



CAN POLICE DEMAND IDENTIFICATION FROM A PASSENGER DURING A TRAFFIC STOP?

United States v. Landeros
913 F.3d 862 (9th Cir. 2019)

SHORT ANSWER: No. The general rule is that police cannot demand identification from a passenger absent a connection to the mission of the stop or reasonable suspicion the passenger is engaged in criminal activity. However, officers **may** order passengers to comply with safety demands during the stop.

THE GENERAL RULE: In California, police officers generally cannot demand identification from passengers during routine traffic stops unless there is **reasonable suspicion of criminal activity**. This principle is rooted in the Ninth Circuit's ruling in *United States v. Landeros*,

which held that a passenger's identity is typically unrelated to the safe operation of a vehicle and therefore not part of the traffic stop's mission.

The Supreme Court in *Rodriguez v. United States* (2015) emphasized that a traffic stop's mission includes tasks such as checking the driver's license, inspecting the vehicle's registration and proof of insurance, and ensuring the vehicle is operated safely and responsibly. Consequently, without reasonable suspicion, officers cannot prolong a traffic stop by *repeatedly* demanding passenger identification.

EXCEPTIONS: California courts have recognized specific circumstances where requesting passenger identification is justified:

- **Brief Request Without Prolonging the Stop:** In *People v. Vibanco* (2007), the court held that an officer did not violate the Fourth Amendment by asking a passenger for identification, provided the request did not extend the detention.
- **Driver Cannot Drive:** If a driver is unable to produce identification or has a suspended license, officers may request passenger identification to determine if the passenger can legally drive the vehicle, thereby avoiding impoundment. *United States v. Taylor* (2022); *United States v. Diaz-Castaneda* (9th Cir. 2007).



OFFICER SAFETY AUTHORITY: Although officers generally cannot demand passenger identification without reasonable suspicion, they **do** have authority to control passenger movement during traffic stops for safety reasons:

- Officers may order passengers to **exit the vehicle** without reasonable suspicion that they pose a safety risk. *Maryland v. Wilson* (1997).
- Officers may order passengers who voluntarily exit a vehicle to **get back inside**. *United States v. Williams* (9th Cir. 2005).
- Both drivers and passengers are considered **seized** during a traffic stop and may challenge its constitutionality. *Brendlin v. California* (2007).

KEY TAKEAWAY:

During a lawful traffic stop, officers may make reasonable safety demands of passengers (remain seated, show hands, exit vehicle). However, without reasonable suspicion of criminal activity, passengers are **not required** to provide identification. ***Routine questioning unrelated to the traffic violation does not convert the stop into an unlawful seizure if it does not significantly extend the stop's duration.*** Traffic stops may be expanded if reasonable suspicion of separate criminal

activity develops, but any prolongation must be justified by new facts related to officer safety or suspicion of criminal conduct.

Analysis by Justin Pittinger

Stay Safe and Healthy!