



SAN DIEGO COUNTY SHERIFF'S DEPARTMENT

LEGAL AFFAIRS

UPDATE

NUMBER: 2020-4

DATE: 07/09/20

BY: AMANDA LOMNICKY

TOPIC: CONSTITUTIONAL LAW

Absent information to the contrary, a deputy may infer that the owner of a vehicle is a car's driver, for purposes of making an investigatory stop for driving on a revoked license.

In April 2016, a Douglas County Kansas Sheriff's deputy observed a pickup truck and ran the license plate. The truck came back as registered to Charles Glover, Jr., who had a revoked driver's license. The deputy assumed that the registered owner was driving the truck. The deputy did not observe any traffic infractions, nor did he attempt to identify the driver of the truck. Based solely on the information that the registered owner of the truck had a revoked license, the deputy initiated a traffic stop and identified the driver as Glover. Glover was charged with driving as a habitual violator.

Glover filed a motion to suppress all evidence seized during the stop, claiming that the officer lacked reasonable suspicion. On appeal from the Kansas Supreme Court, the Supreme Court of the United States analyzed whether a police officer violates the Fourth Amendment by initiating an investigative traffic stop after running a vehicle's license plate and learning that the registered owner has a revoked driver's license. *Kansas v. Glover* (April 6, 2020).

"The Fourth Amendment permits an officer to initiate a brief investigative traffic stop when he has 'a particularized and objective basis for suspecting the particular person stopped of criminal activity.'" "Although a mere 'hunch' does not create reasonable suspicion, the level of suspicion" required is less than that necessary for probable cause. "The standard 'depends on the factual and practical considerations of everyday life on which reasonable and prudent men ... act.'" Courts must "permit officers to make 'commonsense judgments and inferences about human behavior.'"

The Court reviewed the facts known to the deputy at the time of the stop to determine if they gave rise to reasonable suspicion. The deputy observed an

individual operating a pickup truck with Kansas license plate 295ATJ. The deputy knew that the registered owner of the truck had a revoked license, and that the model of the truck matched the observed vehicle. "From these three facts, [the deputy] drew the commonsense inference that Glover was likely the driver of the vehicle, which provided more than reasonable suspicion to initiate the stop."

The Court held that the reasonableness of the deputy's inference was not negated by the fact that the registered owner of a vehicle is not always the driver of the vehicle. Nor was it negated by Glover's revoked license. Empirical studies, common sense, and Kansas law demonstrate that drivers with revoked licenses frequently continue to drive and pose safety risks to other motorists and pedestrians.

Moreover, the Court rejected Glover's argument that the deputy's inference was unreasonable because it was not grounded in his law enforcement training or experience. The Court noted that specialized training and experience plays a significant role in law enforcement investigations, however, it is not required in every instance – officers may utilize common sense.

Further, the Court stated that officers may rely on probabilities in the reasonable suspicion context. Based on the minimal facts, the officer used common sense to form a reasonable suspicion that a specific individual was potentially engaged in the specific criminal activity of driving with a revoked license.

The Court held that the stop was justified; under the totality of the circumstances, the deputy drew a reasonable inference that Glover was driving while his license was revoked. The Court emphasized the narrow scope of the holding. The presence of additional facts possessed by the officer at the time of the stop might dispel reasonable suspicion.

WHAT THIS MEANS:

When conducting a traffic stop for a revoked driver's license, the deputy may make an inference that the registered owner is the driver unless the deputy has information that suggests otherwise. For example, the inference would not apply if the registered owner of the vehicle is a male in his mid-sixties, but the observed driver female in her mid-twenties.