# ARREST—REASONABLENESS: THE UNITED STATES SUPREME COURT PERMITS INVESTIGATIVE STOPS BASED ON ANONYMOUS TIPS

*Navarette v. California*, 134 S. Ct. 1683 (2014).


## ABSTRACT

In *Navarette v. California*, the United States Supreme Court held that a traffic stop based on an anonymous, but reliable, tip did not violate the Fourth Amendment where the tip provided the officer with reasonable suspicion. The Court reasoned that the 911 call provided adequate indications of reliability to verify the credibility of the caller. Therefore, the officer was justified in relying on an anonymous tip to make an investigative traffic stop. By the caller's specific details of the truck and the incident, the Court reasoned that the caller claimed eyewitness knowledge of the alleged reckless driving, which supported the reliability of the anonymous tip. The Court also reasoned that the caller's report of being run off the road created reasonable suspicion of an ongoing crime of drunk driving. As a result, the Court's holding in *Navarette* allows law enforcement to make an investigative stop with minimal justification.

## I. FACTS

On August 23, 2008, a 911-dispatch team for the California Highway Patrol received a call from the dispatch team of a neighboring county.[1] The neighboring county's dispatcher relayed an anonymous tip from a concerned citizen.[2] The concerned citizen alleged a truck had ran her off the roadway and provided the exact make and color of the truck, the license plate on the truck, and the mile marker where the incident occurred.[3] The dispatch team then broadcasted that information to highway patrol officers.[4]

1. Navarette v. California, 134 S. Ct. 1683, 1686 (2014).
2. *Id.*
3. *Id.* at 1686-87. The county dispatcher reported the tip as follows: "Showing southbound Highway 1 at mile marker 88, Silver Ford 150 pickup. Plate of 8-David-94925. Ran the reporting party off the roadway and was last seen approximately five [minutes] ago." *Id.*
4. *Id.* at 1687.

Two highway patrol officers responded to the broadcast. The first officer passed the vehicle matching the description at 4:00 p.m. near mile marker sixty-nine.[5] The officer pulled this vehicle over at about 4:05 p.m.[6] The second officer responding to the broadcast then arrived on the scene.[7] Upon approaching the vehicle, the officers smelled marijuana.[8] After searching the vehicle, the officers discovered thirty pounds of marijuana in the bed of the vehicle.[9] The driver of the vehicle, Lorenzo Prado Navarette, and the passenger, José Prado Navarette, were subsequently arrested.[10]

At trial, the petitioners moved to suppress the evidence of the marijuana, arguing that the traffic stop was a violation of the Fourth Amendment because the officer lacked reasonable suspicion of criminal activity.[11] Both the magistrate and the superior court found the traffic stop did not violate the Fourth Amendment.[12] The California Court of Appeals affirmed the Superior Court's judgment determining that the officer had reasonable suspicion to make the traffic stop.[13] Consequently, the petitioners pled guilty to transporting marijuana and received ninety days in jail plus three years of probation.[14] The California Supreme Court denied review.[15] The United States Supreme Court granted certiorari and affirmed the court of appeals's conclusion.[16]

## II. LEGAL BACKGROUND

The Fourth Amendment requires that searches and seizures be reasonable.[17] The Fourth Amendment provides in pertinent part: "[t]he right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated . . . ."[18] An exception to the Fourth Amendment permits law enforcement to conduct brief investigative stops when a law enforcement officer reasonably

5. *Id.*
6. *Id.*
7. *Id.*
8. *Id.*
9. *Id.*
10. *Id.*
11. *Id.*
12. *Id.*
13. *Id.*
14. *Id.*
15. *Id.*
16. *Id.*
17. U.S. CONST. amend. IV.
18. *Id.*

believes that "criminal activity may be afoot . . . ."[19] In other words, law enforcement may temporarily detain an individual when the officer reasonably believes that the individual has committed a crime, is committing a crime, or is about to commit a crime.[20] While contextualizing *Navarette,* it is important to understand the background of the Court's interpretation of reasonable suspicion and to examine the precedent of anonymous tips involving investigatory stops.

