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## LEGAL UPDATE

### THE FOURTH AMENDMENT DOES NOT PERMIT SEARCHING A VEHICLE TO LOCATE A DRIVER'S IDENTIFICATION FOLLOWING A TRAFFIC STOP ABSENT WARRANT OR OTHER WARRANT REQUIREMENT EXCEPTIONS

*People v. Lopez, (2019 Cal. LEXIS 8892)*

**Facts:** In July of 2014, Lopez was contacted by officers as a result of erratic driving. Officers learned Lopez did not have a driver's license. Officers searched the vehicle for Lopez's personal identification which resulted in finding narcotics which ultimately led to an arrest.

**Legal Proceedings:** Lopez moved to suppress the evidence. The trial court held the search was invalid and dismissed the case. The Court of Appeal reversed this decision. It held that the search was authorized under the *Arturo D.* case, which allowed police to conduct warrantless vehicle searches for personal identification documents at traffic stops when the driver failed to provide a license or other personal identification upon request.

**Holding:** On November 25, 2019, the California Supreme Court reversed the opinion of the Court of Appeal ruling that the search of Lopez's car was invalid. The Court held that the desire to obtain a driver's identification following a traffic stop does not constitute an independent, categorical exception to the Fourth Amendment's warrant requirement **thereby reversing *Arturo D.***

**Takeaway:** The mere fact that a driver cannot produce identification no longer permits officers to search the vehicle for an identification or vehicle registration absent a warrant or other exceptions to the warrant requirement.

**Attachments:** CPOA Client Alert, *People v. Lopez*; One Minute Brief (2019-26)