



Advanced Traffic Stops

COURSE OUTLINE

Every stop, every search, every passenger: the case law that holds up in court

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Course Description

Advanced Traffic Stops covers the legal issues surrounding stopping, investigating, and searching a vehicle and its occupants, a skill every officer needs to possess. Whether the student is fresh out of the academy or two years from retirement, this course will make them an expert on traffic stop case law: what counts as a search, what a pretext stop does and does not allow, how long a stop can last and what can be done during it, how to get consent that holds up, and the six warrantless vehicle searches and the articulation each one requires.

Course title	Advanced Traffic Stops (ATS)
Length	8 hours (480 minutes: 400 minutes of instruction, a 60-minute lunch, and two 10-minute breaks)
Learners	In-service training for certified law enforcement officers, including patrol, traffic, investigations, specialty units, K9 handlers, supervisors, and administration
Prerequisites	None
Methods	Lecture with slides, video case studies, Socratic discussion, case briefs, hypotheticals, state-law comparisons, and an in-class knowledge check
Assessment	Ten-question knowledge check and instructor observation. Certificates issued through Blue to Gold University.
Instructor	Blue to Gold legal instructor. Course author: Anthony Bandiero, Esq., Attorney and President.
Contact	Blue to Gold, LLC, 174 E Neider Ave #212, Coeur d'Alene, ID 83815 888-579-7796 info@bluetogold.com www.bluetogold.com

Learning Objectives

By the end of this course, the student will be able to:

1. State the three Search and Seizure Golden Rules and apply them to a traffic stop.
2. Explain why the Fourth Amendment treats vehicles differently from homes.
3. Apply the Jones trespass test to decide whether touching a vehicle, chalking a tire, or a dog's contact with a car is a search.
4. Distinguish a lawful pretext stop under Whren from an unlawful pretext arrest.
5. Define a stop's "mission" under Rodriguez and determine whether questioning, a consent request, or a K9 sniff unlawfully prolonged the stop.
6. Apply the five lawful ways to continue an investigation during a stop: consent, downtime, multitasking, a backup officer, and conversion.
7. Describe what officers may lawfully do with passengers and identify state-law limits.

8. Identify the three factors of valid consent (voluntary, authority, scope) and the facts that prove each.
9. Distinguish the six warrantless vehicle searches and state the justification and limits of each.
10. Articulate a nexus between contraband and a specific passenger before searching that passenger.

Schedule

Segment	Slides	Minutes
Part One: Fundamentals	1 to 32	25
Part Two: History Lesson	33 to 82	50
Break		10
Part Three: Making the Stop	83 to 104	30
Part Four: Questioning and Pursuing Hunches	105 to 185	65
Lunch	1	60
Part Four: Passengers and Consent	186 to 321	90
Break		10
Part Four: Community Caretaking	322 to 337	15
Part Five: Warrantless Searches	338 to 502	110
Part Six: Takeaways	503 to 538	15
Total		480

Part One: Fundamentals

SLIDES 1 TO 32 | 25 MINUTES

Opening the Class

- ▶ Instructor introduction, course goal, and roadmap; housekeeping (certificates, disclaimers, content advisory)
- ▶ Federal standard taught unless stated; state law and agency policy may be more restrictive; legal education, not legal advice

The Fourth Amendment and the Golden Rules

- ▶ Five preview questions: touching a vehicle, when a stop ends, protective sweep scope, prohibited inventories, three factors of consent
- ▶ The Fourth Amendment prohibits unreasonable searches and seizures; reasonable means consent, a recognized exception, or a warrant
- ▶ Rule One: the more you articulate why, the more likely it is upheld
- ▶ Rule Two: the more serious the crime, the more reasonable your actions appear; *Welsh v. Wisconsin*, 466 U.S. 740 (1984)
- ▶ Rule Three: probabilities, not possibilities

Part Two: History Lesson

SLIDES 33 TO 82 | 50 MINUTES

The Major Cases

- ▶ Why courts allow warrantless vehicle searches: mobility, regulation, reduced privacy
- ▶ *Carroll v. U.S.*, 267 U.S. 132 (1925); *Chambers v. Maroney*, 399 U.S. 42 (1970); *Michigan v. Thomas*, 458 U.S. 259 (1982)
- ▶ *U.S. v. Ross*, 456 U.S. 798 (1982): scope of a probable cause search
- ▶ *Cady v. Dombrowski*, 413 U.S. 433 (1973); *S. Dakota v. Opperman*, 428 U.S. 364 (1976): caretaking and inventory
- ▶ *California v. Carney*, 471 U.S. 386 (1985): motor homes used for transportation

