10-1971

Adams v. Williams

Lewis F. Powell Jr.

Court CA - 2

Argued ....., 19...

Submitted ....., 19...

Voted on ....., 19...

Assigned ....., 19...

Announced ....., 19...

No. 70-283

FREDERICK E. ADAMS, WARDEN, Petitioner

vs.

ROBERT WILLIAMS

6/15/71 Cert. filed.

Grant

	HOLD FOR	CERT.		JURISDICTIONAL STATEMENT				MERITS		MOTION		ABSENT	NOT VOTING	
		G	D	N	POST	DIS	AFF	REV	AFF	G	D			
Rehnquist, J.		✓												
Powell, J.		✓												
Blackmun, J.		✓												
Marshall, J.			✓											
White, J.		✓												
Stewart, J.			✓											
Brennan, J.			✓											
Douglas, J.		✓												
Burger, Ch. J.		✓												

Deny

3/15/72--LAH

MOTION

DISCUSS

No. 70-283 OT 1971
Adams v. Williams

This is a motion filed by the District Attorney of NY County to be allowed to argue as amicus for 20 minutes. I have attached the cert memo in this case to remind you of the issues in this search and seizure case. Rule 44 of this Court says that such requests, unless filed by the SG or a State, "are not favored." I see nothing in the request which convinces me that this request to argue orally should be granted. The points he wishes to make can be made effectively in an amicus brief.

DENY

LAH

Although, case seems wrong, I would Deny Cert. - Study - I'd Grant.
(Court en banc did not accept J. Friendly's distinction bet. "possessing" & other crimes.

2nd C.C. decided case solely on facts. Not appropriate case to review limits of Terry.

No. 70-283 OT 1971
Adams, Warden Connecticut Prison v. Williams.
Cert to CA 2 (en banc--Per Curiam; Hays dissenting)

HOLD FOR FULL COURT

12/21/71

HABEAS CORPUS; 4th AMENDMENT (Stop & Frisk)

Resp. was convicted in a Conn. state TC of (1) possession of a firearm, (2) possession of heroin, and (3) possession of a weapon in his motor vehicle. After losing on appeal in the state courts, Resp filed a habeas corpus petition in the USDC D Conn. His sole claim was that evidence used against him in the state court (hand gun, heroin, and a machete) was seized in violation of the 4th Amendment. The USDC denied the petition and the CA 2 aff'd (Danaher & Hays; Friendly dissenting). However, the case was then reviewed by the CA 2 en banc and reversed with Judge Hays dissenting. The State subsequently applied for cert. from this Court.

The undisputed facts upon which the en banc opinion relies are as follows. While walking his rounds in Bridgeport, Conn. at 2:00 a.m., a police officer was told by an informer that a man (Resp), who was seated in a parked car across the street, had a gun tucked into his waistband and narcotics on his person. The officer knew the informer since he had on one prior occasion supplied information in an unrelated matter. On the basis of the informer's statement the officer decided to investigate further. He approached the car and asked Resp to get out. Resp rolled down the window and the officer immediately reached in and grabbed the gun from Resp's waistband. After ordering Resp from the car, the officer searched him and found the heroin; he also discovered the machete under the seat in the car.

The 4th Amendment issue raised by this factual circumstance focuses on the question whether the police officer had the right to approach Resp and forcibly detain him. Under conventional search-and-seizure law the State has sought to justify the officer's conduct on

either of two theories. First, it was contended below that the officer had probable cause to believe that Resp was committing a crime (possessing narcotics and a weapon). The officer's only information was the statement of the informer. In the absence of either independent corroboration of the informant's story or a greater history of the informant's proven reliability in reporting other similar criminal activity, this information provided the officer with an insufficient basis for an arrest. A number of this Court's precedents dealing with probable cause where the officer relies on an informer clearly "dispose" of this case. Spinelli v. United States, 393 U.S. 410 (1969); Aguilar v. Texas, 378 U.S. 108 (1964); Draper v. United States, 358 U.S. 307 (1959). The CA 2 en banc opinion cites these cases as controlling and, indeed, the State appears to have abandoned this claim in their cert petition.

