




# Ohio Attorney General's Law Enforcement Bulletin



**November 2013**

## **Brimfield Township Police Tally More Than 91,000 Facebook Followers**

The small community of Brimfield Township, just east of Akron, is home to one of the most famous police departments in social media history, as evidenced by its 91,000-plus Facebook followers. About 7,000 are residents — an impressive total considering the township's entire population is about 10,500.

David A. Oliver has served as Brimfield's police chief for almost 10 years and as a member of the department for nearly 20. Since 2010, he and his officers have used Facebook to maintain a constant dialogue with residents and build a positive image of police in the community. Unlike many departments, Brimfield police don't use Facebook only for announcements or as a crime blotter. Instead, it's a relationship-builder.

Followers have posted these "recommendations" and many more: "Small-town policing at its best. Check this page and meet Chief Oliver. We all wish our police could be like this." "Great site. Chief Oliver has his finger on the pulse!! Now this is a guy who trains his people to 'protect and serve!' He's a credit to his profession." "Informative and great fun, and also uniquely reminds us that we all are connected (90K+ cousins!) and have a purpose greater than ourselves. Love Chief Oliver and the entire BPD!"

Chief Oliver said his department works hard to be a true community partner. Officers take time to shovel snow and grocery shop for homebound seniors and eat lunch with schoolchildren. The words "not in my job description" are never muttered in the office. The chief starts most days at the local elementary school, high-fiving students as they enter the building.

To see how he and his team use Facebook to further their mission, check out the [Brimfield PD's Facebook page](#) and read the following Q&A for some insights from Chief Oliver.

### ***How do you use Facebook at a police tool?***

Facebook has made our department more approachable. People are more willing to help and share information with us. We receive many tips about crimes through the private message function on Facebook. Residents will report things from barking dogs to suspects engaging in a criminal act. This kind of communication and easy access to the department has led to neighbors looking out for neighbors. For example, we had a neighbor message about teens smashing pumpkins on her street. We were able to send an officer over and caught the teens in the act.

***Whose responsibility is it to post to the department's Facebook page?***

Every weekday morning I post a morning message or announcement, sometimes titled "chief's rant." I share my thoughts or talk about events and issues in the community. Staff will also post reports of interest at the end of shift. We also try to post in real time. For example, I was out on a fire call and knew the road was going to be closed. I was able to put the closure out on Facebook and let residents know as it was happening.

I have heard a few negative comments like, "Must be nice to play on Facebook all day." But similar comments were also said when we started to use computers in the office. Officers posting during work time are not doing so on their personal pages. Posting on the department page is part of the job. We are communicating with our customers.

One thing I have learned is that you can't fight all the negative comments on Facebook. I used to try to, but realized you just can't change some people's minds. Now, I only correct someone if they say something factually incorrect. Everyone is entitled to their opinion.

***Are you surprised by your success on Facebook?***

This has turned into a giant thing. I have been on radio shows and even wrote a book. But because of this success, we are able to do better things for the community. For example, proceeds from the book go to the victim survivors fund, and from that fund, we were able to pay for ballet lessons for a child victim for a year.

Over the summer we had a parade. I jumped on Facebook and invited veterans to come to march, and they did, even in the rain. It has also been a boost to the local economy. The department has also become a destination for travelers. About 15 to 20 people stop by a week wanting to see us and take a photo.

The success required an adjustment for the officers and staff. But now, they are being recognized more and more by residents. It took us a few months to realize people were waving their entire hand to say hi, instead of a select finger. It makes the community feel closer to the department and provides a level of trust.

***Is there a blueprint for creating a great Facebook page?***

The number one priority is to be consistent by posting regularly. People come to expect it. If I am late with my morning post, I start receiving messages from followers asking if everything is OK. You also can't be looking to gain money, like by promoting a levy, or only engage when the department needs something. The department must develop a voice in the community and be a true partner.

I also think it is important to have the right mix of information. I personally use a mix of humor and seriousness in my posts. I believe this adds a human element to police work and allows the community to trust us more. Each department will have to find what works for them.

