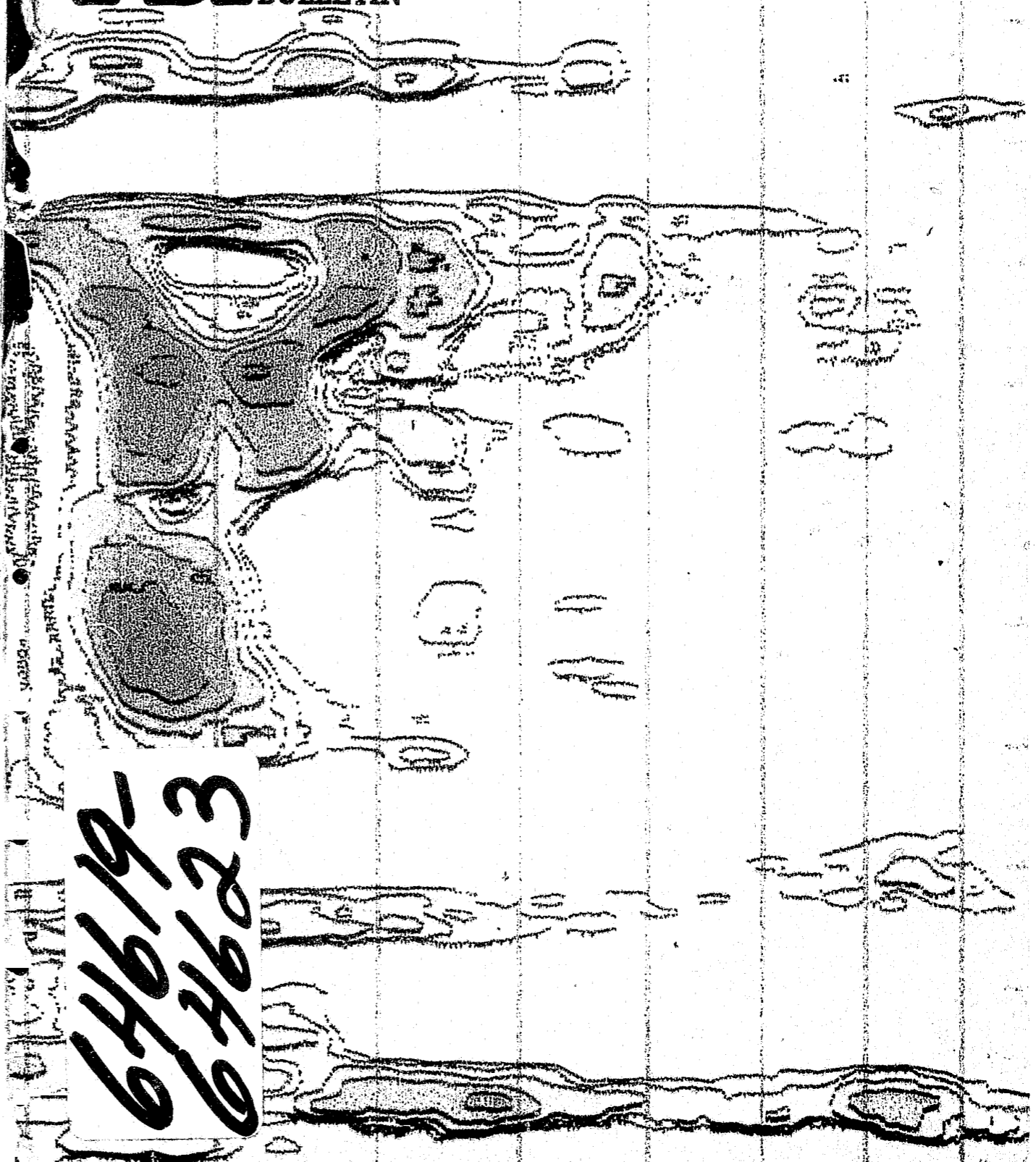
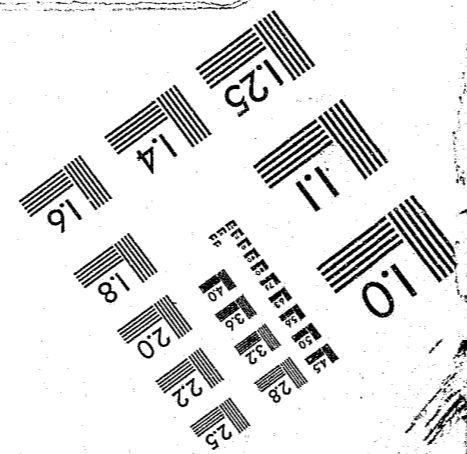
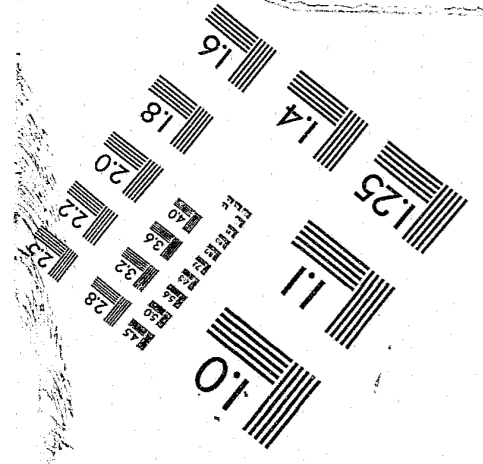
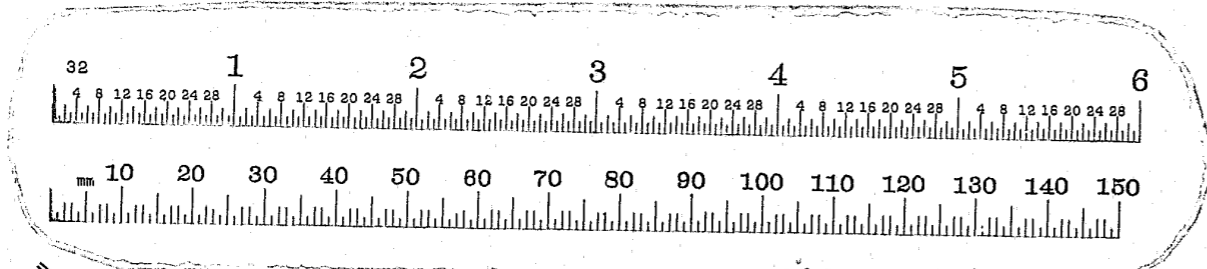
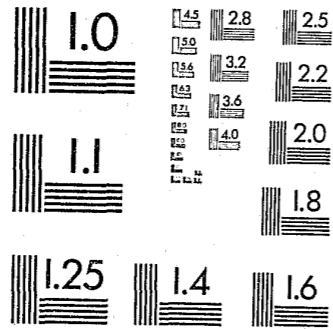
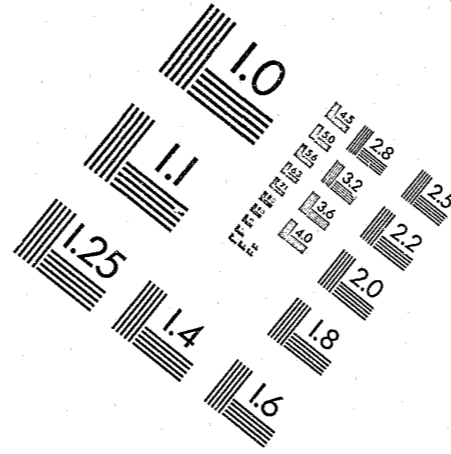
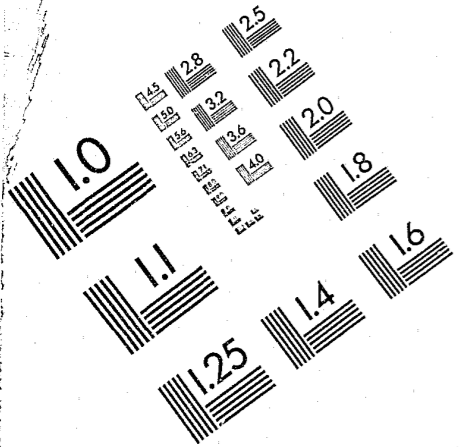