### A. REASONABLE SUSPICION PERMITTING INVESTIGATIVE STOPS

The Supreme Court has permitted law enforcement to conduct investigative stops when an officer has a reasonable and articulable belief that an individual is involved in criminal conduct.[21] In *Terry v. Ohio*, a plain-clothed officer observed two men standing on the corner of the street.[22] The officer observed one man walk down the street, pause momentarily to look into a store window, then turn around to return to the street corner with the other man.[23] The officer then observed the other man walk down the street to stop and look in the same window as the first man.[24] The officer watched the two men for a period of time in which they both continued to repeat this behavior about twelve times in total between them.[25] The officer grew suspicious of the men while observing them.[26] He suspected the men of inspecting the store in preparation for robbing it.[27] The officer testified that he thought they might have a gun.[28] He then approached the men and asked for identification.[29] When one man mumbled something, the officer grabbed Terry, spun him around, and patted down the outside of his clothing.[30] The search revealed a weapon in Terry's coat, and a subsequent search of the other man also revealed a gun.[31] The officer testified that he had worked this patrol for a substantial

19. Terry v. Ohio, 392 U.S. 1, 30 (1968); *see also* United States v. Cortez, 449 U.S. 411, 417-18 (1981) (permitting investigative stops under the totality of the circumstances when an officer has "a particularized and objective basis for suspecting the particular person stopped of criminal activity.").

20. *See Cortez*, 449 U.S. at 417-18.

21. *See id.*

22. *Terry*, 392 U.S. at 5..

23. *Id.* at 6.

24. *Id.*

25. *Id.*

26. *Id.*

27. *Id.*

28. *Id.*

29. *Id.*

30. *Id.* at 7.

31. *Id.*

period of time and had developed habits of watching people to determine whether suspicious activity was occurring.[32]

The men were charged with carrying a concealed weapon, and they subsequently moved to suppress the evidence on the basis of the stop being unlawful.[33] The Supreme Court held that the search did not violate the Fourth Amendment because the officer reasonably believed the men were armed and dangerous.[34] The Court reasoned that the stop was justified because the officer's observance of unusual behavior, coupled with his experience, allowed him to reasonably conclude that the individuals were armed and dangerous and that "criminal activity may be afoot . . . ."[35] The *Terry* decision provides a definition of reasonable suspicion permitting an investigative stop: "specific and articulable facts which, taken together with rational inferences from those facts, reasonably warrant that intrusion" leading an officer to reasonably believe that "criminal activity is afoot."[36]

The *Terry* decision provides that a law enforcement officer may not base reasonable suspicion upon "inchoate and unparticularized suspicion of 'hunch,'" but rather he must base it upon "the specific reasonable inferences which he is entitled to draw from the facts in light of his experience."[37] Reasonable suspicion is a less demanding standard than probable cause because the "level of suspicion is considerably less than proof of wrongdoing by a preponderance of the evidence."[38] Reasonable suspicion under the totality of the circumstances standard is "dependent upon both the content of information possessed by police and its degree of reliability."[39]

### B. ANONYMOUS TIPS

Supreme Court precedent permits law enforcement to make investigative stops based on anonymous tips.[40] In *Alabama v. White*, a police department received an anonymous phone call with specific facts alleging that a woman would be leaving an apartment building at a certain time.[41] The anonymous tipster gave police the specific make and color of

32. *Id.* at 5.
33. *Id.* at 6.
34. *Id.* at 29.
35. *Id.* at 30.
36. *Id.* at 21.
37. *Id.* at 27.
38. United States v. Sokolow, 490 U.S. 1, 6 (1989).
39. Alabama v. White, 496 U.S. 325, 330 (1990) (citing United States v. Cortez, 449 U.S. 411, 417 (1981)).
40. *See* Adams v. Williams, 407 U.S. 143 (1972). The Court in *Adams* provided that reasonable suspicion for a investigative stop can be based on information from another person, not just the officer's personal observation. *Id.* at 147.
41. *White*, 496 U.S. at 327.

the vehicle and indicated the vehicle's right taillight was broken.[42] The tipster told police the woman would be driving to a specific motel and there would be cocaine in the car.[43] Police officers observed the woman leave the apartment and get into the specific car.[44] The officers followed the woman and stopped her just short of the motel alleged in the tip.[45] The officers found marijuana and cocaine in the vehicle.[46] The woman moved to suppress the drugs on Fourth Amendment grounds.[47] The Supreme Court upheld the traffic stop, finding that under the totality of the circumstances, the anonymous tip was corroborated by the police observations and thusly exhibited sufficient indicia of reliability to justify the investigate stop.[48] The Court reasoned that the anonymous tip rose to a higher level of reliability because of the tipster's ability to predict the woman's future behavior.[49] The tipster's ability to predict the woman's future behavior demonstrated that the caller had a special familiarity with the woman's affairs and police could reasonably believe that a person with inside information was likely to have access to reliable information.[50]

