



## DPS TRAINING BULLETIN

LEGAL BULLETIN NO. 239

April 6, 2000

### INVESTIGATORY SEARCH OF PERSON BASED ON ANONYMOUS TIP LACKED PROBABLE CAUSE

Reference: Florida  
v.  
J.L.

United States Supreme Court  
No. 98-1993

U.S.  
March 28, 2000

#### FACTS:

An anonymous caller reported that a young black male standing at a particular bus stop and wearing a plaid shirt was carrying a gun. Officers went to the bus stop and saw three black males, one of whom, 15-year-old J.L., was wearing a plaid shirt. The officers did not see a firearm or observe any unusual movements. One of the officers frisked J.L. and seized a gun from his pocket. J.L. was charged under State law with carrying a concealed firearm and possessing a firearm while under the age of eighteen.

#### ISSUE:

The question presented in this case is whether an anonymous tip that a person is carrying a gun is, without more, sufficient to justify a police officer's stop and frisk of that person.

HELD: No.

#### REASONING:

1. An officer, for the protection of himself and others, may conduct a carefully limited search for weapons in the outer clothing of persons engaged in unusual conduct where the

officer reasonably concludes, in light of his experience, that criminal activity may be afoot and that persons in question may be armed and dangerous.

2. The anonymous call concerning J.L. provided no predictive information and therefore left police without means to test the informant's knowledge or credibility. That the allegations about the gun turned out to be correct does not suggest that the officer, prior to the frisk, had a reasonable basis for suspecting J.L. was engaging in unlawful conduct.

3. An anonymous tip that a person is carrying a gun is not, without more, sufficient to justify a police officer's stop and frisk of that person. Such anonymous tips enable any person seeking to harass another to set in motion an intrusive, embarrassing police search of the targeted person simply by placing a call falsely reporting the target's unlawful carriage of a gun.

**NOTES:**

Keep in mind that you can ask a person's consent to conduct a search.

The U.S. Supreme Court, in this case, did not rule out acting on anonymous tips and cited Alabama v. White, Legal Bulletin No. 146, where the anonymous tip was suitably corroborated to provide reasonable suspicion to make the investigatory stop. Also see Smith v. State, Legal Bulletin No. 121, where police corroborated anonymous tip concerning person driving with a suspended license; Allen v. State, Legal Bulletin No. 137, where police lacked probable cause and failed to corroborate anonymous tip; and Goodlataw v. State, Legal Bulletin No. 175, where court justified stop of car based on anonymous tip that the drive was DUI--public safety issue.

**NOTE TO SUBSCRIBERS TO THE ALASKA LEGAL BRIEFS MANUAL:**

Add this case to Section I, "Investigatory Seizure of Persons and Things," of your Contents and Text. File Legal Bulletin No. 239 numerically under Section R of the manual.