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William H. Webster, Director

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Higher Education for Police Officers

Editor's Note:

With the publication of *The Quality of Police Education* by Lawrence W. Sherman and the National Advisory Commission on Higher Education for Police Officers in early 1979, a lively debate has ensued in the academic and law enforcement communities concerning the nature of higher education for law enforcement officers in the future. One point of view in this debate was presented by Dr. Thomas Reppetto, John Jay College, New York City, in a lecture before the fourth National Executive Institute at the FBI Academy. This article presents Dr. Reppetto's analysis of what he believes should be the nature of higher education for law enforcement officers.

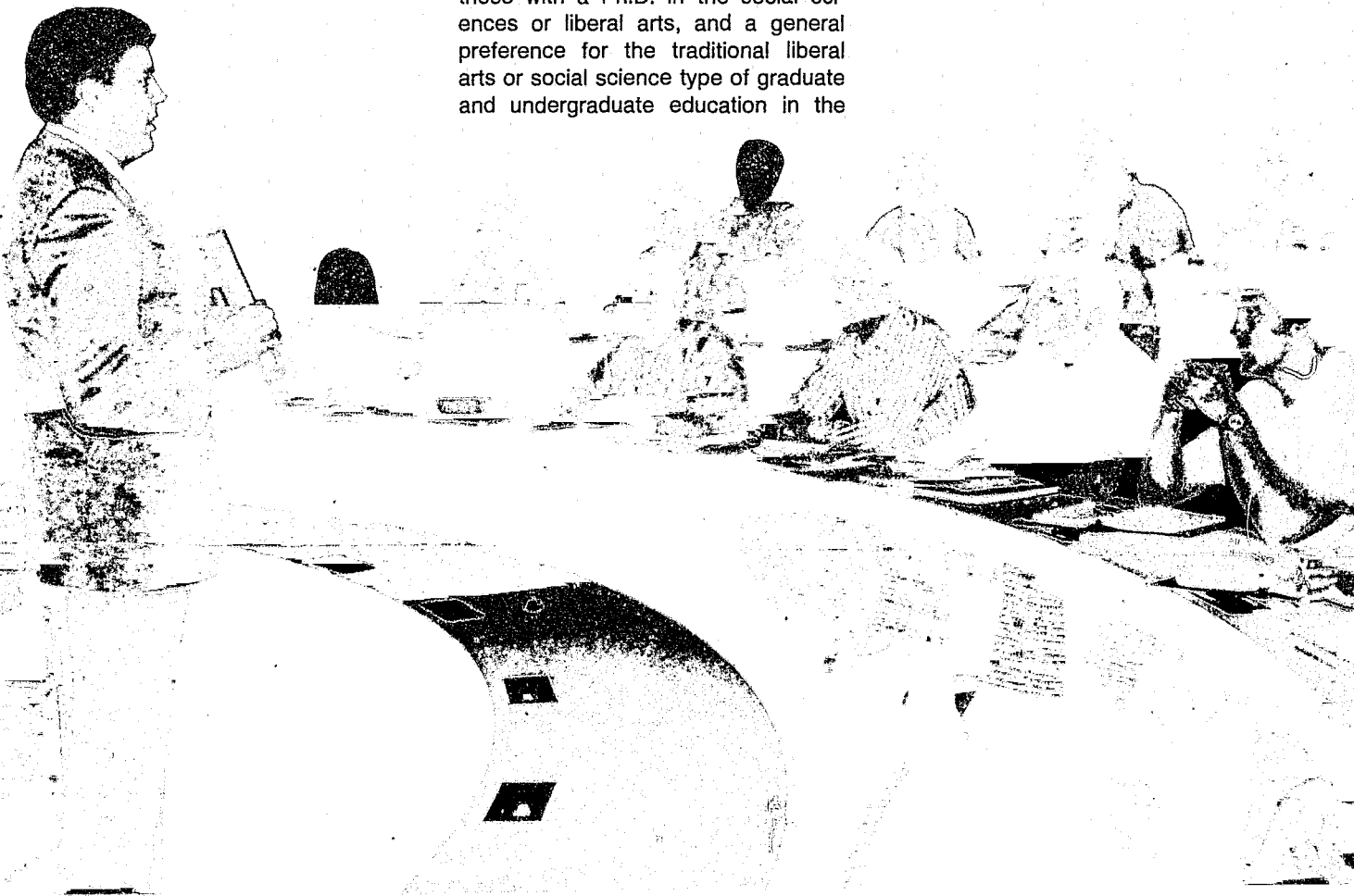
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These comments are prompted by the publication of the very useful and provocative report of the Commission on Higher Education for Police Officers (HEPO), which was sponsored by The Police Foundation. The essence of the report's findings is that police education is of low quality, even dismal. Specific findings are that the caliber of faculty is low because they lack appropriate higher education for college professors (too many of them being ex-police officers), the course content is often found to be too technical, and there is allegedly too much influence by police departments.

