State Line Motor Vehicle Checkpoints for Fish and Wildlife Violations

John M. Collins, *Special Agent, U.S. Fish and Wildlife Service, Baton Rouge, LA*

Thomas F. Wharton, *Special Agent, U.S. Fish and Wildlife Service, Atlanta, GA*

Proc. Annu. Conf. Southeast. Assoc. Fish and Wildl. Agencies 38:634-645

The Law Concerning the Stopping of Motor Vehicles

The law concerning the stopping of vehicles at specifically designated checkpoints in order to enforce fish and wildlife regulations must begin with an examination of the general constitutional requirements of the Fourth Amendment and how it relates to motor vehicles. One of the most frequent situations in which citizens come in contact with law enforcement personnel is when they are stopped while driving an automobile or other types of motor vehicles. Any stop of a moving vehicle—even if the period of detention is brief—involves a "seizure" within the meaning of the Fourth Amendment (*United States* v. *Montgomery,* 561 F.2d 875, 878 [DC Cir. 1977] citing *United States* v. *Brignoni-Ponce,* 422 U.S. 873, 878 [1974]).

Since 1925, courts have explicitly recognized that the mobility of automobiles results in the impracticability, in most instances, of securing a warrant before stopping or searching the automobile. See *Carroll* v. *United States,* 267 U.S. 132 (1925); *Chambers* v. *Maroney,* 399 U.S. 42 (1970). It has been well understood that there must be probable cause for a search of a vehicle as Justice Powell stated in *United States* v. *Ortiz,* 422 U.S. 891, 896 (1975): "a search, even of an automobile, is a substantial invasion of privacy." To protect that privacy from official arbitrariness, the court has always regarded probable cause as the minimum requirement for a lawful search.

However, in stopping (or seizing) a vehicle, a different approach is required in contrast with a search of a vehicle. The seizing of a vehicle usually requires that the analysis of the Supreme Court case *Terry* v. *Ohio,* 392 U.S. 1 (1968), be utilized in interpreting whether or not the seizure was valid. Under *Terry* a brief stopping of the vehicle and subsequent threshold inquiry must

be the result of reasonable suspicion based upon specific and articulable facts. Although *Terry* concerned the stopping of a pedestrian, it is equally applicable to the stopping of motor vehicles (see *United States* v. *Brignoni-Ponze,* 422 U.S. 873 [1975]). In the alternative, the United States Supreme Court has held that a seizure may also be carried out "pursuant to a plan embodying explicit, neutral limitations on the conduct of individual officers" (see *Brown* v. *Texas,* 443 U.S. 47, 51 [1979]; *Delaware* v. *Prouse,* 440 U.S. 648 [1979]). However, the constitutionality of a particular seizure is judged by balancing the degree of its intrusion on the individual's Fourth Amendment interest against its promotion of legitimate governmental interest and "the severity of the interference with individual's liberties" (see *Brown* v. *Texas,* 443 U.S. 47, 50–51 [1979]).

In several recent cases involving admissibility of evidence obtained by vehicle stops, the United States Supreme Court has engaged in this balancing analysis. These cases are a result of immigration violations and are generally referred to as border search cases. In *Almeida-Sanchez* v. *United States,* 413 U.S. 266 (1973), the court held that a stop and search of a moving vehicle by a roving border patrol, without a warrant, consent, probable cause, or even a *Terry*-type "reasonable suspicion" to stop the car violated the driver's Fourth Amendment rights. The government's attempt to have the search and seizure upheld as an administrative search under *Camara* v. *Municipal Court,* 387 U.S. 523 (1976) was unsuccessful as this search was at the discretion of the officials in the field contrary to the holding in *Camara.*

In *United States* v. *Ortiz,* 422 U.S. 891 (1975), the same prohibition against a search without probable cause, reasonable, and articulable suspicion or consent was imposed even though the search occurred at a border patrol checkpoint. In *Ortiz,* the government felt it had overcome the Supreme Court's objection in *Almeida-Sanchez* by eliminating the roving patrols and instead using a fixed checkpoint. The checkpoint was at San Clemente, California, approximately 66 miles north of the Mexican border. The checkpoint was kept in continuous operation and would screen all north-bound traffic and if anything about the vehicle or its occupants aroused suspicion, then the occupants would be questioned and, if the suspicion persisted, the car would be searched for aliens. The key to the Court's analysis in finding that this checkpoint violated the Fourth Amendment was stated by Justice Powell when he said:

"While the difference between a roving patrol and a checkpoint would be significant in determining the propriety of the stop, which is considerably less intrusive than a search, . . . they do not appear to make any difference in the search itself. The greater regularity attending the stop does not mitigate the invasion of privacy that a search entails."

