



# Roll Call Training Bulletin

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## SEARCH OF VEHICLES FOR IDENTIFICATION

### Summary

The California State Supreme Court recently issued a decision impacting an officer's ability to search an automobile for the driver's identification. In *United States v. People v. Lopez*, the Court concluded that an officer's desire to locate a driver's identification in a traffic stop did not constitute an independent exception to the Fourth Amendment's warrant requirement to search a car.

### Facts of the Call

In 2014, a Woodland Police officer handled a call in which an anonymous complainant made specific allegations regarding a car being driven in an erratic manner. The officer was unable to locate the car even after checking the address of the registered owner. That officer received a second anonymous call regarding the same car in which the complainant gave the car's location and identified the driver as "Marlena," who the caller alleged was intoxicated. Again, the officer was unable to locate the car, so he sat on the registered owner's address and waited. A short time later, Maria Lopez pulled up in the described car and parked.

The officer indicated he did not see any vehicle code violations surrounding Lopez's operation of the car and did not smell alcohol on Lopez or observe any other signs of intoxication. After the officer inquired, Lopez told him she did not have a driver's license. Without asking for Lopez's name or other identifying information, the officer detained Lopez and ultimately handcuffed Lopez when she tried to pull away from him.

The investigating officer then asked Lopez if she had any identification in the car. When Lopez replied there may be identification in the car, a second officer retrieved a purse from the passenger seat, handed it to the primary officer, who searched the purse and found a baggie with methamphetamine. Lopez was charged with 11377(a) HS and 14601.2(a) VC.

### The Case of *People v. Lopez*

The trial court granted Lopez's motion to suppress the evidence after concluding the officer's search for identification was inappropriate and the case was dismissed. The Third District Court of Appeal later reversed the suppression ruling after determining the search was valid under *In re Arturo D*, a 2002 case allowing officers to search a vehicle for personal identification documents without a warrant when drivers fail to provide a license or other valid identification.

### The California Supreme Court's Review

The California State Supreme Court agreed to review the *Lopez* case, having previously ruled in *In re Arturo D* that officers could enter vehicles and search for certain documents if those documents were not produced by the operator. **This time the Court changed its mind.** The Court acknowledged other courts (even courts outside of California) had not adopted the findings of *In re Arturo D* in its determination that the need to locate identifying documents justified the need for a warrantless search of the vehicle and the creation of a blanket exception to the Fourth Amendment. In its review of *Lopez*, the court determined the document search provisions granted under *In re Arturo D* unjustifiably intruded upon an individual's Fourth Amendment privacy interests and, thus, needed to



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be changed. The Court abandoned its earlier ruling under *In re Arturo D* and declared officers could no longer routinely search for identification or licenses (and likely not registrations or proof of insurance) when those documents were not presented by the driver.

## **How this Impacts Us**

Simply put, officers can no longer rely upon *In re Arturo D* as an exception to the Fourth Amendment when it comes to searching a vehicle for identify documents when the detained vehicle operator cannot produce them. Instead, officers need to use alternative methods to achieve a legal vehicle search. If an officer develops probable cause that a driver is lying about their identity (information provided by the driver does not correlate with data available through various systems), the driver can be arrested, and the vehicle may be searched for evidence of the crime of providing false identity information. Other methods to achieve a valid search include consent, exigent circumstances or probable-cause search based upon the automobile exception.