

Case Update 2022-0411

The officer had information from an on-going criminal investigation¹ that led to the interest in this vehicle. What that information was, was not discussed or investigated to protect the integrity of the criminal investigation and because the officer established his own reasonable suspicion for stopping the vehicle. The information obtained from that on-going criminal investigation provides the officers justification to have a canine check the vehicle. CPD Directive 4.11 – Canine Unit section II. Policy statements, subsection B. Paragraph 1.² “Requesting personnel shall establish reasonable suspicion that a vehicle or package contains illegal narcotics prior to requesting the Canine Unit to respond and conduct an exterior sniff.”

- a. CPD Division Wide Publication, arrest search and seizure manual, section 4 investigative detention 1 section, 4 chapter summary section II. Establishing Reasonable Suspicion lists several Supreme Court cases that CPD uses to define Reasonable Suspicion and that was used to establish and create their policies.
- b. The information was supplied through the on-going criminal investigation and would indicate that reasonable suspicion existed for the officer to make the decision to call the canine. Once the search concluded the officer allowed the complainant to leave with her citation.

The policy does not state a specific timeframe that a canine must arrive.³ The standard that has been given through Legal Updates training provided by Chief Police Legal Advisor Furbee to the DIG also discusses the US Supreme court cases⁴ used as basis to establish the length of time in which a canine should arrive before it prolongs the stop. As indicated in the policy for arrest, search and seizure: “There is no rigid time limit for the length of an investigative detention. The following factors should be considered:

1. The purpose of the stop
2. The reasonableness of the time used for the investigation that officers wish to conduct.”

An example given of the reasonableness of the time used for the investigation when talking about canine response to traffic stops is that the officer not require the driver to wait any longer than the stop may otherwise have taken. Hence, the information regarding the officer still writing the ticket when the canine arrives is relevant.

¹ Page 4, final paragraph of the analysis and findings

² Page 4 Conclusion

³ Page 4 final paragraph of the analysis and findings

⁴ Referenced throughout the analysis and findings

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The entirety of the stop is 36 minutes from the time the officer makes contact to the time she is released. The canine arrives approximately 13 minutes after being requested. This time was not mentioned in the report because CPD policy doesn't specify a timeline for investigative detentions or stops.

The canine checks the vehicle and his handler nodded to the officer. The officer and canine officer spoke at the rear of his police cruiser where the canine handler confirms a positive indication on the front driver's side of the complainant's vehicle.

