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A recent Court of Appeals case takes a look at the ability to use **collective police knowledge in order to justify an investigatory stop**.

A police officer responded to a dispatch that an individual was disorderly at a pool hall. Upon arrival, the officer spoke to two individuals. He was told that the defendant had started a fight with one of the individuals. They described the defendant as a heavy set male with reddish brown hair who left the scene in a gray Volkswagen van. The officer radioed another police officer and gave him a description of the defendant and the van and said "he just needed to speak with" the defendant.

A short time later, the second officer saw the defendant's van enter a Wendy's parking lot and enter the drive-through. The officer activated his emergency lights and directed the defendant to pull his vehicle over to the curb. While questioning the defendant, the officer noticed that his eyes were watery and bloodshot, his speech was slow and slurred, and there was a strong odor of alcohol on his breath. After failing field sobriety tests, the defendant was arrested and charged with DWI as a Class D felony. He filed a motion to suppress, which was granted.

On appeal, the State contended the investigating officer had reasonable suspicion to conduct the investigatory stop of the defendant's vehicle. Specifically, it contended that reasonable suspicion of the defendant's criminal activity did not have to be based on the second officer's personal knowledge because that officer could rely on the collective knowledge of the police department *regardless* whether it was conveyed to him. Therefore, the State reasoned, any knowledge the first officer had of the defendant's criminal activity was imputed to the second officer before he made the investigatory stop.

The Court of Appeals, although it "applauded the State's novel argument," disagreed. It is true that reasonable suspicion justifying an investigatory stop is not confined to facts within the firsthand knowledge of the investigating officer. It can be based on the collective information of the police department as a whole.

However, here the first officer merely radioed that he "needed to speak with the subject." In order to rely on collective knowledge, the knowledge sufficient for reasonable suspicion *must be conveyed to the investigating officer before the stop is made*. Collective knowledge cannot be relied on after the fact. Otherwise this would allow police officers to conduct investigatory stops before having any reasonable suspicion of criminal activity.

Because the first officer failed to convey his knowledge of criminal suspicion to the second officer before the investigatory stop, that officer conducted the stop without specific facts giving rise to a reasonable suspicion of criminal activity. State v. Murray, 837 N.E.2d 223 (Ind. App. 2005).

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The Indiana Supreme Court recently clarified a couple of points regarding the **automobile exception to the search warrant requirement**.

This exception applies if a vehicle is "readily mobile" and probable cause exists to believe it contains contraband. There has been disagreement regarding the meaning of "readily mobile." Decisions of the Court of Appeals have not been consistent regarding whether automobiles under police observation or control are readily mobile.

The Supreme Court settled the issue: ready mobility is not based on the *immediate capabilities* of an automobile but on its *inherent capabilities*. Thus, the automobile exception does not require any additional consideration of the likelihood, under the circumstances, of a vehicle being driven away. "Rather, we understand the 'ready mobility' requirement to mean that all operational, or potentially operational, motor vehicles are inherently mobile, and thus a vehicle that is temporarily in police control or otherwise confined is generally considered to be readily mobile and subject to the automobile exception if probable cause exists.

Finally, no separate exigent circumstances are required for the automobile exception to apply. Myers v. State, ___ N.E.2d ___ (Ind. 2005).

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