The Court revisited the issue of anonymous tips in *Florida v. J.L.*[51] In *J.L.*, the Miami-Dade Police Department received an anonymous call reporting that a young man in a plaid shirt standing at a specific bus stop was carrying a gun.[52] Officers approached the man in the plaid shirt, frisked him, and seized a gun; aside from what was reported in the tip, they had no reason to suspect illegal activity was afoot.[53] The Court noted that the tip lacked reliability because it provided no predictive information and no indications of the caller's knowledge or credibility.[54] The Court reasoned that the officers' corroboration of seeing the man in a plaid shirt at a bus stop was a bare-bones tip that did not show the caller had any knowledge of criminal activity.[55] Thus, the Court held an anonymous tip

42. *Id.*
43. *Id.*
44. *Id.*
45. *Id.*
46. *Id.*
47. *Id.*
48. *Id.* at 331.
49. *Id.*
50. *Id.* The Court stated that because the caller's predictions were verified, it was reasonable to believe that the caller was honest and well-informed of the woman's activities—enough to justify stopping the woman's car. *Id.*
51. 529 U.S. 266 (2000).
52. *Id.* at 268.
53. *Id.*
54. *Id.* at 271.
55. *Id.*

lacking indicia of reliability does not justify an investigative stop.[56] The Court declined to adopt a firearm exception to the reliability analysis because it felt an automatic firearm exception would reach too far and allow anyone seeking to harass someone to simply place an anonymous tip of an individual carrying a gun, which would justify a search of that individual.[57]

## III. COURT'S ANALYSIS

In *Navarette v. California*, Justice Thomas delivered the opinion of the Supreme Court, which held that the implicated stop did not violate the Fourth Amendment because, under the totality of the circumstances, the officer had reasonable suspicion that the driver was intoxicated.[58] In order to reach this conclusion, the Court first found the caller had eyewitness knowledge of the alleged reckless driving, which supported the reliability of the anonymous tip.[59] Next, the Court reasoned that the caller's report of being run off the road created reasonable suspicion of an ongoing crime.[60] Then, the Court found the police officer's failure to corroborate the alleged reckless behavior did not dismiss the reasonable suspicion of drunk driving.[61]

### A. THE MAJORITY OPINION

When deciding the issue of whether the anonymous 911 tip created sufficient reasonable suspicion to permit the traffic stop, the Court first considered the reliability of the anonymous tip alleging the reckless driving.[62] The Court then considered whether the 911 caller's tip created reasonable suspicion of an ongoing crime such as drunk driving.[63] Finally, the Court discussed the issue of the police officer's failure to corroborate the alleged reckless behavior.[64]

#### 1. *Reliability of the Anonymous Tip*

The Court concluded that the anonymous tip was sufficiently reliable for the officer to rely on the caller's credibility to make the traffic stop. First, because the caller reported the specific details of the vehicle that had

56. *Id.* at 274.
57. *Id.* at 272-73.
58. Navarette v. California, 134 S. Ct. 1683, 1686 (2014).
59. *Id.* at 1689.
60. *Id.* at 1690-91.
61. *Id.* at 1691.
62. *Id.* at 1688.
63. *Id.* at 1690.
64. *Id.* at 1691.

run her off the road, the caller provided eyewitness knowledge of the alleged dangerous driving.[65] The Court reasoned that a driver's claim of being run off the road by another vehicle implies that the caller knew the other car was driven dangerously.[66] Thus, the Court noted the basis of the tipster's knowledge further supported the reliability of the tip.[67]

Next, the Court noted that the timeline of the events suggested that the caller called 911 shortly after she was run off the road.[68] The Court stated: "That sort of contemporaneous report has long been treated as especially reliable."[69] The Court also noted that the stress of excitement caused by the startling nature of being run off the road was in line with the "present sense impressions" and "excited utterances" hearsay exceptions, both of which treat contemporaneous statements as trustworthy.[70]

Finally, the Court noted that the caller's use of the 911 emergency system provided further credibility to the caller's tip.[71] The Court reasoned that the 911 emergency system includes features that permit law enforcement to verify and trace important information about the caller, which acts as a safeguard preventing false reports.[72] The Court found "a reasonable officer could conclude that a false tipster would think twice before using such a system."[73] Thus, the caller's use of 911 was a relevant circumstance that justified the officer's reliance on the information in the tip.[74]

### 2. *Reasonable Suspicion of Drunk Driving*

Next, the Court determined whether the caller's report of being run off the road created reasonable suspicion of an ongoing crime—in contrast to

65. *Id.* at 1689.

