

**COURT OF APPEALS
DECISION
DATED AND FILED**

October 14, 2026

Samuel A. Christensen
Clerk of Court of Appeals

NOTICE

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**Appeal No. 2025AP2003-CR
STATE OF WISCONSIN**

Cir. Ct. No. 2024CF684

**IN COURT OF APPEALS
DISTRICT II**

STATE OF WISCONSIN,

PLAINTIFF-APPELLANT,

V.

ERIK HOWARD PANTLE,

DEFENDANT-RESPONDENT.

APPEAL from an order of the circuit court for Sheboygan County:
NATASHA L. TORRY, Judge. *Reversed and cause remanded for further
proceedings.*

Before Lazar, P.J., Grogan, and LoCoco, JJ.

¶1 LAZAR, P.J. The State appeals the circuit court's order granting a motion to suppress evidence obtained following a traffic stop search on the ground that checking a passenger's criminal record unlawfully extended the stop. Pantle vigorously disagrees, asserting that the State is erroneously and illogically asking

this court to establish a “new categorical rule” that law enforcement “may *always* investigate any voluntarily self-identifying traffic stop passenger’s criminal record because such an inquiry is a ‘negligibly burdensome’ precaution necessary to safely complete the mission of any routine traffic stop.” We hold that in this case under this set of facts, checking the passenger’s record did not unlawfully extend the traffic stop. As we explain below, our decision does not create a new categorical rule.

¶2 We conclude that given the facts and circumstances of this case, the delay for the safety precaution was a negligible burden on Pantle’s rights, and that a review of the criminal record of the vehicle passenger was a part of the mission of this traffic stop. We further conclude that, because the dog sniff took place during the traffic stop’s mission, it was not a constitutional violation. Accordingly, we reverse the circuit court’s suppression order and remand for further proceedings consistent with this opinion.

BACKGROUND¹

¶3 On an evening in mid-December 2024, City of Sheboygan Police Officers² pulled over Pantle’s Jeep because it had expired license plates and Pantle, the registered owner, had a suspended driver’s license. Both Officers Baker and Turner (a K-9 officer who had her dog in her vehicle) approached the Jeep on opposite sides. They identified that Pantle was driving and noted there

¹ Because this matter was appealed following a motion to suppress evidence, the facts are those set forth in the criminal complaint and at the motion hearing.

² We use pseudonyms for the officers. The first officer, Baker, in a separate squad car, called in the violation; the second officer, Turner, pulled Pantle’s Jeep over for the traffic stop.

were two other passengers in the car. When asked for identification, the female front-seat passenger gave her name, but the back-seat passenger initially declined. The initial approach and discussion with Pantle and the passengers took a little over two minutes.

¶4 Officer Baker explained that while passengers are not required to identify themselves in a traffic stop, he typically asked for such identification as a safety precaution, to wit:

And then upon running their information through Department of Corrections and Department of Transportation, there have been people that have had active warrants for their arrest. Or our local in-house system could have them potentially flagged for probable cause to arrest, or they might be needing to be issued a citation for a previous matter potentially.

....

... Depending on who it is, there could be a flag in the system, whether that's the National Crime Information Center return or our local in-house system ... that they might have a violent past, or they might be known to have a gun on their person, or a knife on person, or maybe they've been suicidal in the past.

¶5 Officer Baker returned to his squad car to check the criminal records of both Pantle and the female passenger, and to check Pantle's driving record. After approximately one minute³ of review, Baker called in the traffic stop to dispatch, and because there were three individuals in the Jeep and the officers

³ Officer Baker explained that "there is a lot of information to read through and sift through." That information includes returns from Wisconsin, including the Department of Corrections, the Crime Information Bureau, and the Department of Transportation, as well as information from the National Crime Information Center. Names can be misspelled and the officer must ensure that there is proper identification. After a review of all of the information, Officer Baker testified he has to make decisions as to whether to write a citation, write a warning, or release the individual and just give a verbal warning.

intended to have the K-9 do a sniff of the Jeep's exterior when the occupants were out of the vehicle, he asked for two more officers to report to the scene as a safety precaution.

