



Anonymous Tips

1.5 Hour Webinar


Course Outline

Blue to Gold Law Enforcement Training
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Module One: Course Introduction – 10 minutes

- 1) Instructor introduction.
- 2) Explain the course objective.
- 3) Encourage attendees to ask questions and share feedback with other attendees.
- 4) Explain that certificates will be emailed after the class.
- 5) Go over the three disclaimers:
 - a) Laws and agency standard operating procedures may be more restrictive. Blue to Gold is teaching the federal standard unless otherwise stated. Therefore, students must know their state and local requirements in addition to the federal standard.
 - b) If students have any doubts about their actions, ask a supervisor or legal advisor.
 - c) The course is not legal advice, but legal education. Therefore, nothing we teach should be interpreted as legal advice. Check with your agency's legal advisor for legal advice.

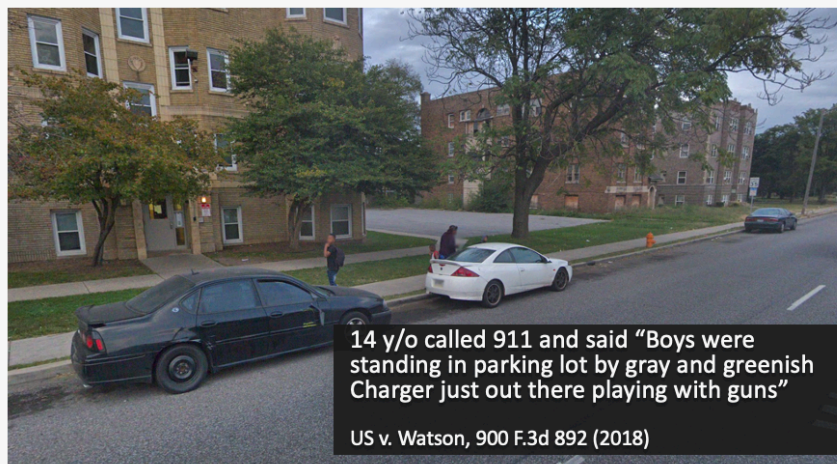
 Agenda	One	Unidentifiable Tipsters
	Two	Identifiable Tipsters
	Three	Dealing with Homes
	Four	Take-aways

Module Two: Unidentifiable Tipsters - 25 minutes

- 1) **Legal Rule:** An unidentifiable tipster requires **corroboration of inside knowledge**
- 2) **Pro Tip:** The key to corroboration is to explain why the observed conduct proves the informant has **inside information**
- 3) **Example:** The fact that the informer was able to predict, two days in advance, the exact clothing Draper would be wearing dispelled the possibility that his tip was just based on rumor or “an offhand remark heard at a neighborhood bar.” ... Probably Draper had planned in advance to wear these specific clothes so that an accomplice could identify him. A clear inference could therefore be drawn that the informant was either involved in the criminal scheme himself or that he otherwise had access to reliable, inside information.
- 4) **Case Sample:** Police received an anonymous tip that a young man wearing a plaid shirt waiting at a bus stop had a firearm. Without more, cops stopped and frisked the man and found a gun. **Synopsis:** held that a police officer may not legally stop and frisk anyone based solely on an anonymous tip that simply described that person's location and what he or she might look like but that did not furnish information as to any illegal conduct that the person might be planning. (Florida v. J.L) Held: This bare bones tip was insufficient to justify stop and risk.
- 5) **Case Sample:** Police received an anonymous tip that a young woman would leave her apartment at 3 pm, hop into a particular car, drive to Dobey's Motel, and have a brown briefcase filled with drugs. Cops followed her to Dobey's. **Synopsis:** On April 22, 1987, at approximately 3 p.m., Corporal B.H. Davis of the Montgomery Police Department received a telephone call from an anonymous person stating that Vanessa White would be leaving 235-C Lynwood Terrace Apartments at a particular time in a brown Plymouth station wagon with the right taillight lens broken, that she would be going to Dobey's Motel, and that she would be in possession of about an ounce of cocaine inside a brown attaché case. Corporal Davis and his partner, Corporal P. A. Reynolds, proceeded to the Lynwood Terrace Apartments. The officers saw a brown Plymouth station wagon with a broken right taillight in the parking lot in front of the 235 building. The officers observed respondent leave the 235 building, carrying nothing in her hands, and enter the station wagon. They followed the vehicle as it drove the most direct route to Dobey's

