

“In Florida versus Harris US Supreme Court Magnifies the Use of Drug Dogs during Automobile Traffic Stops”

FACTS:

K-9 Officer William Wheatley, of the Liberty County Florida’s Sheriff’s Office was on routine patrol with Aldo, a German shepherd trained detection dog, June 24, 2006. While on patrol with Aldo Wheatley pulled over the defendant’s truck for an expired license plate violation. Wheatley testified that the defendant was “visibly nervous” when he approached the vehicle. Wheatley also observed an open container of beer in the truck’s cup holder. Harris refused to give consent for Wheatley to search the truck. At this point Wheatley walked Aldo around the exterior of Harris’ truck. Aldo signaled that he smelled drugs in the area of the driver’s side door handle. Based on Aldo’s alert, Wheatley searched the truck. While the search did not turn up any of the drugs that Aldo was trained to detect it did reveal 200 loose Pseudoephedrine pills, 8,000 matches and miscellaneous other ingredients used for making methamphetamine. Harris was arrested and charged with possession of materials used in the manufacturing of methamphetamine.

PROCEDURAL HISTORY:

Harris moved to suppress the evidence found in the search of the truck on the basis that Aldo’s alert had not given or established Officer Wheatley probable cause to search the vehicle. At this hearing Wheatley testified about both his and Aldo’s training in drug detection. Extensive testimony was put forward as to the significant amount of training and certifications that Aldo had received in the area of drug detection. Additionally, the state introduced “monthly K-9 training logs” consistent with that testimony and evidence. On cross-examination, Harris’ attorney chose not to contest the quality of Aldo or Wheatley’s training. She focused instead on Aldo’s performance in the two stops of Harris’ truck.

The trial court denied the defendant’s motion to suppress and moved that Wheatley had probable cause to search Harris’ truck.

The Florida Supreme Court reversed, holding that Wheatley under the Fourth Amendment. In its ruling the Florida Supreme Court held that in order to demonstrate a dog’s reliability, the state needed to produce a wider range of evidence: The state must present the dogs training record, an explanation of the training and certification, field performance records and evidence concerning the experience and training of the officer handling the dog.... .

The US Supreme Court certiorari to review the decision of the Florida Supreme Court.

ISSUE:

Did the trial court properly determine that the “alert” of a drug detection dog during a traffic stop provides the necessary and “legal probable cause” to search a vehicle?

HOLDING:

Yes; and accordingly, the decision of the Florida Supreme Court is reversed and overruled.

In testing whether an officer has probable cause to conduct a search, all that is required is the kind of “fair probability” upon which “reasonable people act.” To evaluate this practical and common sense standard this Court has consistently looked to **the totality of the circumstances** and rejected rigid rules and bright line tests. The Florida Supreme Court flouted this well established approach by creating a strict evidentiary checklist to assess a drug detection dog’s reliability. Requiring the state to introduce comprehensive documentation of the detection dog’s prior field performance, and holding that the absence of these field records would preclude a finding of probable cause (no matter how much other proof the State offers) is the opposite of a “totality” approach.

In the case at bar, and under a correct approach, the trial court held a probable cause hearing which focused on the dog’s alert, and allowed the parties to make their best case in evaluation of the totality of the circumstances present. The trial court properly considered the evidence for probable cause – whether all the facts surrounded the alert and viewed through the lens of common sense would make a reasonably prudent person think that a search would reveal evidence of a crime. In summary, the record in this case amply supported the trial court’s determination that Aldo’s alert gave officer Wheetley the necessary and legal probable cause to search the truck.