66. *Id.*

67. *Id.* (citing Illinois v. Gates, 462 U.S. 213, 234 (1983)). *Gates* provided: "[An informant's] explicit and detailed description of alleged wrongdoing, along with a statement that the event was observed firsthand, entitles his tip to greater weight than might otherwise be the case." *Gates*, 462 U.S. at 232 (alteration in original).

68. *Navarette*, 134 S. Ct. at 1689. Police located the truck roughly nineteen miles south of the location the caller alleged the reckless driving took place and roughly eighteen minutes after the 911 call. *Id.*

69. *Id.* The Court pointed to evidence law, which treats contemporaneous statements as more trustworthy because "substantial contemporaneity of event and statement negate the likelihood of deliberate or conscious misrepresentation." *Id.* (quoting FED. R. EVID. 803(1) advisory committee's note (2014)).

70. *Id.*

71. *Id.*

72. *Id.* at 1689-90.

73. *Id.* at 1690.

74. *Id.*

an isolated incident of past reckless conduct.[75] The Court took a commonsense approach when discussing common behaviors indicative of drunk driving.[76] The Court stated that a reliable tip alleging dangerous behaviors, such as weaving all over the road, crossing over the center line on a highway, and almost causing head-on collisions, would generally justify an officer to make a traffic stop on suspicion of drunk driving.[77] In this case, the Court noted that the driver "reported more than a minor traffic [violation] and more than a conclusory allegation of drunk or reckless driving."[78] The caller reported a specific and dangerous act that caused the caller to be run off the road.[79] The Court provided that the petitioner's conduct "bears too great a resemblance to paradigmatic manifestations of drunk driving to be dismissed as an isolated example of recklessness."[80] The Court did not find it unreasonable to stop the driver whose alleged conduct was indicative of drunk driving under these circumstances.[81] The Court further noted that the petitioners' argument that the reported behavior could be explained by a distracted driver was unavailing because the Court had consistently pointed out that reasonable suspicion does not need to disregard the possibility of innocent conduct.[82]

### 3. *Corroboration of Alleged Reckless Driving*

The majority spent little time on the issue of the police officer's failure to observe any additional suspicious conduct after tailing the truck for five minutes.[83] Justice Thomas stated that it is not surprising that the sight of a police car tailing a driver would invoke careful driving.[84] The majority took the approach that the police officer did not need to corroborate the criminal activity alleged in the tip because the officer already had reasonable suspicion and it would be unsafe to allow a drunk driver another chance to cause dangerous results.[85]

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75. *Id.*
76. *Id.* at 1690-91.
77. *Id.*
78. *Id.* at 1691.
79. *Id.*
80. *Id.* The court suggests that lane-positioning problems, decreased vigilance, and impaired judgment—a combination of recognized drunk driving cues—can be inferred from the conduct of running another vehicle off the road. *Id.*
81. *Id.*
82. *Id.* (citing United States v. Arvizu, 534 U.S. 266 (2002)).
83. *Id.*
84. *Id.*
85. *Id.* at 1691-92.

### B. JUSTICE SCALIA'S DISSENTING OPINION

Under the majority's opinion, an uncorroborated, yet reliable, anonymous tip can provide an officer with reasonable suspicion to make an investigative traffic stop.[86] Justice Scalia delivered a strongly-worded dissent calling into doubt: "(1) that anonymous 911 reports of traffic violations are reliable so long as they correctly identify a car and its location, and (2) that a single instance of careless or reckless driving necessarily supports a reasonable suspicion of drunkeness."[87] Justice Scalia described the new rule stemming from the majority opinion thusly: "[s]o long as the caller identifies where the car is, anonymous claims of a single instance of possibly careless or reckless driving, called in to 911, will support a traffic stop."[88]

Justice Thomas, writing for the majority, found the caller's specific details about the vehicle's make, license plate, and location to be sufficiently reliable. Justice Scalia argued that these facts are generally-available knowledge that anyone who saw the car and wanted it stopped would see.[89] Justice Scalia further suggested that the generally available knowledge provided by the caller "in no way makes it plausible that the tipster saw the car run someone off the road."[90] Justice Scalia also disagreed with the majority's reliance on the contemporaneous nature of the 911 call.[91]

In addition, Justice Scalia disagreed with the majority's analysis of the reliability of the 911 emergency system.[92] Justice Scalia disagreed that the emergency system can easily determine important information regarding the caller.[93] He also found the fact that 911 callers could be identified unpersuasive because the identity and location of the caller in this case was unknown.[94] Furthermore, he asserted it only matters if the caller is aware that his or her information might be discovered.[95]