Motel. When the vehicle reached the Mobile Highway, on which Dobby's Motel is located, Corporal Reynolds requested a patrol unit to stop the vehicle. The vehicle was stopped at approximately 4:18 p.m., just short of Dobby's Motel. Corporal Davis asked respondent to step to the rear of her car, where he informed her that she had been stopped because she was suspected of carrying cocaine in the vehicle. He asked if they could look for cocaine, and respondent said they could look. The officers found a locked brown attaché case in the car and, upon request, respondent provided the combination to the lock. The officers found marijuana in the attaché case, and placed respondent under arrest. During processing at the station, the officers found three milligrams of cocaine in respondent's purse. (Alabama v. White.) **Held:** This tip was reliable. **Furthermore:** Per the US Supreme Court; What was important was the caller's ability to predict respondent's future behavior, because it demonstrated inside information—a special familiarity with respondent's affairs. The general public would have had no way of knowing that respondent would shortly leave the building, get in the described car, and drive the most direct route to Dobby's Motel.

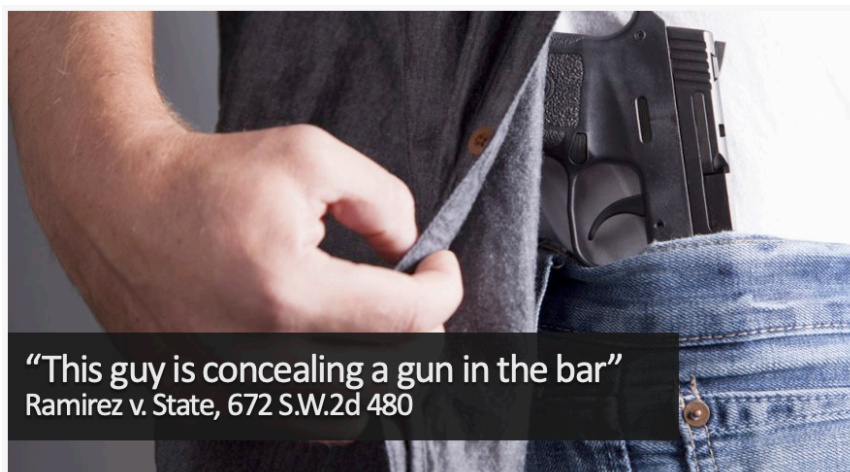
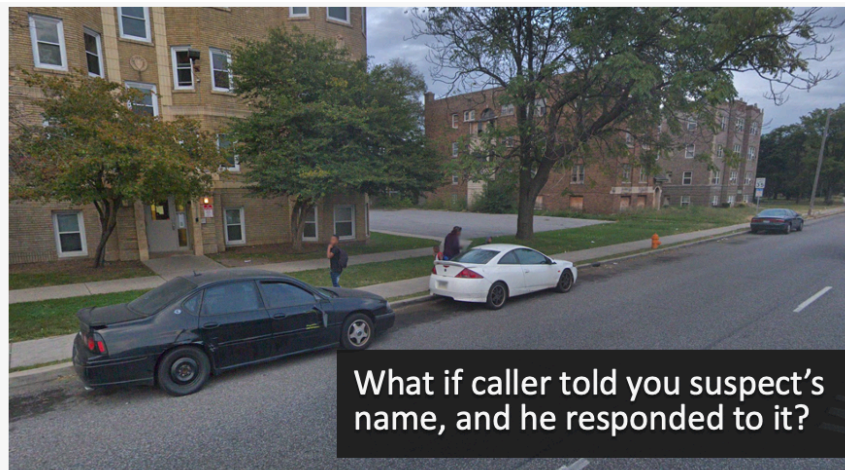
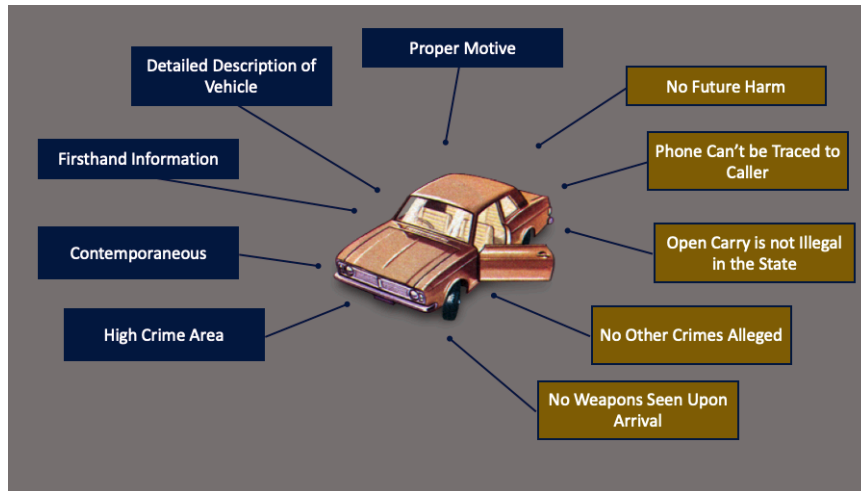
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7)

