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In February of last year, the Indiana Court of Appeals determined that a defendant complied with Indiana law when he **displayed a license plate in the rear window** of his vehicle and thus could not be stopped by a law enforcement officer for violating the statute that required drivers to place the plate on the rear of the vehicle. The Supreme Court stated that this determination was wrong.

The relevant statutes involved in this case are IC 9-18-2-26 and IC 9-19-6-4(e), which concern the display and illumination of license plates once a vehicle is *permanently registered*. The Supreme Court stated that to prevent future uncertainty, compliance with the Indiana statutory requirements concerning placement, secure attachment, illumination and legibility is obtained by proper mounting of the license plate on the illuminated *bracket provided by the vehicle manufacturer*. Any other method of license plate display may serve as a basis for reasonable suspicion for law enforcement officers to make a traffic stop to determine whether the display fully complies with statutory requirements. Display inside a back window does not satisfy these requirements. Merritt v. State, 829 N.E.2d 472 (2005).

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Two recent cases provide an opportunity to review the law regarding the **reliability of informants** relied on to establish probable cause.

One case had this cautionary note on the critical importance of the reliability requirement. Whenever a law enforcement officer attempts to justify actions based upon the tip of an informant, the officer would be well advised to *immediately* establish the credibility of the informant. It should not be an afterthought but a matter of course.

Citizen informants are cooperative citizens and include crime victims, eyewitnesses to criminal activity, and responsible citizens who decide to provide information out of the spirit of good citizenship and the desire to assist law enforcement in solving crime. These types of informants are considered presumptively reliable unless circumstances exist to cast suspicion on their reliability.

The reliability of a noncitizen informant, including

anonymous tipsters, can be determined in a number of ways. The basis of the informant's knowledge is an important factor. Is the informant furnishing information based on his personal knowledge and observations or only rumor? The amount of detail may indicate that the informant has a good basis of knowledge. Where possible, consistent with protection of the informant, it is better to indicate specifically the informant's basis of knowledge.

Possibly the best method to establish the reliability of an informant and his information is independent police investigation to corroborate the information provided by the informant. Perhaps the most popular method of establishing the credibility of a "professional" informant is the informant's track record – how many times has the informant provided reliable information in the past? It should be noted that a simple statement that the informant had provided "reliable information" adds little to a showing of credibility. But this past information need not have led to convictions and does not necessarily have to relate to illegal activity.

Another method is admissions against penal interest. Indiana recognizes the general principle that a statement by an informant implicating himself in a crime can be a basis for establishing the informant as a reliable source. Closely related to this principle is the fact that credibility of an informant may be established if the informant relates information that only someone closely associated with the crime would know, such as information not revealed in newspapers.

Finally, reliability may be established where the informant predicts conduct or activities by the suspect that are not ordinarily easily predicted. Edwards v. State, ___ N.E.2d ___ (Ind. App. 2005); Soliz v. State, ___ N.E.2d ___ (Ind. App. 2005); Prosecuting Attorneys Handbook at pp. 2-78 to 2-81.

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