

NMDPS - TRAFFIC STOP – QUESTIONS (PROSTITUTION)

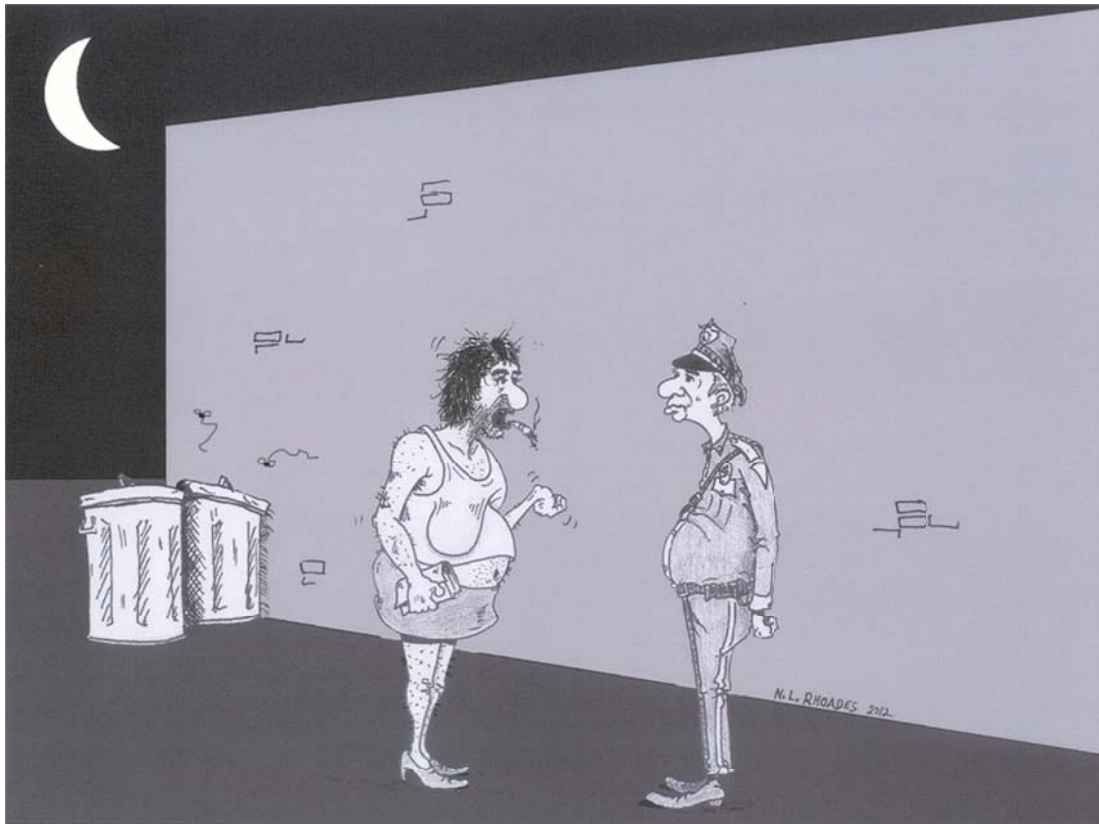
In Albuquerque, around midnight, an officer sat parked in an alley behind a store, doing paperwork. Looking up, he saw Defendant drive into the alley, appear to recognize his vehicle, and suddenly drive away. This prompted him to follow the vehicle. When he saw expired temporary tags, he stopped the vehicle.

The passenger was a transvestite prostitute. With possible prostitution, the Defendant was questioned outside the vehicle. His fanny pack was searched and drugs were found. Defendant moved to suppress the drugs.

The case went all the way to the Supreme Court. The issue was whether the officer gave sufficient reasons for reasonable suspicion to expand a traffic stop into a prostitution investigation. Simply being a prostitute isn't enough but the officer articulated more:

(1) He recognized the passenger from before, a transvestite prostitute, wearing "working clothes" and heavy makeup, (2) Defendant's evasive driving, (3) No eye contact with the officer, and (4) occurring late at night in an area the officer had previously seen prostitutes at work. Motion to suppress drugs denied. State v. Olson (2012).

- - - Elliott Guttman, Law Enforcement Academy



In the first place, how d' ya know I ain't jus another purty face out shoppin' for my family?