



APRIL 21, 2015

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## Rodriquez v. U. S.

### *U. S. Supreme Court Holds That Absent Reasonable Suspicion, an Extension of a Traffic Stop in Order to Conduct a Dog Sniff Violates the Fourth Amendment*

In *Rodriquez v. U.S.*, No. 13-9972 (Apr. 21, 2015), a K-9 officer stopped a vehicle driven by appellant for a traffic violation. After attending to everything related to the stop, including checking the driver’s licenses of appellant and his passenger, and issuing a warning for the traffic offense, the officer asked appellant for permission to walk his dog around the vehicle. Appellant said no. The officer then detained the vehicle until another officer arrived. At that time, he walked his dog around the car. The dog alerted and a subsequent search revealed methamphetamine. The time between issuing the warning ticket and the dog alert was no more than seven or eight minutes.

The trial court held that there was no articulable suspicion to support prolonging the stop, but that the seven to eight minute delay for the dog sniff was a *de minimis* intrusion of appellant’s rights and therefore permissible under the Fourth Amendment. The federal appeals court agreed. The Supreme Court thereafter decided to hear the case to resolve a division among the lower courts on the question of whether police routinely may extend an otherwise-completed traffic stop, absent reasonable suspicion, in order to conduct a dog sniff.

In a 6-3 decision, the Court found that police could not do so. The Court stated that a routine traffic stop is more like a brief *Terry* stop than an arrest. Its tolerable duration in the traffic-stop context is determined by the seizure’s “mission” – to address the traffic violation that warranted the stop and attend to related safety concerns. Thus, because addressing the violation is the purpose of the stop, it may last no longer than is necessary to effectuate that purpose. When the tasks tied to the traffic violation are, or reasonably should have been, completed, the authority for the seizure ends.

Beyond determining whether to issue a traffic ticket, an officer’s mission includes ordinary inquiries incident to the traffic stop (e.g. checking driver’s licenses, registration, proof of insurance, and determining outstanding warrants). These checks serve the same objective as enforcement of the traffic code: ensuring that vehicles on the road are operated safely and responsibly. However, the Court found, a dog sniff lacks the same close connection to roadway safety as these ordinary inquiries and thus, cannot be fairly characterized as part of the officer’s traffic mission.

State Prosecution Support Division



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In rejecting the *de minimis* intrusion rationale, the Court stated that the critical question is not whether the dog sniff occurs before or after the officer issues a ticket, but whether conducting the sniff prolongs ( i.e., adds time to) the stop. If it does, it is a violation of the Fourth Amendment absent reasonable suspicion for the extension of time.