Case Sample: Anonymous emergency call from 14-year-old reporting seeing "boys" that were "playing with guns" by a car in a parking lot did not provide police with reasonable suspicion to block defendant's car; caller borrowed stranger's phone, which limited usefulness of emergency number's tracing ability, as well as negated any incentive to not provide false information, call did not report a crime as carrying a firearm in public was permitted in the state, "boys" and "playing with guns" were not descriptive terms, caller did not report tense

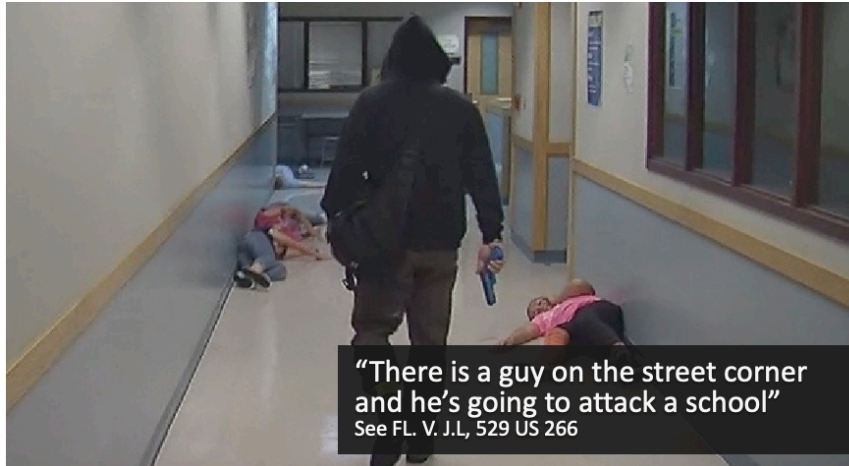
situation or physical confrontation, and officer did not see weapons



8) Third person's statement that suspect had gun sufficient when

corroborated by officer's personal observation of suspect matching description with bulge in pocket.

- 9) **Legal Rule:** The US Supreme Court **implied** that an anonymous tip about a **public emergency** may justify stop even without corroboration



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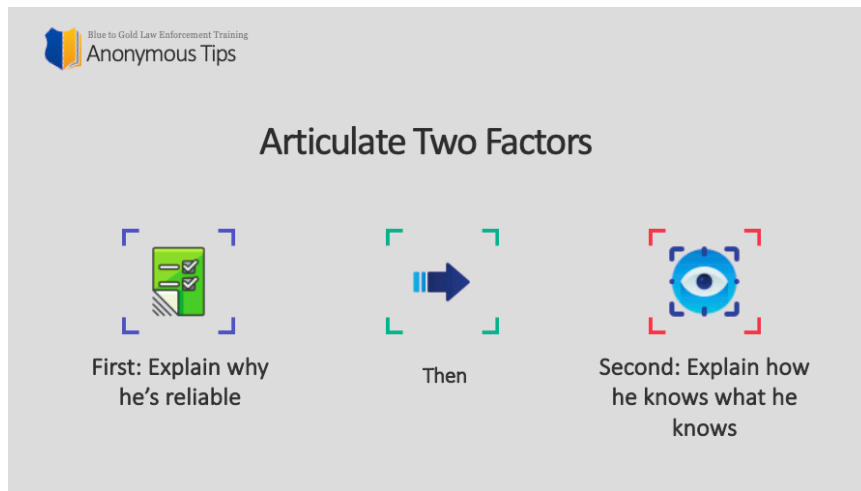
In dictum, however, the Court noted that there could be cases in which a bare accusation of this sort might suffice. It gave the example of a report of someone carrying a bomb. If police received a call identifying a particular suspect and saying that he or she was holding a bomb, the police could perhaps lawfully stop the suspect on the basis of that call, despite the caller's anonymity and the lack of what would ordinarily qualify as sufficient detail and of testable and accurate predictions. On the basis of that line in the Court's opinion, a number of courts have approved stops of drivers against whom anonymous accusations of reckless or drunk driving had been made. A reckless driver, in this view, is like a bomb in that he, she, or it poses an imminent threat to the population. Other courts, however, have relied on the main holding of *J.L.* to conclude that such anonymous accusations would fall short of supplying reasonable suspicion to the police, absent corroboration of some guilty facts. *Florida v. J. L.*, 529 U.S. 266 (2000), held that a police officer may not legally stop and frisk anyone based solely on an anonymous tip that simply described that person's location and what he or she might look like but that did not furnish information as to any illegal conduct that the person might be planning.