***Tell me about your Facebook followers.***

It is shocking. We have people following from all over the world. We have followers from 50 states and 29 countries — like Finland, India, Germany, Ireland, Romania, and South Africa. Many of our posts get nearly 100,000 likes. Recently, we had a follower send \$7,000 for our Shop with a Cop charity.

For our resident followers, I highlight important posts by saying, “Attention Brimfield residents.” The residents don’t seem to mind that people are interested in the community. The number of followers doesn’t change how we conduct our day-to-day police operation.

***How do you think police departments could improve on their Facebook presence?***

Facebook and other social media are necessary tools in modern police work. Many agencies treat Facebook as a sterile operating room. It’s more of a crime blotter than a community resource. Agencies are not thinking about the Internet in the right way. There is so much information out there. I consider it working an “Internet beat” — just like walking around a neighborhood. The Internet is a virtual neighborhood that needs police presence.

My philosophy is to bring our friends with us on the call, let the community see what we see and hear what we hear. It gives them a greater appreciation for the work and helps to connect us to the community. We frequently post information about community events, cheer on the high school team, and announce charity opportunities in addition to traditional crime information.

***What’s next for your department?***

It is important to be aware of what’s out there. For example, Instagram and Snap Chat are newer social medial tools, but probably not the best for police work because the main communication is through photos. We are in the process of developing YouTube videos regarding issues of home security, drugs, and crime prevention. This will be an educational tool available to the public. We are also considering doing more with the Twitter account (the department has about 2,300 Twitter followers), perhaps a tweet-a-long, where officers on calls tweet the progress of the call so people can follow along.

**Related Links**

- Visit [Brimfield Police Department’s website](#) and [Facebook page](#).

**Additional Reading**

- [“David Oliver, Brimfield Township Police Chief, is Insanely Popular, Hilarious on Facebook,”](#) Huff Post Crime, Sept. 20, 2013
- [“Candid Police Chief’s Comments Spur Viral Facebook Page,”](#) CNN Justice, June 20, 2013
- [“Ohio Police Chief’s Facebook Page — Where Criminals are ‘Mopes’ — Draws ‘Likes’ from Around the World,”](#) ABC News, June 18, 2013

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**Search and Seizure (Hotel Rooms): *State of Ohio v. Wright***

**Question:** If a hotel employee gives you permission, can you search a hotel room occupied by a guest?

**Quick Answer:** No, unless the employee has, by an affirmative action, evicted the guest and the guest is aware of the eviction.

## **State of Ohio v. Wright, Eight Appellate District, Cuyahoga County, Oct. 10, 2013**

**Facts:** The Brook Park Police Department received a call from a hotel about a disturbance. Upon arrival, officers observe a naked man, later identified as George Wright, sweating profusely and foaming at the mouth. Officers watched Wright knock off an exit sign and a portion of a sprinkler system, rip wires down, and wrap them around his neck. Hotel personnel informed the officers that Wright had been pounding on hotel doors and disturbing other guests. After Wright admitted to taking PCP, a rescue squad was called. Wright was removed from the hotel and sent to the hospital. Hotel staff asked the officers to check the hotel room for damage. An employee unlocked the door and the officers entered. The room was in disarray. Officers found a bag of crack cocaine and a vial of PCP in an open drawer in the dresser. Wright filed a motion to suppress because he, as the registered hotel guest, did not give police permission to search the hotel room. The state argued that Wright had lost his right of privacy by creating a disturbance and the search was proper because the hotel employee let the officers into the room. The court determined Wright still had a right to privacy in the hotel room and suppressed the evidence.

**Importance:** In general, a hotel employee may only enter a hotel room to perform duties associated with his or her job. They cannot authorize or give consent to a police to search the room when the room has been leased to a hotel guest. However, if the hotel guest surrenders or voluntarily abandons the room, the guest may lose his reasonable expectation to privacy. A hotel employee may also terminate the guest's right by taking affirmative steps to repossess the room. This must be done through affirmative acts by the hotel staff, for example locking the guest out of the room or telling the guest he is evicted.

