Department of Homeland Security
Federal Law Enforcement Training Centers
Office of Chief Counsel
Legal Training Division

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The Federal Law Enforcement -Informer-

A MONTHLY LEGAL RESOURCE AND COMMENTARY FOR LAW ENFORCEMENT OFFICERS AND AGENTS

Welcome to this installment of *The Federal Law Enforcement Informer (The Informer)*. The Legal Training Division of the Federal Law Enforcement Training Centers' Office of Chief Counsel is dedicated to providing law enforcement officers with quality, useful and timely United States Supreme Court and federal Circuit Courts of Appeals reviews, interesting developments in the law, and legal articles written to clarify or highlight various issues. The views expressed in these articles are the opinions of the author and do not necessarily reflect the views of the Federal Law Enforcement Training Centers. *The Informer* is researched and written by members of the Legal Division. You can join *The Informer* Mailing List, and have *The Informer* delivered directly to you via e-mail by clicking on the link below.

This edition of *The Informer* may be cited as 9 INFORMER 21.

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FLETC Informer Webinar Schedule – October 2021

1. Policing and the Mentally Ill

Presented by Debora Gerads, Attorney Advisor/Senior Instructor, Federal Law Enforcement Training Centers, Artesia, New Mexico.

Policing the mentally ill is a growing challenge to today's police forces as mental health facilities and services continue to see significant budget cuts. As a result, law enforcement are often the first responders to incidents involving those with mental illness. The mentally ill are not more violent, but an encounter can escalate quickly, putting everyone

involved in danger. This program will discuss tools to identify mental illness and techniques for de-escalating a situation.

Friday, October 13, 2021: 3 p.m. Eastern / 2 p.m. Central / 1 p.m. Mountain / 12 p.m. Pacific

To participate in this webinar: https://share.dhs.gov/informer

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CASE SUMMARIES

Circuit Courts of Appeals

Second Circuit

United States v. Braggs, 5 F.4th 183 (2d Cir. 2021)

Shammar Braggs was on parole after serving time in prison for a state drug conviction. While on parole, Braggs was subject to supervision by the New York State Department of Corrections and Community Supervision (DOCCS) and restricted by certain "standard and special conditions of release." Those conditions included a prohibition on possessing firearms, ammunition, or mind-altering substances. Braggs was also required to sign a form wherein he agreed to, among other things, "permit [his] Parole Officer to visit [him] at [his] residence and/or place of employment and . . . permit the search and inspection of [his] person, residence and property." A separate DOCCS internal policy document, Directive No. 9404, provided that a parole officer may conduct a warrantless search of a parolee, "when there is an articulable reason to conduct the search that demonstrates a risk to public safety or the parolee's re-entry into the community," which was essentially, a reasonable suspicion standard.

After receiving an anonymous tip that Braggs may have guns in his house, DOCCS sent several parole officers to search his house, where they seized several firearms, ammunition, and drugs. During the search, Braggs admitted to owning the firearms. The federal government subsequently charged Braggs with drug trafficking and firearms offenses.

Braggs filed a motion to suppress the evidence discovered in the search and his incriminating statements. The district court granted the motion, holding that the parole officers needed reasonable suspicion that Braggs had violated his parole conditions to lawfully execute the warrantless search of his house. Finding that the vague, anonymous tip, by itself, fell short of establishing reasonable suspicion, the district court suppressed the evidence seized during the parole search. The government appealed.

First, the Second Circuit Court of Appeals held that only federal law should be considered in a federal court's analysis when determining whether or not to suppress evidence. Consequently, the court held that the district court erroneously used the reasonable suspicion standard outlined in DOCCS Directive No. 9404 as the standard by which to analyze the constitutionality of the search of Braggs's house.

Next, the court found that, in Griffin v. Wisconsin, the Supreme Court recognized that "[a] State's operation of a probation system . . . presents 'special needs' beyond normal law enforcement that may justify departures from the usual warrant and probable-cause requirements." In light of these special needs, the Court held that "a search of a parolee is permissible so long as it is reasonably related to the parole officer's duties." The Court noted that among these duties are the supervision, rehabilitation, and societal reintegration of the parolee, as well as assuring that "the community is not harmed by the [parolee's] being at large."

