



DPS TRAINING BULLETIN

LEGAL BULLETIN NO. 146
September 16, 1990

INVESTIGATORY SEIZURE OF
VEHICLE BASED ON ANONYMOUS TIP

Reference: Alabama
v.
Vanessa Rose White

United State Supreme Court
58 LW 4747 (No. 89-789)
June 11, 1990

FACTS:

Police received an anonymous telephone tip that White would be leaving a particular apartment at a particular time in a particular vehicle, that she would be going to a particular motel, and that she would be in possession of cocaine. Police immediately proceeded to the apartment and saw a vehicle matching the caller's description. They observed White as she left the building and entered the vehicle. They followed her along the most direct route to the motel, stopping her vehicle just short of reaching the motel. A consensual search of the vehicle revealed marijuana. As a result of the search conducted incident to her arrest, cocaine was found in her purse.

ISSUE:

Did the anonymous tip, as corroborated by independent police work, exhibit sufficient information of reliability to provide reasonable suspicion to make the investigatory stop?

HELD: Yes.

REASONING:

1. Standing alone, the tip is completely lacking in the necessary indicia of reliability, since it provides virtually nothing to conclude that the caller is honest or information given was reliable, and it provides no indication of the basis for predictions regarding White's criminal activities.
2. Although not every detail mentioned by the tipster was verified--e.g., the name of the woman leaving the apartment building or the precise apartment from which she left--the officers did corroborate that a woman left the building and got into the described vehicle.
3. Although it is a close call, under the totality of the circumstances the anonymous tip, as corroborated, exhibited sufficient information of reliability to justify the investigatory stop of White's car.

NOTES:

This investigatory or "stop and frisk" seizure is based on "reasonable suspicion" as decided by the United States Supreme Court in Terry v. Ohio, 392 U.S. 1; Adams v. Williams, 407 U.S. 143 (no Legal Bulletins) and, more recently, Illinois v. Gates, 462 U.S. 213, Legal Bulletin No. 73. All of these cases authorized use of corroborated information obtained by anonymous tips.

A WORD OF CAUTION:

Both the Alaska Supreme Court--see State v. Casey L. Jones, 706 P.2d 317 (no Legal Bulletin)--and the Court of Appeals--see Robert Allen v. State, 781 P.2d 992, Legal Bulletin No. 137--have thus far declined to adopt the "anonymous tip" principle as the United States Supreme Court did in White's case and the Gates case.

Alaska has decided this issue under our State Constitution. Under Keller v. State, 543 P.2d 1211, Legal Bulletin No. 11, Alaska requires the "two-prong test" when dealing with informant tips. The "two-prong test"--see Aguilar v. Texas, 38 U.S. 108--requires establishment of (1) the informant's reliability, and (2) the informant's personal knowledge of the event described.

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