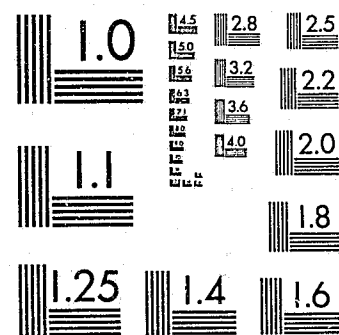


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SEARCH AND SEIZURE DATA

(ICPSR 7539)

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JAN 7 1985

ACQUISITIONS

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STUDY DESCRIPTION

The data were obtained by mailing questionnaires in 1963 to one police chief, prosecutor, trial court judge, defense attorney, and ACLU official in each of the fifty states. Questions were asked concerning the practices of various criminal justice decision-makers in the handling of search and seizure evidence since the 1961 Supreme Court decision requiring all states to exclude illegally seized evidence from court room proceedings. Questions were also asked concerning the knowledge and values of the respondents, and the use of civil and legal action to deter illegal searches.

Of the 250 questionnaire recipients, 113 or 45 percent sent back usable questionnaires.

Related publications:

S. Nagel,

"Testing the Effects of Excluding Illegally Seized Evidence."
Wisconsin Law Review. 1965, pp. 283-310.

S. Nagel,

The Legal Process from a Behavioral Perspective (Dorsey Press, 1969).

SEARCH AND SEIZURE DATA: CODING KEY FOR RESPONDENTS

Code question 1 on column 1, question 2 on column 2, and so on up to question 42 on column 42.

1-10 Col. 1 through 11

- 1 = --
 2 = - or no
 3 = 0 or none in either period
 4 = + or yes
 5 = ++

→ 5+5 Enforce

11-13 Col. 12-14

- 1 = no
 2 = sometimes, under some conditions
 3 = yes

14-15 Col. 15-16

- 1 = none
 2 = some (5 and under) ex-many yrs. as lawyer, but few in defense work
 3 = many (over 5)

16 Col. 17. Present occupation

1. police officer
 2. prosecutor
 3. judge
 4. defense attorney
 5. ACLU official

17-21 Col. 18-22. number of yrs. in each occupation

1. none
 2. some (5 or under, or many yrs as lawyer, but few in defense work)
 3. 6-10
 4. 11-15
 5. 16-20
 6. 21-25
 7. 26-30
 8. 31-35

22-31 Col. 23-32.

1. = --
 2 = - or no
 3 = 0
 4 = + or yes
 5 = ++

32-41 Col. 33-42

- 1 = no
 2 = under some circumstances, to some extent
 3 = yes

1 reversal court 2 yrs
 2 not reversal
 3 reversal court 1 yr

For each of the following statements, please indicate your opinion of the situation in your community or area during the last three years using the following symbols:

++ Increased substantially; + Increased a little; 0 Remained the same; - Decreased a little; -- Decreased substantially; u Unknown.

1. Searches and seizures declared illegal by the courts have... _____
2. The annual crime rate has... _____
3. The effectiveness of the police in obtaining evidence by making searches has... _____
4. Any tendency on the part of the courts to broaden their interpretation as to what constitutes a legal search and seizure has... _____
5. The number of persons which the evidence indicates should be convicted that are ultimately released because law enforcement officials have seized evidence illegally has... _____
7. The adherence of police officials to the requirements for legal search and seizures has... _____
8. Friction between the prosecution and the police concerning police tactics in making searches has... _____
9. Feelings of public security from illegal police searches has... _____
10. The raising of search and seizure issues in court by defense attorneys has... _____
11. The enthusiasm or morale of the police with respect to making searches has... _____

The following questions can be answered with "yes" or "no" responses or by giving appropriate figures.

1. Did your state require the exclusion of illegally seized evidence from court proceedings prior to 1961? _____ Yes _____ No
2. Are general exploratory searches permissible in your state provided the official performing the search has first secured a search warrant? _____ Yes _____ No
3. Is a search and seizure legal in your state if made prior to arrest without a warrant where evidence found justifies a subsequent arrest? _____ Yes _____ No

(Please see other side)

4. To your knowledge how many times have law enforcement officials in your area been subjected to criminal prosecution for committing an illegal search and seizure during the last 5 years? _____

5. To your knowledge how many times have law enforcement officials in your area been sued in a civil action for committing an illegal search and seizure during the last 5 years? _____

6. How many years have you served in each of the following professions? (Please circle your present profession)

Defense attorney _____ Police officer _____ ACLU official _____
 Judge _____ Prosecuting attorney _____

Please indicate your attitude toward the following statements regarding the country in general using the following symbols:

++ Agree strongly; + Agree but not strongly; 0 Undecided;
 - Disagree but not strongly; -- Disagree strongly.

