

Motor Vehicle Stops: Major Lesson Plan

To Accompany Article: [Vehicle Stops: Do Motorists Have A Privacy Interest in Their License Plate \(By Jack Ryan\)](#)

Target Audience: Law Enforcement personnel who may be faced with the task of conducting motor vehicle stops.

Objective: Provide officers with continued legal update on the legal justification for traffic stops.

Format: Roll-call/ supervisory training.

Time: Five to ten minutes, but this may be expanded where agency resources allow.

Materials: Law Enforcement Risk Management Legal Update.

Note: Officers should be encouraged to read the article in this update either before or after this roll-call training.

Hypothetical #1

Officer Bore is having a slow day. He decides that he will begin stopping every green vehicle that he sees to determine if the vehicle is properly registered or if he can find any other violation once he makes the stop. Officer Bore pulls the first green car he spots over and finds evidence of a murder in the vehicle.

Question #1

Was this a valid stop (encourage officers to articulate why they believe it is or is not)?

Answer #1

No, officers are not allowed to randomly stop vehicle or stop vehicles based upon some totally innocent factor. The officer must articulate either reasonable suspicion to believe that the vehicle is in some way involved in criminal activity or probable cause to believe that the operator has committed a traffic violation.

Hypothetical #2

Having been counseled by his sergeant with respect to random traffic stops, Officer Bore develops a new strategy. He decides that he will sit outside the local tavern and utilize his mobile data terminal to run license plates. He goes to the tavern and begins running plates of the vehicles parked in the open parking lot. He finds that one of the vehicles is unregistered. As the vehicle leaves the lot he pulls the car over and determines that the driver is drunk.

Question #2

Is this a valid stop such that the information learned during the stop-the driver is drunk- will be allowed as evidence in a subsequent prosecution? Or, is the stop bad such that the information learned is the fruit of the poisonous tree?

Answer #2

The stop is valid. There is no right to privacy in a license plate that hangs from a vehicle, thus the information gained from running the plate supports the stop.

Hypothetical #3

Officer Bore decides to take his strategies to a new level. He decides that he will begin sneaking into the garages of citizens making lists of license plates and running the plates once he belly-crawls back to his police car. In doing so, he determines that a citizen has a car in their garage which is wanted in a hit & run accident. He waits outside the house the following day and stops the car when it leaves the driveway. As a result of the stop, evidence relating to the hit & run (blood and hair from the pedestrian victim) are found on the vehicle.

Question #3

Were the actions of Officer Bore constitutional such that the evidence will be allowed in at trial for the hit &run of the pedestrian?

Answer #3

No, an officer can run any plate that he observes from a location where he is lawfully present. In this case, Officer Bore obtained the license plate information by unlawfully entering private property. As such, everything that flows from this 4th Amendment violation, entering the property without warrant, exigency or consent, is the fruit of the poisonous tree.