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

**By Don Hays**

Month of March – 2025

# LAW ENFORCEMENT OFFICER TRAINING CASE OF THE MONTH

## Month of March - 2025

### United States v. Martin Devalois, No. 24-1787, February 14, 2025.

**THE CASE:** Police stopped Martin Devalois and a travel companion for a traffic violation. During the stop, a drug-sniffing dog alerted to contraband in Devalois's rental vehicle. Rather than comply with a request to exit the car, Devalois initiated a high-speed chase that ended in a crash. Police searched the vehicle and found a small amount of cannabis as well as a firearm. Devalois was a convicted felon. Was the discovery of the firearm legal? (Yes).

**FACTS:** An Officer stopped a vehicle for following too closely behind a semi-truck. Devalois was a passenger in the vehicle and a woman was the driver. The woman sat in the squad car's passenger seat while the Officer began filling out a warning citation. The Officer's trained narcotics canine, Bosco, was in the back. Since the suspect vehicle was a rental, the Officer asked to see a copy of the rental agreement. After the driver failed to produce a copy of the agreement, the Officer returned to the suspect vehicle and asked Devalois to provide the registration information for the vehicle. Devalois became upset and began using profanity. While the driver was searching for the rental agreement and Devalois was searching for the vehicle's registration, the Officer enquired about their travel plans. Eventually, Devalois located the registration, and gave it to the Officer, who took it back to his squad car. At that point, the Officer had what he needed to begin writing the warning. The driver, still seated in the squad car, appeared to be very nervous. To calm her down, the Officer told the woman he was only issuing a warning. Because she remained anxious, he asked her several questions, including whether there were drugs or other contraband in the vehicle. The woman responded in the negative, but the Officer still asked if he could search the car. She said no.

Four minutes after the Officer stopped the vehicle, a second Officer arrived to assist with the traffic stop. The arresting Officer told the second Officer that he was preparing a warning because the woman had been following too closely behind a semi-truck. He then passed the warning to the second Officer to complete and then let Bosco out of the squad car to conduct a dog sniff around the exterior of the suspect vehicle. When Devalois realized what was happening, he became "irate." About six minutes after the arresting Officer's initial contact with Devalois and the woman, Bosco alerted to the presence of contraband in the rental vehicle. The arresting Officer returned Bosco to his squad car and informed the second Officer, who was still working on the warning ticket, about the positive alert. The arresting Officer then returned to the suspect vehicle and asked Devalois to step out. When he refused, the arresting Officer called the second Officer for backup. Devalois then slid from the passenger's seat to the driver's seat, prompting both officers to draw their weapons. Devalois sped off, and a hot pursuit ensued. After about thirty minutes, the police finally apprehended Devalois, who had crashed the rental car into a snowbank. Following his arrest, Officers searched the suspect vehicle and found a handgun as well as some cannabis. Devalois, a convicted felon, was charged with illegally possessing a firearm. He moved to suppress the handgun, arguing police obtained it only after the arresting Officer prolonged the traffic stop to conduct a dog sniff in violation of the Fourth Amendment. The district court denied Devalois's motion, finding that the arresting Officer did not unreasonably extend the length of the stop. The case proceeded to trial, and a jury found Devalois guilty on the gun charge. This appeal followed.

**ARGUMENT:** Devalois argued that the police violated his Fourth Amendment rights by prolonging the traffic stop to conduct a dog sniff. As a result, he claimed the district court should have refused to admit into evidence the gun the police later seized from his rental vehicle.

