



## DPS TRAINING BULLETIN



**LEGAL BULLETIN NO. 386**

**March 13, 2020**

**United States Supreme Court**

**589 U.S. \_\_\_\_\_ (2020)**

**Reference:        Kansas**  
**v**  
**Charles Glover**

**INVESTIGATORY TRAFFIC STOP AFTER**  
**RUNNING LICENSE CHECK AND LEARNING THAT REGISTERED**  
**OWNER HAD REVOKED DRIVER'S LICENSE**

**FACTS:**

A Kansas deputy sheriff ran a license plate check on a pickup and learned that the truck was registered to GLOVER, whose driver's license had been revoked. The deputy assumed that the male driver was GLOVER and pulled the vehicle over. GLOVER was driving and was arrested for "driving as a habitual violator." Kansas has a statute regarding defendants who "habitually" drive even though their license has been revoked. GLOVER had been arrested on numerous occasions for driving while his license was revoked.

GLOVER moved to suppress all evidence from the stop, claiming that the deputy lacked reasonable suspicion to make the stop.

The Kansas Supreme Court agreed with GLOVER, holding that the deputy violated the Fourth Amendment by stopping GLOVER without reasonable suspicion of criminal activity.

The Kansas Attorney General appealed to the United States Supreme Court.

**ISSUE:**

Does a police officer violate 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?

**HELD:**

No. An officer may initiate a brief investigative traffic stop when the officer has a "particularized and objective basis" to suspect legal wrongdoing. (citing *U.S. v Cortez*)

## **REASONING:**

1. The deputy combined facts obtained from a database and his common sense judgment to form a reasonable suspicion that a specific individual was potentially engaged in specific criminal activity.
2. The fact that the registered owner of a vehicle is not always the driver of the vehicle does not negate the reasonableness of the officer's inference.
3. Drivers with revoked licenses frequently continue to drive, and therefore pose safety risks to other motorists and pedestrians.
4. We have previously stated that officers, like jurors, may rely on probabilities in the reasonable suspicion context. (citing *U.S. v SOKOLOW* – see bulletin no.130)

## **NOTES:**

Alaska Court of Appeals decision in Michelle L. Smith (see Bulletin No.121) ruled that an Anchorage police officer was justified in making a traffic stop based on an anonymous tip. In that case, unknown called to report an intoxicated female was at a local bar drinking heavily and was going to be driving away. A description of the vehicle she was driving was furnished to dispatch. Responding officer located the vehicle, ran a registration check and learned that the registered owner had her license revoked for DUI. Shortly thereafter, the officer observed a female operating the vehicle. The officer stopped the vehicle and discovered SMITH, not the registered owner of the vehicle, was driving. Her license had also been revoked. Court of appeals ruled that the stop was justified.

The U.S. Supreme Court also cited several prior cases that would justify the deputy's stop of the GLOVER vehicle. Here are a few: Alabama v. White upholding stop of vehicle based on anonymous tip (see bulletin no. 146); Illinois v. Wardlow upholding brief investigatory stop of a person based on articulable suspicion that criminal activity is afoot (see bulletin no. 236); Navarette v. California upholding traffic stop of vehicle where anonymous caller reported reckless driver (see bulletin no. 370).