amendment?

Quick answer: No, if the facts and circumstances show that the person would not have felt free to end the interview, he can be considered to be “in police custody.”

Facts: Federal agents executed a search warrant on Michael Cavazos’ home between 5:30 and 6 a.m. because they suspected he was sending sexually explicit text messages to a minor. Agents cuffed Cavazos as soon as he got out of bed and placed him in the kitchen apart from his family. Once the house was secure, the agents moved Cavazos into a bedroom, removed the cuffs, and told him they were going to conduct a “noncustodial” interview during which he was free to eat or go to the bathroom. They did not tell Cavazos that he was free to end the interview, nor did they read him his *Miranda* rights. Also, when Cavazos went to the restroom and to the kitchen, agents followed and monitored him closely. The agents also listened in on Cavazos’ phone call with his brother. After an hour of questioning, Cavazos admitted to “sexting” with a minor female. The agents had him start a written confession but arrested him after five minutes and gave him his *Miranda* warning.

Why the case is important: The Fifth Circuit held that Cavazos was “in custody” under *Miranda* because no reasonable person in Cavazos’ position would have felt free to stop the interview. The

court explained that deciding whether a person is in custody depends on the totality of the circumstances. Even though Cavazos was in his own home and agents told him it was a “noncustodial interview,” other facts outweighed that possibility: Fourteen law enforcement officers entered the home without Cavazos’ consent. They briefly handcuffed him, followed him around his home, and listened in on his phone call. The agents never told Cavazos that he could stop the interview. All of these facts show that the agents were exerting control over Cavazos to the extent that he would not have felt free to stop the questioning.

Keep in mind: Any time you want to interview a potential suspect in his own home, it may be good practice to inform him that he can stop the interview at any time or just inform him of his *Miranda* rights. If your true intent is to keep the interview “noncustodial,” then think about what factors might make the person feel that he is not free to end the interview, such as officer presence, freedom to move about the home, and the use of handcuffs. Remedy any of these factors if they might suggest officer coercion or the person’s statements will be thrown out in court as a Fifth Amendment violation.

Click [here](#) to read the entire opinion.

***State v. Dunn* — Ohio Supreme Court, March 15, 2012**

Question: Can a peace officer perform a search without any suspicion of criminal wrongdoing?

Quick answer: Yes, but only under the community-caretaking/emergency-aid exception to the warrant requirement.

Facts: A police officer received a dispatch call that a man driving a tow truck had planned to kill himself with a gun once he reached a specific address. The officer quickly located the tow truck and followed it until another officer arrived to help him. They pulled the truck over. The driver, Richard Dunn, got out of the truck with his hands up, holding a cell phone. The officers handcuffed Dunn and patted him down for safety, only finding a small pocket knife.

One officer walked Dunn over to the police cruiser when Dunn told him, “It’s in the glove box.” He asked Dunn if he was talking about a gun, and Dunn said yes. The other officer looked in the tow truck’s glove compartment and found the loaded gun. They talked to Dunn about committing suicide and then drove him to the hospital to be admitted. Dunn was later charged with the improper handling of a firearm in a motor vehicle. He filed a motion to suppress all the evidence based on Fourth and Fifth Amendment violations.

Why the case is important: The Ohio Supreme Court held that stopping Dunn based on the police dispatch call did not violate the Fourth Amendment. The court held that police action is reasonable so long as the circumstances justify the action. Here, even though Dunn had not committed any traffic violation, officers had reason to believe he was armed and suicidal. The stop and the recovery of the gun were reasonable under the community-caretaking/emergency-aid exception to the Fourth Amendment’s warrant requirement. This warrant exception allows peace officers to stop a person in order to give aid if the officers reasonably believe there is an immediate need for their assistance to protect life or prevent serious injury. Also, the court found that the

officers did not commit a Fifth Amendment *Miranda* violation because Dunn was not being interrogated. He volunteered his statement about the gun.

