

ILLINOIS PROSECUTOR SERVICES, LLC

19650 S. Standard City Road
Carlinville, IL 62626
Phone: (217) 854-8041
Website: www.ipsllonline.com
E-mail: don@ipsllonline.com



LAW ENFORCEMENT OFFICER TRAINING CASE OF THE MONTH

By Don Hays

Month of August – 2026 - ALTERNATIVE

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People v. Jimmie L. Wallace, 2026 Il App (4th) 250795, June 5, 2026.

THE CASE: During an inventory search of a car that was to be towed, a firearm was discovered. Was the search of the bag in which the firearm was discovered legal?

FACTS: The arresting Officer was on patrol when he saw a male, later identified as Wallace, standing on a corner near a gas station in a “high crime” area. The Officer parked in a nearby parking lot. While parked, the Officer saw a car driven by a female pull into a parking spot at the station. The car remained “for less than two seconds” before immediately pulling out and leaving. The Officer found these circumstances suspicious and decided to follow the vehicle. While following the car, the Officer conducted a “registration check” and learned the vehicle was registered to a single female whose driver's license had been suspended. The Officer initiated a traffic stop of the car, approached it, and identified its driver as having a suspended license. Wallace was in the vehicle's front passenger seat. At this time, a second Officer arrived on the scene. Subsequently, the arresting Officer decided to write the driver of the car a ticket for driving with a suspended license and “release her on a notice to appear.” [At the time of the incident, the Officer had discretion regarding whether to make an arrest for the offense at issue.] However, his Department's towing policy required that he have the suspect vehicle towed. According to the Officer, he was not permitted to allow someone else to drive her vehicle from the scene, even if that person had a valid license.

The driver of the car called for a ride from the scene and the second Officer had Wallace step out of the vehicle so that the officers could “conduct an inventory of the vehicle.” According to the second Officer, the inventory procedure involved going through the vehicle and determining what was inside and that its purpose was “to protect the officer and the police department from any accusations of theft or any type of liability that could be associated with towing the vehicle.” Conducting an inventory search also guarded against allegations of theft by the tow truck driver. The second Officer began “the tow inventory” while the arresting Officer worked on the driver's notice to appear in his squad car. At that time, both Wallace and the driver were outside of the arresting Officer's car, and Wallace was standing at the Officer's car window, asking him questions about why the vehicle had to be towed and why Wallace could not drive it away. The arresting Officer acknowledged that at this time, Wallace was free to walk about the scene of the traffic stop for some amount of time before he was ultimately detained. During that time, the arresting Officer never “patted [defendant] down,” “frisked” defendant, or asked defendant to keep his hands out of his pockets. He identified the officer safety concerns he had during the stop as being based on “the time of night and where we were and the lack of lighting and essentially the secluded area.”

According to the second Officer, as Wallace was exiting the vehicle, he tried to remove from the vehicle “a bag” that had been held between his legs. However, the second told Wallace to leave the “bag,” and he complied. The second Officer explained that he did not allow the “bag” to be removed “for [his] safety,” stating he did not “know what could be in the bag.” He also explained that he was concerned for his safety, noting Wallace's “demeanor of *** being upset about the stop.” The Officer further noted that the stop occurred at 2 a.m., it was dark outside, there were only two officers at the scene, and the stop was not in a residential area with civilians who could call for help if needed. Less than two minutes after Wallace exited the vehicle, the second Officer began the inventory search. “[A]lmost immediately,” he located “a small jar with a white residue inside.” The Officer described the residue as a “crystal substance.” From his training and experience, the Officer was familiar with what methamphetamine looked like, and he recognized the white residue as “an illegal substance.” The Officer stated that after locating the jar, he had probable cause to search the car, its occupants, and any containers in the car. He then searched the “bag” that had been between Wallace's feet and found a loaded firearm. The Officer noted that during the entirety of the traffic stop before the gun was found, Wallace was never in handcuffs, and he had not been frisked. According to the second Officer, “he attempted to ask” Wallace to submit to a search or “pat down” to check for weapons after Wallace exited the vehicle. He also asked Wallace, “if he had any weapons on him.” According to the Officer, Wallace ignored him and walked away.