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86. *Id.* at 1692 (Scalia, J., dissenting).
87. *Id.* at 1697.
88. *Id.* at 1692.
89. *Id.* at 1693.
90. *Id.*
91. *Id.* at 1693-94. Justice Scalia pointed out that the caller had time to observe the license plate, stop her car, and write down the license plate number, which, he says, would be a difficult task if she was run off the road and the car was speeding off. *Id.* at 1694. Justice Scalia adds that this is "[p]lenty of time to dissemble or embellish" the facts. *Id.*
92. *Id.* at 1694.
93. *Id.*
94. *Id.*
95. *Id.*

Justice Scalia also disagreed with the majority's interpretation that the caller's report rose to the level of reasonable suspicion of drunk driving.[96] The caller never made an accusation of drunk driving.[97] According to Justice Scalia, it was entirely plausible that the petitioner may have been distracted and swerved as a result.[98] Justice Scalia stated: "I fail how to see how reasonable suspicion of a *discrete instance* of irregular or hazardous driving generates a reasonable suspicion of *ongoing intoxicated driving*."[99] In order to make an investigate traffic stop, there must be suspicion of an ongoing crime.[100]

The dissenting opinion further disagreed with the majority's view that the anonymous tip did not need to be corroborated.[101] Justice Scalia pointed to the fact that the officers followed the petitioners for five minutes and did not witness a single traffic violation.[102] Justice Scalia suggested that the anonymous tip was discredited when the officers did not observe a traffic violation.[103] He suggested that the majority seemed to think that a drunk driver has the ability to make a conscious decision to no longer drive indicative of a drunk driver.[104] He also took the viewpoint that if the driver was drunk, the driver would have undoubtedly exhibited irregular driving conduct again.[105] Thus, Justice Scalia found that because the driver failed to commit another infraction and the only basis for the further investigation was a vague and anonymous tip, the Fourth Amendment required the driver to be left alone.[106]

## IV. IMPACT OF DECISION AND APPLICATION TO NORTH DAKOTA LAW

Drunk driving is a very serious and dangerous problem in the state of North Dakota[107] and across the nation.[108] Under the Court's holding in

96. *Id.* at 1695.
97. *Id.*
98. *Id.*
99. *Id.* (emphasis in original).
100. *Id.*
101. *Id.* at 1696.
102. *Id.*
103. *Id.* Scalia provided a hypothetical implying that if a police officer's personal observation is contrary to the informant's tip, than that tip is discredited. *Id.*
104. *Id.* at 1697.
105. *Id.*
106. *Id.*
107. *North Dakota Tops Nation in Drunk Driving Deaths,* VALLEY NEWS LIVE (Mar. 12, 2013), http://www.valleynewslive.com/story/21604798/north-dakota-tops-nation-indrunk-driving-deaths (reporting that 45 percent of deaths in North Dakota involve drunk driving).
108. DEPT. OF TRANSP, NAT'L HIGHWAY TRAFFIC SAFETY ADMIN., *Traffic Safety Facts 2012 Data: Alcohol-Impaired Driving* (Dec. 2013), http://www-nrd nhtsa.dot.gov/Pubs/

*Navarette*, law enforcement will be able to make a valid investigative traffic stop with minimal justification based on an anonymous tip.[109] This creates a difficult dilemma. On one hand, *Navarette* promotes public safety concerns surrounding drunk driving.[110] On the other hand, it puts every person who chooses to drive at risk of a potentially intrusive traffic stop.[111]

### A. ANONYMOUS YET RELIABLE TIP?

If the majority had followed the ruling in *J.L.,* the anonymous tip would have lacked the indicia of reliability to justify the investigative traffic stop.[112] After *Navarette*, however, all that is required to report a tip of reckless driving is to provide the make of the car, license plate, location, and a single instance of reckless or irregular driving.[113] Like the anonymous tip in *J.L.* of a young man standing by a bus stop in a plaid shirt, the specific details of the truck's make, license plate, and location reported by the anonymous caller in *Navarette* lack the reliability to justify an investigative stop.[114] The details of the vehicle provide no predictive information to prove that the caller had any knowledge of criminal activity by the petitioner.[115] The description of the vehicle could have been provided by anyone on the road.[116]

The *Navarette* decision has provided a rule that mere specific, anonymous claims of a traffic violation will permit investigative traffic stops.[117] Anyone with a grudge and knowledge of a person's car and location can now make an anonymous tip that will likely result in an intrusive and potentially unwarranted traffic stop.[118] Given this ruling, it is likely that traffic stops based on anonymous tips alleging reckless conduct will increase in the future.

