

Tip-Offs and Takedowns – The Tenth Circuit’s Scrutiny of Anonymous Tips in *United States v. Daniels*

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The United States Court of Appeals for the Tenth Circuit recently reviewed *United States v. Daniels*, a case that tests the Fourth Amendment’s boundaries concerning when officers can lawfully detain individuals based on anonymous tips. After he was charged as a felon in possession of a firearm, Lyndell Daniels disputed his detention, prompting the court to take a close look at the standards for reasonable suspicion and the suppression of evidence, obtained from what was ultimately ruled an unlawful investigatory stop.

In February 2021, the Aurora Police Department responded to an anonymous tip reporting the possibility of suspicious activities taking place in an apartment complex parking lot. The caller, while not witnessing any explicit illegal acts, described three individuals dressed in dark hoodies and jeans, alleged to have been handling firearms while continuously entering and exiting a dark-colored SUV. While these actions understandably raised concerns about potential suspicious activity, the unidentified caller emphasized that it was not an emergency.

Based on this information, Officers William Idler and Glenn Snow were dispatched to conduct an “area-watch” of the apartment complex, which happened to be in an Aurora neighborhood notorious for its high-crime rates. As the first officer on-scene, Officer Idler spotted an individual, later identified as Daniels, standing near what he believed to be the SUV described by the caller. Daniels, dressed distinctly in a bright orange jumpsuit, seemed to be talking with the occupants of the SUV just as Officer Idler started to approach. At that time, the SUV exited the parking lot without any apparent haste or violation. After briefly identifying himself, Officer Idler commanded Daniels to raise his hands, to which he instantly complied, and was detained. After learning Daniels’ name, the officer ran a background check that revealed Daniels’ status as a convicted felon. Other officers concurrently pursued the SUV that exited the complex, which they eventually stopped for running a red light. Officers discovered four firearms inside the vehicle, with one gun in particular drawing the officer’s attention, a stolen 9mm Glock 17.

Using Daniels’ name, the officers obtained a warrant for his DNA, providing law enforcement with the means to run a series of forensic tests using DNA. After the testing was complete, the results tied Daniels to the stolen Glock, and a grand jury indicted him on one count of being a felon in possession of a firearm. Daniels challenged the officers’ actions and moved to suppress his name as the fruit of

Officer Idler's unlawful detention. The district court agreed with Daniels and granted the motion to suppress, causing the government to appeal to the Tenth Circuit for review. When the case reached the Tenth Circuit, the Court's central question was whether the anonymous tip, coupled with the defendant's observed behavior, provided adequate reasonable suspicion for detention.

On appeal, the Circuit affirmed the district court's decision to grant Daniels' motion to suppress. The Court explained that because the totality of the circumstances known to Officer Idler when he detained Daniels fell below the threshold required to establish reasonable suspicion, Daniels' detention was unreasonable under the Fourth Amendment. The cornerstone of the Court's analysis hinged on reiterating a crucial principle: Officer Idler needed a "particularized and objective basis" for believing that Daniels had been, was currently, or was about to engage in criminal activity, as previously outlined by the Supreme Court.¹ Here, this minimal objective basis was not met.

The Court considered the four factors that were known to Officer Idler at the time of the detention: (1) the 911 call, (2) the presence and actions of the SUV, (3) the time of the encounter, and (4) the location of the encounter. Considering each of these factors, the Court began its Totality of the Circumstances analysis.

First, they examined the 911 call. For a tip to justify an investigatory stop, it must be reliable and provide reasonable suspicion of criminal activity. Factors considered include the informant's firsthand knowledge, detailed event information, motivation for reporting, and whether the police corroborated the tip. Here, the caller reported three men handling guns but did not witness any criminal activity or danger. This vague and nonspecific information did not establish reasonable suspicion.

Second, the Court looked at the presence and actions of the dark SUV seen idling and then leaving the parking lot as Officer Idler approached. The SUV's presence alone was insufficient to establish reasonable suspicion. The parking lot was crowded with multiple vehicles, making the SUV's presence and actions less suspicious. The bodycam footage showed several dark-colored SUVs idling, indicating that the activity was not unusual for that busy location.

Lastly, the Court considered the time and location of the encounter. The incident occurred near midnight in a high-crime area of Aurora on the night of the Super Bowl. The Court considered that people might be out celebrating after the game. The parking lot was well-lit and busy, reducing the likelihood that suspicious activity would go unnoticed. While relevant, these factors contributed to the Court's decision that the detention was not supported by reasonable suspicion. As such, the Court found that the evidence should be suppressed due to the initial unlawful detention.

This outcome reinforces the crucial need for law enforcement to ensure that their actions are grounded in well-substantiated facts that meet the legal standards of reasonable suspicion. First, understand that the Fourth Amendment requires detailed, credible evidence to support the detention of individuals. Second, always strive to corroborate any tips or suspicions with concrete observations of illegal behavior before engaging in detentions. The Tenth Circuit's ruling emphasized the importance of the specificity and reliability of information leading to detentions. It highlighted that officers must have more than vague or nonspecific suspicions to justify stops based on anonymous tips. For law enforcement, this case underscores the necessity of corroborating anonymous tips with observable illegal activity before conducting stops. The decision also serves as a reminder of the stringent requirements for detentions under the Fourth Amendment and the potential consequences of failing to meet these standards.

1. *Terry v. Ohio*, 392 U.S. 1, 21-22 (1968). ↩

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