¶6 Officer Baker explained those safety concerns to the circuit court:

So it would be officer safety reasons. Typically, the procedure that Officer [Turner] and I like to do is two occupants in a vehicle to one standby officer. In the event that it's three or four occupants, then that's when we would have an additional officer. If it would be a vehicle with five or more occupants, then there would be three officers on standby while the K-9 does its search when the occupants are out of the vehicle.

....

... You're asking occupants to step out of a vehicle. At that point, they are detained. They are not in handcuffs. However, they are not being searched upon exiting the vehicle, so it's unknown if they have any contraband or weapons on their person. It's unknown if they're wanted at this current point, and it's unknown if they might try to flee.

¶7 Within six more minutes, a third officer had arrived⁴ and during Officer Turner's K-9's dog sniff of the Jeep's exterior, the dog gave a positive indication⁵ or alert to the odor of narcotics at the driver's door. In the meantime, Officer Baker had finished reviewing the returns and had almost completed the traffic citation for Pantle for driving with a suspended license.

⁴ Officer Turner testified that, because she has to focus on what her partner is doing during a K-9 dog sniff and not observe the individuals present, it is standard procedure to have other officers present for safety reasons.

⁵ The K-9 dog was trained to alert/give positive indications for five narcotic derivatives: marijuana, methamphetamine, heroin, ecstasy, and cocaine.

¶8 Officer Baker agreed that the approximately eight minutes it took from when he returned to his squad car until he started writing the citation was “standard for an investigation of this sort[.]” Following a search of the Jeep, methamphetamine⁶ and drug paraphernalia were discovered; Pantle claimed ownership of the items.

¶9 Because, in the circuit court’s view, time was of the essence, the following is the operative timetable: (1) the Jeep was pulled over at approximately 9:39 p.m.; (2) the initial discussion with Pantle and the passengers took two minutes, until 9:41 p.m., at which time Officer Baker was back in his squad car; (3) Baker received information from dispatch on Pantle at 9:43 p.m. and information on the female passenger at 9:44 p.m.; (4) at 9:46 p.m., Baker opened the citation software to start issuing the traffic citation for driving with a suspended license; (5) the K-9 dog sniff took place at a little after 9:48 p.m.; (6) Baker, at 9:49 p.m., tells Turner that the female “passenger had been popped for methamphetamine last year” but Baker continued to work on the citation; (7) right after 9:49 p.m. Turner advised Baker that there was a positive indication; and (8) at 9:50 p.m., the citation was almost complete but Baker had left his squad car to assist in the search of the Jeep, after concluding that they had probable cause. All in all, the time from the return to Officer Baker’s vehicle to run information and draft a citation until the dog sniff was approximately eight minutes.

¶10 Pantle was subsequently arrested on December 23, 2024, and charged with possession of methamphetamine.

⁶ A total of .7 grams of methamphetamine was discovered in the Jeep.

¶11 On May 20, 2025, Pantle filed a motion to suppress evidence pursuant to *Rodriguez v. United States*, 575 U.S. 348, 350 (2015), on the ground that law enforcement had “unlawfully extended the traffic stop beyond ‘the time needed to handle the matter for which the stop was made’ in order to conduct a dog sniff unsupported by reasonable suspicion, contrary to ‘the Constitution’s shield against unreasonable seizures.’” *Id.* Pantle argued that the approximate nine and one-half minutes was an unlawful extension of time beyond the tolerable duration for police inquiries during traffic stops, and that the impermissible inquiries into the records of the passenger were a further violation of Pantle’s constitutional rights.

¶12 The circuit court held an evidentiary hearing on July 11, 2025, at which both Officers Baker and Turner testified. The State filed a brief in opposition after the hearing, and the court heard argument and issued its oral ruling on July 23, 2025. The court found that “it was clear that Officer [Baker] had a valid reason to initially conduct the stop” and “that it was appropriate that he requested the names of the passengers” during the initial questioning. The court determined that, while Officer Baker was conducting a computer investigation and Officer Turner was waiting for backup on safety grounds, there was an inappropriate delay; the court ruled that:

There was no reason -- reasonable suspicion of criminal activity of the front seat passenger to warrant any review of her record. And if Officer [Baker] had not been delaying the stop to review her record, the stop would not have potentially been extended long enough in order for the K-9 sniff to have occurred.