Consequently, the Court made it clear that whether or not a checkpoint is employed, a search of a vehicle will be prohibited unless probable cause is established.

These cases were followed by *United States* v. *Brignoni-Ponze,* 422 U.S. 873 (1975), in which a roving border patrol did not claim authority to search the automobile, but merely to question the occupants about their citizenship and immigration status. The Court ruled that it was a Fourth Amendment violation for a roving border patrol to randomly stop motorists for questioning without any reason to suspect that they had violated any law. The Court in essence concluded that the standard of reasonable suspicion found in *Terry* v. *Ohio, supra,* and *Adams* v. *Williams,* 407 U.S. 143 (1972), was essential before any seizure was allowed under the Fourth Amendment as this was clearly not pursuant to a neutral and explicit plan.

Finally, a year later in *United States* v. *Martinez-Fuerte,* 428 U.S. 543 (1976), the Supreme Court held that vehicle stops for brief questioning of occupants, routinely conducted at "permanent checkpoints," were consistent with the Fourth Amendment. The San Clemente, California, border patrol checkpoint where the stop occurred was at a state weighing station. There was a permanent building for the border patrol office and the temporary detention facilities. Motorists were warned and then stopped by a series of lighted signals extending a mile from the checkpoint, official vehicles with flashing red lights, and an agent in full dress uniform. The *Martinez-Fuerte* Court reasoned that although some quantum of individualized suspicion ordinarily is a prerequisite to a constitutional seizure, the Fourth Amendment imposed "no irreducible requirement of such suspicions" (see 428 U.S. at 561). In the "balancing" equation to determine whether the stop was reasonable, the Court noted that the objective intrusion of the checkpoint stop carried all the features of the unlawful roving border patrol stop, but discerned a difference in the subjective intrusion. "The generating of concern or even fright on the part of the lawful travelers is appreciably less in a case of a checkpoint stop" (see 428 U.S. at 558).

This then leads us to the Supreme Court case of *Delaware* v. *Prouse,* 440 U.S. 648 (1979). In *Prouse,* a Delaware municipal patrolman stopped a vehicle in the absence of suspicious activity to check the driver's license and car registration. He then seized marijuana in plain view on the car floor. The Court held this to be a random stop and without articulable suspicion unreasonable under the Fourth Amendment. The Court went on further to say: "This holding does not preclude the state of Delaware or other states from developing methods for spot-checks that involve less intrusion or that do not involve an unconstrained exercise of discretion. Questioning of all oncoming traffic at roadblock type stops is one possible alternative" (see 440 U.S. at 663).

Justice Blackmun along with Justice Powell concluded that the Court's opinion permitted the stopping of all traffic as a less intrusive mechanism for license and registration enforcement. They suggested that the use of a roadblock in which a predetermined number of cars would be checked is a permissable means of enforcing the license and registration laws. Justice Black-

mun noted specifically that the Supreme Court's holding does not apply to game wardens. This exception has been applied in several cases where it was held that the state interest in the conservation of wildlife greatly outweighed the individual's right to be free from intrusion. Where a game checkpoint was not permanent but had many of the characteristics thereof-several identifiable state vehicles, red lights on the cars, adequate visible signs of authority-the dangers of the roving patrol did not prevail and the stops of hunters and nonhunters alike were upheld (see *State* v. *Halverson,* 277 N.W.2d 723 [SD 1979]).

Several lower Court decisions following *Brignoni-Ponze* and *Martinez-Fuerte,* but antedating *Prouse,* stressed the visibility of the checkpoint used in vehicular stops, its fixed locations (to limit field officers' discretion and to provide additional notice to motorists) selected by administrative officers with policy-making power, and adequate warning signs to provide early warnings of the nature of the impending intrusion (see *United States* v. *Maxwell,* 565 F.2d 596 [9th Cir. 1977]; *United States* v. *Vasquez-Guerrero,* 554 F.2d 917 [9th Cir. 1977]). All of these decisions made reference to the requirement that a checkpoint be fixed and not encompassing roving patrols.