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811870.pdf (noting that the number of deaths involving alcohol-impaired driving crashes was 10,322 in 2012).

109. *Navarette*, 134 S. Ct. at 1692 (Scalia, J., dissenting). Justice Scalia recited the rule from the majority in his dissent as: "So long as the caller identifies where the car is, anonymous claims of a single instance of possibly careless or reckless driving, called in to 911, will support a traffic stop." *Id.*

110. *Id.* at 1691-92 (majority opinion).

111. *Id.* at 1697 (Scalia, J., dissenting). In dissent, Justice Scalia provided: "Drunken driving is a serious matter, but so is the loss of our freedom to come and go as we please without police interference." *Id.*

112. *See* discussion *supra* Part III.B.

113. *Navarette*, 134 S. Ct. at 1692 (Scalia, J., dissenting).

114. *Id.* at 1693.

115. *See* discussion *supra* Part III.B.

116. *Navarette*, 134 S. Ct. at 1692 (Scalia, J., dissenting).

117. *Id.*

118. *Id.* at 1697. "All the malevolent 911 caller need to do is assert a traffic violation, and the targeted car will be stopped, forcibly if necessary, by the police." *Id.*

### B. THE ISSUE OF ANONYMOUS TIPS WITHOUT POLICE CORROBORATION CREATING REASONABLE SUSPICION OF DRUNK DRIVING TO STOP A VEHICLE

Prior to the *Navarette* decision, the North Dakota Supreme Court had ruled on the issue of anonymous tips creating reasonable suspicion to stop a vehicle without police corroboration.[119] In *Anderson v. Director, North Dakota Department of Transportation*, a motorist called the Cass County Sheriff's Office to report a potentially reckless or drunk driver because the caller had allegedly seen the driver hit a construction cone.[120] The caller reported the license plate number, color, and make of the vehicle.[121] The dispatcher only relayed to the responding officer that the caller had witnessed a "possible reckless or drunk driver"—not that the driver had hit a construction cone.[122] The responding deputy followed the driver for about two miles before making a traffic stop.[123] The deputy did not observe the driver commit any traffic violations before the stop.[124] The driver was subsequently arrested for drunk driving.[125]

The *Anderson* court detailed three situations providing an officer with reasonable suspicion to make a traffic stop, one of which was "when the officer received tips from other police officers or informants, which were then corroborated by the officer's own observations."[126] The court concluded that the "bare assertion" of a potentially drunk driver without any police corroboration did not rise to the level of "sufficient quantity to provide the reasonable and articulable suspicion sufficient to justify the stop . . . ."[127]

In light of *Navarette*, the "bare assertion" of a potentially drunk driver now likely rises to the level of reasonable suspicion to justify an investigative traffic stop with no police corroboration of criminal activity. Police officers can now make a traffic stop based on an anonymous tip specifying the car, the location, and alleging reckless driving conduct—without the officer ever personally witnessing any criminal activity. Thus, the number of traffic stops in North Dakota for reckless or drunk driving based on anonymous tips will likely increase.

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119. *See* Anderson v. Dir., N.D. Dept. of Transp., 2005 ND 97, 696 N.W.2d 918.
120. *Id.* ¶ 2, 696 N.W.2d at 919.
121. *Id.*
122. *Id.* ¶ 19, 696 N.W.2d at 923.
123. *Id.* ¶ 3, 696 N.W.2d at 919.
124. *Id.*
125. *Id.* ¶ 4.
126. *Id.* ¶ 9, 696 N.W.2d at 920 (citing *In re* T.J.K., 1999 ND 152, 598 N.W.2d 781).
127. *Id.* ¶¶ 20-21, 696 N.W.2d at 923.

## V. CONCLUSION

In *Navarette*, the Supreme Court held that the traffic stop conducted pursuant to an anonymous tip alleging drunk driving did not violate the Fourth Amendment because, under the totality of the circumstances, the officer had reasonable suspicion to make a traffic stop.[128] While this decision promotes the safety of the public by making it easier for law enforcement to take drunk drivers off the road, it puts every driver on the road at risk of a potentially intrusive traffic stop. As a result of *Navarette*, traffic stops for reckless or drunk driving based upon anonymous tips will likely increase.

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128. Navarette v. California, 134 S. Ct. 1683, 1686 (2014).

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