And so I do think that the review was outside of the mission of the traffic stop. And I am granting the motion to suppress.

¶13 The State did not dismiss the complaint at that time. On August 6, 2025, the circuit court entered an order granting the motion to suppress evidence. The State appeals.

DISCUSSION

¶14 Ever since *Terry v. Ohio*, 392 U.S. 1 (1968), appellate courts have striven to balance defendants’ constitutional rights under the Fourth Amendment⁷—to be free from unreasonable searches and seizures—during traffic stops with the State’s and the public’s interests in safety and protection from crime. This court “must evaluate the search or seizure under traditional standards of reasonableness by assessing, on the one hand, the degree to which it intrudes upon an individual’s privacy and, on the other, the degree to which it is needed for the promotion of legitimate governmental interests.” *Wyoming v. Houghton*, 526 U.S. 295, 299-300 (1999). We, thus, take this opportunity to clarify some of the many rules and restrictions law enforcement faces during a traffic stop of a vehicle while still being cognizant that the United States Supreme Court has long recognized that “[t]raffic stops are ‘especially fraught with danger to police officers[.]’” *Rodriguez*, 575 U.S. at 356 (quoting *Arizona v. Johnson*, 555 U.S. 323, 330 (2009)). Because of this inherent danger, “an officer may need to take certain negligibly burdensome precautions in order to complete his mission

⁷ U.S. CONST. amend. IV. Our state supreme court has held that article I, section 11 of the Wisconsin Constitution is substantively identical to the Fourth Amendment. *State v. Richter*, 2000 WI 58, ¶27, 235 Wis. 2d 524, 612 N.W.2d 29. See also *State v. Felix*, 2012 WI 36, ¶36, 339 Wis. 2d 670, 811 N.W.2d 775 (“We are bound to follow the United States Supreme Court’s interpretation of the Fourth Amendment that sets the minimum protections afforded by the federal constitution.”); *State v. Arias*, 2008 WI 84, ¶20, 311 Wis. 2d 358, 752 N.W.2d 748 (“Historically, [Wisconsin appellate courts] have interpreted [a]rticle I, [s]ection 11 of the Wisconsin Constitution in accord with the [United States] Supreme Court’s interpretation of the Fourth Amendment.”).

safely.” **Rodriguez**, 575 U.S. at 356; *see also State v. Floyd*, 2017 WI 78, ¶27, 377 Wis. 2d 394, 898 N.W.2d 560 (“The danger inherent to traffic stops authorizes an officer ‘to take certain negligibly burdensome precautions in order to complete his mission safely.’” (quoting **Rodriguez**, 575 U.S. at 356)).

¶15 It is well established that “a traffic stop is a seizure within the meaning of our Constitutions.” **Floyd**, 377 Wis. 2d 394, ¶20; *see also United States v. Devalois*, 128 F.4th 894, 898 (7th Cir. 2025) (“[T]raffic stops constitute ‘seizure[s]’ of ‘persons[.]’” (second alteration in original; quoting **Whren v. United States**, 517 U.S. 806, 809-10 (1996))). When we look to the reasonableness of a traffic, or **Terry**, stop, we consider two questions: “first, whether the initial seizure was justified and, second, whether subsequent police conduct ‘was reasonably related in scope to the circumstances that justified’ the initial interference.” **State v. Smith**, 2018 WI 2, ¶10, 379 Wis. 2d 86, 905 N.W.2d 353 (quoting **Terry**, 392 U.S. at 19-20). Here, only the second inquiry is at issue.