The second possible justification for the officer's conduct, and the only one that is seriously at issue at this point, is the rationale of Terry v. Ohio, 392 U.S. 1 (1969). In Terry the Court held that police officers could approach and detain briefly persons whom the officer has reasonable suspicion to believe are engaged in criminal activity. Pursuant to such a "stop," the officer may conduct a limited "frisk" for weapons if he has a reasonable basis for believing that the person might be armed. The facts of this case would appear to fall directly within the Terry rule. The officer, on the basis of what the informer told him, certainly had reasonable suspicion that Resp was engaged in criminal activity. Clearly, the responsible course for him to pursue was to approach Resp and explore the circumstances further. And, having solid reason to believe that Resp was armed, it was quite appropriate for him to reach into the waistband and remove the weapon. The 3-judge panel opinion relied entirely on Terry. The en banc Per Curiam, however, rejects the Terry reasoning in a single sentence:

"We conclude that on the basis of the facts then known to him, (the officer) had neither probable cause to arrest (Resp) nor any other sufficient cause for reaching into (Resp's) waistband . . . . See Terry v. Ohio."

The CA tells us nothing in further explanation as to why this case is not squarely governed by Terry but J. Friendly's dissent to the panel opinion provides two possible explanations. First, Friendly argues at length that Terry does not apply to "crimes of possession." In his view, an officer is justified in detaining and questioning persons whom he believes are about to commit, or have just committed, some violent crime (such as robbery, assault, etc). On the other hand, he contends that an officer is not justified in detaining persons whom he believes are merely committing possessory crimes (such as possession of weapons or drugs). To allow an officer to stop and frisk someone whom he believes to be committing solely the crime of possessing a weapon, Friendly contends, constitutes a search and seizure on less than probable cause--an act clearly proscribed by the 4th Amendment. Furthermore, to allow an officer to [redacted] stop a heroin addict and conduct a protective patdown for weapons Friendly finds objectional because such a search is frequently likely to uncover evidence of drug possession, i.e. he fears that patdowns for weapons would be pretextual searches for narcotics in cases where probable cause to believe that the person is possessing narcotics is lacking. The Court's opinion in Terry does not on its face support such a distinction but it is true that the facts in that case involve suspicion of a robbery and not a mere possessory offense.

The second possible explanation for the en banc opinion's terse disposition of Terry rises out of a serious factual problem. Judge Friendly points out that at the first suppression hearing in the state court the officer testified and made no mention of the informer.

Rather, the officer testified that he was in a radio car and responded to a police signal to go to the Williams car. Not until the second hearing did the officer tell the story about the informer. The identity of the informer was never disclosed despite the defendant's repeated requests. As Friendly points out, appellate courts are bound by the supported findings of fact of the state trial court and that court did believe the officer's second story. I believe, however, that Friendly and the majority of the full court were seriously troubled by this total change of stories by the officer and the absence of corroboration which the informer, had he been made available, could have provided.

I am inclined to recommend that this case be granted in order for the Court to consider the applicability of Terry to this type of factual pattern. I am strongly persuaded that the officer, if his story is to be believed, did nothing unreasonbale and that Terry should be held to cover the crime of illegal possession of a hand gun. Police officers who have reasonable grounds to suspect that a person is armed (especially in an urban community late at night) should have the power to approach him and question him to determine whether he has a license and why he is carrying the weapon. Certainly, also, he should disarm that person prior to any discussion. Nevertheless, significant Supreme Court opinions ought not be delivered in cases in which the facts are tainted with the possibility of fabrication. I would therefore suggest that, if you believe the case otherwise cert-worthy, prior to voting on the petition at conference you should direct the clerk's office to call for the complete transcript in order to ascertain whether the officer's apparently contradictory stories can be reconciled.

CALL FOR TRANSCRIPT WITH A VIEW TO GRANT LAH

Conf. 3/17/72

Court .....
Argued ....., 19...
Submitted ....., 19...

Voted on ....., 19...
Assigned ....., 19...
Announced ....., 19...

No. 70-283

ADAMS

vs.

WILLIAMS

Deny

	HOLD FOR	CERT.		JURISDICTIONAL STATEMENT				MERITS		MOTION		ABSENT	NOT VOTING	
		G	D	N	POST	DIS	AFF	REV	AFF	G	D			
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Burger, Ch. J.	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....

3/20/72--LAH

Grant

MOTION

No. 70-283 OT 1971
Adams v. Williams
Cert to CA 2

DISCUSS

This is a motion filed by the ACLU to file a brief amicus in the above named case, which will probably be argued next Term. This is the case raising the 4th Amendment question about the propriety of a nighttime search of the occupant of a car--should Terry apply to possessory crimes.

The case raises an important 4th Amendment question. The motion should be granted.

GRANT LAH

Conf. 3/31/72

Court .....
Argued ....., 19...
Submitted ....., 19...

Voted on ....., 19...
Assigned ....., 19...
Announced ....., 19...

No. 70-283

ADAMS

vs.