Following a stipulated bench trial, Wallace, was convicted of unlawful possession of a weapon by a felon (UPWF) (720 ILCS 5/24-1.1(a)) and sentenced to three years and two months in prison. He appealed, arguing that the trial court improperly denied his motion to suppress evidence against him.

ARGUMENT ON APPEAL: Wallace contended the warrantless search of his backpack was illegal because (1) the Officer lacked the authority to order him to leave his backpack in the suspect vehicle immediately prior to the inventory search and (2) the inventory search did not comply with police department policies and was invalid. According to Wallace, both the gun evidence and his statements to the police should have been suppressed, and his UPWF conviction should be reversed.

ISSUE #1: BACKPACK: Did the Officer properly order Wallace to leave his backpack in the car that was to be searched?

FINDINGS: The appellate court noted that the container at issue was a backpack positioned on the front passenger floorboard of the vehicle near Wallace. It was not a purse or billfold attached to his person. [The Court acknowledged “[p]urses as special containers” and “repositories of especially personal items” that might “amount to a kind of outer clothing” if “attached” to an individual's person.] Also, the Court noted that the backpack was “in” the suspect vehicle at the time the “justification for the search was triggered”, i.e., when it was discovered that the driver had no license. The Court declared that the inventory search in this case was justified by the officers’ decision to impound the suspect vehicle, and that decision was made before Wallace was asked to exit the vehicle and tried to remove the backpack. Consequently, the Officer was justified in demanding that Wallace leave his backpack in the car that was to be inventory searched.

ISSUE #2: OFFICER SAFETY: Did “Officer Safety” justify requiring Wallace to leave his backpack in the suspect car?

FINDINGS: The appellate court noted that traffic stops can be dangerous for police officers and present legitimate concerns for officer safety. The risk to an officer is increased by the presence of passengers, particularly when those passengers are outside the vehicle.” Further, the Court concluded that separating a passenger from his or her belongings while the traffic stop is ongoing represents only a minor intrusion, where the passenger is already lawfully seized. Accordingly, the Court found that to ensure his safety during the stop, the second Officer could lawfully separate Wallace from his backpack during the underlying encounter by ordering him to exit the vehicle without his backpack. Further, the Court noted that although a general concern for officer safety would not have justified a search of the backpack, the backpack was subject to being inventoried pursuant to the policies of the Police Department. It was a container in the car at the time the need for the inventory search arose. Additionally, the record showed that the second Officer later developed probable cause to search the vehicle during the inventory search by discovering the jar with its contents. Upon the discovery of the jar, the backpack was subject to a search whether it was inside the car or outside the car in the possession of Wallace.

ISSUE #3: CONDUCT OF THE OFFICERS: Did the conduct of the Officers in failing to frisk Wallace or restrict his liberty following his exit from the suspect car prove that the Officers did not actually fear for their safety sufficiently to justify requiring Wallace to leave his backpack in the suspect vehicle? Specifically, Wallace argued that the second Officer had no legitimate or reasonable concern for his safety during the underlying stop. In particular, he contended that the officers allowed him to roam freely at the scene, without patting him down for weapons or instructing him to keep his hands out of his pockets. He also contended that he made no furtive movements and complied with the officers’ requests.

FINDINGS: The appellate court responded by noting that although the officers did not pat down Wallace or frisk him for weapons, such actions would have required more than simply the concern for officer safety that justified separating him from his backpack. Rather, the Court concluded that an “officer may subject [a] person to a limited search for weapons, commonly referred to as a ‘frisk,’ only if the officer reasonably believes that the person is armed and dangerous.” Here, the Officer could have directed Wallace to leave his backpack based on officer safety concerns without having the reasonable suspicion necessary to warrant the more significant intrusion of a pat down for weapons. Finally, the Court agreed with the trial court's finding that the second officer’s safety concerns were objectively reasonable. The record showed the traffic stop occurred during the early morning hours at an unpopulated, “high crime” location. Wallace was upset about the stop and, at times, uncooperative, and only two officers were initially present at the scene. Further, at various points, both Officers were engaged with matters related to the stop, such that their attention was diverted from Wallace and the driver. Accordingly, Wallace's claim that the underlying stop posed no legitimate concern for officer safety was rejected.

