

January 8, 2004

LEGAL BULLETIN NO. 04- 1

SUBJECT: Arrests of Persons in Automobiles in Which Narcotics Are Present

On December 15, 2003, the United States Supreme Court handed down an opinion dealing with probable cause to arrest persons in an automobile.¹

At 3:16 a.m. on August 7, 1999, an officer stopped a vehicle for speeding in Baltimore County, Maryland. There were three (3) occupants in the car. The car was being driven by its owner. Pringle, the subject of this case, was the front seat passenger and another male was in the backseat. When the officer asked the driver for his license and registration, the driver opened the glove compartment, and the officer observed a large amount of rolled up money. The officer conducted a computer check which did not reveal any warrants. The officer then returned to the stopped vehicle, had the driver get out and issued him an oral warning. After a second patrol car arrived, the officer asked the driver if he had any weapons or narcotics in the vehicle. He indicated that he did not and signed a consent to search for the vehicle. The search yielded seven hundred sixty-three dollars (\$763.00) from the glove compartment and five (5) baggies containing cocaine from behind the backseat armrest. All three (3) men were questioned about the ownership of the drugs and were told that if no one admitted to ownership, they would all be arrested. The men provided no information and as promised, all three (3) were placed under arrest and transported to the station. After receiving his Miranda warning, Pringle confessed and acknowledged that the cocaine belonged to him. Pringle maintained that the other occupants of the car did not know about the drugs, and they were released. Pringle filed a motion to suppress his confession claiming that it was the fruit of an illegal arrest. That motion was denied, and Pringle was convicted and sentenced to ten (10) years in jail. The Maryland Court of Appeals reversed the decision of the lower court and held that absent specific facts pertaining to show Pringle's knowledge or dominion or control over the drugs, the mere finding of them in the backseat when Pringle was a front seat passenger is insufficient to establish probable cause for arrest.

The United States Supreme Court reversed that decision. The United States Supreme Court reviewed the concept of probable cause and reiterated that it is a "practical, non-technical concept" that deals with "the factual and practical considerations of everyday life on which reasonable and prudent men, not legal technicians, act." The Court continued by noting, "probable cause is a fluid concept – turning on the assessment of probabilities in particular factual contexts - not readily, or even usefully, reduced to a neat set of legal rules." The probable cause standard requires a reasonable ground for belief of guilt, and the guilt must be particularized with respect to the person to be searched or seized.

¹ Maryland v. Pringle, 02-809 (December 15, 2003).

In dealing with the specific facts of this case, the Court held that it was a reasonable inference from the facts that any or all of the occupants had knowledge of, and exercised dominion and control over, the cocaine. The Court held that a reasonable officer faced with these facts could conclude there was probable cause to believe Pringle committed the crime of possession of cocaine either solely or jointly. The Court continued by noting that “the quantity of drugs and cash in the car indicated the likelihood of drug dealing, an enterprise to which a dealer would be unlikely to admit an innocent person with the potential to furnish evidence against him.” As the Supreme Court felt the officer had probable cause to believe Pringle had committed the crime of possession of a controlled substance, his arrest was not invalid under the Fourth or Fourteenth Amendments.

Officers should be aware that the holding in this case is limited to its particular facts. First, the Court put some emphasis on the fact that this was an automobile, stating that a car passenger, unlike someone in a building, will often be engaged in a common enterprise with the driver. The holding in this case should not be read so broadly as to believe that it would extend to a residence, a business or other location. Obviously, if the officer had found the drugs and money on Pringle to begin with, there would not necessarily have been a basis to arrest the other two (2) occupants of the car. Officers will have to analyze each situation based on the specific facts presented. Finally, officers should always contact the appropriate investigative element for guidance when faced with these types of cases.

Questions concerning this opinion may be addressed to the Legal Advisor's Office.

Lisa S. Morris
Legal Advisor

DISTRIBUTION: All Law Enforcement Personnel
All Civilian Supervisory Positions
All Department Elements
To be posted on all bulletin boards for two weeks.