**Keep in Mind:** In this situation you are relying on a third-party to do the right thing. Prior to conducting the search of a hotel room, ask the hotel staff if they have evicted the guest and if the guest knows about the eviction. Make note of what they tell you in your report. If you are unsure whether or not the eviction took place, get a warrant. Taking these extra steps will protect evidence and your arrests.

### ***More on Search and Seizure***

**What if Your Actions Cause the Possibility of Imminent Destruction of Evidence?** You and fellow officers are at the door of a suspected marijuana grow house to perform a knock and talk because you do not have enough evidence for a warrant. A woman walks toward the back driveway and you follow her through two gates that were open, up two stairs and onto a wooden porch. At that point, you smell a strong odor of marijuana. One of the officers bends down to look through a basement window and sees marijuana hung to dry in the basement. When he goes back for a second look, the marijuana has been removed. Fearing destruction of the plants, you and the other officers kick the back door in. Once inside, you find a dozen drying plants and a large quantity of growing plants. You secure a warrant and find firearms, a surveillance system, and a large quantity of cash. Once the court views the surveillance video, they see your partner lying on the ground with a large flashlight, peering into the basement window. The video shows that you moved a trash can to gain a better view through a second window. Did you and your partner go too far? The court in *Stacey* says yes. The court concluded that the testimony of the officers and the footage from the video was in direct contradiction. The officers had entered an area beyond where the public would welcome a guest, and this caused a Fourth Amendment violation. Further, because the officers' actions (lying on the ground, looking through the window with a flashlight) caused the people inside to move the marijuana, officers were prevented from using the "prevention of imminent destruction of evidence" reason to enter the house without a warrant. [\*State of Ohio v. Stacey\*](#), Sixth Appellate District, Ottawa County, Sept. 27, 2013.

**You Know He Isn't Your Shooter. Can You Still Search Him?** You and your partner are dispatched to an area on a report of multiple gun shots and have learned the shooter is on foot. Near the shooting scene you encounter an individual walking in the middle of the street. You stop him, citing him with pedestrian in the roadway, and begin to question him regarding the shooting. He tells you he has no weapons, but your partner pats him down. You notice that the suspect keeps reaching toward his left pocket. Based on your experience, you check the pocket and find a pill bottle belonging to another person. You ask him if he has anything else illegal on him and he says he has cocaine. Did you have a right to search him even though you figured out he wasn't the shooter? The court in *Tyler* says yes. The officers in this situation had a reasonable, articulable suspicion throughout the encounter with Darius Tyler. The *Terry* stop was done properly due to Tyler's actions and the circumstances of the shooting. When he kept reaching for his pocket, causing suspicion, the officers properly searched him. [State of Ohio v. Tyler](#), Tenth Appellate District, Franklin County, Oct. 22, 2013.

**Warrantless Gun Residue Test:** There has been a report of a double shooting. The physical evidence indicates the shootout occurred between two groups of people standing across the street from one another. You get a call that two individuals have shown up at a hospital on the other side of town with gunshot wounds. You learn that one of the individuals had a known feud with one of the individuals killed in the shooting, so you arrange to have him transported to the police department upon release. He is transported to the police station, still in a hospital gown, and is interviewed. You seize his clothing and perform a gunshot residue test on the clothing and his hands. You do not ask his permission or get a warrant. Was this test properly done? The court in *McGee* says no. None of the seven recognized exceptions to a warrant were met in this case. When Ryan McGee was taken from the hospital to the police station, there were limited facts connecting him to the shooting. There was not probable cause to arrest McGee at that time, although there was reasonable suspicion to investigate further. There could be no search incident to arrest in this case. The officers should have obtained a warrant for the test. [State of Ohio v. McGee](#), Seventh Appellate District, Mahoning County, Sept. 18, 2013.

## **Driving and Intoxication (Disorderly Conduct): *State of Ohio v. Vause***

**Question:** Do you have probable cause to arrest an individual for disorderly conduct if she is intoxicated, even if she is polite and cooperative?