¶16 “Whether a search violates the constitutional rights of a defendant ... requiring the suppression of evidence ... is a question of constitutional fact.” **State v. Johnson**, 2013 WI App 140, ¶6, 352 Wis. 2d 98, 841 N.W.2d 302. “We review de novo the application of constitutional principles to th[e] facts.” **Id.** Appellate courts review a circuit court’s evidentiary decisions under the erroneous exercise of discretion standard. **State v. Sullivan**, 216 Wis. 2d 768, 780-81, 576 N.W.2d 30 (1998). We “will sustain an evidentiary ruling if [we] find[] that the circuit court examined the relevant facts; applied a proper standard of law; and using a demonstrative rational process, reached a conclusion that a reasonable judge could reach.” **Id.** It necessarily follows that “an exercise of discretion based on an erroneous application of the law is an erroneous exercise of discretion.” **State v. Carlson**, 2003 WI 40, ¶24, 261 Wis. 2d 97, 661 N.W.2d 51. “[T]he ultimate

touchstone ... is reasonableness.” *Devalois*, 128 F.4th at 898 (alteration and omission in original; citations omitted).

¶17 The State asserts that the traffic stop of Pantle’s car “was not unreasonably extended for the dog sniff because checking the vehicle occupants’ criminal histories is a negligibly burdensome precaution that serves the important mission of officer safety” and that, because the dog sniff was conducted *during* the traffic stop’s mission tasks, it was an error of law for the circuit court to suppress the evidence obtained therefrom. (Formatting altered.) Pantle asserts that this is a pretext and is actually a request for this court to establish “a new categorical rule that police may *always* investigate any voluntarily self-identifying traffic stop passenger’s criminal record because such an inquiry is a ‘negligibly burdensome’ precaution necessary to safely complete the mission of any routine traffic stop.” The State refutes the allegation that it seeks the creation of any new rules, but rather asks this court to apply existing rules to the facts in this case. That is precisely what we do in this opinion.

I. Dog “sniffs” are not searches under the constitutions.

¶18 To begin, it is important to note what is and what is *not* a search in the Fourth Amendment context. A dog sniff of the exterior of a vehicle during a lawful traffic stop is *not* a search under either the federal or state constitution. *Illinois v. Caballes*, 543 U.S. 405, 410 (2005); *State v. Arias*, 2008 WI 84, ¶24, 311 Wis. 2d 358, 752 N.W.2d 748. As the Court in *Caballes* explained, “Official conduct that does not ‘compromise any legitimate interest in privacy’ is not a search subject to the Fourth Amendment.” *Caballes*, 543 U.S. at 408 (quoting *United States v. Jacobson*, 466 U.S. 109, 123 (1984)). It is clear that any interest in the possession of contraband “cannot be deemed ‘legitimate,’ and thus,

governmental conduct that *only* reveals the possession of contraband ‘compromises no legitimate privacy interest’” “because the expectation ‘that certain facts will not come to the attention of the authorities’ is not the same as an interest in ‘privacy that society is prepared to consider reasonable.’” ***Caballes***, 543 U.S. at 408-09 (quoting ***Jacobson***, 466 U.S. at 122). Thus, the ***Caballes*** Court concluded that a dog sniff “during a lawful traffic stop, generally does not implicate legitimate privacy interests[,]” and, because Caballes had been lawfully stopped, “[a]ny intrusion on [Caballes’] privacy expectations does not rise to the level of a constitutionally cognizable infringement.” ***Caballes***, 543 U.S. at 409.⁸

¶19 Likewise, our state supreme court, in ***Arias***, considered dog sniffs during traffic stops. The court noted “that there is no constitutionally protected interest in possessing contraband under the” federal and Wisconsin Constitutions, and “a dog sniff is much less intrusive than activities that have been held to be searches.” ***Arias***, 311 Wis. 2d 358, ¶¶22-23. Accordingly, “because of the limited intrusion resulting from a dog sniff for narcotics and the personal interests that [a]rticle I, [s]ection 11 were meant to protect, [our state supreme court] conclude[d] that a dog sniff around the outside perimeter of a vehicle located in a public place is not a search under the Wisconsin Constitution.” ***Arias***, 311 Wis. 2d 358, ¶24.

⁸ See also ***City of Indianapolis v. Edmond***, 531 U.S. 32, 40 (2000) (“[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.”); ***United States v. Place***, 462 U.S. 696, 707 (1983) (holding that officers walking a narcotic-detecting dog around the outside of vehicles at a law enforcement check-point did not transform the seizure into a search).