Keep in mind: The community-caretaker/emergency-aid exception can be tricky. Here, the officers clearly stopped Dunn for a community-caretaker function because they were concerned about a possible suicide. They had no ulterior motive that could be linked to a criminal prosecution. If you make a stop or a search under this exception, you will need to be able to clearly state why you thought a person needed your care or emergency aid.

Click [here](#) to read the entire opinion.

***State v. Beaver*— Eleventh District Court of Appeals (Ashtabula, Geauga, Lake, Portage, and Trumbull counties), March 5, 2012**

Question: Will a witness' show-up identification be suppressed if a court finds that law enforcement's procedures for the identification were suggestive?

Quick answer: Maybe not. If, based on the totality of the circumstances, the identification was otherwise reliable, a court might not suppress the identification as unduly suggestive.

Facts: Minutes after 12-year-old N.S. got home from school, he heard a loud banging on the back door of his house. He looked out to see two young black men standing outside the door, with a third person waiting on the street in an older-model metallic red car. The men were wearing hooded sweatshirts in red, green, and blue. N.S. opened the door a crack, and all three men eventually entered the home. N.S. told them, "Take what you want, just don't kill me." They took two video game systems, storage racks of video games, and a large flat-screen TV. The men wrapped the items in a green blanket. Before they left, they told N.S. to lie on the floor. At that point, N.S. got a better look at the man in the green hoodie, Omearo Beaver. Beaver's hoodie had a New York Jets emblem on it, and his pants had green striping. As soon as N.S. heard the men pull off, he called 911.

A detective heard the dispatcher announce the crime over the radio, and he drove to a nearby apartment complex that he knew to have a lot of crime. He watched a red metallic car pull into the lot. Two younger black men in red and green hoodies got out of the car and opened the trunk. The detective got out of his car, drew his weapon, and told the men to get down. Two more officers arrived shortly after, and once the scene was secure, the detective looked into the opened car trunk. He saw two video game systems, several video games, and a green blanket. As one of the other officers patted down Beaver, he felt large bulges in his jacket and pants pockets. The officer found jewelry, wires for a game system, a watch box, watches, and N.S.'s mother's driver's license.

Thirty to 40 minutes after N.S. called 911, police arrived at his house with two suspects and asked him if he could identify them. Looking at the suspects from a window of his home, N.S. identified them as two of the three intruders. Beaver filed a motion to suppress the show-up identification because it was overly suggestive and unreliable.

Why the case is important: The court of appeals held that the show-up identification was not overly suggestive and unreliable even though there were some differences in N.S.'s testimony from pretrial to trial. For example, N.S. testified at trial that the police told him they had "possible

suspects” for him to identify, but at the pretrial hearing, he explained that the officers told him they found “the suspects” and were bringing them back for identification. Still, the court looked at the totality of the circumstances and found that, even if the show-up ID was suggestive, N.S.’s identification was reliable because of the specific description he gave to the dispatcher and because of the short time between the crime and the later identification. Plus, any suggestiveness of the show-up ID was harmless because officers found all of the stolen items in Beaver’s possession, including N.S.’s mother’s license.

Keep in mind: Show-up identifications are a helpful option for law enforcement to find a suspect, but they can easily become suggestive. So even in the heat of the moment, make sure to be as objective as possible when speaking to a witness about making an identification. Also, try to corroborate as many details from the victim or witness statement as you can. Corroborating the victim’s version of the crime will help keep the show-up ID from being suppressed even if a court finds your procedure was suggestive.

Click [here](#) to read the entire opinion.

***State v. Alihassan* — Tenth District Court of Appeals (Franklin County), March 1, 2012**

Question: Does the plain view warrant exception allow peace officers warrantless entry into a home?

Quick answer: No. Unlike the other warrant exceptions, the plain view doctrine will not justify your warrantless entry into a home.

