



DPS TRAINING BULLETIN



LEGAL BULLETIN NO. 370
April 25, 2014

**ANONYMOUS CALL TO 911 REPORTING WRECKLESS DRIVER
JUSTIFIES INVESTIGATIVE STOP OF VEHICLE**

Reference :

Lorenzo Prado Navarette
and Jose Prado Navarette

United States Supreme Court
572 U.S. _____ (2014)
April 22, 2014

v.

California

FACTS :

Unidentified female called 911 to report a pickup truck ran her off the roadway. The caller furnished a description of the truck, including color and license plate number. The caller also reported direction of travel. The 911 call taker relayed this information to The California Highway Patrol (CHP) dispatcher who broadcast the information to CHP officers.

Approximately 18 minutes later a CHP officer observed the suspect vehicle about 19 highway miles south of the location reported in the 911 call. The suspect vehicle was stopped and when two CHP officers approached the pickup they smelled marijuana. A subsequent search of the truck bed revealed 30 pounds of marijuana. Driver Lorenzo and passenger Jose were arrested.

The defendants argued that the stop of the pickup violated the Fourth Amendment, and that the evidence should have been suppressed.

ISSUE :

Did the CHP officers have reasonable suspicion of criminal activity to justify the stop?

HELD :

Yes. The Fourth Amendment permits brief stops - such as the traffic stop in this case - where a law enforcement officer has "a particularized and objective basis for suspecting the particular person stopped of criminal activity."

REASONING:

1. The traffic stop complied with the Fourth Amendment because under the totality of the circumstances, the officer had reasonable suspicion that the truck driver was intoxicated.
2. A reasonable officer could conclude that a "false tipster" would think twice before using the 911 system, which has several technological (calls are recorded and could identify caller), and regulatory (FCC requires cellular carriers to relay callers number to 911 dispatchers) protections that safeguard against making a false report with immunity.
3. By reporting that she had been run off the road by a specific vehicle, the caller necessarily claimed eyewitness knowledge of the alleged dangerous driving.
4. The behavior alleged by the 911 caller "viewed from the standpoint of an objectively reasonable police officer, amounts to reasonable suspicion" of drunk driving.

NOTES: Among cases cited are: **Alabama v White** (see bulletin no. 146 - anonymous tip corroborated by independent police work justifies investigative stop of vehicle); **United States v Sokolow** (see bulletin no. 130 - investigative seizure of person authorized if officer has reasonable suspicion that criminal activity "may be afoot"); **Florida v J.L.** (see bulletin no. 239 - anonymous tip without independent corroboration by police does not justify investigative seizure of a person); and **Illinois v Gates** (see bulletin no 73 - affidavit for search warrant based on partially corroborated of informants tip was sufficient to justify issuance of warrant).

The Alaska Appellate Courts have also addressed this issue: **State v Miller** (see bulletin no. 339) Juneau Police responded to an anonymous tip that a male and female standing by a described vehicle were involved in some sort of argument. Arriving officer observed suspect vehicle, occupied by two females and a male driving from the area. The officer stopped the vehicle and learned that there had been no assault but that the driver, Miller, was intoxicated. Miller was arrested for DUI. The officer was justified in making the stop because he had a reasonable suspicion that imminent public danger or serious harm to a person had recently occurred.

However, you should also review **Jones v State** (see legal bulletin no 243) where Anchorage Police responded to a 911 call regarding a tenant landlord dispute. Arriving officers hear "yelling" by both parties, but see no evidence of assault and neither party alleged an assault had occurred. The tenant informed police he was leaving the area. Police told him could not, and this confrontation ultimately lead to the police searching him Jones) and discovering cocaine. The seizure of Jones, and subsequent seizure of the cocaine was illegal because the police had no indication that a crime of any sort had taken place.

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