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2019 CASE LAW UPDATES

Fourth Amendment: Cars Parked on Driveways

Collins v. Virginia (2018) 138 S. Ct. 1663

Rule: Police must have right of access to reach vehicle to conduct warrantless search based on Probable Cause.

- Absent a search warrant, Officers with Probable Cause must have public access to search a vehicle.
- Vehicle parked in curtilage is not publicly accessible.

Fourth Amendment: Suspect on Foot Away from Car

People v. Johnson. (2018) 21 Cal.App. 5th 1026

Rule: Automobile Exception applies (not search incident to arrest) where police have probable cause that vehicle has evidence inside related to the arrest, and arrestee and car are in close proximity.

- Search takes place other than location of arrest.
- Evidence (e.g. video) provides corroboration that vehicle contains the evidence.

Fourth Amendment: Rental Cars

Byrd v. United States (2018) 138 S. Ct. 1518

Rule: Remanded to decide whether renting a car using fake ID eliminates privacy rights.

- Fact that driver not on rental contract **does not, by itself**, eliminate privacy rights.

Fourth Amendment: Inventory Searches

People v. Zabala (2018) 19 Cal. App. 5th 335

Rule: Inventory searches are to protect defendant's property and police safety, not for finding contraband.

People v. Wallace (2017) 15 Cal. App. 5th 82

Rule: True inventory search requires actual impound of vehicle on legitimate basis, and completion of inventory forms.

Fourth Amendment: DUI Blood Tests--Consent

People v. Vannesse (2018) 23 Cal. App. 5th 440

Rule: Failure strictly to follow Implied Consent law does NOT mean 4th Amendment was violated.

- Implied Consent law requires police to give choice of blood or breathe test; Refusal means license suspension.

People v. Balov (2018) 23 Cal. App. 5th 696

Rule: Fourth Amendment does not require police to tell DUI suspect they may refuse blood or breathe test.

Fourth Amendment: DUI Blood Tests-Emergencies

People v. Mesa (2018) 23 Cal. App. 5th 604

Rule: Forensic blood draw improper, but admission into evidence at trial was harmless error.

- In emergency, police may obtain warrantless blood sample; Emergency means more than crash/hospitalization. Need evidence police could not have obtained a warrant quickly.

Fourth Amendment: DNA Samples at Booking

People v. Buza (2018) 4 Cal. 5th 658

Rule: DNA test law is legal

- Government uses the DNA information only for identification.

Fourth Amendment: Temporary Detentions

People v. Stanley (2017) 18 Cal. 5th 39

Rule: Reasonable suspicion justifies a brief detention where subject matches age, race and weight of suspect, and reliable reportee openly identifies to police.

In re K.J. (2018) 18 Cal. App 5th 1123

Held: Police detentions of students at school held to lower standard than reasonable suspicion: Must not be *Arbitrary and capricious*.

Fourth Amendment: Detentions During Probation Searches

People v. Gutierrez (2018) 21 Cal. App. 5th 1146

Rule: 30+ minute detention improper probation search where defendant was a guest, and no reasonable suspicion.

Fourth Amendment: Probable Cause to Arrest

District of Columbia v. Wesby (2018) 138 S. Ct. 577

Rule: Arrest proper where police had probable cause that partygoers were trespassing in the house.

Fourth Amendment: Cell Phone & Electronic Data Searches

Carpenter v. United States (2018) 138 S. Ct. 2206

Rule: Subpoenas of wireless carrier on robbery suspects violated defendant's privacy rights, because search was of property held by third party (cell phone provider.) CalECPA requires a warrant.

Fourth Amendment: Probation Orders with Search Terms

People v. Sandee (2017) 15 Cal. App. 5th 294

Rule: Cell phone search based upon probation search conditions for personal property interpreted based upon “reasonable person” understanding, including as to cell phone data. BUT: this case was decided before CalECPA took effect (requiring “clear & unambiguous” search waivers.)

Fourth Amendment: Probation Conditions

People v. Trujillo (2017) 15 Cal. App. 5th 574

Rule: Probation conditions must be reasonably related to conviction.

Fifth Amendment: Custodial Interrogation

People v. Torres (2018) 15 Cal. App. 5th 162

Rule: *Miranda* warnings must be given in any Custodial Interrogation.

Factors: Police initiated contact; Average person would not feel free to leave; Location & duration of questioning; Number of Officers; Criminal accusations; Restrictions on suspect’s movement.

People v. Saldana (2018)

Rule: Interrogation improper due to lack of *Miranda* warnings.

Beheler advisement does not necessarily make interrogation proper without *Miranda* warnings.

Fifth Amendment: Juvenile Custodial Interrogations

In re I.F. (2018) 20 Cal. App 5th 735

Rule: Third and Fourth interrogations improper due to lack of *Miranda* warnings.

- Multiple interviews involved repeated criminal accusations by Officers, separation from family and ambiguous statements about whether minor was free to leave.
- Reasonable 12-year-old would have perceived interrogations as custodial.

Fifth Amendment: *Miranda* invocation

People v. Case (2018) 5 Cal. 5th 1

Rule: Interrogation improper once suspect invokes *Miranda*.

- Harmless error in this case; no damning confession and other strong evidence + voluntary confession.

Fifth Amendment: *Miranda* waivers

People v. Parker (2017) 2 Cal. 5th 1184

Rule: *Miranda* waiver need not be explicit; continuing to talk can waive rights; Invocation must be unambiguous. Invocation as to one investigation does NOT constitute invocation as to another.

People v. Spencer (2018) 5 Cal. 5th 642

Rule: Courts look at totality of circumstances to weigh whether a later interrogation is reasonably contemporaneous with a prior *Miranda* waiver.

Fifth Amendment: Juvenile *Miranda* waivers

In re T.F. (2017) 16 Cal. App 5th 202

Held: Interrogations improper where *Miranda* not properly waived, and confessions were involuntary.

Fifth Amendment: Reinitiation of Juvenile Interrogation

Rodriguez v. McDonald. (2017) 872 F. 3d 908

Held: Interrogations improper where police violate *Miranda* by continuing interrogation after minor's invocation.

- Minor's later reinitiation of contact was not knowing, intelligent and voluntary.



WILLIAM SCOTT

Chief of Police

Per DB 17-080, sworn members are required to electronically acknowledge receipt and review of this Department Bulletin in HRMS.