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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION TWO

THE PEOPLE,

Plaintiff and Respondent,

v.

DIRK DOUYOUNG PATTERSON II,

Defendant and Appellant.

E063168

(Super.Ct.No. RIF1302234)

O P I N I O N

APPEAL from the Superior Court of Riverside County. Jean P. Leonard, Judge.

Affirmed.

Caroline R. Hahn, under appointment by the Court of Appeal, for Defendant and Appellant.

Kamala D. Harris, Attorney General, Gerald A. Engler, Chief Assistant Attorney General, Julie L. Garland, Assistant Attorney General, and Scott C. Taylor, Kristen Kinnaird Chenelia, and Tami Hennick, Deputy Attorneys General, for Plaintiff and Respondent.

I

INTRODUCTION

After the trial court denied his motion to suppress evidence obtained following a traffic stop and subsequent impoundment and inventory search of the vehicle in which he was a passenger (Pen Code, § 1538.5),¹ defendant and appellant, Dirk Douyoung Patterson II, pled guilty to four felony charges: (1) being a felon in possession of a firearm (§ 29800, subd. (a)(1), count 1), (2) carrying a loaded firearm in a vehicle while in a public place, knowing the firearm was stolen (§ 25850, subd. (c)(2), count 2), (3) carrying a loaded firearm in a vehicle in a public place, while prohibited from possessing or acquiring a firearm (§ 25850, subd. (c)(4), count 3), and (4) being a felon in possession of ammunition (§ 30305, subd. (a), count 4).² The court suspended defendant's sentence and granted him three years' formal probation, subject to certain conditions, including that he serve 364 days in county jail.

Defendant claims the judgment must be reversed because his suppression motion was erroneously denied. He argues that the evidence found during the inventory search, including a stolen handgun and ammunition found in his backpack in the trunk, and his admission that the gun and ammunition were his, should have been suppressed because

¹ All further statutory references are to the Penal Code unless otherwise indicated.

² The factual basis for the plea was defendant's admission that, on April 1, 2013, he was in possession of a firearm and ammunition in his backpack, and he knew he was not allowed to have them because he had a previous felony conviction.

(1) there was no probable cause to make the traffic stop and (2) the subsequent impound and inventory search were constitutionally unreasonable.

We reject these claims and affirm the judgment.

II

BACKGROUND AND PROCEDURAL HISTORY

At the February 6, 2015 suppression hearing, Riverside County Sheriff's Investigator Matthew Borden testified that at 1:51 a.m. on April 1, 2013, he was on duty in Mead Valley when an individual, Nabil Youssef, approached him and provided him with information regarding a "a [B]lack male" and silver Chrysler 300. The investigator did not testify to the substance of the information provided by Mr. Youssef, as the trial court sustained defense counsel's hearsay objection. According to the suppression motion and the People's opposition, Mr. Youssef told the investigator the occupants of the Chrysler "had a gun."³

After receiving the information from Mr. Youssef, Investigator Borden got into his patrol unit and followed the Chrysler as it entered Interstate 215 and headed north. He stayed approximately 100 to 150 yards behind the Chrysler, and observed it travel in the

³ Though his hearsay objection to Mr. Youssef's out-of-court statement to Investigator Borden was sustained, defendant relies on the statement to support his claim that Investigator Borden had an investigatory motive for following the Chrysler onto Interstate 215, and initiating the traffic stop and subsequent impoundment and inventory search of the Chrysler. Given that defendant could claim his counsel rendered ineffective assistance in failing to get the evidence of Mr. Youssef's statement into evidence, we will assume the statement was admitted for the nonhearsay purpose of showing why the investigator followed the Chrysler onto Interstate 215, but not for the truth of whether the occupants of the Chrysler "had a gun."

right lane for 15 seconds before it moved to the middle lane, all while never traveling faster than 40 miles per hour. The speed limit was 65 miles per hour, and other cars were traveling 65 miles per hour or faster.