There have been very few cases discussing the rights of persons using public highways to be stopped for the purpose of fish and game inspections. Of the few cases decided, one of the leading cases is *State* v. *Halverson,* 277 N.W.2d 723 (SD 1979), where the Court addressed the issue of whether it is an unreasonable intrusion upon the rights of persons using public highways to be stopped for the purpose of inspecting wild game. In *Halverson,* a state trooper who was assisting four officers of the South Dakota Game, Fish and Parks, in conducting a game check on one of the main roads in South Dakota was stopping vehicles with the use of his red signal light on top of his car. There were four other state-owned vehicles at the game check site. As the vehicles would stop, the state police officer would check to see whether or not the vehicles displayed a valid motor vehicle safety inspection sticker, and ask to see the operator's drivers license. The game officers would then check for game violations. In this particular instance, the defendant, while driving a motor vehicle, approached the checkpoint and was stopped. It was determined that he had an expired motor vehicle inspection sticker and that his license had been previously revoked. He was given a citation at this time. The next day, the game check was relocated in the same general area. The defendant was again stopped by the same trooper. The officer, recognizing the defendant, immediately placed him under arrest for driving under revocation.

The Court, in initially deciding that a stop of a vehicle is a seizure within the meaning of the Fourth Amendment of the United States Constitution, then determined whether the public interest in conducting game checks outweighed the individual's interest against unreasonable interference by law enforcement officials with their privacy uninterrupted use of the highways. The Court in deciding that the invasion of privacy at the checkpoint stop was a *minimal*

intrusion and was outweighed by the state's interest in protecting its wildlife stated:

"While the wild animals in this state are the property of the state. The citizens of this state have an interest in the management of wildlife so that it can be effectively conserved. . . . Since it is a privilege to hunt wild game, a hunter tacitly consents to the inspection of any game animal in his possession when he makes application for and receives a hunting license."

The Court went on to hold that:

". . . the intrusion into the right of a nonhunter to the uninterested use of the highways is *slight* and *greatly outweighed* by the public interest in the management and conservation of wildlife in this state" (emphasis added).

The Court in rendering this decision concluded that the purpose of the checkpoint was to determine whether or not the occupants were in possession of any game animal. And although the checkpoint was not permanent, it did not have the evils of the roving patrol that was held to be unconstitutional in *Almeida-Sanchez* (see *Delaware* v. *Prouse,* 440 U.S. 648 [1979]). The Court stressed in its decision that because there were uniformed officers attending the stop, and that there were adequate visible signs of who was making the stop, that this type of stop should not frighten or greatly concern a normal motorist.

In the case of *Oregon* v. *Tourtillott,* 602 P.2d 659 (OR App. 1979) the Oregon Court of Appeals upheld a checkpoint stop for possible game violations. The defendant was stopped on a rural road during the first weekend of hunting season. Having been unable to produce her drivers license she was subsequently convicted of driving after suspension of license. The Court, in distinguishing this case from a previous Oregon case[1] where they refused to permit a random stop by game officials during a roving patrol stated that:

". . . the officers had set up a sign on the highway that said something to the effect of 'Attention Hunters' and 'All Vehicles Must Stop'. A police car was parked along the road at an angle so that approaching motorists could see the official insignia on the side. An officer wearing a uniform and badge was standing in the middle of the highway holding up his hands to signal cars to stop."

Based upon the above facts, the Court held that the defendant was stopped at a roadblock for detection of game violations. Further, the Court held that Oregon permits this limited type of inquiry and that it was not impermissibly intrusive.

The Court went on further to state that although some cars were allowed to pass the checkpoint without being stopped (since it did not appear that they

[1] See *State v. Odam,* 595 P.2d 1277 (OR App. 1979). (A random stop by wildlife officer held unconstitutional.)

had been used for hunting), the stop of other cars was still valid and fully consistent with the checkpoint operations approved by the Supreme Court in *Martinez-Fuerte* (see also *United States* v. *Prichard,* 29 Crim. L. 2113 [1981] [constitutionally permissible to wave cars through a roadblock stop at times when the cars would get backed up and continue with the stopping of cars once the backlog was alleviated]).

