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## **POLICE OFFICERS, FOR PUBLIC SAFETY PURPOSES, MAY CONFISCATE HANDGUN FROM LOCKED VEHICLE**

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*State v. Gustavo Mendoza-Ruiz*  
Ct. Appeals, Div. One, July 29, 2010

Authored by the [JSH Appellate Team](#)

Defendant's truck, which was locked and parked in a restaurant parking lot, matched the description of a vehicle involved in a reported burglary. Defendant informed officers that his keys were locked inside the truck. The officers conducted an investigative detention – they patted Defendant down, handcuffed him, and placed him in a patrol vehicle – then looked inside the truck to confirm that Defendant's keys were there. While doing so, they observed "a holstered handgun shoved next to the driver's seat." A locksmith unlocked the vehicle and officers retrieved the handgun. Defendant was a prohibited possessor.

At Defendant's trial on burglary and misconduct involving weapons charges, the trial court suppressed evidence of the gun. The court of appeals reversed. The officers were permitted under the Fourth Amendment to seize the gun to safeguard public safety pursuant to the community caretaking function. The caretaking function allows the admission of evidence obtained without a warrant when law enforcement engages in actions to promote public safety. The fact that the weapon was visible to passersby and the vehicle was parked in a high-crime area justified retrieval of the weapon for public safety purposes.