Investigator Borden looked around the freeway and confirmed there were no “construction warning lights, warnings signs to reduce any type of speed, or anything that was nonvisible” that might explain the Chrysler’s reduced speed. Based on his training and experience, the investigator determined that, by traveling 40 miles per hour on a freeway where the posted speed limit was 65 miles per hour, the Chrysler was a danger to the cars around it. He stopped the Chrysler for “driv[ing] upon a highway at such a slow speed as to impede or block the normal and reasonable movement of traffic” (Veh. Code, § 22400, subd. (a).)

Investigator Borden explained that his patrol unit was not equipped with radar that day, so he determined the Chrysler’s speed by pacing it. He paced the Chrysler for one or two minutes to give it an opportunity to increase its speed toward the posted speed limit of 65 miles per hour. The Chrysler did not speed up even though other vehicles were traveling at least 65 miles per hour and were passing both the Chrysler and the patrol unit on both the right and left-hand sides. The investigator did not know whether the passing cars had to change lanes or slow down in order to pass the Chrysler, as he “was not looking in [his] rearview mirror to see if they were merging from the middle lane behind [him] to pass . . . on the right or the left. [His] concentration was on the vehicle in front of [him] going 40 miles an hour.”

Defendant's father (father) was driving the vehicle, and defendant was in the front passenger seat. The investigator advised defendant and father why he had pulled the Chrysler over, and father admitted his driver's license was suspended, which the investigator confirmed. After he "ran" defendant's driver's license, Investigator Borden had defendant and father placed in two different patrol units. The investigator could not recall whether defendant had a valid driver's license, but defendant testified he had a valid driver's license at the time of the traffic stop and told this to Investigator Borden. The investigator also confirmed that the Chrysler was registered to defendant's mother (mother).

Since father was driving with a suspended license, Investigator Borden intended to have the Chrysler towed because state law requires a valid driver's license to operate a vehicle. It was department policy to contact the registered owner (mother) and give her 30 minutes to take possession of the Chrysler before it was towed and impounded. The investigator made two attempts to contact mother at a telephone number provided by defendant. On the second attempt, mother answered the investigator's call and said she was unable to take possession of the Chrysler at that time. Since mother was unable to take possession of the Chrysler within 30 minutes of the investigator's call, Investigator Borden proceeded with the impound.

Investigator Borden did not ask mother whether she would authorize him to release the Chrysler to defendant, because he understood it was department policy to only release vehicles to their registered owners, and it was the investigator's understanding

that department policy did not allow the registered owner to authorize another person to “pick up” the vehicle. Investigator Borden also testified that, although he spoke on the telephone to a woman who identified herself as mother, he could not verify her identity unless she arrived on scene and presented her identification.

Before having the Chrysler towed, department policy also required the investigator to conduct an inventory search of the Chrysler “for a number of reasons,” although the investigator only provided one reason: “Per our policy, we are to conduct inventory searches of the vehicles prior to towing them for officer safety reasons.” Investigator Borden explained that the interior of the vehicle, including the trunk, could contain “different contraband, such as bombs, weapons, other things of that nature that could be a detriment to my health, my officer safety and my partner’s safety.” The investigator searched the front passenger’s seat, followed by the driver’s seat, the rear seat on the driver’s side, then the rear seat on the passenger’s side. He also searched the trunk.

When he conducted inventory searches of a vehicle with multiple passengers, the investigator searched all the items in the vehicle as he did not always know what items belonged to which passenger. He did not ask what items in the Chrysler belonged to defendant. After he completes an inventory search, he typically asks the occupants if they need to take any property from the vehicle before it is impounded.

During the inventory search, the investigator found a black backpack inside the trunk of the Chrysler. Inside the black backpack were two jars containing what appeared to be marijuana, a medical marijuana dispensary identification card with defendant’s

name on it, and a black Ruger semiautomatic pistol that was loaded with nine or 10 rounds of ammunition. Defendant confirmed the pistol was his, and sheriff's dispatch later confirmed the firearm was reported stolen.