In distilling the Court decisions in this area, it is apparent that the stopping of vehicles by law enforcement officers at a wildlife checkpoint or roadblock is based upon two factors: 1) it is relatively unobtrusive and 2) exigent circumstances are present in wildlife and game actions. The unintrusive aspect of a checkpoint seizure is clearly enumerated in *Prouse* and *Ortiz.* In *Ortiz* the Court stated:

"At traffic checkpoints, motorists can see that other vehicles are being stopped, he can see visible signs of the officer's authority and he is much less likely to be frightened or annoyed by the intrusion"

(*United States* v. *Ortiz,* 422 U.S. 891, 984–95 (1975), quoted in *Martinez-Fuerte,* 428 U.S. at 558, and quoted in *Delaware* v. *Prouse,* 440 U.S. at 657). (See also *State* v. *Halverson,* 277 N.W.2d 723, 725 [SD 1979] and *State* v. *Tourtillott,* 602 P.2d 659, 661 [OR App. 1979].) The degree of intrusiveness can be minimized by establishing procedures for stopping of the vehicles that are as unobtrusive as possible. This would include marked cars, uniformed natural resource officers, roadside signs indicating the purpose of the stop, and adequate lighting.

Under the exigent circumstances exception, the Courts have held that a requirement that a warrant be obtained would frustrate the purpose of the statutes establishing rules and regulations for the management of the wildlife in the state. In *Halverson, supra* at 724 the Court stated:

"The only effective means of implementing this statute is by the use of roadblocks or checkpoint stops in game areas. Stops on probable cause would not satisfy the purpose of the law since the numbers of hunters is large and game officers few."

(See also *State* v. *Hoagland,* 270 N.W.2d 778 [MN 1978]. Exigent circumstances allowed natural resource office to enter upon open land to investigate wildlife violations.)

Consequently, both of the exceptions to the warrant requirement, minimal intrusiveness and exigency, can be employed to support a wildlife checkpoint stop. The minimal intrusion aspect is of paramount importance and all effort should be made to insure that this is followed. On the other hand, exigent circumstances can be found in most wildlife enforcement actions due to the scarcity of natural resource officers and the evanescence of the property to be seized. However, where it is reasonable to do so, a seizure should be based on reasonable suspicion which should be articulated and a search should be conducted through the use of a warrant based on probable cause.

Necessity for Wildlife Checkpoints Along the Louisiana/Mississippi State Line

Generally speaking, southwestern Mississippi consists of twelve semi-rural counties which boast extremely high deer populations. According to the 1983 Mid-Cycle Forest Survey figures compiled by the Southern Forest Experiment Station, there are 2,806,200 acres of commercial forest lands in the southwest district. The southwest district comprises ideal deer habitat and attracts many (resident and nonresident) hunters who participate each year in Mississippi's annual dear hunting season.

During the past four hunting seasons, random mail surveys conducted by the Mississippi Department of Wildlife Conservation in the southwest region, determined an average of 25,108 hunters harvested 33,334 deer each year for a success percentage of 58.9%. The mail surveys are conducted by sampling resident license holders only.

Most private forest lands are leased by private clubs which pay moderate to high prices for hunting rights. Many clubs consist of nonresidents who have been attracted to Mississippi partly because of the lack of available hunting areas in their states, and the high hunter success percentage in Mississippi. Included in the southwest region of Mississippi are two state hunting areas (Sandy Creek GMA and Homochitto GMA), which combine with Homochitto National Forest to offer 189,000 acres of public hunting.

The 12 southwest counties have a total of 24 conservation officers who patrol approximately 4,384 square miles of deer habitat, or an average of approximately 182 square miles per officer. During the deer season, there is a large influx of hunters from New Orleans, Alexandria, Baton Rouge, Slidell, Hammond, and other smaller Louisiana towns. These hunters are in addition to the 25,000 resident hunters who move in mass transit to southwest Mississippi during November and December each year.

