



COLLECTIVE KNOWLEDGE DOCTRINE FOR MISDEMEANORS

10th Circuit *United States v. Wilkinson*

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The collective knowledge doctrine basically stands for the proposition that if one law enforcement officer has reasonable suspicion or probable cause that would justify the stop of a suspect, then any officer can make the stop on behalf of the that original officer; further, the officer with the knowledge does not have to convey the reasons for the stop to the officer making the stop. On January of 2011, the Tenth Circuit Court of Appeals, in *United States v. Wilkinson*¹, upheld the application of the collective knowledge doctrine to misdemeanor cases, in addition to felony cases. The facts of Wilkinson are as follows:



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On April 10, 2009, Lieutenant Todd Palmer of the Lawton Police Department received a tip from a reliable informant that a black male would be bringing crack cocaine into Lawton from Texas in a small red pickup. The informant gave Palmer the area of town and the time of day to look for the vehicle. Palmer and his partner were in the area at the given time and saw a red pickup. Palmer observed that its paper license tag, which the truck had in place of a license plate, was unlawfully covered in plastic. Because Palmer and his partner were in an unmarked car, Palmer requested that a patrol unit stop the truck.

Officer Timothy Poff received Palmer's radio request, although he was not provided any details regarding the grounds for the stop. As Poff followed the red pickup into a residential area, he noticed that the license tag looked altered or wrinkled; it was harder to read the number than it usually is on an Oklahoma paper tag. He did not notice that the tag was covered in plastic, but thought that its weathered appearance meant that it

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had been on the car for longer than 30 days, the amount of time for which paper tags are valid. He could not read the tag's expiration date from his position about a car-length behind the truck because the expiration date was much smaller than normal for a paper tag. Poff turned on his emergency lights and pulled the truck over.

Once the truck came to a stop, Poff saw the driver, Defendant, reaching for something by the center console inside the truck. Because he knew that Palmer generally targeted violent drug offenders, Poff was concerned for his safety and decided to deal with Defendant before examining the tag further. He obtained Defendant's driver's license and returned to his car to check it.

About two minutes after Poff's initial contact with Defendant, before he had even returned to his squad car, a canine unit arrived. The dog alerted on the truck. Defendant was asked to get out of his vehicle, but while he was being patted down, he attempted to escape. After he was caught, a search of the truck revealed 25 grams of crack cocaine.

At the evidentiary hearing on Defendant's motion to suppress, the district court ruled that the stop and search were lawful. Defendant was convicted in a bench trial on stipulated facts. He appeals the denial of his suppression motion.ⁱⁱ

There were two issues on appeal of this case. First, Wilkinson argued that Officer Palmer's reasonable suspicion did not apply to Poff under the collective knowledge doctrine because a covered license plate was a misdemeanor offense. Second, Wilkinson argued that the once Officer Poff stopped his car and saw the tag was valid, the reason for the stop ceased and he should have been let go; as such, Wilkinson disputes the duration of the stop as impermissible in scope or duration.

As to the first issue, the Tenth Circuit Court of Appeals first examined several relevant rules. First, the court noted:

A traffic stop is valid under the *Fourth Amendment* if there is reasonable suspicion that the motorist violated a traffic or equipment regulation.ⁱⁱⁱ

The district court denied Wilkinson's motion to suppress on the basis that Officer Poff could rely on Officer Palmer's observation of the covered license plate which was a violation of Oklahoma law. The basis for the district court's decision was the collective knowledge doctrine. The court of appeals stated:

Under [the collective knowledge] doctrine, "[w]hen law enforcement officials rely on a bulletin or alert to conduct a stop or make an arrest, the relevant inquiry is whether the

officer who issued the alert—rather than the officer who conducted the challenged action—had the requisite level of suspicion.^{iv}

Thus, because Palmer saw the plastic covering over Wilkinson's tag, Poff could stop Wilkinson, even if Poff did not notice the covering.

Wilkinson argued that the collective knowledge doctrine should not apply because *under Oklahoma law*, an officer can only arrest for a misdemeanor, if the misdemeanor is committed in that officer's presence. As such, Wilkinson argues that the collective knowledge doctrine should not apply to misdemeanors.