The trial court denied defendant's motion to suppress any evidence obtained as a result of the traffic stop and subsequent inventory search. It explained that, based on the totality of the circumstances, it was reasonable for the investigator to conduct the traffic stop, particularly where the Chrysler was traveling 40 miles per hour on the freeway at approximately 2:00 a.m., "probably one of the most dangerous times, as far as a slow driver is concerned," as "more accidents occur at that time, given a lot of drunk drivers are on the road," and where cars were passing the Chrysler on either side. The trial court also explained that once the investigator confirmed father was driving on a suspended license, the investigator had grounds to detain defendant and father, and to have the Chrysler towed and impounded, particularly because the registered owner, mother, was unable to personally take possession of the vehicle. The trial court also noted that the investigator could not "leave a vehicle on the side of a freeway," as doing so would be "very dangerous and especially in the middle of the night."

The trial court disagreed with father's counsel's characterization of the inventory search as an "investigative search," explaining the investigator had "to take an inventory of everything in the vehicle before [he] parcel[ed] it out to all the different people in the vehicle, otherwise [the investigator has] no idea what was in the vehicle at that point." The trial court also stated it was not considering the discovery of the gun in ruling on

defendant's motion to suppress; rather, it denied the motion because "there was probable cause to stop the vehicle to arrest and to do the inventory search"

On February 9, 2015, three days after the trial court denied his suppression motion, defendant pled guilty to the charges listed above. On March 23, 2015, the trial court granted defendant three years of formal probation upon the condition he serve 364 days in county jail. Defendant filed his notice of appeal that same day.

III

DISCUSSION

A. *Standard of Review*

"A defendant may move to suppress evidence on the ground that "[t]he search or seizure without a warrant was unreasonable." (§ 1538.5, subds. (a)(1)(A).) A warrantless search is presumed to be unreasonable, and the prosecution bears the burden of demonstrating a legal justification for the search. [Citation.]" (*People v. Suff* (2014) 58 Cal.4th 1013, 1053.) In considering a section 1538.5 suppression motion, the trial court is "vested with the power to judge the credibility of the witnesses, resolve any conflicts in the testimony, weigh the evidence and draw factual inferences in deciding whether a search is constitutionally unreasonable." (*People v. Woods* (1999) 21 Cal.4th 668, 673; *People v. Linn* (2015) 241 Cal.App.4th 46, 56.)

"The standard of appellate review of a trial court's ruling on a motion to suppress is well established. We defer to the trial court's factual findings, express or implied, where supported by substantial evidence. In determining whether, on the facts

so found, the search or seizure was reasonable under the Fourth Amendment, we exercise our independent judgment.” [Citations.]” (*People v. Suff, supra*, 58 Cal.4th at p. 1053.)

B. *There Was Probable Cause for the Traffic Stop*

“The Fourth Amendment guarantees the right to be free of unreasonable searches and seizures by law enforcement personnel.” (*People v. Evans* (2011) 200 Cal.App.4th 735, 742.) “An automobile stop is thus subject to the constitutional imperative that it not be ‘unreasonable’ under the circumstances. As a general matter, the decision to stop an automobile is reasonable where the police have probable cause to believe that a traffic violation has occurred.” (*Whren v. U.S.* (1996) 517 U.S. 806, 810.) “If there is a legitimate reason for the stop, the subjective motivation of the officers is irrelevant.” (*People v. Lomax* (2010) 49 Cal.4th 530, 564; *Whren v. U.S., supra*, at p. 813.)

As noted, Vehicle Code section 22400, subdivision (a), provides: “No person shall drive upon a highway at such a slow speed as to impede or block the normal and reasonable movement of traffic unless the reduced speed is necessary for safe operation, because of a grade, or in compliance with law.” The question here is whether substantial evidence shows Investigator Borden had probable cause to believe the Chrysler was impeding traffic, justifying his traffic stop of the Chrysler for violating Vehicle Code section 22400. “A probable cause determination must be based on objective facts.” (*People v. Evans, supra*, 200 Cal.App.4th at p. 753.)

Defendant argues the traffic stop was not based on probable cause because Investigator Borden’s testimony did not show the Chrysler was actually impeding traffic.

He notes the investigator admitted he was not looking in his rearview mirror and did not see whether any of the vehicles that were passing the Chrysler had to slow down or change lanes in order to pass the Chrysler. We disagree that this rendered the stop constitutionally unreasonable, or lacking in probable cause. To the contrary, substantial evidence shows Investigator Borden had probable cause to believe the Chrysler was travelling approximately 25 miles below the posted speed limit, thereby impeding traffic and, for this reason, stopped the driver of the Chrysler for violating Vehicle Code section 22400.