**THE LAW:** The Fourth Amendment protects persons against unreasonable searches and seizures. "[T]he ultimate touchstone is reasonableness." Because traffic stops constitute "seizure[s]" of "persons," they are subject to this reasonableness standard. A constitutionally reasonable traffic stop may last no longer than what is necessary for officers to complete their "mission." "Authority for the seizure thus ends" when the mission is "or reasonably should have been" accomplished. Broadly speaking, the mission of a traffic stop involves "address[ing] the traffic violation that warranted the stop and attend[ing] to related safety concerns." Police may check the driver's license, seek the vehicles' registration, request proof of insurance, and investigate whether there are warrants out for the driver's arrest. An officer may also ask the driver questions pertinent to the stop, including questions related to travel plans. Beyond this mission, police are free to engage in certain additional activities as long as they do "not prolong the traffic stop." "[T]he Fourth Amendment tolerate[s] certain unrelated investigations that do not lengthen the roadside detention." An officer may, for instance, ask questions that have nothing to do with either the traffic violation or safety matters. And, particularly relevant here, police may "even conduct a dog sniff."

**ISSUE #1:** Did the Officer’s act of conducting a dog-sniff of the suspect vehicle unreasonably extend the duration of the stop? **(No).**

**FINDINGS:** The Court of Appeals noted that the district court found, as a factual matter, that the arresting Officer did not unreasonably prolong Devalois’s temporary seizure to conduct a dog sniff. According to the Court, the trial record here firmly supports the district court’s finding. The Court noted that “(w)hile “ ‘we repeatedly have declined to adopt even a rule of thumb” as to how long a reasonable stop may last, it d that about six minutes passed between the Officer’s first contact with the driver and Bosco’s alert. During that time, the Officer diligently pursued tasks that fell within the stop’s mission. Indeed, many of his activities were directly related to the objective of the stop: issuing a warning for following too closely behind a semi-truck. At the outset, the Officer sought the driver’s license. He then began a license status check and ran a search for the vehicle in the Illinois fleet system. When the driver could not produce the vehicle’s rental agreement, the Officer sought the registration card. Once he had the information he needed to write a warning, he began drawing one up. Further, the Court noted that although Devalois seemed to suggest the Officer’s authority to continue the seizure ended then, this was incorrect because the officer still needed time to write the warning. According to the Court, all these tasks related to the stop’s mission. Therefore, the Court concluded that the time between the Officer’s request for the driver’s license to the time Bosco alerted, some six minutes, was not unreasonable.

**ISSUE #2:** Did the Officer’s act of asking the driver a series of questions while filling out the warning citation unreasonably extend the duration of the stop? **(No).**

**FINDINGS:** The Court of Appeals noted that throughout the stop, the arresting Officer asked several questions, none of which, the district court found, prolonged the detention. That finding, according to the Court of Appeals, was not clearly erroneous. To start, the Court noted that the arresting Officer was free to ask from where Devalois and the woman were traveling. “[T]ravel-plan questions ordinarily fall within the mission of a traffic stop,” as they “supply important context for the violation at hand.” Further, reasonable follow-up questions are permissible, too. The Officer also asked the woman a series of questions to find out if there were drugs or other contraband in the car. The Court commented, “To be sure, those questions were unrelated to the traffic stop.” But they did “not convert the encounter into something other than a lawful seizure” because the Officer was still actively preparing the warning ticket. According to the Court, moderate questioning that does not increase the length of the detention does not make the custody itself unreasonable.

**ISSUE #3:** Did the arresting Officer’s act of handing off the task of writing out the warning ticket to the second Officer, unreasonably delay the length of Devalois’s detention? **(No).**

**FINDINGS:** The Court of Appeals concluded that when the second Officer arrived on the scene, the arresting Officer had filled out only a few basic pieces of information on the warning—including the date and location of the violation, the woman’s name, and some details about the vehicle. The district court found that the transfer of duties required only a brief officer-to-officer conference; it did not delay the stop. The Court of appeals held that given the arresting Officer’s credible testimony on that point, this finding was not clearly erroneous either. And despite Devalois’s position to the contrary, the Court of Appeals declared that so long as the transfer of duties does not prolong a traffic stop, the officer who begins to write a citation need not be the one to complete it.