- 11) **Case Sample:** Unidentified caller stated that Nissan Altima, along with partial plate, was driven by drunk driver. Cop found vehicle but observed no violations. **Synopsis:** Police officer's

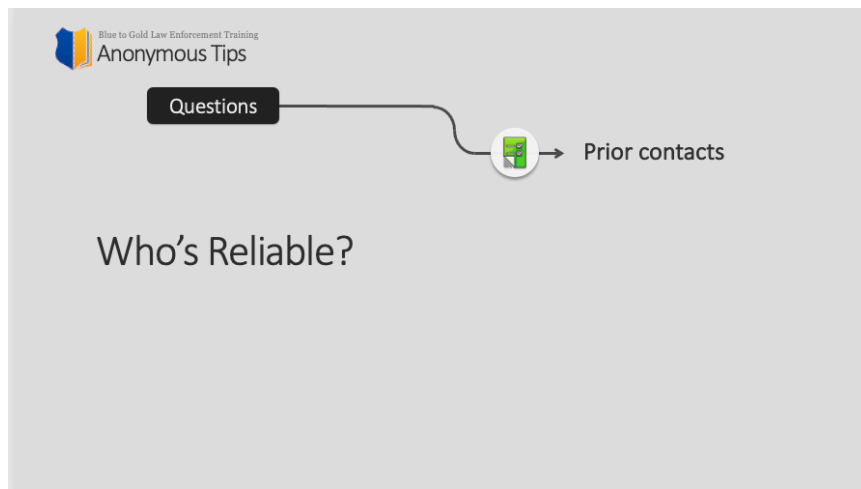
observations of defendant's conduct combined with anonymous tip of an intoxicated driver did not establish reasonable suspicion for a traffic stop. Even though defendant, just before traffic stop was initiated, drove to side of road and stopped. Tip lacked sufficient information to demonstrate informant's credibility and basis of knowledge, and defendant's observed conduct of slowing his vehicle at an intersection and before stopping at a red light did not indicate that he was involved in operating a motor vehicle under influence of alcohol. (Harris v. Commonwealth) **Held:** This bare bones tip was insufficient to justify stop and frisk. **Note:** Some courts view DUI tips as "emergencies" and allow stops.

Module Three: Identifiable Tipsters – 25 minutes

- 1) **Legal Rule:** An identifiable tipster may supply reason to detain if the tipster is **reliable** and has a **basis of knowledge**.