After he followed the Chrysler onto Interstate 215, the investigator observed the Chrysler traveling at 40 miles per hour on Interstate 215, at approximately 2:00 a.m., while being passed on either side by vehicles that were traveling at or above the posted speed limit of 65 miles per hour. Though Investigator Borden did not look in his rearview mirror to see whether the passing vehicles had to slow down or change lanes in order to pass the Chrysler, he testified, based on his training and experience, that a vehicle traveling 40 miles per hour on a freeway at 2:00 a.m. is a danger to other vehicles on the road. The investigator's testimony plainly indicated that cars traveling near the speed limit, in the middle lane behind the Chrysler, would have had to slow down substantially as they approached the Chrysler. Under the totality of the circumstances, Investigator Borden reasonably concluded that the driver of the Chrysler was impeding traffic in violation of Vehicle Code section 22400.

Defendant argues the investigator acted “hastily” in not giving the Chrysler more time to speed up to the posted 65 mile per hour speed limit. We disagree. Before conducting the traffic stop, the investigator paced the Chrysler for one or two minutes, giving it an opportunity to increase its speed. When the Chrysler did not speed up, even as it moved from the right lane to the middle lane of the freeway, the investigator confirmed there were no “construction warning lights, warning signs to reduce any type of speed, or anything that was nonvisible” that would have explained why the Chrysler was traveling at 40 miles per hour. Given that there was no apparent lawful reason for the Chrysler to be traveling so slowly, it was not reasonably necessary for the investigator to give the Chrysler more time to speed up.

We also reject defendant’s claim that the trial court relied on “assumptions and speculations” instead of “solid, sufficient evidence” in making its probable cause ruling. As noted, the court commented that 1:00 or 2:00 a.m. is “probably one of the most dangerous times, as far as a slow driver is concerned” because “more accidents occur” during that time and “a lot of drunk drivers are on the road.” Defendant also claims the court “did not know what the flow of traffic was because [Investigator] Borden did not have a radar gun to measure the speed of other vehicles on the freeway, nor did he pace them.” None of the court’s comments, or the investigator’s failure to measure the speed of the passing cars with a radar gun, undermine the court’s ruling. As the court ruled, it was reasonable for the investigator to stop the Chrysler based on his observation that it was traveling approximately 40 miles per hour on Interstate 215 in the middle of the

night, when the speed limit was 65 miles per hour and other drivers were passing the Chrysler on either side.

C. The Impoundment and Inventory Were Constitutionally Reasonable

Defendant next claims that even if the traffic stop was based on probable cause to believe the Chrysler was impeding traffic, the subsequent impound and inventory of the Chrysler was constitutionally unreasonable for several reasons: (1) it was unnecessary to impound the Chrysler because defendant had a valid driver's license and could have driven the Chrysler from the scene; (2) the investigator's claim that an inventory search was necessary for officer safety reasons was unreasonable, because officer safety was not at risk; (3) the impound and inventory search were for investigatory motive, namely, to determine whether occupants of the Chrysler "had a gun"; and (4) the inventory search was not conducted pursuant to standardized criteria. We reject each of these claims.

A law enforcement officer's decision to impound a vehicle must be justified as a community caretaking function and cannot not be based on a suspicion that evidence of criminal activity will be found during an inventory search of the vehicle, incident to the impoundment. (*South Dakota v. Opperman* (1976) 428 U.S. 364, 368-369 (*Opperman*); *Colorado v. Bertine* (1987) 479 U.S. 367, 375 (*Bertine*); *People v. Torres* (2010) 188 Cal.App.4th 775, 786-787 (*Torres*); *People v. Williams* (2006) 145 Cal.App.4th 756, 761.)

