



SUPREME COURT CASES

SCOTUS on the Fourth Amendment: Reasonable to Infer that the Registered Owner is the Driver of a Vehicle

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On April 6, 2020, the United States Supreme Court answered the question of whether an officer (or in this case a deputy) violates the Fourth Amendment when he/she makes an investigative stop after running a license plate and discovering that the vehicle belongs to an operator with a revoked license. The Supreme Court held that **“when an officer lacks information negating an inference that the owner is driving the vehicle, an investigative traffic stop made after running a vehicle’s license plate and learning that the registered owner’s driver’s license has been revoked is reasonable under the Fourth Amendment.”**^[1]

Facts

Deputy Mark Mehrer of the Douglas County Kansas Sheriff’s Office was on routine patrol on April 28, 2016 when he observed a 1995 Chevrolet pickup with a Kansas license plate 295ATJ. Deputy Mehrer ran the plate through the Kansas Department of Revenue’s file service which indicated that the truck was registered to Charles Glover, Jr. The files also indicated the Mr. Glover had a revoked license in the State of Kansas.

Deputy Mehrer assumed that Charles Glover, Jr. was the driver of the truck and did not attempt to identify the driver prior to the motor vehicle stop. Based solely on the information related to the registered owner having a revoked license, and without observing any other traffic violation, Deputy Mehrer initiated a traffic stop. The driver of the truck was identified as Charles Glover, Jr.

Glover moved to suppress all evidence seized during the traffic stop, claiming that the officer lacked reasonable suspicion to conduct the traffic stop, thereby violating the Fourth Amendment. The Kansas District Court granted the motion to suppress. The Kansas Court of Appeals reversed the District Court holding that “it was reasonable for [Deputy] Mehrer to infer that the driver was the owner of the vehicle” because “there were specific and articulable facts from which the officer’s common-sense inferences gave rise to a reasonable suspicion.”^[2] The Kansas Supreme Court reversed the holding that Deputy Mehrer did not have reasonable suspicion, rather that he had “only a hunch” of criminal activity.^[3] The United States Supreme Court reversed the Kansas Supreme Court’s decision.

Reasonable Suspicion

The United States Supreme Court stated that Fourth Amendment case law “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.”^[4] The court has held that a mere “hunch” is not equivalent to reasonable suspicion, but it is considerably less than probable cause.^[5] In applying this standard, the courts must permit officers to make “common sense judgements and inferences about human behavior.”^[6]

In this case, Deputy Mehrer’s common sense inference that the registered owner of the vehicle was also the driver was deemed to be reasonable suspicion to initiate the motor vehicle stop. Additionally, common sense inferences, as well as empirical studies and traffic stop data, indicate that individuals with revoked driver’s licenses frequently continue to drive. These factors contributed to the determination of the reasonableness of the traffic stop.

Negating the Inference

The fact that the registered owner is not always the driver does not negate the reasonableness of the inference that the registered owner is the driver of the vehicle. Furthermore, Deputy Mehrer “possessed no exculpatory information – let alone sufficient information to rebut the reasonable inference that Glover was driving his own truck...”^[7]

The court provided an example that the inference that the registered owner is the driver of the vehicle would be negated if, for example, the registered owner is a male in his sixties and the driver is a female in her twenties; “then the totality of the circumstances” would not support the inference that the registered owner is the driver and therefore engaged in criminal activity.^[8] Furthermore, the court stated that presence of additional facts may dispel reasonable suspicion.

Practical Application

Based on the Court’s decision, running license plates and revealing through state information networks that the registered owner has a revoked license may be grounds to initiate a traffic stop, absent other exculpatory information.

The court has ruled that if there is a reasonable common-sense inference, absent other additional facts, that the registered owner of a motor vehicle is the driver of that vehicle. However, as the facts surrounding this type of stop are critical to the analysis, it is important for the officer to observe and document all relevant facts supporting the reasonableness of their inference that the registered owner is the operator of the vehicle.

As is always the case in Fourth Amendment situations, the officer's actions must be reasonable. While it is initially reasonable to infer that the registered owner of a vehicle is the driver, that presumption or reasonableness can be refuted based on additional facts. This leads to the major takeaway that it is incredibly important to document every fact that lead to your reasonable suspicion. In the long run, good documentation of a traffic stop will always help protect you from Fourth Amendment liability.

[1] *Kansas v. Glover*, Slip Opinion 18-556 (2020), Pp. 3-10

[2] *Kansas*, Pp. 2, citing, 54 Kan. App. 2d 377, 385, 400 P.3d 182, 188 (2017).

[3] *Kansas*, 308, 590, 591 (2018).

[4] *United States v. Cortez*, 449 U.S. 411, 417-418 (1981)

[5] *Prado Navarette v. California*, 572 U.S. 393, 397 (2014).

[6] *Illinois v. Wardlow*, 528 U.S. 119, 125 (2000).

[7] *Kansas v. Glover*, Slip Opinion 18-556 (2020) Pp. 9

[8] Pp. 9, *Cortez*, 449 U.S. at 418

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