1. The exclusion of illegally seized evidence from state court proceedings hinders police officials in securing evidence necessary for the successful prosecution of lawbreakers. _____

2. As regards searches and seizures, too much emphasis is being given to individual liberty and not enough to public safety. _____

3. The same legal requirements regarding searches and seizures should apply to both federal and state law enforcement officers. _____

4. Reliable evidence should be admitted into state criminal prosecutions regardless of the methods used in obtaining it. _____

5. Exclusion of illegally seized evidence in court proceedings is a relatively effective method of reducing the number of illegal searches and seizures by police officers. _____

6. The exclusion of illegally seized evidence causes an increase in crime rates. _____

7. Adequate protection from illegal searches and seizures can be secured by available criminal and civil remedies. _____

8. The exclusion of illegally seized evidence from court proceedings is a socially desirable method of enforcing the guarantee against unreasonable searches and seizures. _____

9. The definition of what constitutes a reasonable search and seizure without a search warrant should be broadened. _____

10. The procedure for obtaining search warrants should be made more flexible. _____

Please circle the numbers of the attitudinal items immediately above on which your attitude has been at least partially reversed over the last five years.

Col. 43. Average score of all occupations--not taking length of time into consideration (see table, p. 17)

Col. 44 (Obsolete) Average occupation score, taking into consideration the length of time per occupation if respondent had more than one occupation. (see table, p. 17)

Sum (XY) X = occupation score
 Sum Y Y = degree score

Col. 45. Score on col. 45 replaces score on col. 44 = $\frac{\text{sum of occupation-time scores}}{\text{number of occupations}}$

	Police	Prosecutor	Judge	Defense	ACLU
1. no time	0	0	0	0	0
2. 5 & under	0.64	1.64	2.64	3.64	4.64
3. 6-10	0.79	1.79	2.79	3.79	4.79
4. 11-15	0.93	1.93	2.93	3.93	4.93
5. 16-20	1.07	2.07	3.07	4.07	5.07
6. 21-25	1.21	2.21	3.21	4.21	5.21
7. 26-30	1.35	2.35	3.35	4.35	5.35
8. 31 & over	1.50	2.50	3.50	4.50	5.50

Col. 47 Respondent's state

- 01. Alabama
- 02. Alaska
- 03. Arizona
- 04. Arkansas
- 05. Calif.
- 06. Colo.
- 07. Conn.
- 08. Del.
- 09. Fla.
- 10. Ga.
- 11. Hawaii
- 12. Idaho
- 13. Ill.
- 14. Ind.
- 15. Iowa
- 16. Kansas
- 17. Ky.
- 18. La.
- 19. Me.
- 20. Md.
- 21. Mass.
- 22. Mich.
- 23. Minn.
- 24. Miss.
- 25. Mo.
- 26. Mont.
- 27. Neb.
- 28. Nev.
- 29. N. H.
- 30. N. J.
- 31. N. M.
- 32. N. Y.
- 33. N. C.
- 34. N. D.
- 35. Ohio
- 36. Okla.
- 37. Ore.
- 38. Pa.
- 39. R. I.
- 40. S. C.
- 41. S. D.
- 42. Tenn.
- 43. Texas
- 44. Utah
- 45. Vt.
- 46. Va.
- 47. Wash.
- 48. W. Va.
- 49. Wis.
- 50. Wyo.

Col. 50 on: Name of the postmark city

Written beside Col. 55: Difference between state crime rate for 1958 & 1957

Written beside Col. 56: Difference between community crime rate for '58 & '57

Written beside Col. 57: Difference between state crime rate for '60 & '62

Written beside Col. 58: Difference between community crime rate for '60 & '62

Col. 59: 1960 state population

Col. 60: 1960 community population

Col. 61: 1958 state crime rate (per 100,00 pop.)

