

# Anonymous Text Message Tips to Report Crimes

## Question Presented

What legal or other issues may arise from the use of text messages to submit anonymous tips?

## Non-Legal Issues

Many local law enforcement agencies allow citizens to submit anonymous tips via text message. The first agency to do so was the Boston Police Department in 2007. A brief survey of police departments across the country suggests most agencies use one of two programs: "Text a Tip" (developed by "TipSoft" and often integrated into the "CrimeStoppers" program) or "Tip411" (developed by "CitizenObserver"). Instead of text messaging, some law enforcement agencies in Florida and throughout the United States offer a smart phone app or an online form which citizens may use to anonymously submit tips.

The following are some of the agencies utilizing anonymous text messaging tips in Florida: Cape Coral Police Department, Clearwater Police Department, Daytona Beach Police Department, Fort Myers Police Department, Jefferson County Sheriff's Office, Ocala Police Department, Ormond Beach Police Department, Palm Bay Police Department, and St. Petersburg Police Department.

Local news reporting generally paints a positive picture of "Text a Tip" and "Tip411," and police departments have credited text message tips with solving crimes<sup>1</sup>. Proponents of these programs are especially excited about the complete anonymity ensured by this technology<sup>2</sup>. However, some media outlets have reported tipsters often fail to include sufficient information to be helpful law enforcement. Some police departments have also expressed frustration that citizens mistake the text message tip line as an alternative for 911.<sup>3</sup>

<sup>1</sup> David Hensch, *Got a tip, need anonymity? Send a text*, The Portland Press Herald (Sept. 23, 2010), [https://www.pressherald.com/2010/09/23/got-tip-need-anonymity\\_-send-a-text\\_2010-09-23/](https://www.pressherald.com/2010/09/23/got-tip-need-anonymity_-send-a-text_2010-09-23/).

<sup>2</sup> Henry Lee, *Are crime tips to Bay Area police really anonymous?*, KTVU FOX 2 (Nov. 22, 2016, 10:00 AM), <http://www.ktvu.com/news/crime-files-with-henry-lee/police-combat-snitching-through-anonymous-texted-tips>; Hope Ford, *Verify: Is Crime Stoppers anonymous?*, WFMY News 2 (Apr. 28, 2017, 11:11 AM), <https://www.wfmynews2.com/article/news/local/verify/verify-is-crime-stoppers-anonymous/434580295>.

<sup>3</sup> *Conway PD's Text-A-Tip Program Being Misused*, FOX16 (Feb. 13, 2015, 9:58 PM), <https://www.fox16.com/news/conway-pds-text-a-tip-program-being-misused/204701674>.

## Legal Issues

No case law addressing the use of text message tips could be located for Florida, Georgia, or Alabama. Additionally, there appears to be little discussion of this new technology in any American jurisdiction. There is, however, Fourth Amendment precedent from the United States Supreme Court regarding probable cause or reasonable suspicion based on anonymous tips.

### ***Illinois v. Gates, 462 U.S. 213 (1983).***

The court adopted a totality of circumstances test to determine if an anonymous tip constitutes probable cause. Considering both the tip itself and any corroboration by law enforcement, the court will consider whether, given the totality of circumstances, there exists a fair probability/substantial chance that a crime was committed or evidence will be found. The two relevant factors for the court to weigh are the credibility of the informant and the reliability of the informant's basis of knowledge. In regards to credibility, the court will consider: whether the informant is known or anonymous, the informant's track record of credibility, whether the informant's statements were against his or her penal interest, and whether the details of the informant's statements have been corroborated by law enforcement. When analyzing the reliability of his or her basis of knowledge, the court will consider how the informant came by the knowledge.

### ***Florida v. J.L., 529 U.S. 266 (2000).***

The court considered whether an anonymous phone tip justified a Terry stop. The court explained that an anonymous tip on its own will rarely demonstrate the tipster's veracity or basis of knowledge. Yet, it is possible that such a tip could demonstrate the required "indicia of reliability" to constitute reasonable suspicion when combined with law enforcement corroboration. Further, the court held there is no exception to the indicia of reliability analysis for allegations of possession of an automatic firearm.

### ***Navarette v. California, 572 U.S. 393 (2014).***

The court found that an anonymous 911 phone call established reasonable suspicion for a traffic stop because the caller claimed eyewitness basis of knowledge, there was a short time between the incident and the call, and the informant used the official 911 reporting system.

### ***Alabama v. White, 496 U.S. 325 (1990).***

The court held an anonymous tip justified an investigative stop because of the extensive predictive details provided by the tipster. The police were able to verify the details, suggesting the informant was credible and allowing the police to test his or her knowledge.



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