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**MOST RECENT UPDATES**

**EXCESSIVE AND UNREASONABLE FORCE**

 **Darden v. City of Fort Worth, LEXIS 14693 2017 (5th Cir)** It is excessive and unreasonable force to use a taser in the dart mode against someone who is not actively resisting arrest even during a no-knock warrant for cocaine. Putting the suspect face down, in a choke hold and punching and kicking him while pressing his face to the ground is unreasonable force given the suspect’s non-resistance.

**SPLIT SECOND DECISION BY OFFICER TO USE DEADLY FORCE**

 **AGAINST SUSPECT NOT UNCONSTITUTIONAL**

 **Mitchell v. Schlabuch, LEXIS 12977 2017 (6th Cir)** An officer responded to a call of a man assaulted with the suspect leaving in a car which he was driving erratically. During the chase that reached speeds of 100 miles per hour, the suspect lost control and crashed. The officer parked 63 feet from the suspect’s disabled car. The suspect got out of his car and crouched to the ground appearing unarmed. As the officer approached with his weapon drawn, the suspect walked towards the officer with clenched fists while refusing the officer’s direct commands to stop. The officer shot twice and the man died, the Federal Appeals Court held that the confrontation took less than 20 seconds, that courts must make “allowance for the fact police are often faced to make split-second judgments.” The Court held the officer had probable cause to believe the suspect posed an immediate threat to the officer’s safety and to shoot the suspect did not violate any clearly established rights.

**IS FLEEING FROM POLICE EVIDENCE OF**

**GUILT FOR A TERRY STOP? *Yes***

 **Chames v. Com, 2016 WL 2638250** An individual’s mere presence in a high crime area is not sufficient for reasonable suspicion, “proof of flight from police is some evidence of a sense of guilt.” The fact that the officer knew one in the group was a drug trafficker and that while chasing him the officer saw the suspect dispose of a black object, all support the officer’s decision to search the suspect who had drugs and a gun on his person.

**MAY AN ARREST OUTSIDE A HOME JUSTIFY A**

**PROTECTIVE SWEEP INSIDE THE HOME? *Yes***

 **Maryand v. Buie, 494 U.S. 325 (1990)** Officers went to a home on a bench warrant to arrest the suspect. The suspect came out the door and was taken into custody. The Warrant Exception “permits a properly limited protective sweep in connection with an in home arrest when the officer has a reasonable belief based upon specific and articulable facts that the area to be swept harbors an individual posing a danger to those on the scene”.

 **Van Vorst v. Com, 2016 WL 1627532** Extended the protective sweep doctrine to include an arrest taking place outside a home when the totality of the circumstances would cause a reasonable officer to have articulable suspicion that a protective sweep was necessary for officer safety.

**QUALIFIED IMMUNITY IN POLIC USE OF FORCE CASE**

 **White v. Pauly, 580 U.S.\_2017, No 16-67** This case addresses the situation when an officer who arrives late to the scene of a police action having witnessed shots being fired by one of two suspects at police. The late arriving officer shoots and kills an armed suspect without first giving a warning.

In an unanimous opinion of the Supreme Court it reversed both the Trial Court and the Federal Appeals Court and found the officer had immunity from suit.

This case is significant because it seems the Justices want to clearly establish that law suits against police are far too many and the lower courts should confer qualified immunity on police in many more circumstances.

The officer's failure to give a warning before he shot the suspect did not constitute a 4th Amendment violation. This case presented unique set of facts and circumstances. No settled 4th Amendment principle requires an officer to second guess the earlier steps taken by the officer on the scene. "Clearly established federal law does not prohibit a reasonable officer who arrives late to an ongoing police action from assuming that proper procedures such as officer identification have already been followed ".

**SHOOTING PIT BULLS DURING SEARCH WARRANT**

 **Brown v. Battle Creek Police, LEXIS 22447, (6th Cir) 2016** Officers executed a search warrant at a house where the subject had a criminal history, gang affiliations, and was involved in the drug trade. They encountered 2 large pit bulls barking and aggressively jumping. The officers felt they could not safely clear the house so they shot both dogs. The court agreed the officers acted reasonably and that there was no history of officer's needless killing of animals in the course of searches.

