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## ***LAW ENFORCEMENT OFFICER TRAINING CASE OF THE MONTH***

**By Don Hays**

Month of September – 2024 - ALTERNATIVE

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# LAW ENFORCEMENT OFFICER TRAINING CASE OF THE MONTH

## Month of September - 2024 - ALTERNATIVE

### People v. Jaimie L. Whiles, 2024 IL App (4th) 231086, May 14, 2024.

**THE CASE:** A deputy sheriff pulled the car the defendant was driving over and issued him three uniform traffic tickets: one for driving under the influence of alcohol (DUI) (625 ILCS 5/11-501(a)(1), (5)), another for driving an uninsured vehicle (id. § 3-707), and another for illegally transporting alcohol (id. § 11-502). The Circuit Court granted the defendant's motion to suppress after concluding that the Deputy lacked sufficient justification for stopping the defendant. Did the Deputy legally stop the defendant?

**FACTS:** The Sheriff's Department "received a call about a possibly intoxicated driver" driving a red Jeep and heading east on an Interstate highway. A Deputy Sheriff "pulled into a turnaround" on that Interstate and watched for a "red Jeep." Eventually, the Deputy saw a red Jeep approach, and the vehicle behind it flashed its headlights at the Deputy. The vehicle following the Jeep was a fully marked Paw Paw, Michigan, patrol vehicle." A County deputy sheriff pulled the Jeep over and issued the driver of the Jeep, (defendant Whiles), three uniform traffic tickets: one for driving under the influence of alcohol (DUI) (625 ILCS 5/11-501(a)(1), (5)), another for driving an uninsured vehicle (id. § 3-707), and another for illegally transporting alcohol (id. § 11-502). Because chemical testing revealed that Whiles had a blood alcohol concentration of more than 0.08 (specifically, 0.166), statutory law required the summary suspension of his driving privileges.

Whiles petitioned the circuit court to rescind the statutory summary suspension. One of his claims in support of the proposed rescission was that "[t]he arresting officer did not have reasonable grounds to believe that the defendant was driving \*\*\* while under the influence of alcohol or drugs." Also, Whiles moved for the suppression of any evidence the People had obtained because of the traffic stop. Such evidence was inadmissible, the motion argued, because the deputy had lacked "reasonable grounds for making the stop." At the hearing, the Deputy testified that after spotting the Jeep and confirming that it was the suspect car (by its license plate number) he pulled the Jeep over. The Deputy admitted that prior to pulling the Jeep over, he had not observed the driver of the Jeep commit any violations of the Illinois Vehicle Code. The Deputy further admitted that it was only after he had stopped the Jeep that he learned that the caller who made to report of a drunk driver was, in fact, the Michigan Officer and that the Officer had explained that he had observed the Jeep being driven erratically and swerving and crossing the center line and the fog line. At one point, according to the Officer, the Jeep almost hit a pole, and then, while on the Interstate, it had made a complete stop for about two seconds before continuing again.

Following a hearing, the circuit court granted Whiles petition to rescind his summary suspension and to suppress the evidence collected by the Officer during his detention. Specifically, the Court found that because the Deputy had not himself seen Whiles commit any traffic violation, and because the only information that the Deputy had at the time of the stop was a message from the dispatcher that a possibly intoxicated driver was eastbound on the Interstate, the Court granted the motion for suppression and rescinded the statutory summary suspension. The People appealed.

**ARGUMENTS:** On appeal, the People argued that "[u]nder the totality of the circumstances, the stop of defendant's moving vehicle in response to a detailed report of impaired driving to 9-1-1 from an out-of-jurisdiction police officer was thoroughly reasonable."

