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ONE MINUTE BRIEF

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NUMBER: 2020-12 **DATE:** 04-06-20 **BY:** Devallis Rutledge **TOPIC:** Plate-hit Vehicle Stop

ISSUE: Does a plate-check “hit” justify a vehicle stop to investigate?

Patrol officers routinely run license plates for wants and warrants, for a variety of reasons. Running a plate is **not** a Fourth Amendment “search,” and needs no objective justification. See 1MB 2008-12. If a records check reveals a reason to investigate further, this will often amount to reasonable suspicion for a stop. See 1MB 2009-05. See, e.g., *In re William J.* (1985) 171 Cal.App.3d 72 (recognized passenger had an outstanding arrest warrant); *People v. Dominguez* (1987) 194 Cal.App.3d 1315 (dispatch said the possible driver had an outstanding warrant); and *People v. Williams* (1995) 33 Cal.App.4th 467 (random check resulted in notice of a warrant for the registered owner). The US Supreme Court has now affirmed that a plate-check hit can constitute reasonable suspicion for a stop.

- A Kansas deputy sheriff ran a rolling plate-check on a vehicle registered to Charles Glover and was notified that Glover’s license was revoked. The deputy stopped the vehicle, confirmed that Glover was driving, and arrested him. Glover moved to suppress the evidence resulting from the stop, and his case was ultimately reviewed by the US Supreme Court, which held (8-1) that the stop was justified.

- First, the court repeated its earlier statements about the **differences** between “reasonable suspicion” and “probable cause” (illustrating once again why it is **legally incorrect** to use the **discredited phrase**, “PC for the stop”—see 1MB 2015-12):

*“[R]easonable suspicion ... is considerably less than proof of wrongdoing by a preponderance of the evidence, and obviously **less than is necessary for probable cause**. Because it is a less demanding standard, reasonable suspicion can be established with*

information that is different in **quantity** or **content** than that required to establish probable cause. The standard depends on the factual and practical considerations of everyday life on which reasonable and prudent men, not legal technicians, act. Courts ... must permit officers to make **commonsense judgments and inferences** about human behavior. ... [A]n officer **need not rule out the possibility of innocent conduct**. ... The reasonable suspicion inquiry falls **considerably short of 51% accuracy**.” *Kansas v. Glover* (2020) 589 US ___, No. 18-556, slip opn. at 3, 4.

- Next, the court ruled that an inference that a registered owner is driving a vehicle is a reasonable inference:

“The fact that the registered owner of a vehicle is not always the driver of the vehicle does not negate the reasonableness of [the deputy’s] inference. ... **Drivers with revoked licenses frequently continue to drive** and therefore pose safety risks to other motorists and pedestrians. ... The inference that the driver of a car is its registered owner does not require any specialized training; rather, it is a **reasonable inference** made by ordinary people on a daily basis. ... [O]fficers, like jurors, may rely on **probabilities** in the reasonable suspicion context. ... [The deputy] drew an entirely **reasonable inference** that Glover was driving while his license was revoked.” *Id.*, slip opn. at 4, 6, 8, 9.

- Finally, the court cautioned that “the presence of additional facts might **dispel reasonable suspicion**.” *Id.*, slip opn. at 9. For example, if an occupant’s visible characteristics did not appear to match the description of the possible suspect, a stop would not be justified.

- As a back-up justification, officers are always well-advised to watch for **moving** and **equipment** violations, also. *Whren v. US* (1996) 517 US 806, 813. “The traffic laws are sufficiently comprehensive that **almost all drivers violate at least one** whenever they are on the road.” *US v. Magallon-Lopez* (9th Cir. 2016) 817 F.3d 671, 676 (conc. opn.). See 1MBs 2009-05, 2018-21.

BOTTOM LINE: Unless undermined by other information, reasonable suspicion for a vehicle stop may be based on reliable information that an occupant is wanted or may be involved in criminal activity.

(Emphases added and citations omitted in quoted material.)

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