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LAW ENFORCEMENT OFFICER TRAINING CASE OF THE MONTH

By Don Hays

Month of January – 2026

LAW ENFORCEMENT OFFICER TRAINING CASE OF THE MONTH

Month of January – 2026 PRIMARY

People v. Robert W. Hoskins, 2025 IL App (4th) 240991, July 31, 2025.

THE CASE: An Officer searched a suspect car based upon positive alert of a drug detection dog. After considering the potential legality of the possession and use of Cannabis in Illinois now, was the warrantless search of the suspect car legal. Further, was the alert of the K-9 alone sufficient to support a warrantless search of the suspect vehicle?

FACTS: Methamphetamine was discovered in Hoskins's vehicle following a police search. The search was justified by the positive alert by a drug detection dog following a canine-sniff of the exterior of the Hoskins vehicle. Prior to his trial, Hoskins moved to suppress the Methamphetamine. At the hearing on the motion to suppress, a City Officer testified that on the day in question, he was on duty when a state police investigator who had been conducting surveillance on a local bar "called out a [pickup truck] that had "suspicious activity" that was leaving the bar." The City Officer pulled the truck over after observing that it did not have an illuminated rear registration light. He identified Hoskins as the driver and testified that there was a passenger in the back seat. A K-9 Deputy arrived as the City Officer was requesting Hoskins's driver's license.

The City Officer testified that he did not smell the odor of any cannabis or observe any "paraphernalia" in the truck when he was speaking with Hoskins through the driver's side window. Hoskins provided his driver's license to the City Officer but not his insurance information. He did not show any signs of nervousness. The City Officer then asked the K-9 Deputy to conduct a free-air sniff with his drug detection dog, Mack. Thereafter, the K-9 Deputy informed the City Officer that Mack had made a positive alert. The Officers then searched the truck and both occupants. They found (1) a bag containing suspected methamphetamine under the driver's seat and (2) "paraphernalia" in the passenger's possession. On cross-examination, the City Officer further testified that the "suspicious activity" relayed by the state police investigator related to drug activity—namely, that the truck's passenger was "going back and forth inside of [the bar] to the vehicle, like, two or three times; something like that." The prosecutor asked the City Officer why he requested the free-air sniff, and he answered (1) the "drug intel" and (2) the passenger acting "very suspiciously" in the back seat by "breathing heavily and *** lean[ing] over." The Officer testified that, without the sniff, (1) he did not believe he had probable cause to search the truck and (2) he believed the results of the sniff would contribute to his ability to access the vehicle.

The K-9 Deputy testified that on the night of the traffic stop, a "small [law enforcement] detail" was conducting surveillance. When he learned that the City Officer located and followed the truck that the state police investigator had identified over the radio, the K-9 Deputy went in that direction "to be ready in case they needed [him] for the K-9." When the K-9 Deputy arrived, the City Officer had the truck stopped and asked the K-9 Deputy to conduct a free-air sniff. Mack gave a positive alert on the passenger door. The K-9 Deputy testified that Mack was trained to detect the odor of cannabis, methamphetamine, heroin, and cocaine. After Mack alerted to the vehicle, the City Officer asked the passenger to exit the truck, and the K-9 Deputy searched him. The Deputy also searched the truck and found a baggie containing a "fairly large chunky white crystal substance" under the driver's seat. [The appellate court noted that, at the subsequent stipulated bench trial, the parties stipulated that (1) the substance field tested positive for methamphetamine and (2) a forensic scientist later conducted a chemical analysis of the substance and determined it to be 12.7 grams of methamphetamine, and, at the preliminary hearing, the City Officer testified that "some cannabis" was found.]

Following the K-9 Deputy's testimony, the People moved for a directed finding, arguing that Hoskins had not met his burden to show that the search of his vehicle was unlawful because, "given the current state of the law in the Fourth District," a K-9 sniff was "appropriate despite [the K-9] being imprinted on cannabis." The trial court agreed with the People and denied defendant's motion to suppress, noting that in People v. Mallery, 2023 IL App (4th) 220528, the Fourth District "recently found a positive alert by a K-9 certified and trained to detect five narcotic substances, including cannabis, was sufficient to establish probable cause." From his conviction following his stipulated bench trial, Hoskins brought this appeal.

ISSUE #1: Was the Police search of Hoskins's vehicle legal?

ARGUMENT: Hoskins argued that a warrantless sniff by a drug detection dog that is trained to alert to the presence of cannabis (both legal and illegal) as well as illegal narcotics during a lawful traffic stop now constitutes a search that must be supported by probable cause because the dog might be alerting to a person's lawful possession of cannabis.

