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Exclusionary Rule

Stack:

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Row:

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Section:

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Shelf:

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Date: 03/01/95 Time: 15:38

High Court Says Computer Glitches Don't Exclude Evidence

WASHINGTON (AP) Unlawful arrests based on computer errors don't always require throwing out evidence seized by police, the Supreme Court ruled Wednesday.

In a case pitting computer-age police work against privacy rights, the court said such glitches if caused by court employees and not police are ``good faith'' exceptions to its rule generally excluding illegally seized evidence from criminal trials.

The 7-2 decision means Arizona prosecutors may get to use as evidence the marijuana seized from Isaac Evans' car. The Phoenix man was arrested in 1991 only because a police computer wrongly listed an outstanding warrant against him.

In other matters Wednesday, the court:

Used an Alabama case to limit federal appeals courts' power to review some pre-trial rulings by federal judges.

Held a spirited debate over a Virginia case about universities giving tax money to religious student groups. The argument session showed a clear divisions and church-state indecision among the nine justices.

Heard arguments, in a case from Washington state, over cities' authority to exclude some group homes for the disabled from single-family neighborhoods.

In the computer-error case, Evans was stopped for a traffic violation, and arrested by police after a computer record showed an outstanding arrest warrant for some traffic citations. In fact, the warrant had been dropped 17 days earlier.

The Arizona Supreme Court had ruled that the seized marijuana could not be used as trial evidence against Evans. But the state court never determined whether police officers or court employees were responsible for the outdated computer information.

Writing for the court, Chief Justice William H. Rehnquist said excluding evidence due to errors by anyone but police doesn't serve the 81-year-old rule's purpose of deterring police misconduct.

``There is no basis for believing that application of the exclusionary rule in these circumstances will have a significant effect on court employees responsible for informing police that a warrant has been quashed,'' he said.

In a concurring opinion, Justice Sandra Day O'Connor emphasized for herself and Justices David H. Souter and Stephen G. Breyer that the ruling does not mean police can rely on a computerized system that ``routinely leads to false arrests.''

Justices John Paul Stevens and Ruth Bader Ginsburg dissented, saying the court lacked the authority to overturn the Arizona Supreme Court ruling because it had been based on state, not federal, constitutional law.

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