

District 12

Quick Tip No. 1

Vehicles may be searched without a warrant if there is probable cause, even if the vehicle is in impound.

Although warrantless vehicle searches based on probable cause were initially allowed under exigent circumstances (aka, The Mobile Vehicle), the Supreme Court refined its analysis to a reduced expectation of privacy in the highly regulated and taxed vehicle. That reduced expectation resulted in allowing searches supported by probable cause without a warrant. There is no requirement of exigency for warrantless searches of vehicles, so long as there is probable cause to search the vehicle.

Legal Supplement: In *Michigan v. Thomas*, 458 U.S. 259 (1982), the Court said,

In *Chambers v. Maroney*, 399 U.S. 42 (1970), we held that when police officers have probable cause to believe there is contraband inside an automobile that has been stopped on the road, the officers may conduct a warrantless search of the vehicle, even after it has been impounded and is in police custody. We firmly reiterated this holding in *Texas v. White*, 423 U.S. 67 (1975). See also *United States v. Ross*, 456 U.S. 798, 807, n. 9 (1982). It is thus clear that the justification to conduct such a warrantless search does not vanish once the car has been immobilized; nor does it depend upon a reviewing court's assessment of the likelihood in each particular case that the car would have been driven away, or that its contents would have been tampered with, during the period required for the police to obtain a warrant . . . the Court of Appeals held that the absence of "exigent circumstances" precluded a warrantless search [of the vehicle]. This holding is plainly inconsistent with our decisions in *Chambers* and *Texas v. White*.



Law Enforcement Quick Tips provided by

The Office of Matt Ballard

District Attorney for Rogers, Mayes, and Craig Counties