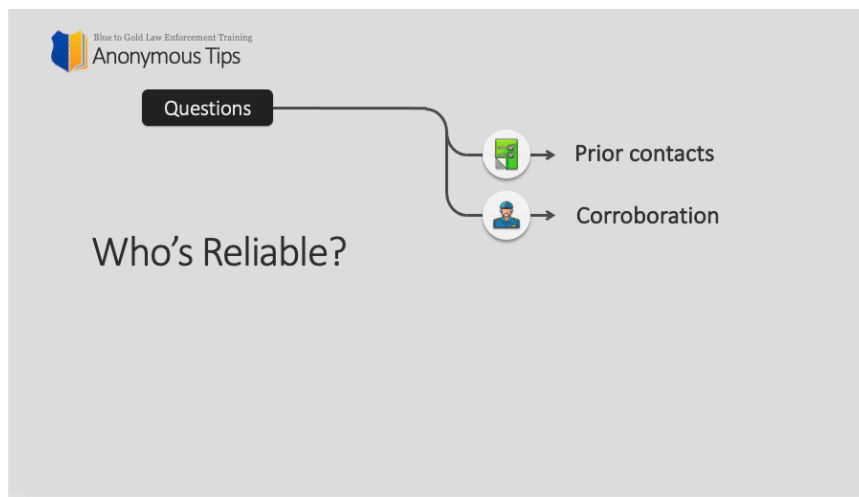


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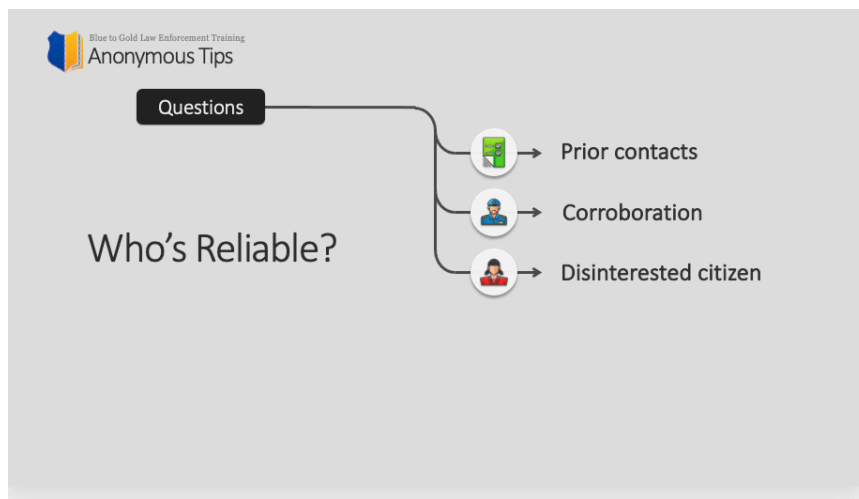
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- 4) **Case Sample:** Reliable informant told cop that driver had gun in waistband and was selling drugs. **Synopsis:** Petitioner sought review of a judgment that granted respondent's petition for habeas corpus relief and reversed his convictions for illegal possession of a handgun and heroin. On certiorari, the Court reversed. The Court first ruled that the initial forced stop of respondent's car was justified because the officer had received a tip from a known informant, who had provided the officer with information in the past, that respondent was in a car nearby, had a handgun concealed at his waist, and was carrying narcotics. Thus, the Court ruled that the information carried enough indicia of reliability to justify the stop of respondent. From that, the Court ruled that the officer, having a reasonable belief that respondent was armed and dangerous, made a permissible limited protective search for the weapon at respondent's waist, despite the fact that the weapon was not visible from the exterior of the car. Having seized the weapon, the officer was provided with probable cause to arrest respondent for its possession; the subsequent search incident to arrest, which produced the narcotics that formed the basis for respondent's heroin conviction, was therefore lawful. (Adams v. Williams)



- 5)
- 6) **Case Sample: a gun.** Neighbor said that a known felon named "Mookie" would have a gun. Officer saw bulge in waistband. **Synopsis:** In its analysis of what Officer Bey observed upon arrival outside 2128 North Natrona Street, the majority correctly points out that Officer Bey observed "Mookie," the subject of the tip and a person with whom he was familiar, sitting in a chair on the sidewalk with his arms folded across his chest and his eyes closed in front of the same house which was identified in

