

Traffic Stops

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Officer Ollie Ogletree is on patrol one Saturday night at about 10:00 p.m. He's driving along a major commercial road in a lower-middle-class section of town when he sees a 2002 Chevrolet Malibu with three occupants turn without signaling, causing a following car to brake suddenly. Although an accident does not result, Officer Ogletree activates his blue lights and pulls the Malibu over for unsafe movement in violation of G.S. 20-154. The Malibu pulls over promptly. The driver is a male in his late 20s. The front-seat passenger is a female of the same age. The rear-seat passenger is a teenage female.

1. Officer Ogletree orders all of the occupants out of the vehicle. OK?
2. The occupants comply with Officer Ogletree's order to exit the vehicle. Although they are compliant, he is concerned for his safety. A fellow officer was shot the week before during a traffic stop, it is nighttime, and the vehicle has multiple occupants. Officer Ogletree decides to frisk the two adults. OK?
3. Officer Ogletree asks for, and receives, the driver's license and registration. Still, something about the demeanor of the vehicle's occupants makes Officer Ogletree suspect that they are up to no good. He decides to ask the occupants a few questions unrelated to the traffic stop itself, including whether there are any drugs in the car. He does this while he's examining the license and registration, so it doesn't prolong the stop. Is it OK for Officer Ogletree to ask about unrelated matters?
4. Even after he finishes looking at the license and registration, Officer Ogletree continues questioning the vehicle's occupants, for about five minutes. Does the duration of the questioning pose a problem?
5. The occupants deny having any drugs and don't say anything especially suspicious. Officer Ogletree returns to his vehicle to write a citation for the driver. This takes him an additional five minutes. Any problem with the total duration of the stop, which is about ten minutes so far?
6. Officer Ogletree can't shake the idea that something is amiss. So, as he is finishing up the citation, Officer Ogletree asks the dispatcher to send a K-9 unit to the scene. Officer Ogletree ends up sitting in his cruiser for about two minutes after finishing the citation before the K-9 unit arrives. It takes an additional minute for the dog to sniff around the exterior of the vehicle. OK?
7. The dog doesn't alert. But Officer Ogletree is nothing if not thorough. As he is about to hand the citation to the driver, he asks if the driver would consent to a search of the vehicle. The driver hesitates for a moment, then says "I guess so." Officer Ogletree searches the car. OK?

