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LAW ENFORCEMENT OFFICER TRAINING CASE OF THE MONTH

By Don Hays

Month of October – 2026 PART I.

LAW ENFORCEMENT OFFICER TRAINING CASE OF THE MONTH

Month of October - 2026 PART I

United States v. Robert Pennington, Jr., No. 23-3315, September 04, 2026.

THE CASE - Within one hour, Pennington was twice stopped by law enforcement while traveling on an interstate. During the second stop a drug detection dog alerted on Pennington's car. Was the first stop of Pennington illegal?

FACTS: FIRST STOP: An Officer pulled Pennington over on an Interstate for speeding. While running Pennington's information, the Officer was advised that Pennington was possibly affiliated with a street gang and had a long criminal history. The Officer then requested Pennington join him in the front of his squad car, so they did not have to shout over traffic to communicate. Once inside the squad car, the Officer asked Pennington about his travel plans and employment. While Pennington sat beside the Officer, the Officer was advised that Pennington had numerous drug convictions. At that point, the Officer questioned whether Pennington had anything in his car like the drugs from his previous drug charges or whether a dog would alert to anything in the car he was driving, to which Pennington responded "no." The Officer then stated that Pennington seemed nervous. Next, the Officer printed Pennington's warning, explained it to him, and returned Pennington's other documents. After giving Pennington the warning, the Officer said that Pennington appeared nervous and asked if he was sure there was nothing in the car. Pennington again said no, and that he is nervous any time he is around police officers. The Officer then asked whether Pennington would consent to a vehicle search due to his nervousness. Pennington refused to consent and the Officer agreed not to search Pennington's car but stated that he believed Pennington was "up to something." Pennington explained that he had nothing on him and asked whether he could continue on his way. Pennington then exited the Officer's vehicle about three minutes after the Officer gave him the warning and returned his other documents and continued along the Interstate.

SECOND STOP: Following this interaction, the first Officer sent a message to a canine officer. The first Officer explained to the canine Officer that Pennington had denied his request for a search, described the make and model of the car Pennington was driving, and shared Pennington's drug-related criminal history. The canine Officer told the first Officer that he would "keep an eye out for it," and the first Officer shared which direction Pennington traveled after leaving the first stop. About an hour after Pennington had been released from the first traffic stop, the canine Officer spotted the car Pennington was driving and observed him improperly pull in front of a semi-truck. The canine Officer initiated a traffic stop based on improper lane usage. After explaining the reason for the stop, the canine Officer asked Pennington to exit his vehicle. The canine Officer had Pennington raise his shirt to ensure he was not carrying a weapon, then directed Pennington to his squad car. The canine Officer explained the traffic violation to Pennington and indicated that he would issue Pennington a warning. The canine Officer had trouble, however, logging into the in-car computer database system to complete the written warning, which delayed the stop. After approximately four minutes, the canine Officer's computer issues were resolved. During the wait time, the canine Officer inquired about Pennington's trip and criminal history. Not long after, a Third Officer, whom the canine Officer had radioed for assistance, also arrived on the scene. The canine Officer then asked Pennington if he had any guns, drugs, or large sums of money in the car, to which Pennington responded "no." The canine Officer then asked if there was anything illegal in the vehicle, which Pennington again denied.

The canine Officer said "okay," and that he would take his canine around Pennington's car while the Third Officer wrote the warning for improper lane usage. Pennington then asked what the purpose of the dog sniff was, and the canine Officer responded that it was because he could conduct the sniff and because he was not prolonging the traffic stop as the Third Officer would be writing the warning. When Pennington prodded further about the purpose of the dog sniff when he had been pulled over for only an improper lane usage, the canine Officer explained that every so often he would run his canine during a traffic stop, especially when he has help from another officer. The canine Officer then began walking his dog around Pennington's vehicle. About 90 seconds later, and before the Third Officer had issued the warning to Pennington, the canine alerted to the presence of controlled substances within the vehicle. The canine Officer completed the dog sniff about a minute later. Once the canine alerted to the presence of controlled substances, the Third Officer conducted a search of Pennington's vehicle and discovered crack cocaine. Pennington was arrested on the scene.