Among the recommendations are an end to 2-year degrees in police science or criminal justice, replacement of many of the present faculty by those with a Ph.D. in the social sciences or liberal arts, and a general preference for the traditional liberal arts or social science type of graduate and undergraduate education in the

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Dr. Reppetto

preparation of individuals for police service. One of the catchy slogans of the commission's report was, "Don't educate the recruited but recruit the educated." That is, don't educate the present generation of police officers, but attract the already educated, particularly those with liberal arts degrees from the more prestigious institutions, into police service. It is thought that these individuals will constitute change agents to deal with the myriad of problems now existent in the police field.

The reaction to the report had been predictable. Some police officials and academics have been very critical, while others have praised it. I should like to address myself to the general problems of educating individuals for the police service, and to some extent, the whole question of the relationship between the academic world and the police.

Evaluation of Quality

Let us step back a bit from the name-calling in the current controversy over the HEPO report and look at two basic factors that underlie higher education in criminal justice. In the United States, the study of crime or the practice of criminal justice has traditionally been the wrong side of the intellectual tracks. Law schools have generally devoted very little time to the study of criminal law and procedures, typically one or two courses in 3 years of work. Historically, individuals who practiced criminal law, whether for the defense or the State, were the less prestigious members of the bar.

In the social sciences, the study of criminology has also been the wrong side of the tracks. Professors who studied criminal behavior generally taught at the less prestigious institutions and received fewer rewards from their disciplines. In the fields of political science or public administration, for example, it was fashionable to study the Presidency, Congress, or international affairs, but rarely criminal justice in one's own city.

There, of course, have been exceptions. At one time in the 1920's and early 1930's, the Harvard Law School, under the leadership of Dean Roscoe Pound and Professor Felix Frankfurter, later a Supreme Court Justice, undertook a number of studies in criminal justice, but they soon tired of the game. The University of Chicago's Department of Sociology in the 1920's studied crime and criminals extensively, but later sociologists opted for the construction of major theories of social organization. Thus, in the academic world, the quality of criminal justice studies is usually suspect.

The second basic factor in criminal justice education is that in the last 10-15 years, it has expanded enormously in the United States. In 1964 there were approximately 125 college programs offering 2- or 4-year or graduate degrees in criminal justice or criminology. Ten years later, there were over 1200, a 10-fold expansion.

This vast expansion explains, in part, the charges of low quality in academic criminal justice education. This has been one of the largest, most fantastic developments in American higher education in all its history. Indeed, there are some knowledgeable observers who believe that the expansion of criminal justice education that has taken place recently will provide a model for many other disciplines in the rest of this century and into the next. Given such an enormous expansion, it is obvious that quality would suffer.

No doubt, if only a handful of programs had been formed earlier with a handful of students, the quality of academic criminal justice might be much higher than it is, but it would still not reach the vast number of persons engaged in the criminal justice enterprise. At present, there are a half a million police officers and a half a million other professionals in probation, parole, or corrections, not to mention many more in private security. Indeed, all college education in America has declined in quality, because since World War II, it has become a mass enterprise rather than the preserve of a small elite. Many would regard this as a positive development for American democracy.

Crux of the Problem

The essential argument regarding academic criminal justice contains three parts. Who will do the teaching, who will be the students, and what will be the course content? Should the faculty be composed of ex-practitioners or traditional Ph.D.'s? Should the students be inservice or preservice? Should the courses be professional, social science, or liberal arts? I rule out vocational courses sometimes described as "how to put on the handcuffs," although in places where there are no police academies, community colleges may well take up the slack in response to their historic mission to render vocational education to the local population.

If we can determine what the course content should be, that is, what constitutes appropriate education for police service, then we can probably determine who should teach it and what sort of students might be involved. I am reminded of the quote by Alfred North Whitehead, the great philosopher and mathematician:

"The antithesis between a technical and liberal education is fallacious. There can be no adequate technical education which is not liberal, and no liberal education which is not technical; that is, no education which does not impart both technique and intellectual vision."