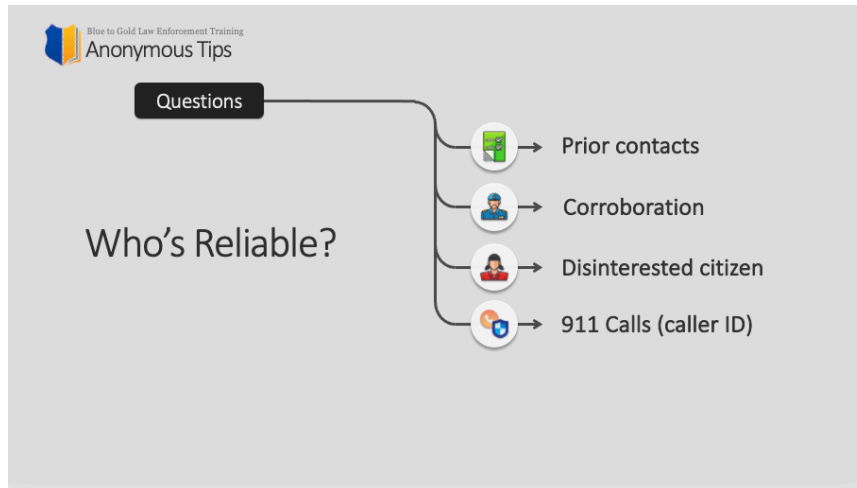
the tip and which was located in an area that the officer knew to be a high drug-trafficking area. However, the majority's recitation of the facts omits one rather crucial fact. Namely, Officer Bey, who had been told by the tipster that "Mookie" would be carrying a gun, observed a "big bulge" in appellant's left front pants pocket. It was the observation of this bulge which, in combination with the officer's corroboration of all other parts of the tip except for the actual witnessing of a narcotics sale, gave Officer Bey a reasonable suspicion that criminal activity was afoot. Indeed, to hold otherwise is to contravene the persuasive precedent of our sister states as well as the federal courts which have unanimously concluded that observation of a hidden bulge pursuant to a tip predicting the presence of an identifiable armed suspect at a certain location gives rise to a reasonable suspicion of criminal activity afoot and, hence, a justifiable Terry stop.



7)

- 8) **Case Sample:** Manager called 911 and said that a drive thru customer as intoxicated. **Synopsis:** A manager at a McDonald's on U.S. 1 in Vero Beach, was working at the drive-through one evening at around 10:30 p.m., when the defendant, Henry Evans, placed an order. Ms. Steele believed that Evans was intoxicated and testified that, to the best of her knowledge, Evans "was wasted." She noticed that he was "incoherent," "fumbling to get the bag of food," and "his eyes were . . . really dilated." Furthermore, she could smell alcohol. While Evans was still in line between two other vehicles, Ms. Steele phoned 911. She reported her name, her address, her location, and that she was the manager of the McDonald's. Likewise, she reported the

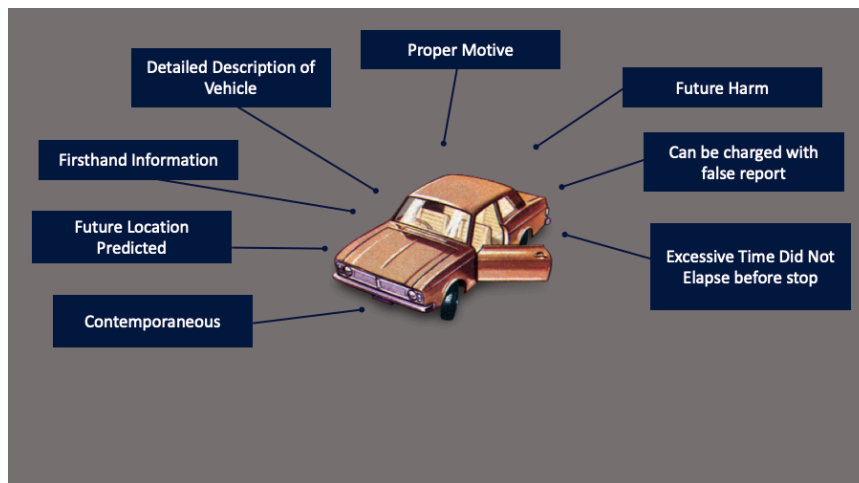
customer's apparent drunkenness, and provided a description of his vehicle -- a small blue Honda low rider truck -- and its tag number. (State v. Evans) **Held:** Identified citizen informers are presumed reliable.