ISSUE #3: THE INVENTORY SEARCH: Did the Officers fail to conduct a proper inventory search? Specifically, Wallace complained that the search was neither thorough nor aimed at producing an inventory list.

FINDINGS: The Court found that the trial record, including the recording from the second Officer's body camera, supported the trial court's factual findings that the inventory search was properly conducted. The Court noted that the “inventory search” lasted approximately one minute before the officer discovered a jar with suspected methamphetamine. That discovery shifted the conduct of the Officer away from an inventory search to a search for evidence of criminal activity.

CONSLUSION: The appellate court found that the circuit court's ultimate determination that the inventory search was initially valid was supported by the record. Wallace did not dispute that the second Officer had probable cause to search the entire car after finding the glass jar. Accordingly, it found the circuit court committed no error in denying Wallace's motion to suppress evidence.

QUIZ QUESTIONS FOR THE MONTH OF AUGUST – 2026 - ALTERNATIVE

People v. Jimmie L. Wallace, 2026 Il App (4th) 250795, June 5, 2026.

1. In Illinois, a search is per se unreasonable if it is conducted without a warrant supported by probable cause and approved by a judge or magistrate.
 - a. True.
 - b. False.

2. Does the need to conduct an inventory search of a lawfully impounded vehicle justify a warrantless search of that vehicle?
 - a. Yes.
 - b. No.

3. In this case, Wallace complained that the Officer lacked the authority to order him to leave his backpack in the car that was to be searched. Did the Court of Appeals agree with Wallace?
 - a. Yes.
 - b. No.

4. Wallace argued that the Officers in this case failed to conduct a proper inventory search. The Appellate Court rejected this argument.
 - a. True.
 - b. False.

QUIZ ANSWERS FOR THE MONTH OF AUGUST – 2026 - ALTERNATIVE

People v. Jimmie L. Wallace, 2026 IL App (4th) 250795, June 5, 2026.

1. In Illinois, a search is per se unreasonable if it is conducted without a warrant supported by probable cause and approved by a judge or magistrate.

a. True. “(A) search is per se unreasonable if conducted without a warrant supported by probable cause and approved by a judge or magistrate.” *People v. Hill*, 2020 IL 124595.
2. Does the need to conduct an inventory search of a lawfully impounded vehicle justify a warrantless search of that vehicle?

a. Yes. Another exception to the fourth amendment's warrant requirement is “[a]n inventory search of a lawfully impounded vehicle.” *People v. Gipson*, 203 Ill. 2d 298, 304, 272 Ill. Dec. 1, 786 N.E.2d 540 (2003). The objectives of an inventory search are “(1) protection of the owner's property; (2) protection of the police against claims of lost or stolen property; and (3) protection of the police from potential danger.” *Id.* To be valid, an inventory search must satisfy three requirements: “(1) the original impoundment of the vehicle must be lawful; (2) the purpose of the inventory search must be to protect the owner's property and to protect the police from claims of lost, stolen, or vandalized property and to guard the police from danger; and (3) the inventory search must be conducted in good faith pursuant to reasonable standardized police procedures and not as a pretext for an investigatory search.” *People v. Hundley*, 156 Ill. 2d 135 (1993).
3. In this case, Wallace complained that the Officer lacked the authority to order him to leave his backpack in the car that was to be searched. Did the Court of Appeals agree with Wallace?

b. No. The appellate court concluded that under the circumstances of this case, the Officer was authorized to require Wallace to leave his backpack inside the impounded car. The Court held that the Officer was justified in making this decision based upon the principles of an inventory search and upon the principles of “Officer Safety.”
4. Wallace argued that the Officers in this case failed to conduct a proper inventory search. The Appellate Court rejected this argument.

a. True. The Court concluded that Officer Two conducted a proper inventory search of the impounded car for approximately one minute. This “inventory search” then turned into a search for evidence of criminal activity following the discovery of Methamphetamine inside a jar found in the car during the inventory search.