**ISSUE #4:** If the Officers did not unreasonably extend the duration of Devalois’s detention, did the District Court err in refusing to find that the firearm found in the suspect vehicle should be suppressed? **(No).**

**FINDINGS:** The Court of appeals noted that the District Court had ruled that the discovery of the firearm in the suspect car was not the result of an illegal search. The Court of Appeals agreed with this finding. Specifically, the Court held that when the arresting officer ultimately conducted the dog sniff, the second Officer was still preparing the warning. Authority for the seizure was thus ongoing. According to the Court, an officer may employ a drug-sniffing canine to search a vehicle’s exterior without violating the Fourth Amendment while another officer continues to diligently pursue the mission of the stop. This remains true whether police have a reasonable suspicion that the vehicle contains drugs or not. Further, when Bosco alerted, the Officers had probable cause to search the suspect vehicle and the vehicle exception to the warrant requirement authorized a warrantless search of the vehicle. Therefore, the discovery of the firearm was perfectly legal.

**CONCLUSION:** The district court found, as a factual matter, that the arresting Officer did not prolong Devalois’s traffic stop to conduct a dog sniff. That decision was not clearly erroneous. Accordingly, the police uncovered Devalois’s handgun as a result of a lawful search and seizure. The district court’s decision denying Devalois’s motion to suppress the firearm was, therefore, affirmed.

**QUIZ QUESTIONS FOR THE MONTH OF MARCH – 2025**

**United States v. Martin Devalois, No. 24-1787, February 14, 2025.**

1. Devalois was a passenger in a car driven by his girlfriend when the car was pulled over for a traffic violation. Was Devalois “seized” when the suspect car was pulled over?
  - a. Yes.
  - b. No.
  
2. Generally, a traffic stop must end when the Officers conducting that traffic stop have completed their purpose for making the stop; [also known as the Officer’s “Mission.”]
  - a. True.
  - b. False.
  
3. Can an Officer legally ask individuals who have been seized during a traffic stop questions concerning their travel plans?
  - a. Yes.
  - b. No.
  
4. In this case, Devalois argued that the Officers unreasonably extended the duration of his traffic stop by conducting a “dog-sniff” of the car in which he was riding. The Court of Appeals agreed with this argument.
  - a. True.
  - b. False.

## QUIZ ANSWERS AND DISCUSSION FOR THE MONTH OF MARCH – 2025

### United States v. Martin Devalois, No. 24-1787, February 14, 2025.

1. Devalois was a passenger in a car driven by his girlfriend when the car was pulled over for a traffic violation. Was Devalois “seized” when the suspect car was pulled over?
  - a. Yes. The Court of Appeals declared: “Because traffic stops constitute “seizure[s]” of “persons,” they are subject to this reasonableness standard. *Whren v. United States*, 517 U.S. 806, 809–10 (1996).” “Passenger of automobile that was pulled over by police officer for traffic stop was “seized” under the Fourth Amendment from the moment the automobile came to a halt on the roadside and, therefore, the passenger was entitled to challenge the constitutionality of the traffic stop.” *Brendlin v. California*, 127 S. Ct. 2400, (2007).
2. Generally, a traffic stop must end when the Officers conducting that traffic stop have completed their purpose for making the stop; also known as the Officer’s “Mission.”
  - a. True. A constitutionally reasonable traffic stop may last no longer than what is necessary for officers to complete their “mission.” *Rodriguez v. United States*, 575 U.S. 348, 354 (2015).
3. Can an Officer legally ask individuals who have been seized during a traffic stop questions concerning their travel plans?
  - a. Yes. “An officer may also ask the driver questions pertinent to the stop, including questions related to travel plans.” *United States v. Cole*, 21 F.4th 421, 427 (7th Cir. 2021)
4. In this case, Devalois argued that the Officers unreasonably extended the duration of his traffic stop by conducting a “dog-sniff” of the car in which he was riding. Did the Court of Appeals agree with this argument?
  - b. False. The Court of Appeals concluded that the Officer’s act of conducting the “dog-sniff” did not unreasonably extend the duration of the traffic stop.