The purpose behind the decision to impound is crucial because of the reason for condoning inventory searches of impounded cars. "In the interests of public safety and as

part of what the Court has called ‘community caretaking functions,’ [citation], automobiles are frequently taken into police custody.” (*Opperman, supra*, 428 U.S. at p. 368.) “When vehicles are impounded, local police departments generally follow a routine practice of securing and inventorying the automobiles’ contents. These procedures developed in response to three distinct needs: the protection of the owner’s property while it remains in police custody, [citation]; the protection [of] the police against claims or disputes over lost or stolen property, [citation]; and the protection of the police from potential danger, [citation].” (*Id.* at p. 369.)

“If officers are warranted in impounding a vehicle, a warrantless inventory search of the vehicle pursuant to a standardized procedure is constitutionally reasonable. (*Opperman, supra*, 428 U.S. at p. 372.) When an inventory search is conducted based on a decision to impound a vehicle, we ‘focus on the purpose of the impound rather than the purpose of the inventory,’ since an inventory search conducted pursuant to an unreasonable impound is itself unreasonable. (*People v. Aguilar* (1991) 228 Cal.App.3d 1049, 1053) Although a police officer is not required to adopt the least intrusive course of action in deciding whether to impound and search a car (*Colorado v. Bertine* [, *supra*,] 479 U.S. [at p. 374]), the action taken must nonetheless be reasonable in light of the justification for the impound and inventory exception to the search warrant requirement. Reasonableness is ‘[t]he touchstone of the Fourth Amendment.’ (*Florida v. Jimeno* (1991) 500 U.S. 248, 250)” (*People v. Williams, supra*, 145 Cal.App.4th at pp. 761-762.)

Here, it was constitutionally reasonable to impound the Chrysler rather than allow defendant to drive it away, even if defendant had a valid driver's license, as he testified. Defendant was not the registered owner of the Chrysler; his mother was. Defendant gave Investigator Borden a telephone number, and when Investigator Borden called the number, a woman claiming to be defendant's mother and the registered owner of the Chrysler confirmed she was unable to retrieve the Chrysler within 30 minutes.

Investigator Borden understood it was his department's policy to release a vehicle only to its registered owner, and only if the registered owner could retrieve the vehicle within 30 minutes, and that department policy did not allow the registered owner to authorize another person to "pick up" the vehicle. Moreover, the investigator could not verify the identity of the woman who identified herself on the telephone as the registered owner of the Chrysler, without her being present and presenting her identification. Not releasing the Chrysler to defendant was reasonably necessary to protect the registered owner's property interest in the Chrysler. As the People point out, Investigator Borden "would have been derelict in his duties to protect the owner's property by turning the car over to someone else."

The need to impound the Chrysler to protect its owner's property interest in it belies defendant's claim that the impound was merely a ruse for conducting the inventory search and determining whether the occupants of the Chrysler "had a gun," as had been reported to Investigator Borden. Even if the report of the gun was the reason Investigator Borden initially followed the Chrysler onto Interstate 215—evidence defendant failed to

get into the record on the suppression motion but which we assume was admitted—the investigator had probable cause to stop the Chrysler for impeding traffic, independently of whether he believed its occupants had a gun. Then, after he discovered the driver of the Chrysler had a suspended license and its registered owner was not present and could not promptly retrieve the vehicle, the investigator properly arranged to impound the Chrysler, and incident to the impoundment, properly inventoried its contents pursuant to his department’s policy of protecting officer safety. As the investigator testified, the Chrysler and any of the containers in it, including the backpack in which the gun and ammunition were found, could have contained weapons or bombs that could have endangered officer safety while the Chrysler was impounded. Under these circumstances, it was constitutionally reasonable to impound the Chrysler and inventory its contents for officer safety reasons.⁴

Defendant argues the investigator’s testimony that the inventory search was necessary for officer safety reasons was unreasonable, as officer safety was not at issue. He relies on *Opperman, supra*, 428 U.S. 364 for the proposition that “there is little danger associated with impounding unsearched automobiles.” (*Id.* at p. 378 (conc. opn.

