



DPS TRAINING BULLETIN

LEGAL BULLETIN NO. 226
July 13, 1998

INVESTIGATIVE STOP OF SUSPECTED DUI
BASED ON POLICE DISPATCHER INFORMATION

Reference: State of Alaska
v.
William L. Prater

Alaska Court of Appeals
Opinion No. 1591
P.2d
May 22, 1998

FACTS:

A police dispatcher put out a locate for a suspected drunk driver. The report described the vehicle, including its license plate number and direction of travel. Moments later, police spotted the car, stopped it and arrested the driver for DUI. Prater was the driver and he failed the field sobriety test.

The dispatcher also had additional information which was not made part of the broadcast. An anonymous male caller said that the drunk driver of the car did not possess a driver's license and he had been arrested before for DUI. The caller further stated that he knew this to be true, because the driver had just left his house. The caller furnished and spelled the driver's name as Prater.

The judge ruled that the stop was unlawful and further said, because dispatchers are not "part of the police team or fellow officers," any information they received could not be considered in evaluating whether the stop was justified.

ISSUE:

Can the information known to the dispatcher be imputed to the officers or considered in determining whether there was reasonable suspicion to justify the stop?

HELD: Yes.

REASONING:

1. An investigative stop made in objective reliance on a police dispatcher's bulletin is justified if the dispatcher who broadcast the bulletin possessed reasonable suspicion of imminent public danger to justify the stop. (emphasis added)

2. Reasonable suspicion to stop a vehicle may be based on a sufficiently detailed telephone report that the driver may be driving while intoxicated.

NOTES:

A review of Section I, "Investigatory Seizure of Persons and Things," is recommended. See Gibson v. State, Legal Bulletin No. 141, where police made investigatory stop of vehicle and driver was suspect in misdemeanor destruction of property and subsequently arrested for DUI; also compare Goodlataw v. State, Legal Bulletin No. 175, where a vehicle stopped for suspected intoxicated driver was based on an anonymous tip

NOTE TO SUBSCRIBERS TO THE ALASKA LEGAL BRIEFS MANUAL:

Add this case to Section I, "Investigatory Seizures of Persons and Things," of your Contents and Text. File Legal Bulletin No. 226 numerically under Section R of the manual.