 **DEADLY FORCE AGAINST FLEEING SUSPECT NOT COMMITTING VIOLENT FELONY**

 **Wallace v. Cumming, #15-3279 (8th Cir) 2016** An officer's use of deadly force to shoot and kill a fleeing man was not reasonable as a matter of law because the record did not show that the man committed a violent felony of aggravated assault or that he posed a significant immediate threat to the safety of the officer or others. The man was not holding a gun when shot and the prior physical struggle was minimal.

**TERRY FRISK / REASONABLE SUSPICION**

 **Sellman v. State of Maryland, 2016 WL 4470904** Under Terry v. Ohio an officer can do a Terry Frisk on the basis of reasonable suspicion that someone is armed and dangerous. This case examines the "totality of the circumstances" viewed through the eyes of a reasonably prudent officer.

 Under the law an officer must have specific and articulable facts which taken together with rational inferences reasonably warrant a frisk.

 In this case, officers conducted a valid traffic stop and issued a warning ticket. The driver gave consent to search the car but that consent did not give officers the right to frisk a passenger. The officers failed to detail factors that made them suspicious the passenger was armed. A generalized concern about criminal activity fell short of reasonable suspicion. The court held the frisk was unconstitutional.

 **Utah v. Strieff, U.S Supreme Court 2016**  The discovery of a valid arrest warrant is sufficient intervening event to break the casual chain between an unlawful Terry Stop and the SEIZURE of evidence.

 **Ortiz v. Kazimer, (2016) 811 F. 3d 848 6th Cir.** Officers responding to an armed robbery call chased a 16-year-old with Down Syndrome. The boy stopped running when he reached his parents. The boy was slammed to the ground, cuffed and pinned by officers saying racial slurs at the Hispanic boy and his family. Officers were notified by radio that the robbers had been caught and released the boy saying as they did so "you were so lucky we didn't shoot you". The court held that the officers were not entitled to immunity.

 **Stamps v. Town of Franningham, (2016) U.S. App Lexis 2026 ( 1st Cir )** Swat Executed a warrant at a known drug houselooking for two known dealers. One officer pointed a loaded Automatic Rifle at the head of an older man who was at the house. The safety was off and the officer's finger was on the trigger, the officer mistakenly fired one shot probably as a result of sympathetic reaction/ contraction. The old man died. In ruling against the officer the court held it was clearly established that the officers actions were not constitutional or permissible.

**COMMUNITY CARE TAKER**

 **State v. Matalonis, 2016 WL 514150 (Wisc)**

Community Care Taking doctrine is interpreted differently in many states. In this case, cops responded to a call for medical and found blood splatter in the snow and on the house door. The cops heard two bangs from the house and knocked on the door and the door was opened by a man who showed no sign of blood but admitted he had fought with his brother.

The officers were allowed to enter to do a security sweep. They smelled pot and saw blood splatter on a locked door. The cops asked him to open the door and he refused. When told the cops would break the door down he told them where to find the key. There were pot plants inside the locked room.

The Defendant argued the search was a constitutional violation. The State argued the search was justified under Community Caretaking Exception. The Court reasoned the potential of finding pot when they searched the room did not render it impossible that there was also an injured person in that locked room.

The dissenting view asserted the Court was embracing an ever expanding version of the Community Caretaking Exception and the Court should be careful to avoid turning this Exception into an "investigating sword."

**LONG TERM POLE CAMERA SURVEILLANCE**

 **U.S. v. Houston, 2016 WL 482210 (6th Cir 2016)**

The Defendant was acquitted in the murder of two police officers. He lived with his family in a rural area and had signs depicting the bodies of the dead officers. The view of the property was blocked by blue tarps and trees. Cops suspected the Defendant was involved in various crimes, he had an extensive felony record.

Agents tried drive by surveillance of the property but they were not successful. The cops had a utility company install a surveillance camera on a nearby pole and monitored the pole camera for 10 weeks before getting a warrant.

The bad guy was arrested for being a felon in possession of a firearm based upon video showing him carrying a gun during the non-warrant surveillance and argued that evidence should be suppressed under the Supreme Court ruling in Jones where the court ruled that long term surveillance is worrisome because it evades ordinary checks that constrain abusive law enforcement practices.

The court ruled against the Defendant holding that there was no 4th Amendment violation because the bad guy had no reasonable expectation of privacy in video footage taken by a camera located on top of a utility pole on public property since that view could be captured by any passerby.

A strong dissent argued a 24/7 video raises privacy concerns.