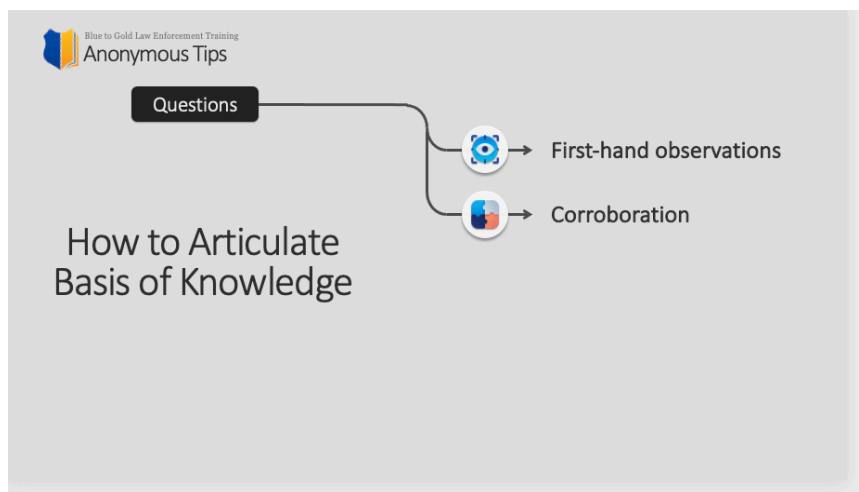
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- 10) **Case Sample:** "Showing southbound Highway 1 at mile-marker 88, silver Ford pickup. Plate of 8-David-94925. Ran RP off the roadway and was last seen approximately five ago." **Synopsis:** At 3:47 p.m. CHP received following anonymous dispatch: "Showing southbound Highway 1 at mile marker 88, Silver Ford 150 pickup. Plate of 8-David-94925. Ran the RP off the roadway and was last seen approximately five [minutes] ago." CHP stopped vehicle at 4:05 p.m. 30 pounds of marijuana discovered. Also deserving attention here is *Navarette v. California*, where the central issue in the case was whether the traffic stop had been made upon sufficient evidence to pass Fourth Amendment muster. The probable-cause vs. reasonable-suspicion issue was not raised by any party nor specifically discussed by any member of the Court. However, the majority opinion commenced its discussion with this assertion: "The Fourth Amendment permits brief investigative stops—such as the traffic stop in this case—when a law enforcement officer has 'a particularized and objective basis for suspecting the particular person stopped of criminal activity.'" It should be noted, however, that "the traffic stop in this case" was made on suspicion of driving under the influence, where, as the majority emphasized, requiring the police to forego a stop until additional evidence was acquired "would be particularly inappropriate ... because allowing a drunk driver a second chance for dangerous conduct could have disastrous

consequences.” It is thus fair to conclude that *Navarette* hardly settles the basis-for-seizure question for lesser traffic violations.



11)



12)

13) **Example:**

CALLER: This guy is out here beating up his girlfriend. He's about to kill her. He also has a gun.

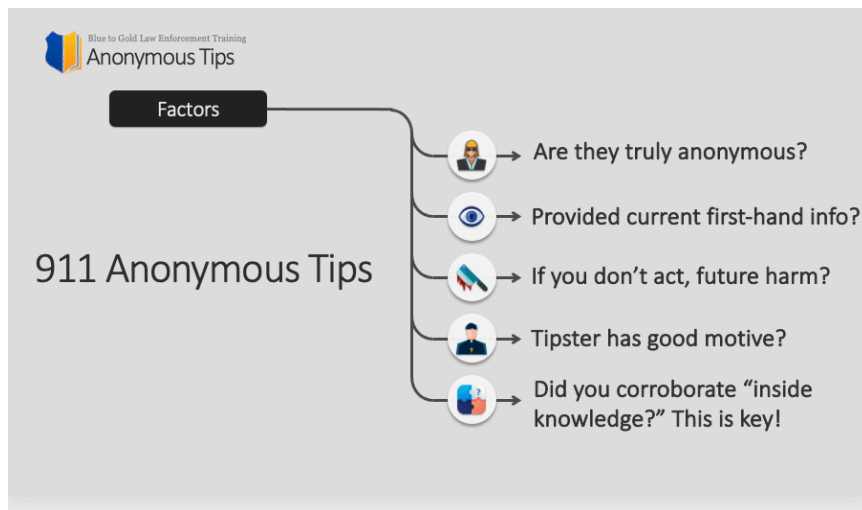
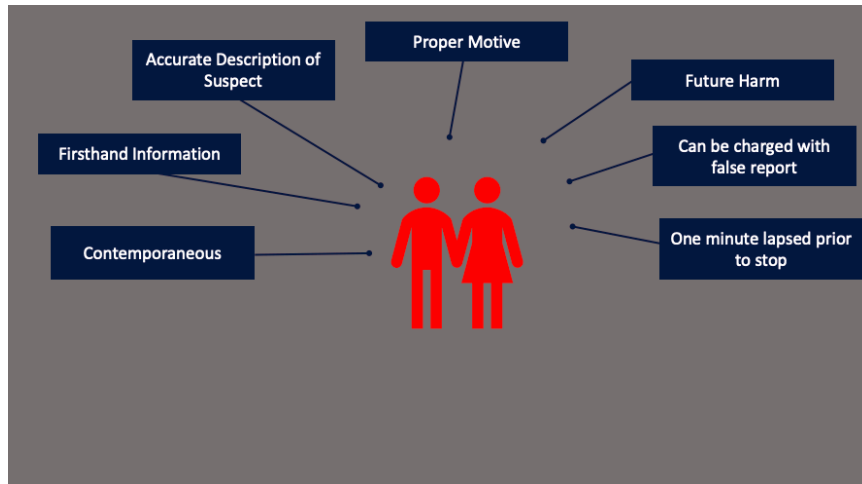
CALLER: It's on Grove and, and, and like Williams Street.

