

SUPREME COURT OF PENNSYLVANIA

Commonwealth v. Yong

177 A.3d 876 (Pa. 2018) · Decided January 18, 2018

SUMMARY

The Pennsylvania Supreme Court considers whether an investigating officer’s probable-cause knowledge may be imputed to an arresting officer under the collective knowledge doctrine when officers work together but there is no evidence of a specific instruction or communication. The court adopts a broader team-based application of the doctrine and concludes that Yong’s arrest was constitutional, reversing the Superior Court’s judgment.

CASE DETAILS

COURT	Supreme Court of Pennsylvania
WRITING FOR THE COURT	Justice Mundy; Chief Justice Saylor; Justice Baer; Justice Donohue; Justice Dougherty; Justice Todd; Justice Wecht
JURISDICTION	Pennsylvania
DECIDED	January 18, 2018
DISPOSITION	reversed
PROCEDURAL POSTURE	The Commonwealth appealed from the Superior Court's reversal of the trial court's denial of Yong's motion to suppress evidence obtained after his warrantless seizure and arrest. The Supreme Court of Pennsylvania granted allowance of appeal to determine whether the collective knowledge doctrine permits imputation of probable cause between officers working as a team without evidence of an express directive or communication.
STANDARD OF REVIEW	In suppression matters, appellate review determines whether the suppression court's factual findings are supported by the record and whether the legal conclusions drawn from those findings are correct. The appellate court is limited to the record developed at the suppression hearing and may not rely on evidence elicited at trial.
PRECEDENTIAL VALUE	published precedential opinion of the Supreme Court of Pennsylvania
PARTIES	Commonwealth of Pennsylvania v. Alwasi Yong

TOPICS

fourth amendment

probable cause

search and seizure

criminal procedure

suppression of evidence

PRACTICE AREAS

criminal procedure

constitutional law

search and seizure

evidence

QUESTIONS PRESENTED

1. Whether Pennsylvania's collective knowledge doctrine permits an officer lacking personal probable cause to arrest to rely on the knowledge of another officer when both officers are working together, even without evidence of an express instruction or communication.
2. Whether the arrest and resulting seizure of Yong were constitutional where the investigating officer possessed probable cause, briefed the arresting officer and the team before execution of a search warrant, and would have imminently directed or effectuated Yong's arrest had the arresting officer not acted first.
3. Whether appellate review of the suppression ruling was limited to the evidence presented at the suppression hearing.

HOLDINGS

1. Pennsylvania adheres to the vertical collective knowledge approach, under which an officer possessing probable cause or reasonable suspicion may direct another officer to act in the officer's stead. The Court declined to adopt an unrestricted horizontal rule that would permit imputation of uncommunicated knowledge merely because officers are working as a team.
2. Even when the arresting officer lacks the requisite knowledge and was not expressly directed to seize the suspect, the seizure may be constitutional when an investigating officer with probable cause or reasonable suspicion was working with the arresting officer and would have inevitably and imminently ordered that the seizure be effectuated.
3. Yong's seizure and arrest did not violate the Fourth Amendment because McCook had probable cause, was working with Gibson in a coordinated operation, had briefed the team, and would have imminently directed or effectuated Yong's arrest.
4. Appellate review of the suppression ruling is confined to the record developed at the suppression hearing and excludes evidence elicited at trial.

KEY QUOTATIONS

“However, where, as here, the arresting officer does not have the requisite knowledge and was not directed to so act, we hold the seizure is still constitutional where the investigating officer with probable cause or reasonable suspicion was working with the officer and would have inevitably and imminently ordered that the seizure be effectuated.”

“Accordingly, we maintain that Pennsylvania adheres to the vertical approach of the collective knowledge doctrine, which instructs that an officer with the requisite level of suspicion may direct another officer to act in his or her stead.”

FACTUAL BACKGROUND

During a three-day narcotics investigation, Officer McCook observed a confidential informant give Yong prerecorded buy money, after which Yong gave the money to another individual who returned with packets of marijuana. Two days later, McCook observed another drug transaction involving the same individual while Yong was present nearby. McCook then met with approximately six to eight officers, including Officer Gibson, to brief them before they executed a search warrant at the residence. As the officers entered, Gibson seized and patted down Yong, recovering a .38-caliber revolver. McCook had probable cause to arrest Yong based on his observations, but the suppression record did not show that McCook expressly directed Gibson to arrest Yong or specifically communicated the underlying facts to him.

PROCEDURAL HISTORY

After a suppression hearing, the trial court denied Yong's motion to suppress, finding that the knowledge of the observing officer could be imputed to the officers executing the search warrant. A jury convicted Yong of carrying a firearm without a license and conspiracy to commit PWID, and the trial court separately convicted him of persons not to possess a firearm. The Superior Court reversed the suppression ruling, concluding that the record did not establish that the arresting officer had probable cause, received relevant information, or acted at the direction of the officer who possessed probable cause. The Supreme Court reversed the Superior Court.

DISPOSITION

reversed

CASES CITED

- Williams v. United States, 308 F.2d 326 (D.C. Cir. 1962)
- Whiteley v. Warden, 401 U.S. 560 (1971)
- United States v. Hensley, 469 U.S. 221 (1985)
- Commonwealth v. Kenney, 449 Pa. 562, 297 A.2d 794 (1972)
- Commonwealth v. Jackson, 548 Pa. 484, 698 A.2d 571 (1997)
- Commonwealth v. Queen, 536 Pa. 315, 639 A.2d 443 (1994)
- Commonwealth v. Arter, 637 Pa. 541, 151 A.3d 149 (2016)
- Terry v. Ohio, 392 U.S. 1 (1968)
- In re J.V., 762 A.2d 376 (Pa. Super. 2000)
- Commonwealth v. Burno, 154 A.3d 764 (Pa. 2017)
- Daniels v. United States, 393 F.2d 359 (D.C. Cir. 1968)
- United States v. Burton, 288 F.3d 91 (3d Cir. 2002)
- United States v. Chavez, 534 F.3d 1338 (10th Cir. 2008)
- United States v. Randy Terry, 400 F.3d 575 (8th Cir. 2005)
- United States v. Ramirez, 473 F.3d 1026 (9th Cir. 2007)
- United States v. Bernard, 623 F.2d 551 (9th Cir. 1980)

- United States v. Stratton, 453 F.2d 36 (8th Cir. 1972)
- United States v. Massenburg, 654 F.3d 480 (4th Cir. 2011)
- United States v. Ragsdale, 470 F.2d 24 (5th Cir. 1972)
- Smith v. State, 719 So. 2d 1018 (Fla. Dist. Ct. App. 1998)
- Commonwealth v. Yong, 120 A.3d 299 (Pa. Super. 2015)
- In re L.J., 622 Pa. 126, 79 A.3d 1073 (2013)
- Commonwealth v. Eichler, 133 A.3d 775 (Pa. Super. 2016)
- United States v. Hinojos, 107 F.3d 765 (10th Cir. 1997)

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