Presently, most hunters are currently checked roadside where their vehicles are parked, and during routine checks of registered deer camps in the evening after hunting hours. Unfortunately, because of prior success in seizing illegal deer, the routine checks are expected by the hunters and are easily circumvented by hunters intent on illegal activity. Public complaints alert officers to many violations each year, but these reports account for a small percentage of illegal deer and other wildlife taken during the hunting season. To the outlaw hunter, rewards of taking illegal game outweigh the risk of being checked by conservation officers.

For several years, it has been suspected that nonresident hunters contribute significantly to a flow of illegal deer south into Louisiana. It has been difficult to measure this flow of contraband due to the network of roadways leading from hunting areas to the state line. Illegal hunters typically will move contraband from the woods to their residences under cover of darkness or during periods when they suspect conservation officers are not on patrol. Once

the violator leaves the immediate hunting area with illegal wildlife concealed in a vehicle, he is relatively certain he will not be detected, especially if he changes clothes and does not outwardly appear to be a hunter. In some cases, violators will have their wives and families transport the illegal wildlife concealed in nonhunter type vehicles. When the vehicle reaches a major highway, the chances of being detected are further diminished, and if the vehicle crosses a state line, jurisdiction in the state of origin is lost.

The optimum time to discover illegal deer is the period when they are being transported along state highways from locations where they are shot to their ultimate destinations. The use of wildlife checkpoints would be an effective deterrent to slow the number of illegal deer taken. Checkpoints at strategic locations would result in a more efficient use of manpower than individualized patrol by officers. It would also result in some savings to the conservation agency from lower gas consumption and less wear and tear on vehicles. Checkpoints offer high visibility and if conducted in a professional manner, result in good publicity for the department. Good publicity results in greater public esteem for the agency and a reduction in sportsman complaints. Checkpoints may also encourage more accurate deer kill reports.

In January 1984, a joint meeting was held by the Louisiana Department of Wildlife and Fisheries, the Mississippi Department of Wildlife Conservation, and the U.S. Fish and Wildlife Service to discuss the flow of contraband wildlife across the Mississippi/Louisiana state line. The illegal activity was causing concern in both states because of jurisdictional problems and public complaints. The three agencies agreed a checkpoint operation could be set up at strategic locations to determine the volume of illegal wildlife being transported from the southwest region of Mississippi and hopefully, reduce the activity.

Procedure for Establishing a State Line Checkpoint

In developing criteria for a legally valid and effective state line game checkpoint, a brief review of the applicable Louisiana, Mississippi and Federal law is in order. Title 56 section 108 of the Louisiana Code gives conservation officers the authority to actively investigate fish and game violations. An officer may:

". . . visit or examine, with or without search warrant, any cold storage plant, warehouse, boat, store, car, conveyance, automobile or other vehicle, airplane or other aircraft, basket or other receptacle, or any place of deposit of wild birds or wild quadrupeds, whenever there is probable cause to believe that a violation has occurred."

Title 49-1-43 of the Mississippi Code gives conservation officers the authority to actively investigate fish and game violations. An officer shall:

". . . execute all warrants and search warrants for a violation of the laws and regulations relating to wild animals, birds and fish; to serve subpoenas issued for the examination and investigation or trial of offenses against any of the provisions of such law or regulations; to make search where such conservation officer has cause to believe and does believe that animals, birds or fish, or any parts thereof, or the nest or eggs of birds, or spawn or eggs of fish are possessed in violation of law or regulation; and in such case to examine, without warrant, the contents of any boat, car, automobile or other vehicle, box, locker, basket, creel, crate, game bag or other package, to ascertain whether any of the provisions of this chapter or any law or regulation for the protection of animals, birds or fish have been or are being violated, and to use such force as may be necessary for the purpose of such examination and inspection."

Title 16 of the United States Code section 3375 authorizes federal wildlife agents:

". . . to make an arrest without a warrant for any felony violation of this chapter if he has reasonable grounds to believe that the person to be arrested has committed or is committing such violation: Provided, that an arrest for a felony violation of this chapter that is not committed in the presence or view of any such person and that involves only the transportation, acquisition, receipt, purchase or sale of fish or wildlife or plants taken or possessed in violation of any law or regulation of any state shall require a warrant; may make an arrest without a warrant for a misdemeanor violation of this chapter if he has reasonable grounds to believe that the person to be arrested is committing a violation in his presence or view."