What Counts as a Search

- ▶ *U.S. v. Jones*, 565 U.S. 400 (2012): trespass plus intent to gather information
- ▶ *U.S. v. Richmond*, 915 F.3d 352 (5th Cir. 2019): pressing a tire; *State v. Bruzzese*, 94 N.J. 210 (1983): unreasonable actions, not improper thoughts
- ▶ *United States v. Poller*, 129 F.4th 169 (2d Cir. 2025); *U.S. v. Owens*, 917 F.3d 26 (1st Cir. 2019)
- ▶ *State v. Hendricks*, 151 Or. App. 271 (1997); *State v. Mandel*, 187 A.3d 896 (2018): head in the window
- ▶ *Taylor v. City of Saginaw*, 922 F.3d 328 (6th Cir. 2019): chalking tires; *State v. Roller*, 2019 WL 2153299 (2019): VIN under a cover

Part Three: Making the Stop

SLIDES 83 TO 104 | 30 MINUTES

Pretext Stops

- ▶ Objective test: “could you have,” not “would you have”; never racial profiling
- ▶ Whren v. U.S., 517 U.S. 806 (1996)
- ▶ State law: State v. Sullivan, 348 Ark. 647 (2002) (pretext arrests); State v. Portillo, 150 N.M. 187 (2011); State v. Mendez, 137 Wash.2d 208 (1999)
- ▶ Pretext stop video and discussion; solid articulation

Scope, Duration, and Moving People

- ▶ Scope is set by the stop’s mission; duration is a melting ice cube
- ▶ Involuntary transport usually equals arrest absent exigency; seek consent first
- ▶ U.S. v. Charley, 396 F.3d 1074 (9th Cir. 2005); In re Carlos M., 220 Cal. App. 3d 372 (1990); Comm. v. Revheardere, 888 A.2d 694 (2005)

Part Four: Investigative Techniques

SLIDES 105 TO 337 | 170 MINUTES PLUS LUNCH AND BREAK

Questioning and the Rodriguez Rule (slides 105 to 143)

- ▶ Unrelated questioning is permissible if it does not prolong the stop; time, not topic
- ▶ *Rodriguez v. United States*, 575 U.S. 348 (2015); *Arizona v. Johnson*, 555 U.S. 323 (2009)
- ▶ Related to the mission: *U.S. v. Campbell*, 26 F.4th 860 (11th Cir. 2022); *U.S. v. Holt*, 264 F.3d 1215 (10th Cir. 2001); *U.S. v. Mason*, 628 F.3d 123 (4th Cir. 2010); *U.S. v. Smith*, 2019 WL 4691469 (S.D.W. Va. 2019); *U.S. v. Buzzard*, 395 F. Supp. 3d 750 (S.D.W. Va. 2019)
- ▶ Unlawful extensions: *Campbell* (25-second laundry list); *U.S. v. Williams*, 2023 WL 5925893 (9th Cir. 2023)
- ▶ State law: Kansas, Oregon, Minnesota, Alaska, New Mexico, New York

Pursuing Hunches (slides 144 to 185)

- ▶ Five ways to keep going: consent, unavoidable downtime, multitasking, backup officer, conversion
- ▶ Consent: *U.S. v. Salkil*, 10 F.4th 897 (8th Cir. 2021); *Hutchins v. State*, 475 S.W.3d 496 (Tex. App. 2015); *U.S. v. Watson*, 423 U.S. 411 (1976); *U.S. v. Klein*, 2007 WL 9729108 (E.D. Wash. May 3, 2007); *Gravelle v. State*, 513 P.3d 1290 (Nev. App. 2022)
- ▶ Downtime: *U.S. v. Estrada*, 459 F.3d 627 (5th Cir. 2006); multitasking: *U.S. v. Goodwill*, 24 F.4th 612 (7th Cir. 2022)
- ▶ Conversion and the trooper two-step: *Com. v. Strickler*, 563 Pa. 47 (2000); *People v. White*, 770 N.E.2d 261 (2002)

Identifying and Controlling Passengers (slides 186 to 217)

- ▶ Passenger ID requests: *State v. Martinez*, 2017 UT 43 (2017); state limits in Alaska, Minnesota, Washington
- ▶ *Brendlin v. California*, 551 U.S. 249 (2007); *Arizona v. Johnson*; *Maryland v. Wilson*, 519 U.S. 408 (1997)
- ▶ Order any occupant in or out for any legitimate reason; state limits in Massachusetts, Minnesota, Oregon, Washington

Voluntary Consent (slides 218 to 271)

- ▶ Three factors: voluntary, authority, scope; why suspects consent
- ▶ *U.S. v. Strickland*, 902 F.2d 937 (11th Cir. 1990); *U.S. v. Polly*, 630 F.3d 991 (2011); *U.S. v. Moreland*, 437 F.3d 424 (2006)
- ▶ Factors: *Com. v. Caban*, 60 A.3d 120 (2012); *U.S. v. Chan-Jimenez*, 125 F.3d 1324 (1997); *United States v. Mayo*, 627 F.3d 709 (8th Cir. 2010); withdrawal; level of intrusion
- ▶ State restrictions on consent requests (Alaska, Colorado, Indiana, Iowa, Kansas, Massachusetts, Minnesota, New Jersey, New Mexico, Oregon, Pennsylvania, Washington)