**FAILURE TO TRAIN**

There is a line of cases going back to the 1970's that have held in multiple jurisdictions that civil liability may attach either under Common Law Negligence or 42 U.S.C. Sec 1983 where the city or county, the chief of police or sheriff, the instructor and the officer may be held liable for failure to train because of;

 1. Department and/or instructors omitted vital subjects from training curriculum.

 2. Failed to raise trainers to sufficient level of proficiency.

 3. Taught obsolete and/or dangerous techniques.

 4. City or County had a deliberate policy of improper training.

 5. Officers responsible for department training acted with reckless disregard for the inadequacies of the training program.

 Popow v. City of Margate 476 F Supp 1237 (D.N.J. 1979)

 Camancho v. City of Cudahy (UC 009187 LA Superior Court 1994)

 Watson v. City of Los Angeles (NO BC085132 LA Superior Court 1995)

**NO TERRY STOP WHEN SUSPECT IS INSIDE HOME**

**Moore v. Pederson (2015) WL 5973304**

Cops responded to a call of a disturbance in an apartment parking lot. When they arrived they learned the bad guy had gone into a nearby apartment. They did a knock and talk and the bad guy refused to come out or let them in but stood in the threshold and refused to give his name.

The cop told the bad guy to turn around and place his hands behind his back and the reached across the threshold of the door and handcuffed the bad guy who made a claim of unlawful arrest. The bad guy won.

The Supreme Court has loudly said in numerous recent opinions that the physical entry into a home is the chief evil against which the 4th Amendment is directed.

Without a warrant, any physical invasion of the structure of a home even by inches is too much absent the most exigent circumstances.

**MENTAL HEALTH:**

**SOME DUTY TO ACCOMODATE A MENTAL DISABILITY**

 **Taylor v. Schaffer, (2015) LEXIS 16119**

A mental patient reported suicidal intent. Troopers were dispatched to the scene, were told by the landlord that the man had a mental condition and should be left alone. She also told the cops there were no guns in the house.

Shortly thereafter, a cop saw the man in the woods nearby and while pointing a rifle at him, ordered him to show his hands. The man walked towards the trooper with one hand clinched and the cop fired his taser. He died. The courts found the trooper knew of the mental disability and could have left him alone as requested.

**DEALING WITH SUICIDE**

 **City of San Francisco v. Sheehan, (2015) LEXIS 3200**

Police were called to the home by the wife who told cops she had argued with her husband who was now in the garage with a shotgun in his mouth. The police kicked in the door and shot the man 4 times within three minutes of arriving at the scene.

The court ruled against the officers noting they never tried to talk with the guy and that they lacked reasonable belief that the man posed a threat.

 **DO NOT EXTEND A TRAFFIC STOP WAITING FOR**

**A DRUG DOG WITHOUT REASONABLE SUSPICION**

 **Rodriguez v. U.S, (2015) WL 1780927** Police stopped the bad guy for a traffic violation. Air freshener and nervousness of the driver made the officer suspicious. The cop issued a warning citation and called for backup. When backup arrived he sought permission to do a dog sniff. The bad guy refused and was removed from the car. Seven or so minutes later the dog gave a positive response and meth was found.

The United States Supreme Court has ruled that the seven or so minute extension of the stop exceeded the time needed to issue the warning ticket and was an unconstitutional violation of the Fourth Amendment and was an unreasonable seizure.

The Court, in its ruling, has established a bright line rule that prolonging of the stop for a drug dog sniff must be based on reasonable suspicion.

**SHORT EXTENSION OF STOP FOR DRUG DOG SNIFF MAY BE O.K.**

 **U.S. v. Winters, (6th 2015) 782 F. 3d 289** This interesting decision was releasedafter the Rodriquez decision by the Supreme Court.

After a warning ticket was issued the officers had the dog do an outside sniff of a car within three minutes of the stop. The dog hit on the car and when that occurred the bad guy tossed a bag of pot to the side of the road. The cops, before the sniff, had developed some reasonable suspicion in conversations with the driver and passenger. The officer did not stop the dog sniff after the throw down pot and found a kilo of heroin. The bad guy was charged with trafficking and argued the stop had been unlawfully prolonged do to the dog sniff.

The Court held that nervousness, inconsistent travel plans and odd rental arrangement, when considered in the aggregate, justified a brief wait (3 or 4 minutes) for another officer to arrive for safety reasons and that the dog search was constitutional under all these factors.