Mississippi requires (1983–1984) all field dressed or skinned deer being transported with the absence of visible means of identifying by sex to have a tag attached bearing the name, address, license number of the person who killed the deer, the sex of the deer and the location by county where the deer was killed. (Mississippi Public Notice 2281.[2])

Louisiana law (56:124) requires subdivided deer parts to be tagged while being transported but does not require whole deer to be tagged.

State and federal law provide authority to seize any illegally taken or possessed wildlife.

In order to enforce the above laws it was stated previously that vehicle stops for brief questioning of occupants routinely conducted at fixed checkpoints were consistent with the Fourth Amendment (*United States* v. *Martinez-Fuerte*, 428 U.S. 543 [1976]), in that seizures may be carried out pursuant to a plan embodying explicit, neutral limitations on the conduct of individual officers (see *Brown* v. *Texas*, 443, U.S. 47, 51 [1979] and *Delaware* v. *Prouse*, 400 U.S. 648 [1979]). The questioning of all ongoing traffic at a roadblock

[2] (Public Notice 2281 was repealed February 24, 1984, by Public Notice 2383 which requires in addition to tagging, any deer transported by a nonresident must be accompanied by a nonresident license and must be identifiable by biological evidence of sex attached naturally, to the body, carcass, or quarter or parts thereof of said deer and/or have the head attached, intact, naturally to the body, carcass, quarter, or parts thereof of said deer.)

type stop was mentioned as an acceptable method of conducting spot checks that involve less intrusion than random stops that do not involve an unconstrained exercise of discretion (see 440 U.S. at 663). The stopping of vehicles by law enforcement officers at a wildlife checkpoint or roadblock is based on two factors: 1) it is relatively unobtrusive and 2) exigent circumstances are present in wildlife and game actions. The relative intrusiveness can be minimized by establishing procedures for stopping of vehicles that are as unobtrusive as possible. This includes marked cruisers, uniformed officers, road signs announcing purpose of stop and adequate lighting. Regarding exigent circumstances the Court stated in *State* v. *Halverson,* 277 N.W.2d, 723 (SD 1979), *supra* at 724 that:

"The only effective means of implementing this statute is by the use of roadblock or checkpoint stops in game areas. Stops on probable cause would not satisfy the purpose of the law since the numbers of hunters is large and game officers few."

The roadblock locations included in the following plans have been chosen based on the logical routes used by hunters to transport deer from the areas in which they were shot to the major routes of egress from the area. They have been chosen based upon the past experience of conservation officers and have been approved by the regional and state Fish and Wildlife directors. Roadblocks have been divided into two categories: primary roadblocks located on major highways designed to handle a large volume of traffic and secondary roadblocks designed to intercept a reduced volume of traffic, deliberately avoiding major traffic arteries.

All checkpoint locations should have a large pull off area so all suspect vehicles can be directed to a location that does not interfere with traffic. A large sign stating "GAME CHECKPOINT! ALL VEHICLES STOP" would be posted preceding the checkpoint. The areas will be well lit at all times and will have official marked vehicles at each location. Uniformed officers would be used to do the actual stopping of vehicles and direct them off the highway to the appropriate area. There would be two or three conservation officers in full uniform who would approach each vehicle and identify themselves and the purpose of the stop. These officers would then ask the occupants of each vehicle, "Do you have any game in the vehicle?" If the answer is no and the person is obviously not engaged in hunting, the vehicle would be sent on its way. A no answer from a person who appeared to be hunting due to clothing or equipment visible in the car, would result in the officer scrutinizing the occupants and vehicle for probable cause to conduct further inquiry. This probable cause could be blood or deer hair on clothing or the vehicle, blood in the cuticles of the fingernails, evasive answers, or other evidence based on the officer's experience that would lead him to believe that the vehicle contained game. The operator of this vehicle would be asked permission to examine the vehicle. If permission was refused and there was not enough evidence to support a warrant, this vehicle would be released.

Each of the two or three officers would take one vehicle in order to facilitate the rapid return of traffic to the highway. Should a backlog of vehicles result, enough vehicles would be allowed to pass through unchecked to alleviate the problem. Also present at a primary roadblock would be a cruiser with two conservation officers or State Police officers to act as a transport vehicle for persons placed under arrest or as a chase vehicle for persons who tried to avoid the roadblock. A recording officer would also be present to record information that all evidence is properly tagged and accounted for. An instant-picture camera would be used to photograph any deer seized, the registration number of the vehicle, and the person charged with the violations. A second camera (35 mm) is advisable to insure Court-quality evidence photographs. Adequate lighting and flares would be utilized to insure that the checkpoint was visible to all oncoming traffic and for the safety of all persons involved. Traffic cones would be borrowed from the Department of Public Works to channel traffic into proper areas.