A federal grand jury returned an indictment charging Pennington with one count of possessing with the intent to distribute 28 grams or more of a mixture or substance containing cocaine base. Pennington moved to suppress the drugs found during the canine Officer traffic stop. He made four arguments in support: (1) the canine Officer lacked reasonable suspicion to stop Pennington; (2) the canine Officer unreasonably delayed writing Pennington's warning so he could conduct a dog sniff;

(3) the two traffic stops were impermissibly coordinated to circumvent the Fourth Amendment; and (4) the canine Officer had no independent probable cause to justify prolonging the traffic stop. At the conclusion of the evidentiary hearing on the motion to suppress, the district court denied Pennington's request. It first concluded the canine Officer's stop was justified at its inception because the officer had probable cause, or at least reasonable suspicion, to stop Pennington for improper lane usage. The court credited the canine Officer's testimony and video evidence as supporting this conclusion. The court then reasoned that the first stop conducted by the first Officer was irrelevant to the lawfulness of the canine Officer's subsequent stop because the canine Officer independently observed Pennington commit a traffic violation. The court next found that the dog sniff did not unreasonably prolong the canine Officer's stop because the stop "didn't extend beyond the purpose of writing the written warning," and that the stop was not prolonged just to conduct the dog sniff. The court also found the total duration of the canine Officer's stop was reasonable given the technical difficulties the Officer encountered. Pennington then entered a conditional plea agreement, reserving his right to appeal the denial of his suppression motions. The district court sentenced Pennington to a term of ten years' imprisonment followed by eight years of supervised release. Pennington then brought this appeal.

1. First Traffic Stop

ISSUE #1: Did the first Officer unreasonably prolong the first stop by continuing to investigate whether Pennington possessed drugs after printing and delivering Pennington's warning and then handed back his documents?

CONCLUSION: The Court of Appeals noted that while the district court did not decide whether the first Officer unreasonably prolonged the first traffic stop, but it had no trouble concluding he did. **REASONING:** The Court first noted that the first Officer printed Pennington's warning, explained it to him, and returned his license and insurance documents. These actions, according to the Court, concluded the mission of the traffic stop: issuing a warning to Pennington for speeding. However, the first Officer, suspecting Pennington was "up to something," continued to question Pennington. The Officer asked why Pennington appeared to be nervous; whether he had drugs in the car; whether he would consent to a search of the car; and whether he was on parole or probation. Further, from the squad car's camera, it was clear this line of questioning lasted approximately three minutes after Officer issued Pennington the warning. And the record did not suggest that the Officer, at that point, had "the reasonable suspicion ordinarily demanded" to support prolonging the stop. Therefore, because the Officer continued to question Pennington after the stop's mission had concluded, the Officer unreasonably prolonged the first stop.

SUB-ISSUE A: If Pennington's detention ended once the Officer printed the warning and handed back his documents, wasn't any questioning beyond that point was just a consensual encounter? **CONCLUSION:** No. **REASONING:** The Court held that the end of the stop's mission and the end of Pennington's detention were not the same thing. Just because the Officer ended the traffic stop's mission by giving Pennington his warning ticket and returning his documents did not necessarily mean that Pennington's detention ended. According to the Court, "In assessing whether a person has been seized, we look to the totality of the circumstances and ask whether 'a reasonable person would feel free to terminate the encounter.' " In this case, the Court concluded that a reasonable person in Pennington's position would not have felt free to leave the Officer's squad car until the Officer finished his continued questioning. Therefore, just because the Officer ended the stop's mission did not prove that his subsequent interaction with Pennington was a "consensual encounter."