Facts: A police officer stopped a car about 11 p.m. for a traffic violation. When he approached the driver, Adam Alihassan, he noticed a bag of marijuana by Alihassan’s foot and arrested him. Alihassan’s dog was inside the car at that time, so the officer, along with another police officer, walked Alihassan to his nearby apartment to drop off his dog. Alihassan unlocked his apartment door and opened it just enough to let his dog inside. The officer peered into the apartment, noticing a small amount of marijuana and marijuana grinder sitting on a table. So, as Alihassan began to shut the apartment door, the officer stuck his foot in the doorway, explaining that he had seen drugs inside. He and the other officer entered the apartment. They handcuffed Alihassan and performed a protective sweep, during which they discovered more drugs. The officer asked Alihassan for consent to search the rest of the apartment. He asked if he could make a phone call, and minutes later, signed a consent form allowing the officers to search. They found more drugs in the apartment. Alihassan filed a motion to suppress all of the found drugs based on the officers’ warrantless entry into the home, unjustified protective sweep, and Alihassan’s invalid consent.

Why the case is important: The court of appeals held that the evidence should be suppressed because the officers’ entry and protective sweep were unlawful, Alihassan’s consent was invalid, and the drug evidence would not have been inevitably discovered during a lawful investigation.

First, the court explained that the plain view warrant exception did not apply to these facts because, although the officer was lawfully present outside of Alihassan’s apartment and the criminality of the marijuana and grinder were apparent, he did not have a right to access the objects because he was not granted access inside. The plain view exception does not “cross the threshold” of the doorway

into a person's home. The officer's observation of the marijuana and grinder gave him probable cause, but it did not allow for warrantless entry into the home. Plus, there were no clearly exigent circumstances that prevented the officers from getting a warrant.

The court also found that Alihassan's consent does not prevent suppression. Officers asked for his consent after two Fourth Amendment violations. Even though Alihassan finally gave consent, not enough time had passed between the violations and the consent. Alihassan's initial action in only opening his apartment door halfway showed that he did not consent to the officers entering his apartment. Also, the inevitable discovery rule did not prevent the evidence from being suppressed. The rule implies that officers would have eventually found the contested evidence, but it must be through a lawful investigation. The officers were not lawfully present in Alihassan's apartment when they found the drugs because they entered without a warrant or some other warrant exception.

Keep in mind: You can't intrude in a person's home just because you have a plain view of something illegal. Both Ohio and federal courts have drawn a hard line on a peace officer's warrantless entry into a home: It is presumed unreasonable unless a warrant exception applies. So, if you see something illegal in plain view, you should get a warrant for the search. But remember, this rule doesn't change the "exigent circumstances" rule. In this case, for example, if the officers had seen contraband in the house and people (who could flush the contraband down the toilet while they were getting a warrant), they may have been able to do a warrantless entry.

Click [here](#) to read the entire opinion.

***State v. Troutman* — Third District Court of Appeals (Allen, Auglaize, Crawford, Defiance, Hancock, Hardin, Henry, Logan, Marion, Mercer, Paulding, Putnam, Seneca, Shelby, Union, Van Wert, and Wyandot counties), Feb. 6, 2012**

Question: If a peace officer develops reasonable suspicion of criminal activity during a routine traffic stop, could the length of the detention violate the Fourth Amendment?

Quick Answer: Yes. If you are not diligently investigating either the traffic stop or your suspicion of criminal activity, a court might throw out the incriminating evidence found during a prolonged stop.

Facts: While on patrol about 1 a.m., an Ohio State Highway Patrol trooper watched a car drive left of center. She turned on her cruiser camera and pulled the car over. When she approached the driver, Torrece Troutman, she asked if he had anything illegal in the car. He said he did not, adding, "Not every black man carries drugs and guns." The trooper noticed that Troutman's eyes were bloodshot, so she asked him to step out of the car. She patted him down for weapons and noticed a big bulge in his pocket, which was \$3,000 in cash. The trooper conducted a horizontal gaze nystagmus test for alcohol and another nystagmus test for marijuana. Neither showed that Troutman was impaired. The trooper placed Troutman in the back of her cruiser while she checked his driver's license and requested a canine unit to the scene. Troutman's license was valid, but he had a previous drug conviction.