**Quick Answer:** Yes, if her condition poses a potential of physical harm to self, others, or property.

[State of Ohio v. Vause](#), Fifth Appellate District, Ashland County, Sept. 18, 2013

**Facts:** Sgt. Jerry Bloodhart of the Ashland Police Department pulled over a wrong-way driver and made an OVI arrest. Gretel Vause, the passenger, was obviously intoxicated. Bloodhart asked if there was anyone who could pick her up. Vause gave Bloodhart a telephone number for a relative, but that individual refused to pick her up. Bloodhart believed Vause was unable to care for herself and unable to walk the 11 miles home. At that point, Bloodhart arrested Vause for disorderly conduct and took her to jail.

Vause argued Bloodhart did not have probable cause to arrest her for disorderly conduct because she was not passed out, was polite and cooperative, answered Bloodhart's questions, and gave her identification without issue. Bloodhart argued he arrested Vause because she was intoxicated, no one would come get her, and she was a danger to herself if she tried to walk home. The court

determined that Bloodhart properly arrested Vause for disorderly conduct based on the facts and circumstances.

**Importance:** Disorderly Conduct ([R.C. 2917.11 \(B\)\(2\)](#)) includes voluntarily intoxicated people who create a condition that risks physical harm to persons or property. To charge on a disorderly, the person must be more than just drunk. They must actually do something (or in this case, not be able to do something) that causes the risk of harm. In this case, Bloodhart used his professional judgment to determine that Vause's conduct, if allowed to walk home, would create risk of harm to herself.

**Keep in Mind:** Consider the alternative. If Bloodhart had let Vause walk home and she was injured or killed, he could have faced a dereliction of duty allegation. (See [State of Ohio v. Beggs](#), Fifth Appellate District, Delaware County, Aug. 6, 2013, in the September Law Enforcement Bulletin). Your decision to either arrest a passenger for intoxication or let her walk away has potentially lasting consequences for that individual and yourself, regardless of the outcome of a legal action.

## **Proper Protocol (Reliance on Informants): *State of Ohio v. Norwood***

**Question:** If you receive a tip from an "identified citizen informant" concerning an intoxicated individual located at a drive-through window of a Taco Bell, is this a basis to make a stop?

**Quick Answer:** Yes, if the tip is reliable and has been corroborated by independent police work.

### **[State of Ohio v. Norwood](#), Eleventh Appellate District, Lake County, Oct. 1, 2013**

**Facts:** Painesville Police Officer William Smith received a call from dispatch that a Taco Bell employee reported that a customer at the drive-through window was so intoxicated he could not even speak. The employee reported the man was driving a large green truck. A few minutes later, Smith and backup arrived at the Taco Bell and noted the green truck still at the drive-through window. The officers walked up to the truck and knocked on the window. Leonard Norwood, the driver, did not respond and started to drive away. Officer Smith, who was running beside the truck, ordered the driver to stop. Norwood came to a stop after nearly hitting the cruiser. The officers asked Norwood to exit the truck and noted a strong odor of alcohol. Norwood had difficulty keeping balance, and his speech was so slurred it took him two minutes to respond to a question. They arrested him for driving under the influence.

Norwood filed a motion to suppress the evidence of OVI, saying the officers were not justified in stopping him because they did not confirm the credibility of the tip, did not verify the truck in the drive-through was the same one noted in the tip, and did not observe Norwood engaging in criminal activity. The majority of the court disagreed, finding the officers were justified in relying on the informant's tip and in making the arrest. One judge disagreed with the other judges, saying the officers had not made an effort to determine the informant's basis of knowledge prior to initiating a stop.

**Importance:** A stop may be based on information received from an informant as long as it is reliable and corroborated by independent police work. Corroboration can be done through interviewing the informant, observations, or additional evidence. When determining the validity of an informant's tip, an officer should consider the informant's reliability and the basis of his knowledge. There are three kinds of informants: 1) anonymous informant; 2) known informants, and 3) identified citizen informants. Known informants and identified citizen informants are generally more reliable than



anonymous informants. In this case, the tip was provided by an identified citizen and was presumed reliable.