SUB-ISSUE B: Second, the government argued that Pennington's nervousness justified the Officer's continued questioning, as the stop's officer-safety. Whether the evidence discovered in the second search will be analyzed and discussed in PART II of this case. **purpose remained intact until Pennington left the Officer's vehicle.** **CONCLUSION:** The Court concluded that "officer-safety" did not justify the Officer's continuing questions. **REASONING:** The Court reasoned that the "officer safety interest stems from the mission of the stop itself." The stop's mission concluded once the Officer printed Pennington's warning and returned his documents. The Officer's continued questioning, even if taken as safety precautions, detoured beyond that mission. Therefore, the government's interest in officer safety did not justify the Officer's post-mission questioning.

ISSUE #2: OK, the Officer improperly prolonged Pennington's detention after the Officer completed the stop's mission. So What? **CONCLUSION:** The suppression of the evidence discovered as a consequent of the second stop was not required simply because the Officer improperly extended the duration of the first stop. **REASONING:** The "attenuation doctrine" was used to indicate that the illegality of the first stop did not automatically require the suppression of the evidence discovered in the second stop. The use of the exception to the exclusionary rule will be analyzed next month.

RESULT: PART II of this analysis concerning the Second Stop will be found in November's Primary Training Case of the Month.

QUIZ QUESTIONS FOR THE MONTH OF OCTOBER – 2026

United States v. Robert Pennington, Jr., No. 23-3315, September 04, 2026.

1. A traffic stop is reasonable only if it was “justified at its inception, and reasonably related in scope to the circumstances which justified the interference in the first place.” “A traffic stop may, however, ‘become unlawful if it is prolonged beyond the time reasonably required to complete the mission of the stop.’ ”
 - a. True.
 - b. False.

2. “The mission of a traffic stop is ‘to address the traffic violation that warranted the stop and attend to related safety concerns.’ ” As a general rule, can an Officer legally question the driver of a stopped vehicle concerning the driver’s travel plans?
 - a. Yes.
 - b. No.

3. In this case, the Officer printed off Pennington’s warning ticket, handed the ticket to Pennington, and returned Pennington’s documents. The Court of Appeals determined that these acts of the Officer constituted the conclusion of the traffic stop’s mission.
 - a. True.
 - b. False.

4. Was the Officer in this case justified in continuing to question Pennington after he gave Pennington his warning ticket and returned to Pennington his documents?
 - a. Yes.
 - b. No.

QUIZ ANSWERS FOR THE MONTH OF OCTOBER – 2026

United States v. Robert Pennington, Jr., No. 23-3315, September 04, 2026.

1. A traffic stop is reasonable only if it was “justified at its inception, and reasonably related in scope to the circumstances which justified the interference in the first place.” “A traffic stop may, however, ‘become unlawful if it is prolonged beyond the time reasonably required to complete the mission of the stop.’ ”

a. **True.** The Court in this case stated the above and citing the case of Rodriguez v. United States, 575 U.S. 348 (2015), in support.
2. “The mission of a traffic stop is ‘to address the traffic violation that warranted the stop and attend to related safety concerns.’ ” As a general rule, can an Officer legally question the driver of a stopped vehicle concerning the driver’s travel plans?

a. **Yes.** The Court in this case said, “The officer may also typically ask questions related to the stop, such as questions about the driver's travel plans.” United States v. Cole, 21 F.4th 421, 427 (7th Cir. 2021).
3. In this case, the Officer printed off Pennington’s warning ticket, handed the ticket to Pennington, and returned Pennington’s documents. The Court of Appeals determined that these acts of the Officer constituted the conclusion of the traffic stop’s mission.

a. **True.** The Court declared that the “stop's mission concluded once the Officer printed Pennington's warning and returned his documents.”
4. Was the Officer in this case justified in continuing to question Pennington after he gave Pennington his warning ticket and returned to Pennington his documents?

b. **No.** The Court concluded that these acts of the Officer constituted an unreasonable extension of the duration of Pennington’s detention. This, therefore, rendered the continued detention of Pennington illegal.