⁴ Investigator Borden also had statutory authorization to impound the Chrysler after he determined father was driving it without a valid license. (Veh. Code, §§ 14602.6, subd. (a)(1) [authorizing removal and seizure of vehicle when peace officer determines its driver was driving it without a valid driver’s license], 22651, subd. (p) [authorizing removal of vehicle when its driver is cited for driving without a valid license].) But “statutory authorization [to impound a vehicle] does not, in and of itself, determine the constitutional reasonableness of [an inventory search].” (*People v. Williams, supra*, 145 Cal.App.4th at p. 762.)

of Powell, J.) However, Justice Powell also recognized that “the occasional danger that may exist [from impounding unsearched automobiles] cannot be discounted entirely,” and he explained “[t]he harmful consequences in those rare cases may be great, and there does not appear to be any effective way of identifying in advance those circumstances or classes of automobile impoundments which represent a greater risk.” (*Ibid.*)

Furthermore, the majority opinion in *Opperman* recognized that “[t]he decisions of this Court point unmistakably to the conclusion reached by both federal and state courts that inventories pursuant to standard police procedures are reasonable.” (*Id.* at p. 372.) In addressing whether the inventory search of the *Opperman* defendant’s car was reasonable under the Fourth Amendment, the high court recognized “[i]t would be unreasonable to hold that the police, having to retain the car in their custody for such a length of time, had no right, even for their own protection, to search it.” [Citation.]” (*Id.* at p. 373, fn. omitted.) As discussed, the inventory search of the Chrysler for officer safety reasons was constitutionally reasonable, because the Chrysler and any of the containers in it, including defendant’s backpack, could have contained weapons or other items dangerous to officer safety.

In arguing that the traffic stop, impound, and inventory search were a ruse for the investigator’s investigatory motive to find the gun in the Chrysler, defendant focuses on the investigator’s testimony that he did not ask what property defendant wanted to take prior to or after the inventory search because his “investigation wasn’t concluded yet,” and because “[p]art of [his] investigation is the inventory search.” Defendant takes the

investigator's testimony out of context, as the investigator clarified that his search of the Chrysler was an inventory search, not, as defense counsel suggested, "part of the investigation."

Defendant relies on *Torres, supra*, 188 Cal.App.4th 775, in which the court acknowledged that "courts will explore police officers' subjective motivations for impounding vehicles in inventory search cases, even when some objectively reasonable basis exists for the impounding." (*Id.* at pp. 787-788.) In *Torres*, the deputy who impounded the defendant's truck admitted he did so "in order to facilitate an inventory search' because narcotics officers had asked him to 'develop some basis for stopping' defendant. The deputy agreed he 'basically us[ed] the inventory search as the means to go look for whatever narcotics-related evidence might be in the [truck].' [Citations.]" (*Id.* at pp. 789-790.)

Here, Investigator Borden made no such concession. The investigator initially followed the Chrysler onto Interstate 215 based on the report that its occupants "had a gun." But as discussed, the investigator had probable cause to stop the truck, impound it, and inventory its contents for officer safety reasons, independently of his investigatory motive for initially following the Chrysler. And, unlike the prosecution here, the prosecution in *Torres* failed to "offer any community caretaking function served by impounding [the] truck," and failed to "offer any justification for the search other than an inventory search subsequent to impounding." (*Torres, supra*, 188 Cal.App.4th at p. 790, fn. omitted; cf. *People v. Aguilar, supra*, 228 Cal.App.3d at p. 1053 [invalidating

inventory search because the officer “testified one, if not the only, purpose of the impound was to conduct an investigatory search.”].) Here, the impound of the Chrysler was constitutionally reasonable because the registered owner could not take possession of it within a reasonable time, and an inventory search was conducted pursuant to standardized department policy and procedure, particularly for officer safety reasons.

Defendant next asserts that the inventory search of the backpack in the locked trunk was constitutionally unreasonable because the investigator lacked probable cause to search the vehicle. Defendant’s assertion is wrong. “[I]nventory searches are now a well-defined exception to the warrant requirement of the Fourth Amendment.” (*Bertine, supra*, 479 U.S. at p. 371; *Torres, supra*, 188 Cal.App.4th at p. 787.) “[I]nventory searches are exceptions to the probable cause requirement,” and are “conducted in the absence of probable cause.” (*Torres, supra*, at p. 787.) Here, the inventory search was valid because it was conducted after a valid traffic stop and impound, and in accordance with department policy. (See, e.g., *People v. Suff, supra*, 58 Cal.4th at pp. 1054, 1056 [traffic, stop, impound, and inventory search constitutionally reasonable]; *People v. Salcero* (1992) 6 Cal.App.4th 720, 723 [same].)