Whiles countered that before pulling him over, the Deputy himself "observe[d]" no "unusual conduct" by defendant. Rather, all the Deputy observed was Whiles driving by in a red Jeep. Whiles noted that, at the time of the traffic stop, "(the Deputy) and all other on-duty law enforcement officers who were authorized to enforce the laws within the State of Illinois had only extremely limited information." At the hearing on Whiles' motion for suppression, "the People conceded that [the Deputy] did not know the identity of the caller, his status as an off-duty out-of-state police officer, or what he observed prior to the Deputy's initiating a traffic stop." Whiles

reasoned, “[s]ince an off-duty Paw Paw police officer cannot enforce laws within the State of Illinois and is not authorized to practice law within Illinois, then his efforts [cannot] be considered to be in concert with other law enforcement officers.”

**THE LAW:** Vehicle stops are subject to the Fourth Amendment's reasonableness requirement. As a general matter, the decision to stop an automobile is reasonable where the police have probable cause to believe that a traffic violation has occurred. Though traffic stops are frequently supported by probable cause to believe that a traffic violation has occurred, as differentiated from the less exacting standard of reasonable, articulable suspicion that justifies an investigative stop, the latter will suffice for purposes of the Fourth Amendment irrespective of whether the stop is supported by probable cause. A police officer may conduct a brief, investigatory traffic stop of a person where the officer can point to specific and articulable facts which, taken together with rational inferences from those facts, reasonably warrant the intrusion; the officer's belief need not rise to the level of suspicion required for probable cause. Although a police officer needs probable cause before arresting someone for driving under the influence of alcohol (DUI), all a police officer needs to pull someone over for suspected DUI is knowledge of sufficient articulable facts at the time of the encounter to create a reasonable suspicion that the person in question has committed DUI. “Probable cause,” as would support arrest, means that a reasonable and prudent person, having the knowledge possessed by the officer at the time of the arrest, would believe the defendant committed the offense. A “reasonable suspicion of criminality,” as would support traffic stop and which is a decidedly lower standard than probable cause, arises when an officer observes unusual conduct which leads him reasonably to conclude in light of his experience that criminal activity may be afoot. When police arrest someone in reliance merely on a report of criminal activity, admissibility of evidence that police find in search incident to arrest does not turn on whether those relying on the flyer were themselves aware of specific facts which led their colleagues to seek their assistance; in an era when criminal suspects are increasingly mobile and increasingly likely to flee across jurisdictional boundaries, this rule is a matter of common sense: it minimizes the volume of information concerning suspects that must be transmitted to other jurisdictions and enables police in one jurisdiction to act promptly in reliance on information from another jurisdiction.

**APPELLATE COURT FINDINGS:** The Appellate Court held that the traffic stop was supported by reasonable, articulable suspicion that the defendant was driving under the influence of drugs or alcohol.

**CONCLUSIONS:** **SEARCH AND SEIZURE (Detention - Reasonable Suspicion):** The appellate court concluded that the traffic stop was supported by a reasonable, articulable suspicion that the defendant was driving under the influence of drugs or alcohol, though the deputy sheriff did not see the defendant commit any traffic violation and the only information he had at the time of the stop was a message from the dispatcher that a possibly intoxicated driver was eastbound on the road.

**REASONING:** The appellate court reasoned that an out-of-state police officer saw the defendant driving erratically, the officer flashed the headlights of his police vehicle at the deputy to signal that the car it was following was the car the deputy was seeking. The Court concluded that what the Michigan officer knew at the time of the stop could be imputed to the Deputy even though the deputy had not been apprised of what the officer knew, and the fact that the Officer had no law enforcement authority where the stop took place was irrelevant. U.S. Const. Amend. 4; 625 Ill. Comp. Stat. Ann. 5/11-501(a)(1), (5).

**RESULT:** Because the traffic stop was supported by a reasonable, articulable suspicion that the defendant was driving under the influence of drugs or alcohol, the appellate court reversed the circuit court's orders granting the motion to suppress evidence and the petition to rescind the statutory summary suspension. It remanded the case for further proceedings.

**POINTS TO PONDER:** If the Deputy had not witnessed the Officer flash his lights, would the Deputy still have had the authority to stop the suspect car? What do you think? What if the Michigan Officer had identified himself during the 911 call and the dispatcher had relayed this information to the Deputy. Would that be enough?