The argument for a liberal arts education says essentially that one should study English, history, or one of the traditional disciplines, and upon completion of one's education, enter into a professional field. Such an education does not make one an expert in English or history, but rather, it teaches a person how to think and to analyze a problem. Presumably, such individuals can apply these talents to almost any situation and do better than individuals who have had a more technical education. Under this theory, the person who has been an English or history major will quickly learn the practical duties of a police officer in the police academy and on the job and will then use his superior intellectual equipment to become a first-rate officer.



**"If change is to occur
in police service . . . it
will, indeed must, come
from within."**

A social science education as preparation for criminal justice is seen as enabling the student to major in one or a combination of social science disciplines. The student would study criminology, urban sociology, deviant behavior, and other similar courses, as well as the usual liberal arts foundation. He or she would not, however, study such things as police patrol, criminal investigation, or police administration. In this way, the student prepares for police service by studying the nature of social problems and the methods of the social scientist in order to acquire an understanding of the various problems that a police officer faces, and building on this foundation, will be able to deal successfully with those problems.

The professional major would, of course, require the student to take the usual liberal arts foundation, but it would emphasize the professional problems of the criminal justice field. For example, a student might study police patrol, criminal investigation, or even police administration. Here the theory is that the student who has actually been introduced to the terminology, methods, and major questions of the field is much better qualified to undertake the duties of a police officer. We note that in an applied field, such as engineering, no one would argue that a liberal arts or a social science education would be appropriate for one who seeks to be an engineer. That is, if one is going to go out and build bridges, one should study how bridges are built, i.e., take professional courses.

We are asking, then, "Should police officers prepare directly for the job by studying criminal justice matters or by studying social problems?" Or, should they simply take a liberal arts degree which is not preparation for any particular area?

Two groups would tell us that you cannot study directly in an academic setting to do police work. The first group are those career policemen who have always said, "You learn police work in the streets, not in a classroom." I can recall when I came out of police academy after 10 weeks of training, I was told, "Forget everything you learned there. One day in the street will be worth more to you than all of that." Still, I realized over a long period of time that while the street was a great teacher, it did not teach everything that one needs to know.

The second major group that would tell us that you cannot learn police work in an academic setting are the liberal arts elite group, and here they borrow from the British upper class. In the great days of the British Empire, individuals took a degree at Oxford or Cambridge in Greek, Latin, or medieval history and were immedi-

ately sent out to India to administer the waterworks or to Africa to collect the taxes, because it was argued that the educated generalist was vastly superior to the technical person. Of course, in the case of the great British universities, one did not go there unless one came from an upper-middle class or higher family, and great stress was laid on developing the character of a "gentleman." In general, we in the United States have not adhered to the viewpoint that individuals cannot be educated for specific occupations or that education should be the preserve of a small elite.

Of course, many fine professionals in policing and elsewhere have never attended college. In the 19th century, lawyers learned by apprenticing themselves to other lawyers, or engineers learned by going out with a survey crew and picking up the rudiments of civil engineering. But in the 20th century, most of the professions or technical disciplines have concluded that it is more efficient and effective to educate people in the classroom before they go into the field.

Findings From Another Field

For purposes of my response to the HEPO report, I examined other professional fields where undergraduate education is often professional in nature. I have, for example, studied undergraduate programs in journalism, an area where holders of the professional B.A. start "on the beat" as it were. My method was to examine the catalogs of some of the leading schools which offer degrees in this area. In this regard, I think we have something to learn from the journalists.

If we examine one of the most prestigious schools of journalism in the United States, that operated by the University of Missouri at Columbia, we find in their catalog a flat statement of their commitment to professionalism:



“The development of a fully reasoned meaning of the police role in society . . . must be worked out from within the occupation; it cannot be imparted to it by outsiders’.”

“The Bachelor of Journalism degree is a professional degree, and the undergraduate program, with its operating media, is the foundation of the school. . . . The Missouri concept of journalism education deeply involves students in the practical day-to-day work of the communications media. . . . Thus, working shoulder to shoulder with experienced professionals on the faculty and elsewhere, the students learn the professional discipline which can be mastered only in the crucible of daily performance under pressure.”

This sounds like the refrain that one can not know police work without walking the beat. However, the Univer-

sity of Missouri's catalog also makes the statement that the journalism student must “. . . be well grounded in the humanities, the social sciences, and the natural sciences.” And they allow no more than one-quarter of the student's credits to be taken in professional journalism courses. One also finds similar statements in other catalogs. Yet, the journalism programs also require considerable practical work in the field. Thus, while only one-fourth of the student's course work may be devoted to professional matters, much more than one-fourth of the student's time is so dedicated.

In journalism, one also finds that the professional courses are, in fact, professional. For example, it is common to permit individuals to major in subfields, such as newspapers, magazines, radio, and TV, and courses have titles such as editing or advanced reporting. That is, they are analogous to police patrol or criminal investigation.

The HEPO commission argued that police administration should not be studied by most individuals preparing for the police service. I don't believe individuals who are going to enter the service at the recruit level should be taking extensive management courses, but I see no reason why police trainees cannot study police administration in the same way that those who are going to enter Government service as interns study the American Presidency or the work of the Cabinet. No one suggests that these people are going to be President of the United States, or even in the Cabinet, but only that it will help them in their work if they understand the theory of the Presidency or the Cabinet. In the same way, a patrol officer who understands the theory of police administration will be better able to carry out the work of the organization.