II. The mission of a traffic stop includes multiple goals and steps.

¶20 Having concluded that dog sniffs are not searches and do not implicate constitutional rights—provided they take place during a legitimate traffic stop—we must explore law enforcement’s mission during a traffic stop. The contour of law enforcement’s mission is key to our inquiry. The seizure of a vehicle during a traffic stop is done “to address the traffic violation that warranted the stop, and attend to related safety concerns[.]” **Rodriguez**, 575 U.S. at 354 (citations omitted); see also **United States v. Banks**, 179 F.4th 1085, 1090 (7th Cir. 2026) (“A ‘tolerable duration of police inquiries in the traffic-stop context is determined by the seizure’s mission—to address the traffic violation that warranted the stop and attend to related safety concerns.’” (quoting **Rodriguez**, 575 U.S. at 355)). The reason—the traffic violation (which could range from equipment failures to registration suspensions to unsafe driving to operation while intoxicated)—is the underlying justification for the stop. It is the stop’s mission; but, the mission’s duration is not infinite. “Because addressing the infraction is the purpose of the stop, it may ‘last no longer than is necessary to effectuate th[at] purpose.’” **Rodriguez**, 575 U.S. at 354 (alteration in original; citation omitted). In other words, “[a]uthority for the seizure thus ends when tasks tied to the traffic infraction are—or reasonably should have been—completed.” **Id.** “The key question is ‘whether the defendant was detained longer than necessary’ so that the dog sniff could take place.” **Banks**, 179 F.4th at 1090 (quoting **United States v. Gholston**, 1 F.4th 492, 496 (7th Cir. 2021)).

¶21 What are those tasks? They vary case by case but include some “ordinary inquiries incident to [the] stop.” **Caballes**, 543 U.S. at 408. “Typically such inquiries involve checking the driver’s license, determining whether there are outstanding warrants against the driver, and inspecting the automobile’s

registration and proof of insurance.” *Rodriguez*, 575 U.S. at 355. All of “[t]hese checks serve the same objective as enforcement of the traffic code: ensuring that vehicles on the road are operated safely and responsibly.” *Id.* Officer safety is another accepted reason to conduct record checks for “active warrants, driving history, and criminal history.” *United States v. Simon*, 937 F.3d 820, 833 (7th Cir. 2019) (quoting *Swanigan v. City of Chicago*, 881 F.3d 577, 586 (7th Cir. 2018)).

¶22 Because traffic code compliance is a key objective of a traffic stop, it necessarily follows that the composing and issuing of a traffic citation or warning is an integral part of the stop’s mission. *Rodriguez*, 575 U.S. at 354-55; *Simon*, 937 F.3d at 831. That action takes time—time to bring background information to light, time to ensure officers are not confronting an individual under warrant, time to determine whether the driver has insurance, and more. Further, as the *Devalois* court explained:

Beyond this mission, police are free to engage in certain additional activities as long as they do “not prolong the traffic stop.” [*United States v. Cole*, 21 F.4th 421, 429 (7th Cir. 2021)]; *Rodriguez*, 575 U.S. at 354 ... (“[T]he Fourth Amendment tolerate[s] certain unrelated investigations that d[o] not lengthen the roadside detention.” [alterations in original]). An officer may, for instance, ask questions that have nothing to do with either the traffic violation or safety matters. *Cole*, 21 F.4th at 429. And, particularly relevant here, police may “even conduct a dog sniff.” *Id.*; *Rodriguez*, 575 U.S. at 354[.]

Devalois, 128 F.4th at 899.