While waiting for the drug dog to arrive, the trooper continuously asked Troutman if he had anything illegal in his car. Each time he responded that he did not, and he temporarily gave the

trooper permission to search. But instead of conducting a search or writing Troutman a traffic ticket, she waited for the canine unit to arrive. Twenty minutes into the stop and eight minutes after Troutman revoked his consent to search, the canine unit arrived. The drug dog alerted to drugs in the car, and during a search, officers found cocaine. They also found pills in the back of the police car, on the seat behind Troutman. Troutman was arrested for cocaine and drug possession. He filed a motion to suppress the drugs based on the purpose and length of the stop.

Why the case is important: The court of appeals held that, although the trooper had probable cause to stop Troutman's car for a traffic violation, the stop violated the Fourth Amendment when it became longer than what's considered reasonably necessary to complete the stop. A reasonable amount of time for a traffic stop includes running a computer check on a driver's license, registration, vehicle plates, and even walking a drug dog around the driver's car. The reasonableness of the stop depends on the totality of the circumstances and whether the officer acted diligently in conducting the stop. An officer also may continue the stop beyond its original purpose if there is additional suspicion that criminal activity may be occurring. Here, the trooper did not issue Troutman a ticket or search his car, even though he had granted consent. From these facts, the court found the trooper was not diligent in conducting her investigation for either the traffic violation or the drug activity.

Keep in mind: Every stop impacts the freedom and liberty of the person you're stopping, which means you should conduct your investigation quickly and efficiently. You should never cut corners with an investigation, but you need to be diligent. If a suspect gives you the opportunity to confirm or dispel your suspicion (such as when the driver in this case consented to a search) you should act on the opportunity in a reasonable manner so you won't delay the stop. And, if you still believe you need to wait for some other purpose (such as the arrival of a drug dog or backup), you should use that time to conduct the other business associated with the stop, such as writing out a traffic citation. The longer you delay the stop without good reason, the more likely any incriminating evidence you find will be suppressed.

Click [here](#) to read the entire opinion.

***State v. Napier* — Ninth District Court of Appeals (Lorain, Medina, Summit, and Wayne counties), Feb. 6, 2012**

Question: If a peace officer forgets to write down every fact from a traffic stop, should the evidence collected from the stop be suppressed?

Quick answer: It depends. Even with some details left out of your report, your statement may still be found credible and provide probable cause for the suspect's arrest.

Facts: About 8 p.m., a police sergeant watched a blue pickup truck run a stop sign. The truck stopped in the middle of the intersection and backed up to let the officer's cruiser through the four-way stop. The officer drove through the intersection, and in his rearview mirror he saw the blue pickup make a left turn. The turn was so wide that the truck almost ran over some mailboxes on the side of the road. The sergeant pulled his vehicle over to allow the truck to pass. He then pulled the truck over for the traffic violations. The driver, Bobby Napier, showed typical indications of alcohol use: strong odor of alcohol, glassy eyes, and slurred speech. Napier admitted that he drank two to

four beers that evening, and he ultimately failed a battery of standard field sobriety tests. He was arrested for operating a vehicle while intoxicated (OVI).

The officer's notes of the arrest didn't include Napier's glassy eyes or slurred speech, incorrectly recorded details about Napier's performance on the tests, and were not written until three to four hours after the stop.

Why the case is important: Even though there were inconsistencies between the officer's report and his testimony, the court of appeals found there was both reasonable suspicion to stop Napier and probable cause to arrest him for OVI. However, the court explained that finding reasonable suspicion and probable cause depends on the totality of the circumstances.

Keep in mind: Good report writing protects your credibility. Write them when your memory is fresh, and record as many details as you can remember. The inconsistencies in this case were relatively minor, but major inconsistencies or sloppy report writing can put your credibility and professionalism in doubt.

Click [here](#) to read the entire opinion.