DISPATCHER: What is he wearing?

CALLER: He's wearing a red hat, with braids and he's beating her up really bad right now I wanna break—I wanna break it up but, I don't wanna do nothing.

DISPATCHER: No—you don't want to do that. Stay—hold on a second, ma'am.

Caller then hung-up.



Module Four: Dealing with Homes – 25 minutes

- 1) **Legal Rule:** Under **community caretaking**, you can stop a **vehicle** if you have a legitimate **reason to believe** an occupant needs assistance or is a danger to others.
- 2) **Legal Rule:** Under **emergency aid**, you can enter a **home** if there's legitimate **exigency** an occupant needs assistance or is a danger to others.
- 3) **Supreme Court:** It is clear that police "may enter a dwelling without a warrant to render emergency aid and assistance to a person they reasonably believe to be in distress and in need of that assistance."

- 4) **D.C. Circuit Court:** [A] warrant is not required to break down a door to enter a burning home to rescue occupants or extinguish a fire, to prevent a shooting or to bring emergency aid to an injured person. The need to protect or preserve life or avoid serious injury is justification for what would be otherwise illegal absent an exigency or emergency.

- 5) **Case Sample:** Police received an anonymous tip of a domestic and shots fired at a trailer park. Cops interviewed “hysterical” female outside that said nothing was wrong, no battery occurred, and no signs of battery observed, and husband was present. (State v. Bookheimer) **Held:** No corroboration that anonymous tip was accurate and warrantless entry into home unlawful.

- 6) **Case Sample:** Police received anonymous tip that suspect just posted FB pic of him pointing gun at girl’s head in apt. After no answer cops got key, entered, and found gun in plain view. **Synopsis:** Appellant, Boris Bonilla, was indicted in the Circuit Court for Montgomery County, Maryland, and charged with possession of a regulated firearm after a felony conviction and possession of a firearm after a drug-related conviction. After his motion to suppress was denied, appellant was tried and convicted by a jury of possession of a regulated firearm after a disqualifying conviction. Appellant was sentenced to a mandatory term of five years without possibility of parole. On appeal, appellant originally asked us to resolve the following questions:
 - a) Did the motions court err in ruling that Mr. Bonilla did not have standing to challenge the **warrantless entry** or search of an apartment where he was an overnight guest?
 - b) Did the motions court err in ruling that the police were justified in making a **warrantless entry** into an apartment pursuant to the community caretaking exception to the warrant clause?




Held By MD Court of Special Appeals: They knocked. Nobody answered. They knocked again...nobody answered. And at that point, they didn't kick the door in. They didn't throw in a flash grenade. They didn't send in the SWAT unit. They asked the manager for the key...and they went in to see if she was okay

because it was 1:00 in the afternoon” and the incident occurred at 3 in the morning. But I believe they had the right, and I think frankly they had the obligation here, to see if she was okay. And if they determined that she was okay and nothing else turned up, they've got to leave.

Module Four: Takeaways – 5 minutes

Blue to Gold Law Enforcement Training
Anonymous Tips

Major Takeaways

		
Articulate, Articulate, Articulate	If true, explain public Safety was at risk	Corroboration Is Vital

1)

End of class.