

Case:

Illinois v. Caballes

Supreme Court of the United States, 2005

543 U.S. 405, 125 S. Ct. 834, 160 L. Ed. 2d 842.

Case Progression:

Illinois Trial Court (motion to suppress evidence denied) – Appellate Court of Illinois (Affirmed) – Supreme Court of Illinois (Reversed) – Supreme Court of the United States (Vacated and remanded)

Crime charged:

An unspecified narcotics offense involving marijuana. Motion to suppress evidence was denied.

Case summary:

Roy I. Caballes was stopped for speeding by an Illinois state trooper. Caballes refused the trooper's request to search his vehicle. After hearing of the stop in progress an Illinois drug interdiction officer decided to visit the scene with his drug-sniffing dog, without any specific knowledge that Caballes was involved in any drug crime. While the state trooper was writing a warning ticket to Caballes the drug interdiction officer led his dog around Caballes' vehicle. The dog indicated that there were drugs in the trunk of the vehicle. The officers searched the trunk of the car, found an unspecified quantity of marijuana and arrested Caballes for an unspecified narcotics offense. The entire encounter took approximately ten minutes.

Case Issue(s):

Does a dog sniff performed on the exterior of a driver's car while the driver is held for a traffic violation without probable cause of the presence of contraband or consent of the driver to perform a search constitute an illegal search prohibited by the Fourth Amendment of the United States Constitution?

Answer:

No

Rationale/Decision of the Court:

Majority Opinion:

The court concluded that Caballes was stopped lawfully and the state trooper did not needlessly delay the traffic stop so that the drug-sniffing dog could sniff the outside of the vehicle. Indeed, the court concluded that the state trooper was not aware that the drug interdiction officer would arrive at the scene. A drug-sniffing dog is trained solely to determine if the scent of contraband exists, which no one has a privacy right in

protecting. Once the dog alerted the officers to the presence of contraband the search was justified. Furthermore, the court distinguished this case from *Kyllo v. United States*, 533 U.S. 27, 150 L. Ed. 2d 94, 121 S. Ct. 2038 (2001) where it was ruled use of a thermal-imaging device to detect the growth of marijuana in a home constituted an unlawful search. The rationale of the court was that a drug-sniffing dog could only determine whether contraband was present or not while a thermal-imaging device could identify legitimate as well as illegitimate activities.

Souter Dissent:

Justice Souter reasoned that many studies have shown that drug-sniffing dogs are not always accurate. Indeed, entities such as U.S. currency are often tainted with cocaine which could make a false positive. Since a false positive could occur the officers might conduct a search that is not guided by the presence of contraband and therefore unlawful.

Ginsburg Dissent:

Justice Ginsburg reasoned that there was not evidence of drugs being present in Caballes' car therefore the drug interdiction officer had impermissibly broadened the scope of the traffic stop by initiating the canine sniff.

My opinion:

I agree with the majority of the court. It appears from the case facts that Caballes was detained no longer than was reasonable to investigate the lawful traffic stop as guided by *Knowles v. Iowa*, 525 U.S. 113, 117, 142 L. Ed. 2d 492, 119 S. Ct. 484 (1998). The drug interdiction officer arrived at the scene without being called by the state trooper. This is important because if the trooper had summoned the officer that would have clearly broadened the scope of the search as described in Ginsburg's dissent. A drug-sniffing dog is only trained to smell contraband and odors that emanate from a car and are not subject to any privacy interest. As mentioned earlier in *Kyllo v. United States*, thermal-imaging goggles only detect heat patterns which can occur for both legitimate and illegitimate purposes.

Therefore, the only rationale I could discern for suppressing the evidence would be if the trooper purposefully took his time to allow for the arrival of the drug-sniffing dog or summoned the drug-sniffing dog without probable cause. If the officer had probable cause that there was contraband in the car he could have searched it without resorting to the use of a drug sniffing dog. Concerns expressed by Ginsburg that police officers might go through parking lots with drug-sniffing dogs are beyond the scope of the facts of the case and should not be considered.