

Ins and outs of car searches

Highlighting the difference between car searches on school campus and police searches in public

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Police Searches

Junior Lauren Grant had her car searched by a Norwalk police officer one night when she and two friends pulled over to look up directions. "We drove all the way out to Norwalk, we were lost and confused and we pulled into an empty parking lot to look up where we were," Grant said. When a cop pulled in behind Grant with lights flashing she was not sure what she had done wrong.

The parking lot that Grant pulled into turned out to be a common drug dealing area and the police wanted to be sure she was not involved. "He asked me 'Can I search your car?' and I told him yeah because I had nothing to hide," Grant said.

Police need to have probable cause to search a car instead of reasonable suspicion. "If the officer sees something in plain view that gives him probable cause or based off the consent given by the driver," Johnston police officer Sergeant Eric Spring said.

When a police officer asks permission to search a car that does not necessarily mean that they do not have probable cause. "If I pull a car over and I smell the distinct smell of marijuana, because I've been a cop for 15 years, I have probable cause," Spring said. "I can work that into conversation maybe asking are there any weapons in the vehicle? No. Mind if I search the car? No. Okay."

Even though Spring had probable cause it may be easier to give the illusion of choice to the driver. "We want to diffuse the situation as much as possible because some car stops can be high intensity and the officer's safety may be at risk," Spring said.

Although an officer may not have probable cause, an interaction with a driver can tip off a policeman that they may be suspicious. "Every interaction is different and it's based on the interaction with the driver and what is visible," Spring said.

When interacting with a police officer and they do not have probable cause but maybe reasonable suspicion is when consent comes into play. "Nine times out of 10 the officer will advise you that you're free to go and then ask some further questions," Spring said. "Then at that time they'll usually ask for consent based off some of the things they may have seen."

Grant decided to give consent to the car search because she felt she had nothing to hide even if she did not enjoy the idea of her car being searched. "I did think that

if I said no he would automatically think that I was hiding something and that he would've thought of me as a bad person," Grant said. "I wasn't sure that if I said no, that no is no and they wouldn't of searched my car."

Saying 'No' to a police officers request to search the car is never an admission of guilt and if there is no probable cause the officer can not search. "If I ask for consent after a violation and you tell me no I'm going to say have a nice day and walk away," Spring said.

While Grant's car was searched she felt uncomfortable watching the officers go through her things. "He opened all my car doors and he made me open up my trunk looked all over for about 10 minutes," Grant said. "Then they said 'Okay there's nothing in here and I was like 'yeah I know' and then we got to leave."

After the uncomfortable experience Grant decided she did not want to go through it again. "Next time I would [say no] because I've already proved my innocence," Grant said.

School Searches

There are a lot of differences between dealing with a car search on school campus verses a police search. "We have a lesser degree that we have to get to for reasonable suspicion, rather than probable cause," assistant principal Jerry Stratton said.

Schools follow a reasonable suspicion basis for taking action instead of probable cause. This means that if a reliable source gave a tip, the school could search a car without anything in plain view.

The school's property is different than public property. "When you bring your vehicle on the lot, since it's a school safety issue it's very similar to a locker search," Stratton said. "If we have reasonable suspicion that an object is either illegal or something dangerous is in your car we have the right to look."

Several students have had their vehicles searched on campus and did not want to comment for this article. Searches on campus have led to arrests and suspensions before. Administration recalls about 10 searches this school year.

Because the car is parked on the property the school has different expectations. Saying 'no' will not stop a car search. "If I'm asking to search it means we're going to search," Stratton said.

The Johnston Police Department employs 16 officers, three sergeants, a lieutenant, the Chief of Police, an administrative assistant and a records clerk. Officers wear the patch to the left and is the official symbol of the department. The location moved in August 2014 to a newly constructed building located at 6373 Merle Hay Road.



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POLICE

To Search or Not to Search

The ways the police can search your car *without* a warrant.

- 1) If you give consent, they can search
- 2) "Plain view" meaning if you have anything illegal visible from the window that gives an officer probable cause.
- 3) "Search incident to arrest" if you are arrested with probable cause your vehicle can then be searched.
- 4) "Probable Cause to suspect a crime" it's not illegal to have blood on the seats or a ripped up purse but those can coincide with a crime and be suspicious.
- 5) "Exigent circumstances" meaning the officer can break every rule if they suspect that evidence is about to be destroyed.

Bottom line you have to let the police search your car if they have a warrant.

*provided by <http://www.businessinsider.com/what-rights-do-you-have-when-pulled-over-2013>