Applying the Special Needs Doctrine to the facts of this case, the court concluded that the search of Braggs's house was reasonably related to the performance of the DOCCS officers' duties. Once DOCCS received the anonymous tip suggesting that Braggs might have guns in his house, a clear

violation of his parole conditions, parole officers were permitted to search the house to determine whether Braggs was complying with the condition of his release that prohibited the possession of firearms. Accordingly, the court vacated the district court's order of suppression.

For the court's opinion: https://cases.justia.com/federal/appellate-courts/ca2/20-892/20-892-2021-07-13.pdf?ts=1626186609

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United States v. Weaver, 2021 U.S. App. LEXIS 24251 (2d Cir. NY Aug. 16, 2021)

On February 15, 2016, three officers assigned to the Syracuse Police Department's Gang Violence Task Force were on patrol in an unmarked car in a high crime area. At the suppression hearing, the officers testified that they had personally responded to shootings, stabbings, and homicides and that the area was known as an open-air drug market notorious for a high volume of shots fired and other gun-related crimes.

Near dusk, the officers saw Calvin Weaver (Weaver) walking along the curb and staring into their patrol car. Weaver's stare persisted, unbroken as the patrol car approached and passed, and one officer used the side view mirror to note that Weaver was still staring after arriving to stand outside the passenger's side door of a gray sedan. As that officer watched, he saw Weaver give an "upward tug" to Weaver's waistband before getting into the sedan's front passenger's seat and riding away from the scene.

Later that evening, the three officers encountered the gray sedan a second time when they stopped it for failing to properly signal a turn. As the car stopped, the rear passenger's side door quickly swung open into traffic, causing the officers to worry that the passenger was getting ready to flee. After being ordered to remain in the vehicle, the passenger complied and closed the door, which enabled the officers to approach the car.

Inside the car, the officers found the driver, the back seat passenger, and Weaver, who was in the front passenger's seat. Recognizing Weaver from the dusk encounter, one officer saw Weaver use both hands to push down on his pelvic area, squirm from left to right in the seat, and shift his hips as if he was "trying to push something down." Consequently, that officer ordered Weaver to show his hands. Weaver responded by raising his hands and saying, "I don't got nothin'."

After safely obtaining Weaver's identification, the officer ordered Weaver out of the car. Then, without touching Weaver, the officer told Weaver to stand at the rear quarter panel with his hands on the trunk and his feet spread apart. Although Weaver moved his feet apart and placed his hands on the trunk, the officers noticed that Weaver stood unusually close to the car, pressed his pelvic area only "a few inches" from the quarter panel, and continuously moved his torso against the vehicle. When an officer thereafter asked Weaver to step back from the quarter panel, Weaver objected, saying that the ground was too slippery. After examining the ground underneath Weaver's feet and finding nothing slippery, the officer presumably insisted that Weaver step back.

Weaver then "shuffled backward," but again tried to press his body to the car at least once before the officer's hands touched Weaver for the frisk. According to the officer, with each touch thereafter, Weaver pressed his pelvis closer to the car. Ultimately, the frisk revealed a loaded semi-automatic handgun with a detachable magazine hidden in Weaver's groin area, which resulted in Weaver's federal prosecution for possession of a firearm by a convicted felon, among other offenses.

During that prosecution, Weaver asked the court to suppress the gun because, he said, the officers lacked a reasonable suspicion that he was armed and dangerous at the time of the stop. Arguing that the officer's verbal command for Weaver to stand at the sedan's rear quarter panel for the frisk Weaver was, in itself, a Fourth Amendment search, Weaver insisted that the court could not consider any facts discovered thereafter to explain why the officers' suspicions were reasonable. Moreover, Weaver claimed, even assuming that the facts that the officers knew were sufficient to show a reasonable suspicion that Weaver was hiding something when the frisk occurred, the facts did not warrant the conclusion that the thing that Weaver was hiding might be something that could endanger the officers.

The court disagreed, overturning an earlier panel's decision. Acknowledging that officers seized Weaver's person when they stopped the sedan and intruded additionally "into his liberty" by ordering him to the rear of the car, the court noted that seizing a person was analytically distinct from searching a person. The court then reiterated the Supreme Court's two objective tests for identifying a Fourth Amendment search, which is whether police: (1) "physically intrud[es] on a constitutionally protected area" under United States v. Jones; or (2) violate a person's "reasonable expectation of privacy" under Katz v. United States. Merely ordering Weaver to stand at the rear quarter panel, the court said, even when the officers had the subjective intent to position Weaver for a frisk, simply was not a search under either Jones or Katz. Consequently, the court concluded that no Fourth Amendment search occurred until the frisking officer's "hands physically came into contact with Weaver['s]" person.

