



# DPS TRAINING BULLETIN

LEGAL BULLETIN NO. 175  
April 5, 1993

INVESTIGATORY STOP OF  
DWI SUSPECT VEHICLE  
BASED ON ANONYMOUS TIP

Reference: Linda M. Goodlataw  
v.  
State of Alaska

Alaska Court of Appeals  
Opinion No. 1286  
P.2d  
February 26, 1993

FACTS:

During the early morning hours of February 26, 1992, Trooper Heck was on duty at Glenallen when he received a telephone call from a female who informed him that Linda Goodlataw was intoxicated and had just left the caller's residence. The caller told Trooper Heck that Goodlataw was driving her vehicle to her home located at Tazlina. The caller refused to give her own name to the Trooper.

Trooper Heck was acquainted with Goodlataw and knew the type of car she drove.

Trooper Heck left his office and a short time later observed Goodlataw driving her vehicle. Trooper Heck followed Goodlataw while attempting to observe how she was handling the car, but heavy snow and blowing wind hampered his vision and made observation impossible. Despite his inability to discern any instance where the driver's driving was noticeably impaired, Trooper Heck decided to stop the car. Goodlataw failed her field sobriety tests and was arrested for driving while under the influence.

Goodlataw argued that the trooper did not have probable cause to make the investigatory stop.

ISSUE:

Will evidence gained from an investigatory stop of a motor vehicle be suppressed if the investigatory stop is based solely on information provided by an "anonymous citizen informant" who reports an intoxicated driver?

HELD: No.

REASONING:

1. An investigatory stop need not be supported by probable cause--reasonable suspicion is sufficient.
2. Police officers have the authority to briefly detain citizens for investigative purposes even when police lack probable cause to make an arrest.

NOTES:

Compare/contrast this case involving the report of a drunk driver as a possible public safety issue with Allen v. State, Legal Bulletin No. 137, where an anonymous call was made to police to report a driver of a particular vehicle who was selling drugs. No drugs were discovered when the Allen vehicle was stopped but Allen was found to be driving while his license was suspended. In the Allen case, the court felt the officers needed to corroborate more information prior to the stop.

Review of the following sections of your Alaska Legal Briefs Manual is recommended:

Section "I", especially Coleman v. State, Legal Bulletin No. 3; Gibson v. State, Legal Bulletin No. 141; Alabama v. White, Legal Bulletin No. 146; and Willie v. State, Legal Bulletin No. 168. Section "M", especially Illinois v. Gates, Legal Bulletin No. 73.

NOTE TO SUBSCRIBERS TO THE ALASKA LEGAL BRIEFS MANUAL:

Add this case to Section I, "Investigatory Seizure of Persons and Things;" and Section M, "Warrants, Affidavits and Informants," of your Contents and Text. File Legal Bulletin No. 175 numerically under Section R of the manual.