**Keep in Mind:** Make sure you verify the accuracy of the tip prior to making the stop. As seen in this case, courts disagree what is enough verification or corroboration. The majority determined that arriving at the Taco Bell in three minutes and almost being run over was enough corroboration of the employee's tip. But if the officer would have also yelled through the drive-through window, "Is this the guy you called about?" and the employee said, "Yes," the dissenting judge probably would have found that to be more sufficient corroboration.

### ***More on Informants***

**Multiple and Stale Tips:** You receive a call from a neighboring jurisdiction that its officers are executing a warrant on a residential home suspected of selling drugs. They tell you they witnessed several individuals coming from the home, made subsequent traffic stops, and recovered pounds of marijuana and other evidence. They also tell you an individual who was stopped coming from the house told them he worked for a guy who lives in your jurisdiction and that guy told him to "clean out" the house. This isn't the first time you have heard about this guy and, in fact, received an anonymous tip eight weeks ago that he regularly sold pounds of marijuana at a time. Based on these two tips, you begin surveillance and trash pulls. After several weeks you find marijuana stems, seeds, roaches, and shake. Did you have proper reliance on the "tips" to investigate? The court in *Edwards* says yes. In this case, the officers received two tips, and both sources identified Edwards as a drug trafficker. Even though one tip was anonymous and eight weeks old, taken together with the tip from the identified citizen, the police used independent investigation to corroborate the information. [\*State of Ohio v. Edwards\*](#), Tenth Appellate District, Franklin County, Sept. 30, 2013.

**An Informant's Play-by-Play:** A call comes in from an identified citizen driver that a green truck is unable to drive within its lane on I-71. The caller reports the truck has a yellow license plate with red letters and provides the license plate number, direction of travel, and vehicle description. The caller continues following the green truck and relaying observations to dispatch. The caller then tells dispatch the truck exited the freeway at exit 196 and ends the call. You are dispatched for the call and head to the exit to locate the driver. You exit the interstate at exit 196 and find two green vehicles at a stop light; one does not match the description. You speed up to the other green truck and find the license plate matches. The truck pulls into a liquor store parking lot, and you activate your lights. Prior to stopping the truck, you did not observe any driving infractions. Did you have reasonable suspicion to make the stop? The court in *Rapp* says yes. Even though the trooper did not witness the erratic driving as reported by the caller, the court determined the information provided by the informant had a high degree of reliability due to the totality of the circumstances. The caller was relaying information as she witnessed the events, including precise details and descriptions. The immediacy of the information being relayed and her motivation for reporting (safety) supports the informant's tip as credible. [\*State of Ohio v. Rapp\*](#), Ninth Appellate District, Wayne County, Oct. 7, 2013.

### ***Other Protocol to Consider***

**Mental Health Information:** Did you know courts are required to report certain mental health-related information to law enforcement? Ohio's new Deputy Suzanne Hopper Act requires that courts report certain mental health-related information to law enforcement for entry in the National Crime Information Center (NCIC). Effective Sept. 4, 2013, the act amended Ohio Revised Code Section 2945.402 and added Section 2929.44 to require courts to report the following to the original law enforcement involved:

- The conditional release of a person found incompetent to stand trial
- A finding of not guilty by reason of insanity
- Mental health evaluation or treatment orders for a person convicted of a violent offense

That law enforcement agency is then responsible for entering the mental health information into NCIC through LEADS so local officers can access it when needed. Law enforcement must access NCIC information through LEADS. Unlike items such as search warrants and protection orders, because this mental health information is provided directly to NCIC, an individual's record cannot be flagged to indicate more information is available through LEADS. *Information related to these reports is not available through OHLEG.*

## ***Miranda and Confessions (Requests for an Attorney): State of Ohio v. Ream***

**Question:** Are statements such as “get a public defender in here” and “they’re gonna have to provide me with some counsel” enough to activate *Miranda* rights?

**Quick Answer:** Maybe. But if the suspect continues to voluntarily talk and re-waives his right to counsel, even if it occurs several times throughout an interrogation, no violation of *Miranda* has occurred.