**CAN YOU DO A KNOCK & TALK AT A BACK OR SIDE YARD?**

 **Carroll v. Carmon, (2014) 135 S. Ct 348** Officers were looking for a man who had stolen a car and went to an address they had for him. The Officers parked in the first available spot near the house which was at the far rear of the property.

The Officers went to a rear deck (the first door to the house from their approach) and confronted a man who walked away from them and then gained access to the house with permission from the homeowner's wife to search for the car thief.

The homeowner, Carmon, sued for a violation of the 4th Amendment alleging the cops violated their rights by entering the backyard and going onto the deck.

The 3rd Circuit found the Officers did violate the 4th Amendment and that the violation was clearly established law.

The U.S Supreme Court says they found it "perplexing" that the 3rd Circuit could consider the law "clearly established" when the 3rd Circuit was clearly announcing a new rule that contradicted numerous other Court decisions. Several decisions from other Circuits have held an Officer may do a Knock & Talk at any reasonable door that is "open to visitors".

Whether a Knock & Talk can only be done at the front door was not answered by the Supreme Court. It is noteworthy that several Circuit Court decisions have not restricted Knock & Talks to the front door.

**CO-TENANT MUST AFFIRMATIVELY OBJECT**

**TO ENTRY TO DEFEAT OTHER TENANT'S CONSENT**

U**.S. v. Moore, (9th Cir 2014) WL 5368855** When a co-tenant gives on o.k. to search a home, any co-tenant must expressly object or the rule of GA v. Randolph, (2006) 547 U.S. 103 does not apply.

**CONSENT TO SEARCH CAR**

 **U.S. v. Iraheta, 2014 WL 4086372** Consent to search did not apply to passengers who did not hear request to search the car. An officer stopped a bad guy for a traffic violation. When the officer learned the bad guy had an expired license he asked him to step out of the car where he asked for and got a consent to search the car. The passengers in the car never heard the search request or the consent.

 Meth and Coke were found in a bag and the driver contented he did not know who the bag belonged to. The passengers claimed they never gave consent and the driver's consent did not apply to them.

 Prior rulings have extended a driver's consent to search any bag when the passengers did not object to the search. Their three bags (one for each occupant) should have put the officer on notice that all bags did not belong to the consenting driver. It seems clear that an officer should get consent from the driver and each passenger before searching as the court tossed this search as a constitutional violation.

**ILLEGALLY SEIZED EVIDENCE**

 **U.S. v. Christy (10th Cir 2014) WL 26455** Illegally seized evidence need not be suppressed if the state convinces the Court that the evidence would inevitably have been discovered by lawful means.The Court in this case held that the "inevitable-discovery doctrine" requires only that the lawful means of discovery be independent of the constitutional violation.

 In this case the cops could observe through a window to the house an adult having sex with an under age girl who had been transported across state lines. While the Trial Court agreed the cops lacked justification to make a warrantless entry, the Court reasoned under the inevitable discovery rule as set forth in Nix v. Williams, 467 U.S. 431 (1984 Supreme Court) that the officers would have obtained a search warrant even if they had not entered. Therefore the charges of child pornography were not suppressed.

**TASER AGAINST TIRE SLASHER**

 A second officer, who used his taser three times in the dart mode while the bad guy lay prone and unarmed on the ground with an officer sitting on his back, was found not to have used excessive force since the arrestee was not effectively secured. The taser was also used several times in the stun mode before the suspect was handcuffed and that was also found not to be excessive force.

 **Arnold v. Buck (2013 U.S. District) LEXIS 108629.** The use of a taser during a pursuit of a tire slasher was reasonable as the officers were aware he had a knife, he was argumentative and fled and disobeyed orders to stop. The use of the taser after the bad guy was subdued was a constitutional violation.

 **Tourie v. Weber County (2013 Utah) LEXIS 120.** Officers engaged in a high speed pursuit owe a duty of care to all persons, even fleeing suspects who are driving to 100 mph.

**DRIVERS CONSENT FOR SEARCH MAY TRUMP PASSENGER'S OBJECTION**

 **State v. Copeland (2013) WL 1909157 (Texas Crim. App. 2013**).Cops saw a man and woman drive away from a drug house. The car was stopped for a traffic violation. The driver consented to a search of the car, the passenger (common law wife) objected to the search.