¶23 Moreover, our appellate courts⁹ have determined that law enforcement may also conduct record checks of passengers during a traffic stop. First, in *State v. Griffith*, 2000 WI 72, ¶45, 236 Wis. 2d 48, 613 N.W.2d 72, our state supreme court stated, “On the public interest side, we conclude that permitting law enforcement officers to request identifying information from passengers in traffic stops serves the public interest in several ways that are reasonably related to the purpose of a traffic stop.” An officer may want to know if a passenger can legally drive if the driver is unable, *id.*, ¶47, and the court held that “there is a general public interest in attempting to obtain identifying information from witnesses to police-citizen encounters” as “they may later be able to assist police in locating the person who violated the law[,]” *id.*, ¶48. Then, in *State v. Gammons*, 2001 WI App 36, ¶13, 241 Wis. 2d 296, 625 N.W.2d 623, our court held that a passenger’s Fourth Amendment rights were not violated when officers, at a traffic stop, requested his driver’s license and ran a record check on him. The *Gammons* court stated:

As the *Griffith* court explained, such questions and actions are reasonably related in scope to the purpose of a traffic stop, and no further justification is required.

Gammons, 241 Wis. 2d 296, ¶13 (citation omitted).

⁹ See also *United States v. Sanford*, 806 F.3d 954, 956-57 (7th Cir. 2015), and the federal cases cited therein, which concludes that record checks of passengers fall within the mission of a traffic stop:

The trooper checked the occupants’ criminal histories on the computer in his car—a procedure permissible even without reasonable suspicion, see *United States v. Bracamontes*, 614 F.3d 813, 816 (8th Cir. 2010); *United States v. Purcell*, 236 F.3d 1274, 1278-79 (11th Cir. 2001); *United States v. McRae*, 81 F.3d 1528, 1535-36 n.6 (10th Cir. 1996)—indeed a procedure in itself normally reasonable, as it takes little time and may reveal outstanding arrest warrants.

¶24 There are additional reasons to check the records of passengers. As we explained in *State v. Salonen*, 2011 WI App 157, 338 Wis. 2d 104, 808 N.W.2d 162:

A passenger’s motivation to employ violence “to prevent apprehension of such a crime” is therefore “every bit as great” as that of the driver. The risk of harm to police and occupants of a stopped vehicle is minimized “if the officers routinely exercise unquestioned command of the situation.”

Id., ¶12 (citations omitted).

¶25 Accordingly, we agree that a record check of passengers during a traffic stop is a part of the stop’s mission because it is “normally reasonable, as it takes little time and may reveal outstanding arrest warrants.” *United States v. Sanford*, 806 F.3d 954, 956 (7th Cir. 2015); *see also United States v. Purcell*, 236 F.3d 1274, 1278 (11th Cir. 2001) (stating that review of both driver’s and passengers’ criminal histories, as a safety precaution, was part of the traffic stop’s mission). It is also negligibly burdensome. *Rodriguez*, 575 U.S. at 356. Thus, the circuit court erred in holding, as a matter of law, that Officer Baker’s review of the passenger’s record was not related to the traffic stop’s mission.

¶26 Of course, even though it is a part of the traffic stop’s mission, a passenger record review may not unreasonably delay the stop to allow for additional searches, including a dog sniff. “[A] lawful roadside stop ‘ordinarily’ begins when a vehicle is pulled over for a traffic violation and ends when the police no longer have further need to control the scene, at which time the driver and passengers are free to leave.” *Salonen*, 338 Wis. 2d 104, ¶1 (citing *Johnson*, 555 U.S. at 333). Thus, each case must be reviewed on its particular facts to establish whether the traffic stop was impermissibly extended.

III. The dog sniff conducted during the legitimate traffic stop in this case did not violate Pantle’s constitutional rights.

¶27 It is with this understanding of the Fourth Amendment’s legal framework that we address the actions during the traffic stop of Pantle. The key question is whether the record search of the passenger, that was part of the traffic stop’s mission, became an unreasonable delay that transformed the stop and the dog sniff into a constitutional violation of Pantle’s rights. We conclude that it did not.

¶28 First, Officer Baker was acting within the mission of the traffic stop when he sought the passenger’s information and then immediately began his record check of Pantle and the passenger. That additional record search, per *Griffith* and *Gammons*, was reasonably related to the public interest underlying a traffic stop, was negligibly burdensome, per *Rodriguez*, and took approximately one to two minutes. It was also understandable that Officer Baker undertook the review given the dangers inherent in traffic stops. “[T]he risk of violence during traffic stops ‘stems not from the ordinary reaction of a motorist stopped for a speeding violation, but from the fact that evidence of a more serious crime might be uncovered during the stop.’” *Salonen*, 338 Wis.2d 104, ¶12 (quoting *Johnson*, 555 U.S. at 331).