### **State of Ohio v. Ream, Third Appellate District, Allen County, Sept. 30, 2013.**

**Facts:** James Ream entered the Allen County Sheriff's Office wanting to speak to someone about his involvement in the murder of his brother Ron. Detective Mark Baker interviewed Ream several times, each time stating his rights and having him sign the advice of rights form. Baker stated that Ream did not exercise his right to counsel during any interview and freely and voluntarily answered all of his questions. Ream made the following statements in the interrogation concerning counsel:

“I will make you a deal. Give me some time to recount what happened. Get a public defender here with me so he can tell me what I am allowed to tell you because it's your job to provide the prosecutor with information, and I can't give you information right now. My mind is spinning right now...”

“They're gonna have to provide me with some counsel. I'll be happy to talk to you and fill in the gaps, but right now I'm still trying to remember what the gaps are.”

“Before I sign this, I am more than willing to cooperate, I need to have whoever they assigned [to] me present for any pertinent questions.”

After hearing these statements, Baker went out of his way to determine whether Ream was attempting to exercise his right to counsel. Baker told Ream numerous times that they did not have to talk and that he would leave the interview room right away if Ream no longer wished to speak with him. In response, Ream said he wanted to continue the interview. Ream argued he invoked his right to counsel, and the subsequent confession should be thrown out.

**Importance:** A merely “ambiguous or equivocal” invocation of the right to counsel does not dictate that law enforcement officers halt their questioning. Once an accused invokes his right to counsel, all further custodial interrogation must cease and may not be resumed in the absence of counsel unless



the accused then waives his right to counsel again or initiates renewed communication with officers. In this case, even if Ream's statements were construed as invoking his right to counsel, the court found no *Miranda* violation occurred because after discussing the possibility of obtaining a public defender, Ream immediately renewed communication with Baker and freely discussed the shooting.

**Keep in Mind:** Take a moment to pull up the full cases and read Baker's attempts to pin Ream down about whether he was waiving his right to counsel. Baker, over and over, recommitted Ream to his waiver and allowed Ream to continue the conversation on his own. This is why *Miranda* was not violated.

### ***More on Miranda and Confessions***

**Promises of Lenience and Flattery of Hope:** In your interrogation room, you have a suspect who has been accused of raping two minors. After he waives his *Miranda* rights, you make the following statements to the suspect during the course of the interrogation:

"You don't want to be presented as a monster. These kids aren't liars. Do you wanna hurt these kids? Six kids have the same story.?"

"Don't hurt the victims more. Let them have peace."

"Why would they lie? They love you. They don't want you to continue to lie. A jury will bury you."

"What happened in your childhood to make you do this? Maybe you should have got counseling. Let them be free. Let them heal. Don't make us go back to them and tell them they have to get on the stand. Let them know you are sorry. You don't want them acting out."

You also tell the suspect his case will end up in court. After the interrogation, the suspect confesses. He now claims his statements are the product of coercive police conduct in the form of overreaching, promises of leniency, and flattery of hope. Did you improperly make these statements? The court in *Kennedy* says no. The detectives told Patrick Kennedy twice that his case was going to end up in court, and they made no misrepresentations of law or offers constituting a reduction in sentence or charges. Although the detectives misrepresented to Kennedy that they had spoken with witnesses, the use of deception did not make the interview coercive and does not violate due process. [\*State of Ohio v. Kennedy\*](#), Second Appellate District, Montgomery County, Sept. 27, 2013.

## **Search of Vehicles and Traffic Stops (GPS and the Good-Faith Exception): *State of Ohio v. Allen***

**Question:** If you ask your prosecutor if it is OK to put a GPS on a SUV without a warrant and he says "yes," can you use a good-faith exception to the exclusionary rule even though the advice was incorrect?

**Quick Answer:** Probably not. The good-faith exception to the exclusionary rule is normally applied in cases in which the police acted in good faith based on a binding judicial document, such as a faulty warrant.