Moreover, the court said that when the facts support a reasonable suspicion that a suspect has a weapon, as they did here, an officer need not rule out alternative explanations for a suspect's behavior before frisking. Instead, the court explained that because the purpose of a Terry frisk is to enable officers to do their jobs safely, officers simply are "not tasked with sorting through multiple possible scenarios and conducting a frisk for weapons only if that is the sole, or even the most likely, possibility."

For the court's opinion: https://cases.justia.com/federal/appellate-courts/ca2/18-1697/18-1697-2021-08-16.pdf?ts=1629124208

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Third Circuit

United States v. Rought, 2021 U.S. App. LEXIS 25325 (3d Cir. PA Aug. 24, 2021)

On August 16, 2018, James Rought sold fentanyl to Dana Carichner, and the two men used drugs together that evening. At some point, Carichner went home where he died of a fentanyl overdose sometime after 2:00 a.m. on August 17, 2018. Law enforcement officers connected Carichner's overdose to Rought and the government charged him with possession of fentanyl with intent to distribute resulting in death.

Three days later, an FBI agent interrogated Rought for approximately one hour. At the outset, the agent advised Rought of his Miranda rights, verbally and in writing. When asked if he was willing to talk, Rought responded that he was, "to a point." The agent emphasized that Rought could "stop at any time," and that "those are the ground rules." Rought then signed the consent form, which among other things provided that Rought was willing to answer questions without a lawyer present.

For the first twenty-four minutes, Rought answered questions about his drug use, his drug supplier, his criminal history, and his relationship with Carichner. After Rought mentioned Carichner's drug use, the agent asked, "So let's talk about Dana [Carichner]. What happened there?" Rought replied, "I mean, don't really want to talk about that aspect without my lawyer . . . that's a serious situation." The agent immediately responded that he understood and that "those are the ground rules." The agent then turned the conversation back to Rought's drug supplier, telling Rought that he was interested in the people up the ladder above Rought.

A few minutes after invoking his right to counsel, Rought stated that he did not like addiction any more than the agent did and that drug dealers are "killing my friends just as much as, right now, you're trying to say that I killed my friend [Carichner]" The agent told Rought that he was not saying that Rought killed Carichner but that Rought "had a role and that's unfortunate, it is." Afterward, Rought expressed incredulity that "the same dope that he snorted a bag of and died, I shot ten bags of right next to him." Rought also explained that he initially did not believe that Carichner had overdosed because it did not make sense that Carichner "got high, drove all the way home, 25-30 minutes, and then got into bed, and then died." The remainder of the interrogation focused on Rought's drug supplier. At one point, the agent offered to question Rought about his supplier with a lawyer present, but Rought declined and continued to answer questions about his supplier.

Prior to trial, Rought filed a motion to suppress his post-invocation statements on the ground that they were obtained in violation of Miranda v. Arizona. The district court denied the motion, and upon conviction, Rought appealed.

First, Rought argued that his invocation of the right to counsel was not limited to the circumstances surrounding Carichner's death but was "for all purposes" and that law enforcement was therefore required to cease all interrogation under Edwards v. Arizona.

The Third Circuit Court of Appeals disagreed. In Edwards, the Supreme Court held that a suspect who has invoked the right to counsel "is not subject to further interrogation . . . until counsel has been made available to him unless the accused himself initiates further communications, exchanges, or conversations with the police."

In this case, the court found that the agent properly informed Rought of his Miranda rights at the beginning of the interrogation and Rought stated that he was willing to talk "to a point." Afterward, Rought discussed a variety of topics, including his addiction, his fentanyl source, his relationship with Carichner, and his criminal history. It was only when that agent said, "So let's talk about Dana. What happened there?" that Rought responded, "I don't really want to talk about that aspect without my lawyer . . . That's a serious situation." The court concluded that, in context, it was plain that "that aspect" referred to the circumstances of Carichner's death. Consequently, the court held that Rought's invocation of the right to counsel was limited to the circumstances concerning Carichner's death and that Rought left all other subjects open to questioning.

Next, Rought argued that he did not initiate the post-invocation discussion of Carichner's death with the agent.