Consent: Authority and Scope (slides 272 to 321)

- ▶ Common authority and the piggyback rule; *Fernandez v. California*, 571 U.S. 292 (2014); *Georgia v. Randolph*, 547 U.S. 103 (2006)
- ▶ Vehicle hypotheticals: *U.S. v. Infante-Ruiz*, 13 F.3d 498 (1994); *People v. Olivas*, 859 P.2d 211 (1993); *U.S. v. Eldridge*, 984 F.2d 943 (1993); *State v. Daniels*, 848 N.W.2d 670 (N.D. 2014)
- ▶ Scope: *U.S. v. Gregoire*, 425 F.3d 872 (2005); *People v. Cantor*, 149 Cal.App.4th 961 (2007); *U.S. v. Elliott*, 107 F.3d 810 (1997)
- ▶ Destructive searches: *U.S. v. Osage*, 235 F.3d 518 (2000); *U.S. v. Torres*, 663 F.2d 1019 (10th Cir. 1981)

Community Caretaking (slides 322 to 337)

- ▶ Not a criminal investigation; leave or convert when the concern ends; not for evidence collection
- ▶ *State v. Elders*, 192 N.J. 224 (N.J. 2007); *State v. Martinez*, 260 N.J. Super. 75 (App. Div. 1992); *Commonwealth v. Livingstone*, 644 Pa. 27 (2017); *Commonwealth v. Robertson*, 2019 WL 441003

Part Five: Warrantless Searches

SLIDES 338 TO 502 | 110 MINUTES

Protective Sweeps and Search Incident to Arrest (slides 338 to 359)

- ▶ Michigan v. Long, 463 U.S. 1032 (1983); State v. Chang, 195 P.3d 1008 (2008); U.S. v. Arnold, 388 F.3d 237 (2004)
- ▶ Arizona v. Gant, 556 U.S. 332 (2009); People v. Sims, 59 Cal.App.5th 943 (2021)

Evidence Searches and Inventories (slides 360 to 388)

- ▶ Reason to believe evidence of the offense of arrest: United States v. Reedy, 989 F.3d 548 (7th Cir. 2021)
- ▶ Inventory per policy with a noninvestigatory reason: Opperman; U.S. v. Del Rosario, 968 F.3d 123 (1st Cir. 2020); State v. Krall, 2023 ND 8, 984 N.W.2d 669
- ▶ Red flags courts watch for; “Let it go”

K9 Sniffs (slides 389 to 434)

- ▶ Illinois v. Caballes, 543 U.S. 405 (2005); the original reason for the stop must continue
- ▶ U.S. v. Ludwig, 10 F.3d 1523 (1993); U.S. v. Cornejo, 196 F. Supp. 3d 1137 (2016); U.S. v. Hawley, 660 Fed. Appx. 702 (2016); State v. Linze, 389 P.3d 150 (2016)
- ▶ Dogs and Jones: U.S. v. Thomas, 726 F.3d 1086 (2013); U.S. v. Stone, 866 F.2d 359 (10th Cir. 1989); State v. Howard, 169 Idaho 379 (2021); State v. Dorff, 526 P.3d 988 (2023); low is the way to go

The Motor Vehicle Exception (slides 435 to 487)

- ▶ Applies to all vehicles used in transportation; state exigency requirements (Alaska, New Mexico, Pennsylvania, Washington)
- ▶ Probable cause: Illinois v. Gates, 462 U.S. 213 (1983); Texas v. Brown, 460 U.S. 730 (1983); Maryland v. Dyson, 527 U.S. 465; State v. Nunez, 262 N.J. Super. 251 (1993); U.S. v. Hill, 195 F.3d 258 (1999)
- ▶ Not within curtilage: Collins v. Virginia, 584 U.S. 586 (2018); disabled cars: U.S. v. Mercado, 307 F.3d 1226 (10th Cir. 2002)
- ▶ Scope: U.S. v. Ross; Wyoming v. Houghton, 526 U.S. 295 (1999); U.S. v. Nielsen, 9 F.3d 1487 (1993)

Searching Passengers (slides 488 to 502)

- ▶ Probable cause for the car is not probable cause for the passenger; nexus required
- ▶ U.S. v. Di Re, 332 U.S. 581 (1948); State v. Wallace, 372 Md. 137 (2002); Whitehead v. Commonwealth, 278 Va. 300 (2009); Jordan v. State, 394 S.W.3d 58 (Tex. App. 2012)
- ▶ Nexus factors: location of alert, guilty-mind evidence, description and nervousness, prior history, plain view

Part Six: Takeaways

SLIDES 503 TO 538 | 15 MINUTES

- ▶ Ten-question knowledge check with discussion
- ▶ Golden Rules; Jones; Rodriguez (time, not topic); consent (voluntary, authority, scope)
- ▶ Six warrantless searches, six justifications; write the word “because”
- ▶ The car and its passengers are separate Fourth Amendment questions