In my view, it is clear that criminal justice, like fields such as business, education, and journalism, will continue to provide professional education at the undergraduate level and that a significant amount of that education will, in fact, be composed of technical courses, as well as applied work in the field. Indeed, as the HEPO commission has pointed out, 58 percent of American undergraduates are enrolled in professional programs. I would also direct attention to a 1971 report on higher education by the Department of Health, Education and Welfare (HEW), which stated:

"The rigid and uniform structure of higher education has prevented the dynamic development and adaptation of training for the professions. For an increasing number of professions, a student must complete 4 years of liberal arts education in order to enter a professional school such as law, medicine, or social work. Once in, he must pursue courses of study which are often unrelated to the practical requirements of his profession, and that frequently make him less interested in the people whom his profession serves. This long academic road often fails to engage students in their work, or to show them the relevance of their studies to their career aspirations.

"We therefore recommend the creation of professional institutes devoted to human service, which will serve two broad goals: to begin professional training during the 1st year of college; and to reflect a new emphasis on training for human service. These innovations will require a number of new operating policies affecting the content and structure of the curriculums."

The Professional Content of Policing

To argue for the abolition of professional courses in criminal justice requires us to posit, among other things, that there is no professional content to policing. I would dispute this view.



"To argue for the abolition of professional courses in criminal justice requires us to posit . . . that there is no professional content to policing."

In the first instance, I would cite the necessity for a student who is aiming for a police career to have a fairly comprehensive grasp of criminal law and procedure. I have no doubt that the foundation for such understanding lies in courses in constitutional history and American government. However, these alone are not sufficient to give one the understanding necessary to perform the duties of a police officer. Criminal law and procedure is complex and is based on shifting court decisions. I would also submit that it is beyond the ability of the police academy to truly teach criminal law and procedure unless an inordinate amount of time, beyond that normally spent in police academies, is devoted to the subject. Nor is the teaching of criminal law and procedure in a police academy

without a foundation in history and government necessarily wise. Here we are reminded that a little learning is a dangerous thing, because a student who lacks close familiarity with the spirit and concepts of the law, and yet who is invested with the broad powers of the law enforcement officer, may in fact be dangerous to the society he serves.

Second, I would suggest that a police aspirant become familiar with the area of investigation. Here I am referring to more than criminal investigation or crime scene searches. Rather, I would hope that the courses would deal with the means by which one conducts an inquiry in the broad sense. Again, this requires an underlying foundation of courses in scientific methodology, psychology, public speaking, and other areas. And again, while these are essential, they are not sufficient in themselves. Here we think of the journalist learning the who, what, where, when, why, and how and other facets of his craft.

The next appropriate area of study is what I would call counseling or applied behavioral science. The essence of this area would be how to deal with people and their problems. Again, it is clear that the social sciences in themselves do not give one the essential techniques for dealing with the citizen who has been a crime victim or offender or for dealing with family crises and the disturbed.

The fourth area I would consider essential would be for preservice students to have a very extensive and structured exposure to criminal justice systems of the type given in intern and community laboratory courses. Here the student can apply investigative and counseling techniques and observe the law in action. Again, we draw an analogy with the practical work in journalism.

Conclusion

Let me say in conclusion that I compliment the HEPO commission and the Police Foundation for their work, and my remarks are directed more at some of the responses which others have made to it. In this respect, I take exception to the views of some individuals who attempt to drive a wedge between practice, that is the profession of policing, and the teaching of criminal justice. For example, one eminent criminal justice educator is quoted as saying that field experience not only is unnecessary but actually undesirable in a faculty member, declaring that "second-career faculty tend to be second class." In this respect, I would ask what constitutes a second career. Is an individual who has been a police officer for a number of years and then decides to teach criminal justice at the college level in his second career, or is he continuing with his first career, namely, criminal justice? Is an individual who is trained as a professor of history or English who cannot find a job and then goes into criminal justice as a second or third choice continuing in his profession, or is that his second career?

At the university level, we do not produce teachers *per se*, that is, people who can teach any subject, as is sometimes done in kindergarten or primary grades. We produce people who are masters of a discipline. An English professor would never be asked to teach history at any decent college or university. Therefore, I would argue that the people who are experienced criminal justice professionals, hold

graduate degrees, and go into the academic world, are continuing their primary careers, and the liberal arts retreat, the individual who decides to change fields, may be the one in the second career. Again, I do not argue that police experience is essential, only desirable, or that individuals who change disciplines cannot be successful. But I would think the burden of proof on them is as great as the burden on the individual who leaves police service and goes into the academic world.

"The content of education for the police will not be determined by a handful of academics with no ties to the profession, but rather by cooperation between police and academics."

In relation to the question of who should be the students of academic criminal justice, I would argue for a mix of pre and inservice. But I would never choose the former to the exclusion of the latter. If change is to occur in police service, I suggest it will, indeed must, come from within. In this respect, the views of Professor Egon Bittner, as cited by the HEPO commission, are apropos:

"It is clearly not for lawyers, sociologists, or psychologists to develop an intellectually credible version of

what police work should be like. This must be left to scholarly policemen, just as the analogous task is left to scholarly physicians, social workers, or engineers. . . . For the main reason for having professional schools of police work is to make a home for police work-study. It must be their own home, or the enterprise will be dispirited and doomed to failure. The development of a fully reasoned meaning of the police role in society, that might give rise to a range of rationally methodical work procedures, must be worked out from within the occupation; it cannot be imparted to it by outsiders. Outsiders can help in this task, but they cannot take it over. The main reason for this is not that outsiders are not adequately informed but that supplying knowledge from external sources would leave police work intellectually inert."