THE LAW: The United States and Illinois Constitutions prohibit unreasonable searches and seizures. “Generally, a search is per se unreasonable if conducted without a warrant supported by probable cause and approved by a judge or magistrate.” However, because an automobile is easily moved, “render[ing] it impracticable to secure a warrant before the automobile escapes the jurisdiction in which the warrant must be sought,” a warrantless search of an automobile is not per se unreasonable. Nonetheless, a warrantless search of an automobile must still be supported by probable cause. “To establish probable cause, it must be shown that the totality of the facts and circumstances known to the officer at the time of the search would justify a reasonable person in believing that the automobile contains contraband or evidence of criminal activity.” “In determining whether probable cause to conduct a warrantless search of an automobile exists, an officer may rely on his law-enforcement training and experience to make inferences that might evade an untrained civilian.”

The Illinois Supreme Court “has long held that the use of drug-sniffing dogs to detect the presence of narcotics is an acceptable method to establish probable cause.” Moreover, although a vehicle stop on a highway constitutes a seizure within the meaning of the fourth amendment, “[t]he fact that officers walk a narcotics-detection dog around the exterior of [the] car *** does not transform the seizure into a search.” “[A]n exterior sniff of an automobile does not require entry into the car and is not designed to disclose any information other than the presence or absence of narcotics.” “[A] sniff by a dog that simply walks around a car is much less intrusive than a typical search.”

Section 4 of the Cannabis Control Act (Control Act) (720 ILCS 550/4) provides that, “[e]xcept as otherwise provided in the Cannabis Regulation and Tax Act [(Regulation Act) (410 ILCS 705/1-1 et seq.)] and the Industrial Hemp Act [(505 ILCS 89/1 et seq.)], it is unlawful for any person to knowingly possess cannabis.” The Regulation Act, however, which became effective January 1, 2020, “in laymen’s terms [provides] that it is legal for an Illinois citizen who is over the age of 21 to use or possess up to 30 grams of cannabis.” Section 10-35 of the Regulation Act provides two exceptions to the general proposition that it is legal for an Illinois citizen over 21 years old to possess up to 30 grams of cannabis. First, section 10-35 prohibits a person from possessing cannabis in a vehicle “unless the cannabis is in a reasonably secured, sealed or resealable container and reasonably inaccessible while the vehicle is moving.” 410 ILCS 705/10-35(a)(2)(D). Section 10-35 also states that the Regulation Act “does not permit any person to engage in, and does not prevent the imposition of any civil, criminal, or other penalties for *** (3) using cannabis *** (D) in any motor vehicle *** [or] (F) in any public place.” Additionally, “within the same public act that created the Regulation Act, the legislature amended the [Illinois] Vehicle Code to prohibit the possession of cannabis in a motor vehicle unless it is stored in a ‘sealed, odor-proof, child-resistant cannabis container.’” The supreme court has construed this provision of the Vehicle Code to add an “ ‘additional requirement’ beyond the possession requirements in the Regulation Act: namely, that the cannabis be stored in an odor-proof container.” Moreover, it remains illegal to drive or be in actual physical control of a vehicle if, among other things, a person (1) is “under the influence of any other drug or combination of drugs to a degree that renders the person incapable of safely driving” or (2) “has, within 2 hours of driving or being in actual physical control of a vehicle, a tetrahydrocannabinol concentration in the person’s whole blood or other bodily substance.”

FINDINGS: The appellate court concluded that a warrantless free-air sniff of a vehicle during a lawful traffic stop by a dog trained to alert to the presence of cannabis did not constitute an unlawful search on the ground that the dog might be alerting to a person’s lawful possession of cannabis. **WHY:** *The Court held that although it was lawful for person over 21 to possess up to 30 grams of cannabis, the drugs besides the cannabis that the dog was trained to detect, namely methamphetamine, heroin, and cocaine, continued to be unlawful to possess in whatever quantity in a car or anywhere else, and the cannabis remained primarily illegal to possess, highly regulated, and legal to possess in a vehicle only under very narrow circumstances prescribed by statute.* U.S. Const. Amend. 4; 410 Ill. Comp. Stat. Ann. 705/1-1 et seq., 705/10-5.

ISSUE #2: Did the trial court err by finding that the canine’s positive alert gave the police officers probable cause to search defendant’s truck?