Again, the court disagreed. After Rought's invocation, the agent responded that he respected Rought's right, and refocused the interrogation on Rought's drug supplier. In an effort to persuade Rought to cooperate in pursuing the supplier, the agent asked for information that would help in "going up the ladder" after the supplier and others like him. The agent's comments prompted

Rought to state that drug dealers are "killing my friends just as much as, right now, you're trying to say that I killed" Carichner. The court held that when Rought made this statement, he voluntarily initiated the discussion of Carichner's death and thereby established his willingness to have a generalized discussion about the issue. The court added that the agent's questions about his interest in pursuing drug suppliers and "going up the ladder," concerned subjects distinct from the circumstances surrounding Carichner and were not ones that the agent should have reasonably anticipated would prompt Rought to renew discussions about Carichner's death.

Finally, Rought argued that any post-invocation waiver of his right to counsel was rendered involuntary because he was not "fully aware of the consequences if he were to waive his right to counsel to any extent."

A waiver to the right to counsel under Miranda is generally held to be knowing and voluntary "if the defendant fully understands the nature of the right and how it would likely apply *in general* in the circumstances - even though the defendant may not know the *specific detailed* consequences of invoking it.

In this case, Rought was read his Miranda rights, signed a form acknowledging that he understood them, and consented to questioning. In addition, the court found that Rought's prior experience with the criminal justice system established he knew that his statements to law enforcement could be used against him. As a result, the court held that by choosing to speak in detail about the circumstances of Carichner's death after initiating discussion on that topic, Rought knowingly, intelligently, and voluntarily waived his right to remain silent and his limited invocation of the right to counsel.

For the court's opinion: https://cases.justia.com/federal/appellate-courts/ca3/20-2667/20-2667-2021-08-24.pdf?ts=1629824413

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Fourth Circuit

United States v. Caldwell, 7 F.4th 191 (4th Cir. 2021)

On December 9, 2016, two young men wearing dark clothing, masks, gloves, and armed with revolvers, entered a bank in Charlotte, North Carolina. The men stole nearly $5,800 in cash, which contained two embeddedGPS tracking devices, before exiting the bank and fleeing in a car. Officers tracked the GPS signal to an address within two miles of the bank, where they stopped and exited their vehicle. One of the officers heard rustling in the woods and, turning to look, saw three individuals running away. The officers called in backup, including a K-9 and helicopter units, which arrived within minutes.

While searching, the police dog alerted to the presence of person, later identified as Anthony Caldwell, who was concealed among vines and weeds along a fence. The K-9 unit ultimately apprehended Caldwell, with the dog biting his arm in the process. Officers found a black bag containing nearly all of the missing cash as well as one of the GPS trackers underneath Caldwell. Caldwell told the officers he had been carjacked by two men while sitting in a Chevrolet Impala near the bank that had been robbed. Caldwell claimed that two carjackers had pistol-whipped him several times and forced him to flee with them; that he passed out from being hit in the head; and that he only woke up when the police dog bit him. The officers did not believe Caldwell's story and arrested him.

Shortly after arresting Caldwell, officers found the Impala nearby. In plain view in the back seat were a black jacket, a North Carolina license plate, and a black revolver. Attached to the back of the vehicle was an invalid temporary license plate. Officers found a black hooded sweatshirt and glove along the fence, as well as a ski mask on the ground next to the Impala. The officers also found two loose $20 bills of U.S. currency, a cash wrapper that would go around a stack of bills, and the other GPS cash tracker in the front yard of the address where the suspects had fled.

The officers sealed the vehicle at the scene before towing it to the law enforcement center, where they searched it after obtaining a warrant. A search of the passenger compartment revealed a black jacket, a revolver, a black ski mask, a black toboggan, and black gloves. However, officers did not search the vehicle's trunk because the car battery was dead, rendering the trunk-opening mechanism inoperable. After the initial search, police moved the vehicle to an impound lot. Nearly two weeks later, on December 22, officers jump-started the car's battery and opened the trunk. The trunk contained a silver revolver, black gloves, and a black skullcap.

The government charged Caldwell with a variety of criminal offenses related to the bank robbery.

Caldwell filed a motion to suppress the evidence found during the searches of his vehicle, arguing that both searches of his vehicle violated the Fourth Amendment: the December 9 search because the officers failed to follow proper warrant procedures, and the December 22 search of the trunk because the warrant was no longer valid, and no exigent circumstances applied.

The district court disagreed and denied Caldwell's motion. Caldwell appealed. Without deciding the validity of the search warrant or other potentially applicable exceptions, the Fourth Circuit Court of Appeals held that the automobile exception justified both searches.