Secondary roadblocks due to their geographical location would have a much smaller volume of traffic.

Depending on the particular location, a sign may or may not be used according to the anticipated volume of traffic. A marked cruiser and adequate lighting would insure that the roadblock was visible to approaching traffic. A smaller number of officers would be required. The questioning procedure and recording of evidence would be the same as in a primary roadblock.

Checkpoints will also be located laterally on secondary roads, along and between major interstate highways and the hunting areas to intercept interstate highway-bound traffic even though such checkpoints are away from the state line.

All illegal wildlife seized should be logged as evidence and securely stored until it can be legally disposed of.

It is expected that by employed checkpoints, the number of illegally taken deer and other wildlife will be reduced significantly.

Results of the Planned Vehicle Checkpoint Operation

On successive Sunday nights, 8 and 15 January 1984, Wildlife Law Enforcement Agents from Louisiana, Mississippi, and the U.S. Fish and Wildlife Service set up checkpoints in southwest Mississippi along major and secondary highways in an effort to intercept illegal wildlife, primarily deer and wild turkey being transported out of Mississippi into Louisiana.

In 11 hours of checkpoint operation, 124 violators were cited for various violations, including transportation of illegal turkey and illegal deer, transportation of untagged meat, over limits of ducks, transportation of untagged and fully dressed ducks, falsified hunting licenses, and no hunting licenses.

The two-day checkpoint effort resulted in the confiscation of one illegal wild turkey hen, 18 illegal waterfowl, and approximately 3,603 pounds of

illegal doe deer and untagged deer parts. Much of the contraband was concealed in dog boxes, behind truck seats and covered with camping gear. In other instances, illegal doe deer were in plain view when the vehicles passed the checkpoints.

All illegally taken and possessed wildlife that crossed the state line violated the Lacey Act, a federal law that addresses interstate transport and carries a maximum misdemeanor fine of $10,000 and/or one year in jail.

The violaters were given the option of disposing of their respective cases in Mississippi State Courts or in Louisiana Federal Courts. The state line checkpoint operation was considered a success by all agencies involved and, in general, was praised by the sportsmen of both states.

Cases Cited

Adams v. Williams, 407 U.S. 143 (1972), page 4.
Almeida-Sanchez v. United States, 413 U.S. 266 (1973), page 2.
Brown v. Texas, 443 U.S. 47 (1979), page 2.
Camara v. Municipal Court, 387 U.S. 523 (1976), page 2.
Carroll v. United States, 267 U.S. 132 (1925), page 1.
Chambers v. Maroney, 399 U.S. 42 (1970), page 1.
Delaware v. Prouse, 440 U.S. 648 (1979), pages 2, 4, 7 and 9.
Oregon v. Tourtillott, 602 P.2d 659 (OR App. 1979), pages 7 and 9.
State v. Halverson, 277 N.W.2d 725 (SD 1979), pages 5, 6, 9 and 16.
State v. Hoagland, 270 N.W.2d 778 (MN 1978), page 9.
State v. Odam, 595 P.2d 1277 (OR App. 1979), page 8.
Terry v. Ohio, 392 U.S. 1 (1968), pages 2 and 3.
United States v. Brignoni-Ponze, 422 U.S. 873 (1975), pages 1, 2 and 3.
United States v. Martinez-Fuerte, 428 U.S. 543 (1976), pages 4 and 9.
United States v. Maxwell, 565 F.2d 596 (9th Cir. 1977), page 5.
United States v. Montgomery, 561 F.2d 875, 878 (DC Cir. 1977), page 1.
United States v. *Ortiz,* 422 U.S. 891 (1975), pages 1, 3 and 9.
United States v. Prichard, 29 Crim. L. Rpt. 2113 (1981), page 8.
United States v. Vasquez-Guerrero, 554 F.2d 917 (9th Cir. 1977), page 5.