FINDINGS: The appellate court concluded that because it had determined that Hoskins had not demonstrated that the dog sniff itself constituted an unlawful search, it also rejected Hoskins’s second argument on appeal—namely, that the trial court erred by finding that the dog’s positive alert gave the police officers probable cause to search defendant’s truck. The Court declared that as it had discussed in the case of *People v. Mallery*, 2023 IL App (4th) 220528, a positive alert by a drug detection dog provides probable cause for the search of a vehicle.

CONCLUSION: The appellate court affirmed the judgment of the circuit court in denying the motion to suppress and affirmed Hoskins’ conviction based upon a search of his truck that was supported by the positive alert by the drug detection dog.

QUIZ QUESTIONS FOR THE MONTH OF JANUARY – 2026 PRIMARY

People v. Robert W. Hoskins, 2025 IL App (4th) 240991, July 31, 2025.

1. As a general rule, warrantless searches violate the Fourth Amendment rights of the person being searched.
 - a. True.
 - b. False.
2. Can Officers ever legally conduct a warrantless search of a vehicle?
 - a. Yes.
 - b. No.
3. Did the K-9 sniff conducted in this case constitute an illegal search of the Hoskins vehicle?
 - a. Yes.
 - b. No.
4. Because cannabis is now legal to possess and use in Illinois, an alert from a K-9 trained to detect cannabis may not be used to provide probable cause to search a vehicle because the canine might be detecting the presence of legal cannabis.
 - a. True.
 - b. False.

QUIZ ANSWERS AND DISCUSSION FOR THE MONTH OF QUIZ QUESTIONS FOR THE MONTH OF JANUARY – 2026 PRIMARY

People v. Robert W. Hoskins, 2025 IL App (4th) 240991, July 31, 2025.

1. As a general rule, warrantless searches violate the Fourth Amendment rights of the person being searched.

a. True. “Generally, a search is per se unreasonable if conducted without a warrant supported by probable cause and approved by a judge or magistrate.”

2. Can Officers ever legally conduct a warrantless search of a vehicle?

a. Yes. Because an automobile is easily moved, “render[ing] it impracticable to secure a warrant before the automobile escapes the jurisdiction in which the warrant must be sought,” a warrantless search of an automobile is not per se unreasonable. Nonetheless, a warrantless search of an automobile must still be supported by probable cause.

3. Did the K-9 sniff conducted in this case constitute an illegal search of the Hoskins vehicle?

b. No. The appellate court declared that the K-9 sniff in this case did not constitute a search of the Hoskins vehicle

4. Because cannabis is now legal to possess and use in Illinois, an alert from a K-9 trained to detect cannabis may not be used to provide probable cause to search a vehicle because the canine might be detecting the presence of legal cannabis.

b. False. The appellate court in this case concluded that the alert from the K-9 in this case did provide probable cause to support a search of the suspect vehicle despite the fact that the K-9 was trained to detect cannabis.

LAW ENFORCEMENT OFFICER TRAINING CASE OF THE MONTH

Month of January - 2026 - ALTERNATIVE

United States v. Jaison L. Coleman 154 F.4th 558, October 7, 2025.

THE CASE: The police received a 911 call concerning domestic violence. Officers received consent to enter the house in question to check on the children inside. Thereafter, a warrant was obtained and illegal firearms were seized. Did the police receive voluntary consent to enter the house. Once inside, did police exceed the scope of that consent?

FACTS: Just after 4:00 a.m. on April 20, 2023, an Officer responded to a caller reporting that her stepfather threatened to kill her mother and was still inside the home. Upon arriving, the Officer knocked on the door and announced himself. The mother responded by stepping onto the porch and telling the Officer that her son and daughter were inside. She hesitated to answer whether her kids were safe, saying (at that initial moment) only that they were in her bedroom. The Officer then tried again, asking if her kids were going to be okay. The mother again waffled, this time saying that she “hope[d] so.” Taking a different approach, the Officer next asked where her husband was located inside the home. When the mother responded that she did not know, the Officer asked if he could enter. The Mother, who had just turned back to the door, paused before saying, “um ... I'd prefer you not.” A break in the conversation followed, with the mother then telling the Officer that she needed to go inside to get her shoes. After some time passed with no sign of the mother coming back outside, the Officer cracked the door and called into the house several times asking if she was okay. A minute or so later, the mother returned to the doorway and again stepped outside, prompting the Officer to ask anew how things were going inside and, even more specifically, the name of her husband—who the Officer understood had threatened her. The mother responded that it was Jaison Coleman.