The automobile exception to the Fourth Amendment's warrant requirement allows police to conduct a warrantless search of a readily mobile vehicle if they have probable cause to believe that it contains contraband or evidence of a crime. The court added that even where a significant amount of time has passed between the impoundment of a defendant's car and a subsequent warrantless search, the automobile exception still applies as long as probable cause remains to justify the search.

The court held that the December 9 search was lawful under the automobile exception; therefore, the officers were entitled to search the entire vehicle, including the trunk, without obtaining a warrant.

First. the officers located the Impala at the site where they had followed the GPS trackers immediately after the robbery, and an officer saw three individuals fleeing the scene. Second, despite the significant commotion and large police presence, Caldwell did not call out for officer assistance, but was only located by a police dog, which found him hidden in brush on top of a bag containing a GPS tracker and over $5,000 of the stolen money. Third, the officers saw that the Impala had an invalid temporary license plate, with a permanent license plate, along with a revolver and black jacket in plain view on the back seat. The officers recognized the clothing and revolver matched the general description of that used by the robbers. Fourth, the officers found a black hooded sweatshirt, a glove, loose currency, a cash wrapper, and a second GPS tracker on the ground near the Impala, and a ski mask on the ground next to it. Finally, Caldwell claimed that he had been carjacked in the Impala, by individuals the officers had strong reason to believe had committed the bank robbery. Based on these facts, the court concluded that the officers had probable cause to believe that the Impala contained evidence related to the bank robbery. The

court added, "that the officers chose to take the extra precaution of obtaining a warrant prior to the December 9 search does not affect the legal conclusion that a warrantless search was permissible."

Next, the court held that when the officers returned to the Impala thirteen days later on December 22, they still had probable cause to believe that it contained evidence of the bank robbery. The court noted that officers were not able to access the trunk on December 9, that the trunk had remained sealed until December 22, and, during that time, officers had not yet located the second weapon.

For the court's opinion: https://cases.justia.com/federal/appellate-courts/ca4/19-4019/19-4019-2021-08-03.pdf?ts=1628015421

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Seventh Circuit

United States v. McGill, 2021 U.S. App. LEXIS 23732 (7th Cir. IL Aug. 10, 2021)

Mark McGill was serving a term of supervised release after serving a prison sentence following a conviction for possession of child pornography. The conditions of McGill's supervised release prohibited him from "commit[ting] another federal, state, or local crime" and required him to "permit a probation officer to visit him at any time at home or elsewhere and ... [to] permit confiscation of any contraband observed in plain view of the probation officer."

On February 3, 2017, a probation officer conducted a home visit at McGill's residence. The officer had been employed in his position for five years, had specialized in supervising sex offenders for five years, and he had been supervising McGill for approximately nine months. In addition, the officer knew that McGill had previously violated the terms of his supervised release by viewing sexually stimulating videos and images of minors on his monitored cell phone and that he had failed two polygraph tests, administered as part of his sex offender treatment program.

When the officer entered McGill's bedroom, he saw a black cell phone that he recognized as McGill's monitored phone and an unknown white cell phone in a black case on a table by the bed. According to the officer, McGill moved around the room in an attempt to block his view of the white cell phone. The officer asked Williams about the phone and McGill told him that it was an old cell phone that no longer worked and that he only used it to charge a spare battery for the monitored (black) phone. The officer also noticed that McGill's demeanor changed when he asked about the phone, stating that McGill became "deflated" and "sad" and said that he "would go back to prison for a long time if the judge found out what was on th[e] phone." When the officer asked if there was child pornography on the phone, McGill replied, "there is."

At the officer's request, McGill gave the phone to him. When the officer powered the phone on, he saw that the background photo was of a young boy's face, and then powered it off. The officer took the phone with him and turned it over to the FBI, who obtained a search warrant. The subsequent search of the phone revealed thousands of images of child pornography.

The government charged McGill will possession of child pornography. McGill filed a motion to suppress the evidence discovered on the phone. McGill claimed that the warrantless seizure of the phone was unreasonable under the Fourth Amendment. The district court denied the motion and McGill appealed.

The Seventh Circuit Court of Appeals disagreed. One exception to the warrant requirement of the Fourth Amendment is the plain-view doctrine. Government officials may seize property without a warrant under the plain-view doctrine if: 1) the officer is lawfully present at the place of the seizure; 2) the seized object is in the plain view of the officer; and 3) the incriminating nature of the object is immediately apparent.

