Officials: Ruling has no effect on drug seizures

Mike Hasten
State Editor

BATON ROUGE — A U.S. Supreme Court ruling that threw out an Iowa search and seizure law will have no effect on Louisiana’s drug seizure law, a legal and law enforcement official says.

The court ruled that police cannot search vehicles or occupants — unless it appears they are armed — when a driver has been stopped for a traffic violation.

The Iowa law is different from the Louisiana law, according to Louisiana State Police Lt. Col. Ronnie Jones and Cheney Joseph, an LSU law school professor on loan as Gov. Mike Foster’s executive counsel.

The main thing is Iowa didn’t require probable cause for a search. A search could be performed during any traffic stop.

“When I first saw that Iowa law,” Jones said Wednesday, “I thought, ‘You can’t do that. It violates the United States Constitution.’ The court agreed.”

“This case has nothing to do with a traditional drug search,” Joseph said. “I don’t think it changes anything” in regards to the Louisiana law.

Louisiana law requires that an officer have “reasonable suspicion of another crime” before asking to be allowed to search a vehicle, Jones said.

In typical cases, he said, officers’ suspicions are triggered by a previous drug conviction or a driver’s record, conflicting stories among passengers about the purpose of their trip, disagreement over their relationship with each other or the use of a rented vehicle outside the region where it is assigned.

If there’s reason to suspect drugs might be involved, “the first thing you do is ask if they’ve got drugs or contra-band in their vehicle,” Jones said. “Then you ask if you can search or call in a drug dog. Sometimes they’re so sure they’ve concealed it that they agree. They cover it with petroleum jelly, cayenne pepper or something else they believe might conceal the odor, but the dogs are pretty smart.”

Sometimes, the evidence is in clear sight.

“For all the smart drug smugglers out there, there are still some dumb ones,” Jones said.

Joseph said a 20-year-old state supreme court case agrees with the federal ruling, so police here know they can’t search vehicles without probable cause. Also, they can’t detain a driver any longer than it customarily takes to do a traffic stop, unless the driver agrees.

If there’s a drug dog available, it can do its work without the owner’s permission, Joseph said, because “a dog sniff is not a search.”

A drug dog was successful in finding 11,000 methamphetamine in the back seat of a car stopped by a state trooper Tuesday afternoon on I-12 near Mandeville.

The 11 pounds of drugs were unwrapped as a Christmas present.

The driver who was ticketed for driving too closely, was carrying $3,917 in cash, booked on the driving charge as well as possession with intent to distribute drugs.