A key exchange then followed. When the Officer asked if Coleman was “more calm right now” and, in turn, if the kids were okay, the following dialogue occurred: The Mother: “I ... I ... I don't ... They're ... They're okay right this second ... [unintelligible].” The Officer: “Okay, um, I'm sensing that we almost need to come inside to make sure of that.” The Mother: “Okay.” The Officer: “Okay, um” The Mother: “They're in my bedroom.” The Officer: Are we gonna get bit by dogs if we come in or are they like” The mother: You shouldn't, they're just gonna jump all over you.” The Officer: “Okay.” The Mother: “They're not gonna bite.” The Officer: “Okay. Alright, where do you think [Coleman] is right now?” The Mother: “I'm pretty sure he's in the back bedroom.” The Officer: “Okay, alright.”

The mother then opened the door for the Officer and his colleagues and facilitated their entry by brushing her dogs away. She led the officers to one of the back bedrooms and pointed out where the kids were. Not seeing Coleman, the Officer asked where he was, and the Mother responded that she did not know. A quick canvas of the home resulted in the Officer finding him in a separate bedroom. A brief discussion followed, with Coleman permitting the Officer to conduct a protective pat down. In talking to the two children, the officers learned that the Mother and Coleman had been fighting, with Coleman reportedly being loud, aggressive, and mean. The children added that their Coleman pointed a gun at their mother and threatened to shoot her and to light the house on fire. In response to questions, the children confirmed they saw the gun, both that night and before, but did not know where it was at that moment.

Based on information gained following their entry into the house, the officers sought and secured a warrant to search the Coleman home. The search turned up several guns, leading in time to a federal indictment charging Coleman with possessing a firearm as a convicted felon. Coleman moved to suppress the recovery of the firearms from his home, contending that his wife never consented to the Officer and his colleagues entering in the first instance. Following a hearing, a magistrate judge issued a report finding that the Mother did consent to the officers entering her home and recommending the denial of Coleman's motion. The district court agreed, adopting the magistrate judge's finding that the Mother consented to the officers' entry and, separately, rejecting Coleman's contention that the officers' activity inside the home exceeded the scope of his wife's consent. Following the district court's denial of his motion to suppress, Coleman chose to plead guilty while reserving his right on appeal to challenge the suppression ruling. This appeal followed.

ISSUE #1: Did the Mother voluntarily consent to the Officers entering her home?

ARGUMENT: On appeal, Coleman, focusing on the Officer's use of the word “need” in the critical second exchange: “Okay, um, I'm sensing that we almost need to come inside to make sure [the kids are okay],” the Officer argued that the Mother never voluntarily consented to the Officers making a warrantless entry into her home. In fact, Coleman argued that the Officers “coerced” the mother into allowing them to enter her home.

THE LAW: The governing legal principles are well-established, with both parties recognizing that consent is an exception to the Fourth Amendment's warrant requirement for searching a home. So too do both sides agree that consent need not come from the defendant: “[a] third party may give consent to search a place in which both she and the defendant have legitimate expectations of privacy, and the defendant can challenge the validity of the consent given by the third party.” The Supreme Court has long recognized that, for consent to be valid, it must be “freely and voluntarily” given. This case law echoes the same standard. Courts assess the voluntariness of consent by considering the totality of the circumstances. Pertinent factors often include, but are not limited to, “(1) the person's age, intelligence, and education; (2) whether he was advised of his constitutional rights; (3) how long he was detained before he gave his consent; (4) whether his consent was immediate, or was prompted by repeated requests by the authorities; (5) whether any physical coercion was used; and (6) whether the individual was in police custody when he gave his consent.”

Even with voluntary consent, the subsequent search must respect “the scope of consent.” The proper inquiry for evaluating the scope of consent is “objective reasonableness,” with courts asking, “what would the typical reasonable person have understood by the exchange between the officer” and the person giving consent?

FINDINGS: The Court of Appeals concluded that the Mother voluntarily consented to the Officers entering the home after responding to 911 call of domestic violence. **WHY:** According to the Court, the officer spoke calmly and respectfully to the wife, who responded in ways demonstrating she understood what was transpiring; while the officer did not explicitly tell her that she did not need to consent to his entry, the fact that he asked for permission implied as much, as did the fact that she initially denied his request; at no point was the wife in custody; while the officer did ask twice for permission to enter, their entire conversation lasted but a few minutes; and while the wife may have felt some degree of pressure to let the officers enter her home, at no point did the officer exert coercion.