The content of education for the police will not be determined by a handful of academics with no ties to the profession, but rather by cooperation between police and academics. In sum, I disagree with those in the police profession who say there is nothing to learn from the academic world, but I also disagree with those in the academic world who say there is nothing to learn from the police. And, I strongly oppose the effort to separate police education from police practice. **FBI**

Law Enforcement Aids

Subject bibliographies on law enforcement (SB-117) and crime and criminal justice (SB-036) are available through the Government Printing Office to interested law enforcement personnel or agencies. Each contains several listings of available government documents dealing with individual topic matters. There is no charge for

the bibliographies, and quantity copies will be provided. Copies may be obtained by written requests directed to C. A. LaBarre, Assistant Public Printer, Superintendent of Documents, Government Printing Office, Washington, D.C. 20401. **FBI**

The Constitutionality of Routine License Check Stops

A review of *Delaware v. Prouse*

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Law enforcement officers of other than Federal jurisdiction who are interested in any legal issue discussed in this article should consult their legal adviser. Some police procedures ruled permissible under Federal constitutional law are of questionable legality under State law or are not permitted at all.

A fundamental law enforcement activity traditionally used to promote highway safety is stopping motorists for the purpose of determining whether they have a valid driver's license and whether their vehicle is properly registered and inspected. This police practice, often characterized as a routine license check, is frequently accomplished through different procedures. For example, in some instances, a roadblock or license check lane is employed in which all or a predetermined number of vehicles are checked.¹ In other cases, a random stop is made, wherein a particular vehicle is selected by an officer and stopped.²

The constitutional propriety of routine license check stops has continued to be the subject of substantial litigation. As outlined in a previous issue of the *FBI Law Enforcement Bulletin*,³ State and Federal courts have often been inconsistent in their assessment of the constitutional issues raised by these stops. In apparent recognition of the uncertainties generated by those conflicting judicial assessments and the importance of the constitutional and law enforcement objectives implicated, the U.S. Supreme Court recently decided the case of *Delaware v. Prouse*,⁴ which involved the constitutionality of a routine license check stop.

It is the object of this article to examine in detail the *Prouse* decision and assess its impact on the frequently used law enforcement practice of stopping motorists to check for license and registration. Furthermore, several recommendations are offered to assist law enforcement agencies in implementing procedures that are consistent with the requirements enunciated by the Supreme Court in the *Prouse* decision.

Summary of the Facts

The facts of the *Prouse* case are rather simple. At 7:20 p.m. on November 30, 1976, a New Castle County, Del., patrolman in a police cruiser stopped an automobile occupied by Prouse. The patrolman testified that prior to stopping the vehicle he had observed neither traffic or equipment violations nor any suspicious activity, and that he only made the stop in order to check the driver's license and registration. As the patrolman was walking toward the stopped vehicle, he smelled marijuana smoke. The patrolman then observed in plain view some marijuana on the car floor. Prouse was subsequently indicted for illegal possession of a controlled substance. He alleged that the marijuana was seized pursuant to a stop which violated the Constitution and moved to suppress the evidence.

“ . . . stopping automobiles and detaining its occupants constitutes a ‘seizure’ within the meaning of the 4th and 14th amendments. . . .”

The trial court granted the motion to suppress, finding the stop and detention to have been wholly capricious, and therefore, violative of the fourth amendment. The Delaware Supreme Court affirmed the trial court's decision, noting that “a random stop of a motorist in the absence of specific articulable facts which justify the stop by indicating a reasonable suspicion that a violation of the law has occurred is constitutionally impermissible. . . .”⁵

In granting certiorari, the U.S. Supreme Court framed the issue as follows:

“ . . . whether it is an unreasonable seizure under the Fourth and Fourteenth amendments to stop an automobile, being driven on a public highway, for the purpose of checking the driving license of the operator and the registration of the car, where there is neither probable cause to believe nor reasonable suspicion that the car is being driven contrary to the laws governing the operation of motor vehicles or that either the car or any of its occupants is subject to seizure or detention in connection with the violation of any other applicable law.”⁶

Eight Justices of the U.S. Supreme Court affirmed the decision of the Delaware Supreme Court and ruled that the stop in *Prouse* had violated the U.S. Constitution. Essentially, two fundamental questions were addressed by the Court in its opinion. First, does a routine license check stop constitute a warrantless seizure of the person within the context of the fourth amendment to the U.S. Constitution?⁷ Second, under what circumstances is a routine license check stop constitutionally reasonable?

Does a Routine License Check Constitute a Seizure Within the Fourth Amendment?

The Supreme Court had little difficulty deciding that stopping automobiles and detaining its occupants constitutes a “seizure” within the meaning of the 4th and 14th amendments, even though the purpose of the stop is limited and the resulting detention quite brief.⁸ Accordingly, such stops must meet the constitutional standard of reasonableness, which is designed to safeguard the privacy and security of individuals against arbitrary invasions by Government.⁹ The Court noted that in determining whether a particular warrantless seizure is reasonable, the intrusion on an individual's privacy interests must be balanced against both the importance of the governmental objectives to be served and the potential for governmental abuse.¹⁰

With respect to the competing interests involved in routine license check stops, the Court concluded that a law enforcement officer's signal to pull over to the side of the road may in some instances create substantial anxiety, and at a minimum, constitutes an interference with an individual's freedom of movement and may be both inconvenient and time-consuming. However, the Court also recognized the State's vital interest in insuring that only those who are licensed to operate a motor vehicle do so, and that vehicles be properly registered and fit for safe operation.