 The trial judge suppressed the drugs found in wife's possession. (She claimed she was holding them for a friend). Reasoning that the case of GA v. Randolph 547 U.S. 103 (2006), controlled when the United States Supreme Court held that one resident's objection to a residential search trumps another resident's consent to search.

 The Appellate Court declined to equate a car with a person's castle. Vehicles have less constitutional protection than homes. The Court reasoned that unless the occupants of the car who objected to the search, fell within some "recognized hierarchy" (maybe owner but not driver?) society recognizes the superior legal right in a car is held by the driver not the passenger.

**DNA SAMPLES FROM SOMEONE ARRESTED**

**ON SUSPICION OF A VIOLENT CRIME**

 **Alonzo King v. Maryland (June 2013).** A Supreme Court's decision's (5-4) upheld a Maryland law that allows a DNA cheek swab that would be matched against a nationwide DNA data base for unsolved crimes. The Maryland Court of Appeals ruled the DNA sample violated the 4th Amendment which requires probable cause.

 Justice Kennedy agreed with the State that argued that DNA sampling was allowed to confirm identity as well as an invaluable tool to solve cold cases. Kennedy felt there was little difference between a DNA swab and finger printing.

 The Maryland law applies only to those arrested on suspicion of violent crimes or burglary and the samples must be destroyed if charges are dismissed.

 In a strongly worded dissent, Justice Scalia contended the court has opened the door to wider use of mandatory DNA sampling and warns that it won't be long before if you are ever arrested your DNA can be entered into a National Database despite the safeguards in the Maryland law.

**TRASH SEARCH/WHAT CONSTITUTES CURTILAGE**

 **Commonwealth v. Ousley, (2013) WL 1181956**. An informer told cops the bad guy was selling meth. An officer went to the side of the bad guy's townhouse and took garbage bags from trash containers that had not yet been taken to the curb for collection. Meth residue in plastic bags was found in the trash, a warrant was obtained and the bad guy appeals saying the trash was still stored within the curtilage of the home and could not be searched without a warrant. The courts have disagreed on whether trash not yet taken to the curb is subject to a warrantless search.

 While police have been given some guidance regarding what constitutes the curtilage of a home (U.S. v Dawn, 480 U.S. 294) where the Supreme Court suggested four factors: (1) whether the area is included in an enclosure with the home; ( 2) whether the resident has taken steps to prevent observation from people passing by; (3) how the area is used; (4) the area's proximity to the home, the Supreme Court has now given further guidance in this case and suggested that in most cases if the trash is still within the curtilage of the home, it should not be searched without a warrant. The court did not address trash readily accessible to the public but not yet put out for collection. Like its decision in the Fla v. Jardines case, the Supreme Court seems to be saying that once you enter the curtilage of a home there is greater protection to the bad guy under the 4th Amendment . (Get clear direction from your legal officer on how to proceed in your state).

**SEARCH WARRANTS**

 **Bailey v. U.S. (2013) WL 598438.** The Supreme Court has reversed the lower court and ruled that officer's may not stop and detain persons who have just left the search warrant target premises and are some distance away. The Supreme Court said in ruling against the cops "once an individual has left the immediate vicinity of a premises to be searched, detectives must be justified by some other rationale". The court did not clearly define what is meant by immediate vicinity. Is it line of sight? A particular distance? Those questions will go back to the Court of Appeals to provide an answer.

**DRUG DOG**

 **Florida v. Harris (2013) WL 598440**. The U.S. Supreme Court has overturned the Florida Supreme Court's decision that held that a dog alert by a trained and certified dog is not enough to establish probable cause to search the interior of a car and the driver. The U.S. Supreme Court said that the Florida court "flouted well established principles of probable cause when it created an inflexible check list for the State to satisfy in order to establish that a detector dog's final response provided probable cause to search a vehicle".

 The U.S. Supreme Court held that if the dog is certified and tested and under goes continuous training, the courts should presume the dog's final response provides probable cause to search.

 **Note:** Be sure the dog teams certification is from a "bona fide" certifying organization that uses single blind testing and that the team under goes regular training.

**RUSE DRUG CHECK POINT**

 **U.S. v. Neff 681 F 3d 1134 (10th Cir. 2012).** A road block checkpoint sign indicating a drug detector dog was in use, was placed on a rural highway. There was no road block.