Specifically, the Court state that having viewed the complete interaction between the Officer and the Mother, it saw no clear error in the district court's finding that she consented to the police officers entering her home. According to the Court, two aspects of the interaction stand out. First, the Officer's tone and demeanor throughout was that of someone concerned, not someone coercing. Second, the Mother showed that she had the ability to deny her consent to entry, as she did just that in response to the Officer's initial request. She chose to let the Officer enter after he asked again, with the second request being unaccompanied by any coercion. The Court held that these observations were clear from the video footage. From the time the Officer arrived at the Coleman residence, he spoke calmly and respectfully to the Mother, who—at all points in time—responded in ways demonstrating she understood what was transpiring. While the Officer did not explicitly tell her that she did not need to consent to his entry, the fact that he asked for permission implied as much, as did the fact that she initially denied his request. At no point was the Mother in custody. And while the Officer did ask twice for permission to enter, their entire conversation lasted but a few minutes. While the Mother may have felt some degree of pressure to let the police enter her home, at no point did the Officer exert coercion. On this record, the Court of Appeals concluded that the district court committed no clear error in finding that the Mother consented to the police entry.

ISSUE #2: Did the Officers exceed the scope of the consent they obtained from the Mother when the entered the house to investigate the 911 call?

FINDINGS: The Court of Appeals likewise agreed with the district court's finding that the officers acted within the scope of the Mother's consent upon their entry into the home. According to the Court, the Officers' stated purpose was to check the welfare of her children inside, including by confirming that Coleman presented no danger to them or anyone else. Doing so necessarily required the police to scan the home, locate everyone, and ask some basic questions. The information the police acquired led to their securing a warrant to search the home and recovering three firearms. The Court of Appeals saw no infirmity in the district court's finding that the officers, once inside the Coleman home, respected the consent that the Mother conferred in the first instance. These conclusions eliminated any need on the part of the Court of Appeals to consider the government's alternative contention that the doctrines of exigent circumstances and inevitable discovery also supported the police's entry into and the initial sweep of the Coleman residence.

CONSLUSION: The Court of Appeals affirmed the judgment of the District Court and Affirmed Coleman's weapons conviction.

NOTE: The Court of Appeals commented: “(The Officer) and his colleagues exhibited sound and balanced decision making in delicate and difficult circumstances.”

QUIZ QUESTIONS FOR THE MONTH OF JANUARY - 2026 - ALTERNATIVE

United States v. Jaison L. Coleman 154 F.4th 558, October 7, 2025.

1. Consent is a valid exception to the warrant requirement found in the Fourth Amendment.
 - a. True.
 - b. False.
2. The Court in this case listed several factors to be considered when analyzing whether a consent to search was voluntarily given. Which one of the following was *not* one of those factors?
 - a. the person's age, intelligence, and education;
 - b. whether any physical coercion was used
 - c. the prior criminal history of any person in the house.
 - c. whether the individual was in police custody when he gave his consent.
3. In this case, Coleman argued that his wife was coerced into consenting to the Officers' entry into his home. Did the Court of Appeals agree with this argument?
 - a. Yes.
 - b. No.
4. The Officers questioned the children concerning Coleman's possession of a firearm. The Court of Appeals concluded that these questions exceeded the scope of the consent the Mother gave to the Officers prior to their entry into the house.
 - a. True.
 - b. False.

QUIZ QUESTIONS FOR THE MONTH OF JANUARY – 2026 - ALTERNATIVE

United States v. Jaison L. Coleman 154 F.4th 558, October 7, 2025.

1. Consent is a valid exception to the warrant requirement found in the Fourth Amendment.

a. True. The governing legal principles are well-established, with both parties recognizing that consent is an exception to the Fourth Amendment's warrant requirement for searching a home. See United States v. Banks, 60 F.4th 386, 390 (7th Cir. 2023); see also Schneckloth v. Bustamonte, 412 U.S. 218, (1973).
2. The Court in this case listed several factors to be considered when analyzing whether a consent to search was voluntarily given. Which one of the following was *not* one of those factors?

c. the prior criminal history of any person in the house.
3. In this case, Coleman argued that his wife was coerced into consenting to the Officers' entry into his home. Did the Court of Appeals agree with this argument?

b. No. The Court concluded that no evidence was introduced that indicated the Mother was coerced into consenting to the search.
4. The Officers questioned the children concerning Coleman's possession of a firearm. The Court of Appeals concluded that these questions exceeded the scope of the consent the Mother gave to the Officers prior to their entry into the house.

b. False. The Court of Appeals concluded that no evidence was introduced to indicate that the Officers exceeded the scope of the consent the Mother gave the Officers.