Col. 62: 1958 community crime rate (" " ")

Col. 63: 1960 state crime rate (" " ")

Col. 64: 1960 community crime rate (" " ")

Written beside Col. 65: 1962 state crime rate (per 100,000 pop.)
 " " Col. 66: 1962 community crime rate (per 100,000 pop.)
 " " Col. 67: Percent of persons in the state who live in a Standard Metropolitan Area. (1960 census)
 " " Col. 68: State super change score or the difference between col. 55 and 57
 " " Col. 69: Community super change score, or the difference between col. 56 and 58

Col. 70. Did the state have the exclusionary rule as of the time of Mapp v Ohio?

- 24 1. Never
- 3 2. partially (Ala., Md, Mich., S.D.)
- 27 3. fully

Col. 73. Year the state adopted Mapp (Use Y if state partially or nev. adopted rule) + 10

- 2 0. 1914
- 14 1. 1920-24
- 2 2. 1925-29
- 1 3. 1930-34
- 0 4. 1935-39
- 0 5. 1940-44
- 2 6. 1945-49
- 2 7. 1950-54
- 2 8. 1955-59

Col. 75-77. Identification number

Col. 78-80. Obsolete Identification number

54.

- 1 0. -15
- 6 1. -15 to 0
- 10 2. 0 to 15
- 8 3. 15 to 30
- 6 4. 30 to 45
- 0 5. 45 to 60
- 1 6. 60 to 75
- 0 7. 75 to 90
- 4 8. 90 to 105
- 1 9. 105 or over

1st sent to active population for states because active small pop. - pop. for states

COL 57 $\bar{X} = 3.7$

Col. 55. Difference between state crime rate for 1958 and 1960

- 0 0. under -100
- 3 1. -100 to -50
- 3 2. -50 to 0
- 10 3. 0 to 50
- 12 4. 50 to 100
- 6 5. 100 to 150
- 7 6. 150 to 200
- 0 7. 200 to 250
- 3 8. 250 to 300
- 2 9. 300 or over

Col. 56. Difference between community crime rate for 1958 and 1960

- 1 0. under -600
- 0 1. -600 to -400
- 2 2. -400 to -200
- 2 3. -200 to 0
- 2 4. 0 to 200
- 3 5. 200 to 400
- 8 6. 400 to 600
- 2 7. 600 to 800
- 0 8. 800 to 1000
- 1 9. 1000 or over

Col. 57. Difference between state crime rate for '60 and '62. (Same intervals as used for Col. 55)

Col. 58. Difference between community crime rate for 1960 and 1962. (Same intervals as used for Col. 56.)

Col. 59. Information is not being coded.

Col. 60. Population of community in 1960

- 0 1. under 5,000
- 4 2. 5,000 to 25,000
- 12 3. 25,000 to 50,000
- 17 4. 50,000 to 100,000
- 11 5. 100,000 to 200,000
- 4 6. 200,000 to 500,000
- 1 7. 500,000 to 1,000,000
- 2 8. 1,000,000 or over

$\bar{X} = 4.33$

Col. 61. 1958 state crime rate (per 100,000 population)

- 6 0. under 450
- 5 1. 450 to 600
- 9 2. 600 to 750
- 12 3. 750 to 900
- 1 4. 900 to 1050
- 2 5. 1050 to 1200
- 1 6. 1200 to 1350
- 1 7. 1350 to 1500
- 1 8. 1500 to 1650
- 2 9. 1650 or over

$\bar{X} = 923.2$

Col. 74. Rule and Respondent (combines col. 70 and 17)

- 1. Lacked rule, police officer
- 2. Lacked, prosecutor
- 3. Lacked, judge
- 4. Lacked, defense attorney
- 5. Lacked, ACLU official
- 6. Had rule, police officer
- 7. Had, prosecutor
- 8. Had, judge
- 9. Had, defense attorney
- 10. Had, ACLU official

University

Not available

~~Col. 75. Same as col. 74 for urban~~

~~Col. 76. Same as col. 74 for rural~~

Col 75 Knowledge of rules (combination of 12 and 70)

1. Did not correctly know the rules of the representative rules in their state
2. Did know,

Did not understand

75, 76, 77 per I.D. 1 through 250

78, 79, 80 Old I.D. 1 through 250

END