

Recent Case Report

U.S. v. Williams

(9th Cir. August 16, 2005) __ F.3d __

ISSUE

During a traffic stop, if a passenger leaves the vehicle, may officers order him to return to the car and remain inside?

FACTS

Early one morning, an Oakland police officer stopped a car for a minor equipment violation. When the car pulled to the curb, the passenger, Jamal Williams, stepped out and started walking away. The officer ordered him to return to the vehicle and stay there. He complied.

The officer eventually determined that the driver had no ID or registration. So he handcuffed her and started walking her back to his patrol car. Just then, he heard a noise—a “thud”—from outside the passenger’s door. So, after securing the driver in his patrol car, he inspected the area and found a handgun. Williams was arrested.

DISCUSSION

Williams argued that the gun should have been suppressed, claiming it was the fruit of an unlawful detention. Specifically, he argued that the officer’s act of ordering him to return to the car constituted a detention; and because the officer did not have grounds to detain him, the detention was unlawful. The court ruled the officer’s command was a reasonable one.

In *Maryland v. Wilson*, the United States Supreme Court ruled that, because of overriding officer-safety concerns, officers who have made a traffic stop may order any passengers to step outside pending completion of the stop.¹ In *Williams*, the Ninth Circuit noted there are also some good reasons for keeping the passengers *inside* the vehicle. Said the court:

Allowing a passenger, or passengers, to wander freely about while a lone officer conducts a traffic stop presents a dangerous situation by splitting the officer’s attention between two or more individuals, and enabling the driver and/or the passenger(s) to take advantage of a distracted driver.

Balanced against these legitimate officer-safety concerns, an officer’s act of commanding a passenger to remain in the vehicle is, in the words of the court, simply a “mere inconvenience.” (This is also the view of the California Court of Appeal which, in

¹ (1997) 519 U.S. 408, 415. ALSO SEE *Pennsylvania v. Mimms* (1977) 434 U.S. 106; *Ohio v. Robinette* (1996) 519 U.S. 33, 38 [officer lawfully ordered the driver to exit even though he had already decided not to cite him]; *People v. Castaneda* (1995) 35 Cal.App.4th 1222, 1230 [“Requesting a driver to step out of a car after the driver is lawfully detained is a reasonable and minimal intrusion.”].

People v. Castellon, observed, “[W]hether the passenger is ordered to stay in the car or get out of the vehicle is a distinction without a difference.”²⁾

Consequently, the court concluded, “[I]t is reasonable for an officer to order a passenger back into an automobile that he voluntarily exited because the concerns for officer safety originally announced in *Wilson*, and specifically the need for officers to exercise control over individuals encountered during a traffic stop, outweigh the marginal intrusion on the passenger’s liberty interest.”³⁾

Williams’ conviction was affirmed.

² (1999) 76 Cal.App.4th 1369, 1374.

³ ALSO SEE: *New York v. Class* (1986) 475 U.S. 106, 115 [“Keeping the driver of a vehicle in the car during a routine traffic stop is probably the typical police practice.”].