**Kansas v. Glover, ---- U.S. ----, ---- S.Ct. -----, 2020 WL 1668283 (2019)**

**FACTS:** While on routine patrol, Douglas County (Kansas) Deputy Sheriff Mark Mehrer observed a 1995 Chevrolet 1500 pickup truck with Kansas plate 295ATJ being operated by a male subject. Deputy Mehrer ran the license plate through the Kansas Department of Revenue’s file service. The registration check indicated that the plate was assigned to a 1995 Chevrolet 1500 pickup truck, registered to Charles Glover, Jr. Deputy Mehrer was further advised that Glover’s driver’s license was revoked. Based solely upon this information and believing that the male operator was Glover, Deputy Mehrer executed a traffic stop. During the stop, Deputy Mehrer identified the truck’s driver as Charles Glover, Jr. Glover was charged with driving as a habitual violator. Glover filed a motion to suppress all evidence seized during the stop. The district court granted Glover’s motion to suppress. The Kansas Supreme Court affirmed the district court, holding that Deputy Mehrer was unable to articulate reasonable suspicion of criminal activity to justify this stop because his belief that Glover was operating the vehicle was “only a hunch.” The United States Supreme Court granted certiorari.

**ISSUE:** For purposes of an investigative stop under the Fourth Amendment, is it reasonable for an officer to suspect that the registered owner of a vehicle is the one driving the vehicle absent any information to the contrary?

**HOLDING: Yes. When a police officer lacks information negating an inference that a person driving is the vehicle’s owner, an investigative traffic stop made after running the vehicle’s license plate and learning that the registered owner’s driver’s license has been revoked is reasonable under the Fourth Amendment.**

**RATIONALE:** The ultimate touchstone of the Fourth Amendment is reasonableness.[[1]](#footnote-1) The Fourth Amendment permits an officer to initiate a brief investigative stop when the officer has “a particularized and objective basis for suspecting the particular person stopped of criminal activity”[[2]](#footnote-2) that is considerably less than either preponderance of the evidence or probable cause.[[3]](#footnote-3) Reasonable suspicion does not have to be perfect.[[4]](#footnote-4)In articulating reasonable suspicion, officers are also permitted to make “commonsense judgments and inferences about human behavior.”[[5]](#footnote-5)

 States have a vital interest in ensuring that only those qualified to do so are permitted to operate motor vehicles and that licensing, registration and vehicle inspection requirements are being observed. [[6]](#footnote-6)Further, research has proven that drivers with revoked licenses frequently continue to drive and therefore pose safety risks to other motorists and pedestrians. Specifically, the United States Supreme Court cited studies which found that 75% of suspended or revoked drivers continue to drive, and 19% of traffic fatalities involve an invalid operator’s license.

In this case, Deputy Mehrer observed a male suspect operate a 1995 Chevrolet 1500 pickup truck with Kansas plate 295ATJ. The deputy learned from running this license plate that the truck’s registered owner, Glover, had a revoked license. From these facts, Deputy Mehrer drew the commonsense inference that Glover was likely the driver of the vehicle, which provided more than reasonable suspicion to initiate the stop. Combining database information and commonsense judgments in this context is fully consonant with Fourth Amendment precedent.

The United States Supreme Court did stress that all seizures must be justified at their inception, taking the totality of the circumstances into account. Accordingly, the presence of additional facts may dispel reasonable suspicion. For example, if the registered owner of the vehicle is identified as a male in his mid-sixties, but the officer observed that the driver is a female in her mid-twenties, the totality of the circumstances would not justify a stop absent some other violation of the law.

1. Heien v. North Carolina, 574 U.S. 54, 60, 135 S.Ct. 530, 190 L.Ed.2d 475 (2014)(quoting Riley v. California, 573 U.S. 373, 381, 134 S.Ct. 2473, 189 L.Ed.2d 430 (2014)). [↑](#footnote-ref-1)
2. United States v. Cortez, 449 U.S. 411, 417-418, 101 S.Ct. 690, 66 L.Ed.2d 621 (1981); see also Terry v. Ohio, 392 U.S. 1, 21-22, 88 S.Ct. 1868, 20 L.Ed.2d 889 (1968). [↑](#footnote-ref-2)
3. Prado Navarette v. California, 572 U.S. 393, 397, 134 S.Ct. 1683, 188 L.Ed.2d 680 (2014) (quotation altered); United States v. Sokolow, 490 U.S. 1, 7, 109 S.Ct. 1581, 104 L.Ed.2d 1 (1989). [↑](#footnote-ref-3)
4. Heien, 574 U.S. at 60. [↑](#footnote-ref-4)
5. Illinois v. Wardlow, 528 U.S. 119, 125, 120 S.Ct. 673, 145 L.Ed.2d 570 (2000). [↑](#footnote-ref-5)
6. Delaware v. Prouse, 440 U.S. 648, 658, 99 S.Ct. 1391, 59 L.Ed.2d 660 (1979). [↑](#footnote-ref-6)