

## *From Behind the Badge*

***I was pulled over last month by a police officer for speeding. During the stop, he asked all three passengers inside my car to get out. I knew officers can order drivers out of cars. Can they order passengers too – even if they did nothing wrong?***

**- Bill S.**

Dear Bill:

The short answer to your question is - 'Yes', but please allow me to explain.

A little history if I may. In **Pennsylvania vs. Mimms** (434 US 106; 1977) the United States Supreme Court considered the following question:

*Can police officers order drivers out of vehicles during traffic stops without violating {the driver's} 4<sup>th</sup> Amendment Right – freedom from unreasonable searches and seizures?*

Ultimately, the Court said officers **CAN** order drivers out during vehicle stops. In 1997, the US Supreme Court heard arguments on a related case - **Maryland vs. Wilson**. The Court was asked to review its 1977 **Mimms** decision (i.e., determine if the law could be applied to passengers inside vehicles). In summary, the Court said:

*'Officers can order drivers AND passengers to exit vehicles during traffic stops. Traffic stops are dangerous. Passengers only increase this level of danger. In the interest of public safety, the inconvenience placed on passengers or drivers - when asked to step out of a car - is minimal and therefore justified.'*

**NOTE:** According to annual statistics generated by the FBI's Law Enforcement Officer Killed and Assaulted (LEOKA) reports, traffic stops are one of the most dangerous duties law enforcement officers perform.

*From Behind the Badge* is a bi-monthly editorial written by Garner Police Officers in response to questions posed by citizens. To submit questions, contact the (Times/News at:??) or Garner Police Public Information Officer Jon Blum at: 919.773.6077; [jblum@ci.garner.nc.us](mailto:jblum@ci.garner.nc.us)