With regard to the potential for Government abuse, the legal safeguards generally relied upon to achieve nonarbitrary seizures are: (1) A warrant; (2) articulable facts giving rise to probable cause; and (3) for limited seizures like brief investigative stops, articulable facts amounting to reason-

able suspicion of criminal activity. However, in instances such as the stop in *Prouse*, where the balance of interests precludes the insistence upon some quantum of factual support, the Court ruled that other safeguards are constitutionally required to insure that a motorist's reasonable expectation of privacy is not subjected to the unbridled discretion of a law enforcement officer.¹¹

Accordingly, the Court ruled that the discretionary spot check used in *Prouse* was illegal, because there were alternative mechanisms involving less potential for abuse which were adequate to serve the important elements of Delaware's highway safety program.¹² Moreover, the Court did not find very persuasive the argument that spot checks were substantially productive in discovering improperly licensed drivers or unsafe vehicles.¹³

Under What Circumstances is a Routine License Check Stop Constitutionally Reasonable?

While the *Prouse* decision clearly places outside the scope of constitutional permissibility those routine license check stops that are made at random without any articulable suspicion of criminal activity or vehicle code violations, the opinion does provide some guidance as to procedures that might legally be employed to conduct such stops.

For example, a law enforcement officer may check a driver's license and registration whenever a vehicle is otherwise legally stopped as a result of an observed violation of the law. The officer would need an appropriate factual basis to the level of reasonable suspicion to justify a stop under these circumstances.¹⁴

Moreover, in the absence of an observed violation of law, the Court indicated that a State could develop other objective methods of conducting routine license checks which do not involve the unconstrained exercise of discretion.¹⁵ While not intended to be an exhaustive listing of those possibilities, the *Prouse* opinion seems to suggest that procedures involving either the stopping of virtually all cars by means of a roadblock¹⁶ or the stopping of every 10th car¹⁷ would pass constitutional muster.

Implications of the *Prouse* Decision

It seems clear from *Prouse* that law enforcement agencies with mandated responsibilities involving highway safety must conduct routine license check stops in accordance with constitutionally acceptable procedures. To assist in implementing these procedures, the following suggestions are offered:

1) Written guidelines should be prepared by a qualified legal adviser and used as part of an ongoing training program so that all law enforcement officers are knowledgeable of the legal limitations on their authority to conduct routine license check stops. In this regard, State statutes which are worded to arguably authorize the random stopping of motorists to conduct routine license check stops should be carefully interpreted so that actions taken pursuant to those statutes do not exceed the constitutional limitations outlined by the Supreme Court in *Prouse*.

2) A complete written report of the facts surrounding the stopping of a motorist should be maintained. This is imperative, because if a particular vehicle is singled out for a stop as a result of an observed violation of law and evidence of criminal activity is subsequently discovered, the admissibility of that evidence will be contingent on the officer's ability to articulate a reasonable suspicion of criminal activity justifying the initial stop.¹⁸

3) The facts surrounding a routine license check stop should clearly indicate that the stop was made in good faith,¹⁹ and that the primary purpose was to check for a valid license and registration, and not as a pretext or subterfuge for investigating other activity.²⁰ In that regard, the reasonableness of a seizure is generally determined by making a dual inquiry: (1) Was the officer's seizure justified in its inception? and (2) was the seizure reasonably related in scope to the circumstances which initially justified the intrusion? Applied to a routine license check, this inquiry would essentially be: (1) Was the stop justified in the first place? and (2) was it limited in scope to the sole purpose of checking for a valid license and registration?

Conclusion

The constitutionality of a particular routine license check stop involves the balancing of legitimate State interests in highway safety against an individual's interests in privacy and freedom of movement. While the *Prouse* decision may have narrowed somewhat the range of procedures that can legitimately be used by law enforcement to conduct routine license check stops, it is clear from the Court's opinion that alternative methods are available which can be both constitutionally acceptable and operationally effective.

Moreover, the position a reviewing court ultimately adopts with respect to a particular stop may in large part depend on the professionalism and fairness demonstrated by the officers making that stop.

FBI

Footnotes

¹ See, e.g., *People v. Andrews*, 484 P. 2d 1207 (Colo. 1971).

² See, e.g., *Kraft v. State*, 305 A. 2d 489 (Md. App. 1973).

³ See, Schofield, "Routine License Checks and the Fourth Amendment," *FBI Law Enforcement Bulletin*, September 1976, pp. 27-31.

⁴ 59 L. Ed 2d 660 (1979); See also, *Id.* at 666 n. 2 & 3 for citations to cases illustrating the conflicting results reached by different jurisdictions.

⁵ *Delaware v. Prouse*, 382 A. 2d 1359, 1364 (1978).

⁶ 59 L. Ed 2d at 665.

⁷ U.S. Const. Amend. IV provides: "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."

⁸ 59 L. Ed 2d at 667.

⁹ *Id.*

¹⁰ *Id.* at 668.

¹¹ *Id.*

¹² *Id.* at 671.

¹³ In that regard, the Court said, "Absent some empirical data to the contrary, it must be assumed that finding an unlicensed driver among those who commit traffic violations is a much more likely event than finding an unlicensed driver by choosing randomly from the entire universe of drivers." *Id.* at 671-672.

¹⁴ *Id.* at 673.

¹⁵ In a footnote, the Court made clear that its decision did not cast doubt on the permissibility of roadside truck weigh-stations and inspection checkpoints, where some vehicles may be subject to further detention for safety and regulatory inspection than others. *Id.* at 674, N. 26.

¹⁶ *Id.* at 674.