The court of appeals, in addressing Wilkinson's argument against the collective knowledge doctrine, noted that the United States Supreme Court first acknowledged the collective knowledge doctrine in the *United States v. Hensley*.^v In *Hensley*, the Supreme Court stated:

[E]ffective law enforcement cannot be conducted unless police officers can act on directions and information transmitted by one officer to another and that officers, who must often act swiftly, cannot be expected to cross-examine their fellow officers about the foundation for the transmitted information...[t]he law enforcement interests promoted by allowing one department to^{vi} make investigatory stops based upon another department's bulletins or flyers are considerable, while the intrusion on personal security is minimal. [internal citations and quotations omitted]

Further, in *Virginia v. Moore*, the United States Supreme Court stated:

In determining what is reasonable under the *Fourth Amendment*, we have given great weight to the essential interest in readily administrable rules. In *Atwater [v. City of Lago Vista]*, 532 U.S. 318, 347, 121 S. Ct. 1536, 149 L. Ed. 2d 549 (2001)] we acknowledged that nuanced judgments about the need for warrantless arrest were desirable, but we nonetheless declined to limit to felonies and disturbances of the peace the *Fourth Amendment* rule allowing arrest based on probable cause to believe a law has been broken in the presence of the arresting officer. The rule extends even to minor misdemeanors, we concluded, because of the need for a bright-line constitutional standard.^{vii}

Therefore, in *Virginia v. Moore*, the Supreme Court refused to apply different *Fourth Amendment* standards based upon specific state rules. While a state can be more restrictive on law enforcement and provide its citizens more rights, it must do so under its' state constitution. If the defendant frames his or her argument under the United States Constitution, then the *Fourth Amendment* standard applies, even in light of specific state statute.

Therefore, since Wilkinson argued that the stop was unreasonable based upon the *Fourth Amendment*, the *Fourth Amendment* standard applies, and the *Fourth Amendment* does not distinguish between felonies and misdemeanors. The Tenth Circuit then stated:

We hold that the collective-knowledge doctrine is not limited to felonies and applies in this case. Poff's stop of Defendant's pickup was permissible because Palmer, who requested the stop, had reasonable suspicion of an equipment violation.^{viii}

Wilkinson's final issue concerned whether Officer Poff exceeded the permissible duration or scope of the stop after he stopped Wilkinson and saw that the tag was valid. Poff based his argument on two cases that held that once an officer stops a car based on valid reasonable suspicion, and then learns that a traffic violation was not present, the officer must end the stop at that point. For example, in the *United States v. Edgerton*^{ix}, the Tenth Circuit held that an officer who stopped a car because he could not read the tag, had no grounds to continue the stop once he could read the tag and see that it was valid. The court said that since the plastic cover was in fact a violation under Oklahoma statute, Poff was authorized to detain Wilkinson a reasonable amount of time to issue a citation. Since the canine unit arrived and alerted prior to the expiration of a reasonable amount of time for a typical traffic stop, the duration was reasonable.

In conclusion, the Tenth Circuit Court of Appeals affirmed the denial of the motion to suppress and upheld the evidence.

Note: Court holdings can vary significantly between jurisdictions. As such, it is advisable to seek the advice of a local prosecutor or legal adviser regarding questions on specific cases. This article is not intended to constitute legal advice on a specific case.

CITATIONS:

ⁱ No. 10-6024, 2011 U.S. App. LEXIS 904 (10th Cir. Decided January 18, 2011)

ⁱⁱ *Id.* at 2-4

ⁱⁱⁱ *Id.* at 5 (citing *United States v. Valenzuela*, 494 F.3d 886, 888 (10th Cir. 2007))

^{iv} *Id.* at 6

^v 469 U.S. 221 (1985)

^{vi} *Wilkinson* at 8-9 (quoting *Hensley*, 469 U.S. 231-232)

^{vii} *Id.* at 9-10 (citing *Virginia v. Moore*, 553 U.S. 164, 175(2008))

^{viii} *Id.* at 11

^{ix} 438 F.3d 1043 (10th Cir. 2006)