



POLICE / PROSECUTOR UPDATE

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It is common practice for businesses to report to police the purchase of certain quantities of **methamphetamine precursors**. Is this information within the knowledge of the police sufficient to establish reasonable suspicion for an **investigatory stop** of a person or a vehicle? It is under certain circumstances.

Our Supreme Court has identified four factual situations in which it would "likely" find reasonable suspicion to exist: when the customer (1) purchases a combination of methamphetamine precursors from one store; (2) purchases a combination of precursors from several stores; (3) purchases one precursor and then commits a traffic violation warranting a traffic stop; or (4) purchases one precursor and the arresting officer has knowledge of the defendant's previous involvement with methamphetamine.

However, a police officer may *NOT* conduct an investigatory stop of a person *based solely* on information that the person legally purchased a *small or moderate amount of one precursor*. Rather, there must be at least one other additional specific and articulable circumstance that, when combined with the purchase of one precursor, produces evidence sufficient to create an inference that the defendant's intention in engaging in the combination of activities was to possess chemical reagents or precursors for the manufacturing of methamphetamine. The court did not go into any detail as to what would constitute more than a "small or moderate amount" of one precursor. In the case before the court, two companions each purchased three packages of a cold medicine. State v. Bulington, 802 N.E.2d 435 (Ind. 2004).

A recent Court of Appeals case takes a look at an interesting fact situation leading to an **investigatory stop**. A police officer observed a red Stealth automobile parked on the side of the street with someone in the driver's seat. The officer ran a random license plate check on the car's license number. The results of the computer check indicated that the plate number was issued to a red Stealth owned by the defendant. The officer's computer also ran a driver's license check on the car's owner. It revealed the defendant's date of birth, social security number, and his physical description. It also indicated that his driver's license was suspended. At the time he received this information, however, the officer no longer was in visual contact with the car.

About 90 minutes later, the officer observed a red Stealth. He got close enough to see its license plate number and determined that it was indeed the same car. The officer was unable to see the driver or determine if the driver fit the description of the defendant. Nevertheless, knowing that the registered owner of the car had a suspended license, the officer stopped the car. The defendant moved to suppress all evidence (including a .11 BAC) obtained after the stop because, not knowing who was driving, the officer lacked reasonable suspicion. The Court of Appeals determined that this was a proper investigatory stop.

Although the officer could not see the person driving the car, could not verify if the driver matched the description of the defendant, and did not observe any traffic violations, the court stated that the officer had a reasonable suspicion to stop the car in order to determine whether it was the defendant who was driving it. The court did state, though, that if the officer had been able to see the driver and determine that that person did not match the description of the defendant, the result would have been different. State v. Ritter, 801 N.E.2d 689 (Ind. Ct. App. 2004).