 The bad guy saw the sign and exited the highway onto a gravel road. The cops stopped him and he appeared nervous. He had 7 kilos of cocaine.

 This court held that the cops may not rely solely on a driver's decision to use a rural or dead exit following check point signs. The court stated the cops must identify additional suspicious circumstances or independently evasive behavior to justify stopping a vehicle that uses an exit after ruse drug checkpoint sign.

**FACEBOOK SEARCH**

 **U.S. v. Meregildo (2012) Case 1: 11 C R 00576.** Bad guy moves to suppress evidence seized

from his facebook account pursuant to a warrant. Cops used one of bad guys "friends" to gain access to the bad guy's private profile.

 When social media user disseminates his postings to the public they are not protected by the 4th Amendment (Katz 389 U.S. at 351). Postings using more secure private settings may be constitutionally protected.

 The cops viewed the bad guys profile using a cooperating witness who was a "friend" on his facebook account. This did not violate the 4th Amendment as the bad guy had no justifiable expectation that his "friends" would keep his profile private.

**RIGHT TO RECORD POLICE ACTION**

 **Glik v. Canniffer, (12th Cir., 2011, Mass).** The public has a right to record police action in a public place as long as they do not interfere with the ongoing investigation. Question: Does this mean the public can film an officer who is working undercover? Couldn't such filming pose both an officer safety concern as well as interference with an ongoing investigation?

**COMPUTER SEARCHES**

 **United States v. Stabile, Fed. 3d (2011), Westlaw 294036 (3d Cir., 2011).** Secret service agents looking for evidence of financial crimes searched a computer belonging to the bad guy with permission of his presumed spouse. The search revealed material for making counterfeit checks and a warrant was obtained. In looking for evidence of financial crimes the officer highlighted a file that apparently contained videos of child porn. A second search warrant was obtained to search the files containing child pornography.

 A number of courts are trying to create limits on the application of the Plain View Doctrine to computer searches. The item may be seized under the Plain View Doctrine if three factors are present: (1) the initial intrusion is lawful; (2) the item seized is in actual plain view; and (3) the incriminating nature of the item is immediately apparent. Some courts have held that a search should be limited by using narrow search terms. *See* U.S. v. Carey, 172 Fd. 3d 1268 (10th Cir.) States v. Mann, 592 Fed. 3d 779, 7th Cir. (2010). This case reminds officers that when a suspicious file is located that is outside the scope of the initial search warrant it is always better to obtain a second warrant.

**FRISKING ALL GROUP MEMBERS**

 **Williams V. Commonwealth of Kentucky, WL 5877781 (2011).** Frisk of all group members allowable when crime being openly committed. Bad guy was with group of friends, some of whom were smoking weed. Bad guy was not seen smoking weed. A frisk of guys smoking weed found guns on two members of group. Cops then frisked bad guy and found gun on him (convicted felon). Bad guy argued frisk of him unconstitutional because there was no suspicion particular to him. Kentucky court disagreed. They held police had reasonable suspicion to detain entire group and seeing bulge in bad guy's pants led to valid frisk. Remember frisks of all persons present at crime scene not usually allowed but a detention may be justified where someone is hanging out with others who are openly violating the law.

**PROTECTIVE SWEEP**

 **State V. Manuel, WL 6372855 (2011).** Protective sweep of area adjacent to arrest of bad guy can include lifting the mattress and looking under beds since officers testified they routinely do so to search for anyone who could potentially pose a damage to the officers.

**OPEN CLOSED CONTAINERS**

 **South Dakota v. Opperman, 428 U.S. 364 (1976) and Colorado v. Bertine, 479 U.S. 367 (1987),** Both addressed the issue of when police may inventory the contents of closed containers found in vehicles lawfully taken into custody. In those cases the Courts held that inventory fulfills three government interests: (1) it protects the owner's property while it is in the custody of the police; (2) it insulates the police from claims of lost, stolen or vandalized property and (3) it guards the police from danger.

 In this case the Court of Appeals held that inventory was guided by sufficiently detailed policy. The written policy giving the officers the right to search all accessible areas of the vehicle, including the trunk, provided that they could do so as long as they did not force open either the trunk or locked container. The cocaine was found in a plastic bag in the trunk, the warrant was obtained and the search was thereafter admissible.

 All police agencies should ensure that their policies are tailored to both Federal and State Court decisions pertaining to inventory searches.

**1/18**