Defendant also relies on *Arizona v. Gant* (2009) 556 U.S. 332, which he claims is “squarely on point,” for the proposition that “the search of the backpack was . . . unreasonable under the Fourth Amendment based on the search-incident-to-arrest exception.” In *Gant*, the defendant was arrested for driving on a suspended license, and he was handcuffed and locked in a patrol car before officers searched his car, where they

found cocaine inside a jacket pocket. (*Id.* at p. 335.) The police did not stop Gant’s vehicle for a traffic violation; rather, they knew Gant’s license was suspended, and they arrested him after he parked his car in the driveway of a house the police were monitoring for drug activity. (*Id.* at pp. 335-336.) The search in *Gant* was not an inventory search of the vehicle. Instead, it was conducted under the “search-incident-to-arrest exception to the Fourth Amendment’s warrant requirement.” (*Id.* at pp. 335, 337.) In contrast to *Gant*, Investigator Borden impounded and searched the Chrysler in accordance with the sheriff’s department policy after he stopped it for a Vehicle Code violation based on probable cause.

Next, defendant claims Investigator Borden failed to conduct the inventory search in compliance with any preexisting policy or practice, or standardized procedure; thus, the inventory search was a “ruse for a general rummaging in order to discover incriminating evidence.”⁵ Defendant’s claim relies on one statement the investigator made at trial, while ignoring the investigator’s other testimony. Specifically, defense counsel asked, “So your department doesn’t have any policies about searching passengers’ belongings in the car?” The investigator initially answered, “I can’t answer that for you,” but after defense counsel asked the follow-up question, “You don’t know what your department’s policies are for conducting inventory searches?,” the investigator

⁵ Defendant also states that, at the preliminary hearing, the investigator “testified he ‘rummaged’ through the backpack” The investigator made no such statement. In response to defense counsel’s question, “Is it fair to say that you had to kind of rummage through the black canvas bag in order to locate the firearm?,” the investigator responded, “Yes. I opened the backpack at one point in time.”

responded, “I did not say that, ma’am.” Earlier in his testimony, the investigator clarified it was his department’s policy “to conduct inventory searches of the vehicles prior to towing them for officer safety reasons.”

Finally, defendant argues that “allowing passengers to retrieve items *after* a search[] essentially turns the inventory search into a search for evidence of [a] crime.” He also claims Investigator Borden “did not understand the purpose of an inventory search and without ‘sufficiently regulated’ procedures regarding an inventory search, [the investigator] conducted what amounted to a broad, pre-textual search for evidence.” Again, we disagree.

As indicated, “[i]nventory searches are supported by a threefold rationale: ‘[1] to protect an owner’s property while it is in the custody of the police, [2] to insure against claims of lost, stolen, or vandalized property, and [3] to guard the police from danger.’” (*People v. Needham* (2000) 79 Cal.App.4th 260, 266; *Bertine, supra*, 479 U.S. at p. 372; *Opperman, supra*, 428 U.S. at p. 369; *Whren v. U.S., supra*, 517 U.S. at p. 811, fn. 1.)

The record shows the investigator conducted the inventory search pursuant to his department’s standardized procedure of inventorying the entire contents of impounded vehicles for officer safety reasons. And, notwithstanding the investigator’s focus on “officer safety” as the sole justification for the inventory search, the other two justifications for inventory searches—protecting personal property in the vehicle and protecting the law enforcement agency against claims for that property—are likewise

served by inventorying all of the containers in an impounded vehicle. (See, e.g., *People v. Needham, supra*, 79 Cal.App.4th at pp. 266-268.)

IV

DISPOSITION

The judgment is affirmed.

NOT TO BE PUBLISHED IN OFFICIAL REPORTS

CODRINGTON
J.

We concur:

HOLLENHORST
Acting P. J.

MILLER
J.