¶29 With respect to the alleged delay in this case, the K-9 dog was on the scene from the start; it was Officer Turner (the K-9 officer) who initiated the traffic stop and pulled over Pantle. There was no “delay” to allow a K-9 officer to

be deployed.¹⁰ In this case, however, Officer Turner waited for another officer to arrive to provide her safety support while she walked her K-9 dog around the exterior of the car. The other officer arrived within nine minutes from the time Pantle’s Jeep was pulled over and the traffic stop began.¹¹

¶30 Again, it is not the one to two minutes or even the nine minutes that is the key to our inquiry. It is whether Officer Baker was still diligently working to complete the mission of the traffic stop when the dog sniff began. And he was. Officer Baker was in his squad car writing the warning and citation, and he did not stop that conduct *until* there was a positive indication from the dog sniff and there was probable cause to search the Jeep for narcotics. See **State v. Miller**, 2002 WI App 150, ¶¶12-14, 256 Wis. 2d 80, 647 N.W.2d 348 (concluding that a K-9 dog’s alert to the presence of a narcotic in a car gave rise to probable cause to search that vehicle). That fact establishes that the dog sniff took place *during* the permissible actions to effectuate the mission of that traffic stop. Both Wisconsin¹²

¹⁰ We do not conclude that it would necessarily have been an unacceptable delay if a K-9 officer had not been on the scene, but rather had been called and asked to report. The facts and time of law enforcement’s actions in each case must be reviewed by a court when assessing if the mission of the traffic stop was unreasonably delayed.

¹¹ Officer Turner clearly explained that—even though she and her K-9 dog were at the scene from the start—she could not safely begin the dog sniff until another officer arrived to watch Pantle and the two passengers.

¹² See **State v. Salonen**, 2011 WI App 157, ¶15, 338 Wis. 2d 104, 808 N.W.2d 162; **State v. House**, 2013 WI App 111, ¶9, 350 Wis. 2d 478, 837 N.W.2d 645 (suppressing the evidence because it was obtained via a dog sniff that took place after the officer “had completed everything related to the initial stop”—running the driver’s license, giving the license back, and issuing the driver a warning).

and federal¹³ cases emphasize that if the dog sniff is indeed conducted during the traffic stop, the sniff and the accompanying evidence obtained do not violate the driver's constitutional rights.

¶31 Here, the dog sniff was conducted during the traffic stop's mission. The evidence obtained after the search of Pantle's Jeep was improperly suppressed. That order is reversed.

CONCLUSION

¶32 In the facts of this case, law enforcement did not impermissibly extend the traffic stop. The dog sniff of Pantle's Jeep was accomplished during the tasks undertaken to effectuate the mission of the traffic stop. There was no violation of Pantle's constitutional Fourth Amendment rights. Accordingly, the circuit court's order suppressing the evidence obtained as a result of the dog sniff is reversed, and this matter is remanded for further proceedings.

By the Court.—Order reversed and cause remanded for further proceedings.

Recommended for publication in the official reports.

¹³ See, e.g., **United States v. Banks**, 179 F.4th 1085, 1091 (7th Cir. 2026) (concluding that dog sniff that took place while defendant was making a telephone call to find his own insurance information occurred during the traffic stop's mission); **United States v. Simon**, 937 F.3d 820, 825 n.1, 832-33 (7th Cir. 2019) (concluding that dog sniff that took place about seven minutes into the stop, but while officers were still processing the ticket, did not improperly prolong the stop); **United States v. Devalois**, 128 F.4th 894, 897, 899-900 (7th Cir. 2025) (concluding that dog sniff, six minutes after a traffic stop began, while the officer "was still working on the warning ticket" was not a constitutional violation, and denying motion to suppress evidence); **United States v. Goodwill**, 24 F.4th 612, 616 (7th Cir. 2022) (concluding that the officer did not prolong traffic stop to wait for dog sniff because he was diligently "writ[ing] the warning, look[ing] through information on the police computer, or request[ing] additional information").

