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Vehicle Searches during Traffic Stops

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Vehicle Searches during Traffic Stops

It is always imperative for patrol officers to know that an officer's period on traffic patrol does not matter. However, the officers should never forget the fundamental concepts to consider before stopping any vehicle for an offense. When pulling over a vehicle for a traffic violation, for example, one essential legal principle that law enforcement officers should keep in mind is assuring a legitimate suspicion before halting a vehicle. Even though probable cause and reasonable suspicion were used to warrant the stop during the inspection, the reason for the stop may not be significant. In an ideal world, reasonable suspicion complies with the fourth amendment's prohibitions on disproportionate seizures and investigations. However, Khanyile (2017) claims that police officers are legally unable to detain and ticket every motorist who violates the law, let alone arrest them. Instead, police have complete discretion when deciding which vehicles to stop, caution, ticket, or arrest.

On the contrary, these stops and searches can change depending on circumstances where an officer feels like a need to take specific measures to protect his safety. For instance, when a patrol officer pulls over someone and reaches under their seat or bends over, this might raise the officer's suspicion because they might assume the driver is reaching out for a weapon. However, this suspicion might be inconclusive because the motorists might be reaching out for their documents. This phenomenon does not provide a clear-cut of the officer's conduct in such a situation. Similarly, the circumstances can change if the officer has reasonable cause to believe a crime is being committed. For example, suppose one has illegal goods or evidence such as illegal substances on plain view within the passenger partition of their car, then the legal concepts can change. In that case, the police can detain both the driver and the passenger, seize the drugs and check the car more thoroughly.

According to Nir (2020), law enforcement officers can conduct a warrantless search on vehicles when the occupant gives the police the consent to search. Secondly, the officer has reasonable grounds to suspect a car containing evidence of a crime. Lastly, the vehicle occupant has been detained, and the search is associated with the arrest, like the search for illegal drugs. In this case, because the two people bear the principle of individual responsibility for their relationship with God, neither can blame others for their errors.

References

- Khanyile, S. N. (2017). *The Constitutionality of Search and Seizure Operations Conducted Before and After Tax Administration Act 28 of 2011* (Doctoral Dissertation, University Of Pretoria).
- Nir, E. (2020). *Empowering the Exclusionary Rule: Using Suppression Motion Data to Improve Police Searches and Searches in the United States*. *International Journal of Police Science & Management*, 22(1), 96-107.

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