In this case, the only issue was whether the phone's incriminating nature was immediately apparent. The incriminating nature of an item is "immediately apparent" if an officer has "probable cause to believe that the item is contraband or otherwise linked to criminal activity," which includes a violation of a probationer's conditions of supervised release.

The court held that, under the circumstances, the incriminating nature of the phone was immediately apparent to the probation officer. First, McGill's supervised-release conditions prohibited him from having contact with minors or possessing any sexually stimulating materials, including on a cell phone. Second, at the time of the home visit, the officer knew that McGill had previously violated the terms of his release by viewing child pornography on a cell phone and that he had failed two polygraph tests regarding his compliance with his supervised-release conditions. Third, the officer saw a cell phone that he believed was capable of connecting to the internet and that might relate to the failed polygraphs. Fourth, McGill attempted to hide the phone from the officer's view and changed his demeanor when asked about the phone. Fifth, McGill's odd explanation for having the phone, to charge an extra battery, further increased the officer's suspicion, as it did not make sense to keep the phone in a case if its only purpose was charging a battery. Finally, when the officer powered-on the phone, the officer saw a photo of a young boy on the phone's wallpaper. The court concluded that because the incriminating nature of the phone was immediately apparent, the officer's seizure was lawful under the plain-view doctrine.

Alternatively, for the same reasons previously outlined, the court found that the officer had reasonable suspicion to believe that McGill was in violation of his conditions of supervised release and that the cell phone was evidence of that violation or other criminal act.

For the court's opinion: https://cases.justia.com/federal/appellate-courts/ca7/19-2636/19-2636-2021-08-10.pdf?ts=1628631019

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Eighth Circuit

United States v. Salkil, 2021 U.S. App. LEXIS 25511 (8th Cir. IA Aug. 25, 2021)

Arguing that police unlawfully detained him by extending the scope and duration of a traffic stop in violation of the Fourth Amendment, James Salkil (Salkil) appealed his conviction for possession of a firearm and a methamphetamine pipe containing residue. Salkil also challenged the district court's denial of his motion to suppress evidence obtained during that traffic stop.

After stopping Salkil's car because the rear license plate was not illuminated, as required, Sergeant Joshua Paul (Sgt. Paul) conducted a records check that showed that Salkil had a relationship with the target of another investigation from whom guns and drugs were recently seized. When another officer arrived on the scene, Sgt. Paul decided to issue a warning citation to Salkil.

During the next approximately 37 seconds, Sgt. Paul asked Salkil about Salkil's connection to the gun and drug seizure. Then, Sgt. Paul asked for consent to search Salkil's car. Immediately thereafter, approximately 10 minutes and 45 seconds into the stop, Salil agreed.

As the second officer began writing a warning citation, Sgt. Paul searched the car. During the ensuing 3–4-minute search, Sgt. Paul found a scale with white residue, a handgun in Salkil's waistband, and methamphetamine and a pipe in Salkil's pocket. Consequently, Salkil was under arrest before the second officer could finish writing the warning citation.

Salkil made 3 arguments in his motion to suppress. First, Salkil said that Sgt. Paul delayed the stop unnecessarily. Specifically, Salkil argued, neither officer gave Salkil the warning citation within the twelve minutes that are ordinarily required to conduct an average traffic stop. Pointing out that Salkil consented to the search within 10 minutes and 45 seconds after the stop began, the court rejected Salkil's contentions on this point.

Second, Salkil claimed that Sgt. Paul's questions about Salkil's connection to the earlier drug and gun seizure also prolonged the detention unconstitutionally. Again, the court disagreed, explaining that the 37 seconds during which Sgt. Paul questioned Salkil about the "extraneous" matters fell well within the 3-4 minutes necessary to write the warning citation, which was a task integral to the original stop.

Third, Salkil contended that the officers' decision to hand write the warning citation rather than generating a computer printed one prolonged the stop unconstitutionally. Again, the court rejected the argument, explaining, "We are not convinced that the constitutional requirement of reasonableness mandates that police use only computer-generated warning tickets." Consequently, the court concluded that the district court properly denied Salkil's motion to suppress.

For the court's opinion: https://cases.justia.com/federal/appellate-courts/ca8/20-2058/20-2058-2021-08-25.pdf?ts=1629905452

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