

ROLL CALL TRAINING
FROM NORTH CAROLINA'S 24/7 POLICE
ATTORNEY LAW FIRM

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THE BRAND NEW UNITED STATES SUPREME COURT CASE FONDLY KNOWN AS

“LIDSTER: THE TIP-COLLECTING CHECKPOINT CASE”

THE CASE:

Illinois v. Lidster, United States Supreme Court, No. 02-1060, January 13, 2004

THE CASE BETTER KNOWN AS:

“Lidster: The Tip-Collecting Checkpoint Case”

BY:

The Topsy Ralph B. Strickland, Jr., Kevin “The Tip Collector’s Tipster” Smith, and the Ever-Stable Reece Trimmer, Esq.

WHAT THE COURT HELD:

That **it is constitutional, and not a violation of the Fourth Amendment, for law enforcement agencies to set up vehicle checkpoints for the sole purpose of obtaining information from motorists about a specific crime which has recently occurred in the area where the checkpoint is located.** This type of checkpoint is as constitutional as those for license checks or DWI checks.

AND YOU MUST NOT FORGET:

There can be NO drug checkpoints! The Supreme Court in *Indianapolis v. Edmond* in 2000 held that it was unconstitutional for a law enforcement agency to set up a checkpoint to look for evidence of drug crimes committed by occupants of the vehicles stopped.

THE FACTS OF LIDSTER:

Around midnight one Saturday in August 1997, in the town of Lombard, Illinois, a 70-year-old bicyclist was killed by a hit-and-run driver. To obtain information, the next Saturday night at about the same time and location as the death, the Lombard police set up a vehicle checkpoint. They stopped every car for about 10 to 15 seconds, asked the occupants if they had seen anything happen the week before, and passed out a flyer requesting the help of the general public in solving the crime.

One gentleman, a Mr. Robert Lidster, approached the checkpoint driving his minivan. He swerved and nearly ran down one of Lombard’s finest. Lidster was directed to a side street and as a result of a number or questions and tests, he was arrested for DWI and later convicted of that crime. Several appellate courts in Illinois believed the checkpoint unconstitutional and violated the Fourth Amendment. **But:**

THE SUPREME COURT OF THE UNITED STATES OVERRULED THE LOWER COURTS AND HELD:

The checkpoint was constitutional, and not in violation of the Edmonds rule.

A CONSTITUTIONAL *LIDSTER* TIP-COLLECTING CHECKPOINT DIFFERS SIGNIFICANTLY FROM AN UNCONSTITUTIONAL *EDMONDS* DRUG CHECKPOINT.

Here is a quote from the Supreme Court establishing the difference between the two cases. This quote, taken directly from Lidster is, we believe, the key to the case:

The checkpoint stop here differs significantly from that in *Edmond*. The stop's primary law enforcement purpose was *not* to determine whether a vehicle's occupants were committing a crime, but to ask vehicle occupants, as members of the public, for their help in providing information about a crime in all likelihood committed by others. The police expected the information elicited to help them apprehend, not the vehicle's occupants, but other individuals.

TIPS FROM THE SR&S TEAM ON THE PROPER WAY TO CONDUCT A TIP COLLECTING VEHICLE CHECKPOINT:

Kevin and Reece Offer Specific Tip-Collection Vehicle Checkpoint Tips

1. Keep each stop in your tip-collecting checkpoint brief.
2. Locate the checkpoint near the scene of the original crime or crimes.
3. Have a specific serious crime (or crimes) in mind (homicide, kidnapping, burglary, robbery).
4. Never combine checkpoints – if you are conducting a tip-collecting checkpoint, do not ask for license and registration.
5. Ask **all** occupants of the vehicle, not just the operator, if they are aware of the crime and have any information about it.
6. Have a flyer with pertinent information about the crime as a handout (if time permits to write and reproduce it.)
7. Remember: since your behavior is thus constitutional, if you should develop probable cause through one of your five senses – plain view, plain smell, and the like - that a person is committing a crime, you may arrest for that crime (as the Lombard Police Department did here.)

Ralph's General Tips

1. Never yawn with your head under water.
2. Do NOT drink downstream from the herd.
3. Save all bacon grease. If it ain't worth cooking in bacon grease, it ain't worth eating.
4. If you've got melted chocolate on your hands, you're eating too slowly.
5. If it's got an Adam's apple it's probably a man.

Reece's Suggestion About Ralph's Tips

Ignore Ralph's tips. Please.