[\*State of Ohio v. Allen\*](#), Eighth Appellate District, Cuyahoga County, Sept. 26, 2013

**Facts:** After a residential burglary spree across multiple jurisdictions, the Lyndhurst Police Department received a tip that an SUV may have been involved in the crimes. The vehicle was registered to Brian Allen's wife. After surveillance of the address, police confirmed the SUV was in the parking lot of the couple's apartment complex and placed a GPS tracker to the bottom of the car. Police had asked a prosecutor if a warrant was necessary and were told no. They tracked the SUV for two days. Based on its coordinates and visual surveillance, they determined the vehicle was near two homes that had been burglarized. Police stopped Allen as he arrived home, and they saw electronic equipment in plain view inside the SUV. They got a search warrant for the SUV and Allen's home and found more stolen merchandise. Allen filed a motion to suppress because the police attached the GPS without a warrant. The state argued that even though the officers violated the Fourth Amendment by placing the GPS on the SUV without a warrant, the good-faith exception to the exclusionary rule should apply.

**Importance:** The purpose of the exclusionary rule is to deter future Fourth Amendment violations. The "good faith" exception is just what it sounds like: an exception to the general rule when you have a good faith reason to believe the search is lawful. But most cases in which the good-faith exception has been applied involve the issuance of a faulty warrant.

In this case, police had asked the prosecutor about the warrant. But the court found that officers cannot rely on a prosecutor's reassurance, and so by placing the GPS on the SUV, they acted recklessly. The court also determined the police acted recklessly because they crossed into another county, under the cover of night, and snuck into a gated community to install the GPS.

**Keep in Mind:** When it comes to the Fourth Amendment, the important thing to remember is to *not* use the exception. Do it right from the start and get a warrant. For a GPS warrant, remember that you need to tell the court specific information about the vehicle, including the VIN number, ownership, and where the car is normally located.

### ***More on Searches of Vehicles and Traffic Stops***

**Does it Matter Where on a Car a Dog Alerts?** On a snowy, windy night, you make a traffic stop and call for a K-9 sniff. When the dog arrives, the driver is instructed to remain in the car, turn it off, and roll up her window. The dog is given the command to search for narcotics and makes two complete circles. The dog alerts twice on the driver's side door. However, when you search the passenger compartment, you find nothing. You then open the trunk and find a purse containing marijuana and cocaine. The dog never alerted to the trunk. Were you allowed to search the trunk even though the dog did not alert to that location? The trial court in *Reid* said no. The court found the officer did not have a reasonable belief there were drugs in the trunk because the dog never alerted to that location. The appellate court disagreed. It found that the dog alerted twice on the vehicle, giving officers probable cause to search the entire vehicle, including any place drugs may reasonably be located. [\*State of Ohio v. Reid\*](#), Ninth Appellate District, Lorain County, Sept. 30, 2013.

**Hold Up. I Can't See your License Plate:** You are patrolling and come across a car in which the driver is not wearing a safety belt and the rear license plate is not illuminated. You issue a ticket. At trial, the driver presents photographs of the license plate showing it to be partially lit (although one light was out and the other light was covered with dirt). Does your ticket still stand? The court in *Ferrell* said yes. Even though photographic evidence showed one dirty light was on over the license plate, under a totality of the circumstances and based on the observations by the officer, there was reasonable suspicion to conduct the traffic stop. [\*State of Ohio v. Ferrell\*](#), Fifth Appellate District, Delaware County, Oct. 21, 2013.

**Are You More Credible than a Video Recording?** While on patrol you watch a driver swerve and almost hit a parked car. You decide to follow the car for a while to see if the driver makes more traffic violations. You watch the car drift back and forth and, as it passes a parked car, go left of center. At this point, you decide not to make a stop because going left of center to pass a parked car deserves leniency. You continue to follow the car and watch it go left of center again, noting the front tires cross the center line. You initiate the stop and find a drunk driver behind the wheel. At trial, your dash camera video is reviewed, but it does not clearly show the tires of the car crossed center. Is your testimony or a video more credible to the court? The court in *Anderson* says the trooper's testimony was more credible under a totality of the circumstances. Based on what the trooper testified and what he saw, he had probable cause to make the traffic stop. [\*State of Ohio v. Anderson\*](#), Fifth Appellate District, Muskingum County, Sept. 30, 2013.