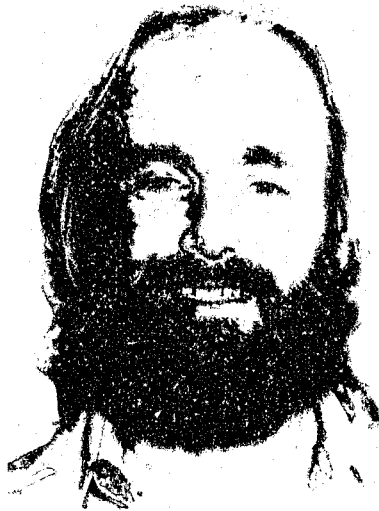
¹⁷ *Id.* at 674 (Blackmun concurring).

¹⁸ See, *United States v. Soto-Soto*, 598 F. 2d 545, 547 (9th Cir. 1979).

¹⁹ In the recent case of *United States v. Dunbar*, 470 F. Supp. 704 (D. Conn. 1979), a Federal district court ruled that a police officer's good faith belief that defendant was lost was not a sufficient basis for the officer to stop the defendant's vehicle. The court therefore suppressed evidence that the officer observed in plain view as a result of the stop.

²⁰ See, *United States v. Cupps*, 503 F. 2d 277 (6th Cir. 1974).

WANTED BY THE FBI



Photograph taken 1975.

Jackie Lee Lindsey

Jackie Lee Lindsey, also known as Jack Lindsey, Jack L. Lindsey, Jack Lee Lindsey, Jackie Lindsey, "J," "Jay," Jumpin' Jack, Jumping Jack.

Wanted For:

Interstate flight—Murder.

The Crime

Lindsey, who is believed to be heavily armed with automatic weapons including .380-caliber and .22-caliber pistols, is being sought for the shooting murder of a Missouri police officer. While stopped for a routine traffic stop, Lindsey allegedly opened fire and shot the officer in the head, killing him instantly. Lindsey is also being sought by Missouri authorities for the sale of a controlled substance.

A Federal warrant was issued for Lindsey's arrest on August 18, 1978, at St. Louis, Mo.

Criminal Record

Lindsey has been convicted of selling a controlled substance.

Description

Age 32, born June 17, 1947, St. Charles, Mo.
 Height 5'10".
 Weight 160 pounds.
 Build Slender.
 Hair Dirty blond or light brown.
 Eyes Blue or green.
 Complexion Fair.
 Race White.
 Nationality American.
 Occupations Heavy equipment operator, hoisting engineer, operating engineer.

Remarks Reportedly alters style and color of hair, as well as beard and mustache; wears turquoise rings and bracelets.

Social Security No. Used 488-48-3158.
 FBI No. 325, 464 Pl.

Notify the FBI

Any person having information which might assist in locating this fugitive is requested to notify immediately the Director of the Federal Bureau of Investigation, U.S. Department of Justice, Washington, D.C. 20535, or the Special Agent in Charge of the nearest FBI field office, the telephone number of which appears on the first page of most local directories.

Caution

Lindsey is to be considered heavily armed and extremely dangerous.

Classification Data:

NCIC Classification: PO631828242012152520
 Fingerprint Classification: 13 O 1 R 000 24
 L 17 U 000



Right thumb print.

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Washington, D.C. 20535

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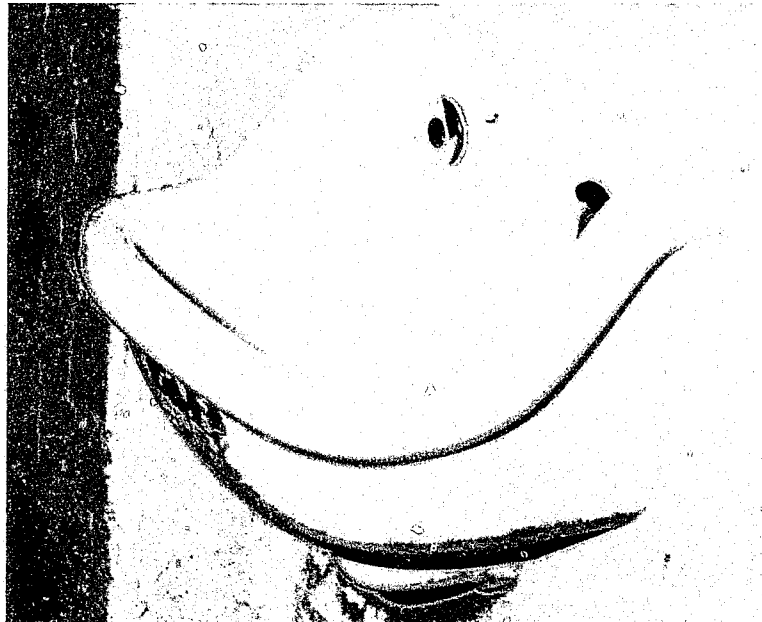
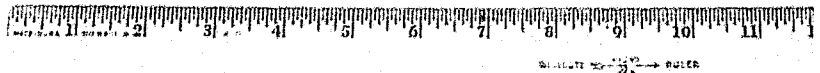
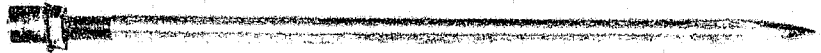
Custom Plumbing

Department of Correction officials in Valhalla, N.Y., advise that a recent penitentiary search produced a crude, concealed weapon, handmade from a 12-inch brass lavatory valve rod.

Normally, the rod, which has a time-release water valve pushbutton at one end, extends downward through the fixture and into the wall. The opposite end is linked by a cotter key to internal plumbing.

Once the key has been broken, however, the rod can be extracted and easily honed to a point by manually rubbing it against an abrasive surface, such as a concrete floor.

Law enforcement authorities should recognize that these plumbing fixtures can present a potential danger.



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Interesting Pattern

This pattern presents no problem as to classification. The overall configuration of the formation, with the three loops and three deltas, is most unusual and interesting. It is classified as an accidental whorl with an inner tracing.