WILLIAMS

Grant

	HOLD FOR	CERT.		JURISDICTIONAL STATEMENT				MERITS		MOTION		ABSENT	NOT VOTING	
		G	D	N	POST	DIS	AFF	REV	AFF	G	D			
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Douglas, J.	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Burger, Ch. J.	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....

lfp/ss 1cc 4/5/72

Hearing on DC on Habeas A-50,51

BENCH MEMO

No. 70-283 ADAMS v. WILLIAMS

Larry's cert memo in this case is entirely adequate as a "bench memo".

I have now read the entire appendix, including the findings of fact by the Connecticut state trial court, the evidence at the state suppression hearing, the opinion of the U. S. District Court on the habeas corpus petition (the District Court Judge accepting the state court's findings of fact), the opinion of CA 2 en banc, with Judge Hays' dissenting opinion.

I have also reread Terry v. Ohio, 392 U. S. 1, which seems to me to be controlling.

A good summary of the facts is found in the district ~~opinions~~ court's opinion - Appendix 52. In a sentence, a police officer in a high crime district at 2:15 a. m., on the basis of a tip from an informer known to be reliable by the officer frisked a man sitting in a car, finding a gun in his waistband. Probable cause was not necessary under these circumstances. Terry v. Ohio.

Larry's views: SG Brief is good. We should reverse. Should extend Terry - at the rationale of Terry. The "possessory" issue (Friendly's dissent) involves concern for "pretextual" search - but this is no basis for a Court, since

Terry should be extended to cover cases where information comes from 3rd party rather than officer himself.

No. 70-283 ADAMS v. WILLIAMS Argued 4/10/72

Controlling case - Terry v Ohio (where officer - acting on own observations of suspicious conduct - men hanging around a store entrance + moving furtively)

Browne (Ass't State Atty for Conn)

The issue in this case has been reviewed 6 times prior to this court. - 3 times in St. Ct., & 3 times in Fed Ct (twice by CA 2).

CA 2's brief op. did not make it clear whether it found lack of prob. cause to investigate at all or only to reach into the car after he made the investigation.

Brennan questioned whether officer was justified in approaching Williams car? (Bill thinks if justified in investigating at all, officer was justified in checking for weapons).

If informer had told officer he had seen gun, there would have been probable cause for an arrest (Byrne seemed to think this - altho I see no difference between saying: "The man over there has a gun" and "The man over there has a gun that I saw".

Arrest not made until after gun was found.

~~Brown (Watts)~~

Hennessey (for Wms)

No crime in Conn. to carry gun with a permit.
— what about circumstances: High crime area at 2.20 A.M..

But on X-exam by J. Marshall, Hennessey agreed that police had prob. cause to arrest a man with a gun. (Yet, later Hennessey backed away from this & said — possessing a gun is like possessing a toy balloon (golf club)

Hennessey says officer had no right to investigate at all.

Also, even if he had this right, officer had no right to frisk.

Hennessey says Terry is not limited to whether — information on which officer acted was based on his own observation or came from a reliable informant. (As to this informant - see A 97)

Browne - A permit from Chief of Police of Bridgeport would have been necessary to authorize carrying pistol. This argument was not made by Williams in Conn. cts & so no ev. on point in this record.

Adams, Corrs. Prison Warden v. Williams

H/C petetion denied by D.C., by 2nd C.C.
reversed & remanded

St of Conn. seeks Cert. on 2 grounds:

1. That officer had probable cause for believing Williams was committing a crime (poss. of heroin & gun) on basis of "informer" tip. But this Court has held uncorroborated "tip" of an informer is not "probable cause" for arrest. Spinelli v U.S. (1969), Aguilar v Texas (1964)

2. That officer had a reasonable basis to "stop & frisk" under holding in Terry v Ohio, 392 U.S. 1, where Court sustained a "stop & protective search where there had been less than probable cause for arrest" (officer believed armed robbery was threatened).

J. Friendly, whose dissenting opinion on a 3 judge panel prevailed on an en banc hearing (Lumbard, Kaufman & others concurring), distinguished Terry on ground it did not apply to merely "possessory crimes" - e.g. illegal possession of gun or narcotics. *

Thus distinction seems illusory if an officer did in fact have reasonable cause for believing a "possessory crime" was being committed. But what are distinguishing characteristics bet. "traditional" probable cause for an arrest & sufficient cause to justify stop & frisk? Terry true to answer this.

My Opinion. Deny Cert. This is not a clear enough case to resolve alleged distinction between "possession" and "crimes of violence".

