

## Police Mistakes Can Still Lead to Valid Arrests

### Description

It is not unusual for us to review car stop cases. As I have said more than once, car stops are the bread and butter of good police work. But what happens in those cases where officers conduct a legitimate car stop based on mistaken information? Fortunately, as we see in this case<sup>[1]</sup>, the courts understand that in the fast-paced business of policing there may be situations where an officer makes an honest mistake or misreads information off the “hot sheet”.

### FACTS

Kansas City PD officers were investigating reports of stolen vehicles and were patrolling undercover in an area where numerous stolen vehicles had been recovered. Each morning officers are issued a “hot sheet” that lists vehicles reported stolen in the metropolitan area. The list provides the plate, year, make, model and color of the vehicles. That morning Officer Palmer found a purple Dodge Challenger parked on the street and confirmed that the vehicle was listed on the “hot sheet” after it was stolen from a dealership.

Palmer called a second officer to watch the vehicle as he continued to patrol the area. The second officer advised Officer Palmer that a Red Dodge Challenger had also been stolen from the dealership at the same time the purple car was taken. A short time later a red Challenger pulled up next to the purple Challenger and then drove away. The officers followed the red Challenger to the driveway of a nearby residence and secured the defendant “Devion Williams” and another person standing near the car.

The officers then checked the VIN number and learned that the car was, in fact, not stolen. The second officer had misread the hot sheet and the second stolen car was actually a red Charger “not a Challenger. While checking Williams’s license, officers observed several plastic baggies on the ground containing a white powder “suspected cocaine” and a handgun in plain sight on the front passenger seat. A check of the gun’s serial number confirmed the gun was stolen and the temporary registration tags had expired. Williams claimed the car had been parked in the driveway all day, which the officers knew was untrue.

The officers decided to tow the car and conducted an inventory search, locating more drugs and an additional firearm. DNA testing connected Williams to the second handgun and the crack cocaine bags. Williams was charged in federal court and filed a motion to suppress the gun and cocaine as fruits of an improper search. The trial court disagreed finding that the officer’s mistaken belief that the car was stolen was a reasonable mistake. Williams was sentenced to 10 years and this appeal followed.

### 8th Circuit Findings

Williams first claims that the mistaken information cannot form a proper basis for the stop. The appellate court disagreed finding that “In mistake cases the question is simply whether the mistake, whether law or fact, was an objectively reasonable one.” The court noted that the hot sheet used abbreviations to identify the vehicle models “using CHR for the Charger and CHA for the

Challenger. Furthermore, the red Challenger briefly stopped next to the purple Challenger that had been confirmed as stolen, the car was observed in an area where many stolen vehicles had been found, and the red car's movement provided less of an opportunity to confirm the information on the hot sheet.

Williams next argued that the car stop should have immediately ended once the officers confirmed the car was not stolen. Again, the court disagreed. At the suppression hearing, an officer testified that the stop had lasted less than 2 minutes when the officers observed the drugs and first gun. Moreover, the vehicle had expired tags, Williams provided false information to the officers, and no one at the scene was willing to claim ownership of the vehicle. Under these circumstances, the officers had the requisite Reasonable Suspicion to prolong the stop, tow the car and conduct the vehicle inventory.

## WRAP UP

While it is important for officers to double check their information, there will be times when the facts and circumstances available to us at one point may, upon further investigation, turn out to be wrong. As the court noted in this case whether the officer's mistaken belief is objectively reasonable must be determined based on the facts known to the officer at the time not with the vision of hindsight. Taking the time to properly document your actions and information available to you at the time of the enforcement action will help the court determine that any mistake in fact or law was objectively reasonable.

1. *United States v Williams*, 2019 US App LEXIS 19934 (8<sup>th</sup> Cir July 2019) [link](#)

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