**QUIZ QUESTIONS FOR THE MONTH OF SEPTEMBER – 2024 - ALTERNATIVE**

**People v. Jaimie L. Whiles, 2024 IL App (4th) 231086, May 14, 2024.**

1. In order to be legal, a vehicle stop must be reasonable under the totality of the circumstances,.
  - a. True.
  - b. False.
  
2. Does the Fourth Amendment allow an Officer to arrest a suspect for DUI based upon the Officer's reasonable suspicion that the suspect has been driving while under the influence of alcohol or drugs?
  - a. Yes.
  - b. No.
  
3. In this case, a Michigan Police Officer witnessed the defendant's driving and concluded that the defendant may be DUI. Can an observations of an out-of-state Police Officer, who is not authorized to enforce Illinois law, provide justification for stopping an Illinois Driver?
  - a. Yes.
  - b. No.
  
4. The Michigan Police Officer observed the erratic driving of the defendant and called 911 to report a possible DUI. The appellate court in this case concluded that the observations of the Officer and his 911 call was enough to justify the stop of the defendant.
  - a. True.
  - b. False.

## QUIZ QUESTIONS AND ANSWERS FOR THE MONTH OF SEPTEMBER – 2024 - ALTERNATIVE

### People v. Jaimie L. Whiles, 2024 IL App (4th) 231086, May 14, 2024.

1. In order to be legal, a vehicle stop must be reasonable under the totality of the circumstances.,
  - a. **True.** Quoting the Illinois Supreme Court, this Court declared, ““Vehicle stops are subject to the fourth amendment's reasonableness requirement. As a general matter, the decision to stop an automobile is reasonable where the police have probable cause to believe that a traffic violation has occurred. However, as this court has observed, though traffic stops are frequently supported by probable cause to believe that a traffic violation has occurred, as differentiated from the less exacting standard of reasonable, articulable suspicion that justifies an investigative stop, the latter will suffice for purposes of the fourth amendment irrespective of whether the stop is supported by probable cause.” People v. Hackett, 2012 IL 111781.
2. Does the Fourth Amendment allow an Officer to arrest a suspect for DUI based upon the Officer’s reasonable suspicion that the suspect has been driving while under the influence of alcohol or drugs?
  - b. **No.** This Court held, “Thus, although a police officer needs probable cause before arresting someone for DUI (see People v. Horton, 2019 IL App (1st) 142019-B, all a police officer needs to pull someone over for suspected DUI is “ ‘knowledge of sufficient articulable facts at the time of the encounter to create a reasonable suspicion that the person in question has committed’ ” People v. Richardson, 376 Ill. App. 3d 612, (2007)
3. In this case, a Michigan Police Officer witnessed the defendant’s driving and concluded that the defendant may be DUI. Can an observations of an out-of-state Police Officer, who is not authorized to enforce Illinois law, provide justification for stopping an Illinois Driver?
  - a. **Yes.** This Court held that even though the Officer who witnessed the defendant’s driving was not an Illinois Officer, that Officer was authorized to provide evidence to support the defendant’s stop. As the Court held, “(f)rom the obviously defective driving that (the Michigan Officer) observed, it was reasonable to suspect defendant of DUI, and (the arresting Deputy) stood on the Officer's shoulders in that (the Officer's) knowledge was imputed to (the Deputy).
4. The Michigan Police Officer observed the erratic driving of the defendant and called 911 to report a possible DUI. The appellate court in this case concluded that the observations of the Officer and his 911 call was enough to justify the stop of the defendant.
  - b. **False.** In this case, the Court concluded that the Michigan Officer’s act of flashing his lights at the Deputy was enough to support the stop of the defendant. As the Court declared, “Under the circumstances, the clear import of this flashing signal from one police officer to another—the “rational inference[ ]”—was as follows: “Here is the red Jeep, the suspected DUI, that you are looking for. This is the guy.” See Hackett, 2012 IL 111781.