# 20-02 - Searching a Vehicle for Identification (Case Law: People v. Lopez, 2019)

Los Angeles County Sheriff's Department
NEWSLETTER
Field Operations Support Services

**SEARCHING A VEHICLE FOR IDENTIFICATION**

**(CASE LAW: PEOPLE V. LOPEZ, 2019)**

The purpose of this newsletter is to inform personnel of the recent California Supreme Court ruling (People v. Lopez) related to searching a vehicle for a driver license or other identification.

**CASE SUMMARY**

On the morning of July 4, 2014, City of Woodland Police responded to an anonymous tip concerning erratic driving. The tip described the car and the area in which it was being driven. Officers were unable to locate the vehicle. The officer asked dispatch to run a computer search of the license plate, and then drove by the address where the car was registered. The officer still did not see the vehicle and resumed his duties.

A second anonymous report regarding the same car was received. The caller identified the car's location and asserted the driver, whom they identified as "Marlena," "had been drinking all day." The officer was unable to locate the vehicle and returned to the address where the car was registered to, parked, and waited. After a few minutes, defendant Maria Lopez drove and parked in front of the house.

The officer did not observe any traffic violations or erratic driving. Believing the driver to be "Marlena," the officer approached the car. The officer testified at the suppression hearing that Lopez saw him, looked nervous, exited the car, and started to walk away.

The officer did not smell alcohol or note any other signs of intoxication, but "wanted to know what her driving status was based on the allegations earlier, plus [he] wanted to identify who she was." The officer asked Lopez if she had a driver license. Lopez said she did not.

Without asking Lopez for her name or identifying information, the officer detained her for unlicensed driving by placing her in a control hold. When Lopez tried to pull away, the officer handcuffed her.

The officer then asked Lopez "if she had any identification possibly within the vehicle." Lopez responded, "there might be." A second officer retrieved a small purse from the passenger seat of the vehicle and handed it to the first officer. The first officer searched the purse and found methamphetamine in a side pocket.

Lopez was charged with misdemeanor violation of possession of methamphetamine [11377(a) H&S] and

driving on a suspended license [14601.2(a) CVC]. Lopez filed a motion to suppress based on the argument she had been unlawfully detained and her purse unlawfully searched.

## ISSUE

Based on this specific set of circumstances, the court ruled officers lacked the probable cause to enter Lopez's vehicle to search for a license or other form of identification without a warrant. This is in direct contrast to the case law *In re Arturo D.* (2002) and *People v. Hinge*r (2002). The California Supreme Court's ruling regarding Lopez was based on the following facts:

- Lopez admitted she had no license;
- Lopez was stopped in front of her residence; and
- Other means of identifying Lopez were available (DMV, detain per 40302 CVC).

The attempt to justify a warrantless vehicle search incident to arrest (*Arizona vs. Gant, U.S. Supreme Court,* 2009) was not recognized as a valid 4th amendment exception due to the fact Lopez was already handcuffed and away from the vehicle at the time of the search.

Although this ruling may progress and change through the courts, the current California Supreme Court ruling, as stated in *People v. Lopez* (2019), states, "law enforcement agencies have crafted policies in reliance on Arturo D." They must now "adopt a different approach in scenarios like the one presented here." As stated previously, this ruling is based on this specific set of circumstances.

The court further ruled officers have other ways of confirming a suspect's identity such as obtaining their consent to retrieve their license from their vehicle, conducting a license check using the name and date of birth provided by the suspect, questioning other occupants in a vehicle to confirm the driver's identity, or detaining them pursuant to 40302 CVC.

The court ruling also states vehicle searches for identification would be permissible if the officer believes the suspect is providing false identification or is lying about their identity, and the officer has probable cause to believe evidence of such lying may be found in the vehicle. Along the same ruling, the court stated a warrantless search of a vehicle for proof of registration or insurance was permissible.

## BOTTOM LINE

There are several warrantless search exceptions for vehicles that are available to deputies. These include, but are not limited to: probable cause to believe a vehicle contains evidence of criminal activity, consent, exigency, probation, and parole with search conditions. To rely on a single exception for a warrantless search to justify searching a vehicle leaves the possibility open of having a judge rule the search in violation of the 4th amendment and the subsequent evidence inadmissible. The recognition and documentation of multiple reasons to search a vehicle without a warrant will help insure the integrity of a case.

If you have any questions regarding the content of this newsletter, please call or email Field Operations Support Services, at [REDACTED TEXT]

References

People v. Lopez (2019) Cal.5th

In re Arturo D. (2002) 27 Cal.4th 60

People v. Hinger (2002) 27 Cal.4th 60

Arizona v. Gant (2009) 556 U.S. 332