* No. The Per Curiam opinion was expressly limited to facts of this case. It did not adopt or rule on Friendly's distinction

Conf. 4/11/72
Reconsidered 4/13/72

Court .....
Argued ..April 10, ..., 1972
Submitted ....., 19...

Voted on ....., 19...
Assigned ....., 19...
Announced ....., 19...

No. 70-283

ADAMS

vs.

WILLIAMS

Vote on 4/11/72
Reverse
6 to 2

Vote on 4/13/72
Reverse
6 to 3

	HOLD FOR	CERT.		JURISDICTIONAL STATEMENT				MERITS		MOTION		ABSENT	NOT VOTING	
		G	D	N	POST	DIS	AFF	REV	AFF	G	D			
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Rehnquist, J.	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
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Blackmun, J.	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
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Douglas, J.	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Burger, Ch. J.	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....

DOUGLAS, J. Affirm

Agree with Friendly's opinion

Also in Comm. it is not unlawful to carry gun.

MARSHALL, J. Affirm

Absent

BRENNAN, J. Affirm

Close case.

But agree with Friendly

Real issue is whether "frisk" may be used, & this turns on whether there was "reasonable suspicion"

BLACKMUN, J. Reverse

Agree with Byron

STEWART, J. Reverse (tentative)

Close case under Terry - but believes Terry controls

POWELL, J. Reverse

I agree with Byron.

WHITE, J. Reverse

Terry's rule is "probable suspicion".

Conn. Sup. Ct. held that when gun was found officer was justified in arresting. Friendly opinion too broad - would extend Aguilar

There was probable ground of "reasonable suspicion"

REHNQUIST, J. Reverse

~~XXXXX~~ The Chief Justice Reverse

Terry substantially controls

Police officer entitled to consider all relevant circumstances on the scene but must act reasonably.

Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE BYRON R. WHITE

June 1, 1972

Re: No. 70-283 - Adams v. Williams

Dear Bill:

Please join me.

Sincerely,

Byron

Mr. Justice Rehnquist

Copies to Conference

Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE POTTER STEWART

June 1, 1972

70-283 - Adams v. Williams

Dear Bill,

I am glad to join your opinion for the Court in this case, with two suggestions:

(1) I would hope that you might consider deleting the first two complete sentences on page 6. I think they do not really add anything to the probable cause finding, and, indeed, even detract from it.

(2) I suggest that the citation of Chimel v. California be deleted at the bottom of page 6, and that there be substituted therefor citations to Carroll v. United States, 267 U.S. 132, and Brinegar v. United States, 338 U.S. 160. My reasons for this suggestion are twofold. First, it is my recollection that the search in this case occurred before the Chimel decision, and we have held that that decision is not retroactive. See Hill v. California, 401 U.S. 797; Williams v. United States, 401 U.S. 646. Secondly, I doubt whether Chimel (which involved an unlawful search of a man's house) would, in any event, be an apposite authority for the lawfulness of the automobile search in this case.

Sincerely yours,

P.S.

Mr. Justice Rehnquist

Copies to the Conference

Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

June 2, 1972

Re: No. 70-283 - Adams v. Williams

Dear Bill:

Please join me.

Sincerely,

H.A.B.

Mr. Justice Rehnquist

cc: The Conference

Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE WILLIAM O. DOUGLAS

June third
1972

Dear Thurgood:

Re: No. 70-283 - Adams v. Williams

Please join me in your dissent circulated June second.

William O. Douglas

Mr. Justice Marshall

CC: The Conference

Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE WILLIAM H. REHNQUIST

June 5, 1972

Re: 70-283 - Adams v. Williams

Dear Potter:

Thank you for the suggestions in your memorandum of June 1. Each of your points will be reflected in the next circulation of the proposed opinion.

Sincerely,

WEBR

Mr. Justice Stewart

Copies to the Conference

Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE THURGOOD MARSHALL

June 5, 1972

Re: No. 70-283 - Adams v. Williams

Dear Bill:

Please join me in your dissent.

Sincerely,

T.M.

Mr. Justice Douglas

cc: Conference

Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
THE CHIEF JUSTICE

June 6, 1972

No. 70-283 -- Adams v. Williams

Dear Bill:

Please join me.

Regards,

WEB

Mr. Justice Rehnquist

Copies to the Conference

June 7, 1972

Re: No. 70-283 Adams v. Williams

Dear Bill:

Please join me.

Sincerely,

Mr. Justice Rehnquist

cc: The Conference

6/7/72--LAH

Re: Adams v. Williams, No. 70-283

Join

Judge:

Attached are the following: (1) Justice Rehnquist's first draft of a majority opinion in this search-and-seizure case; (2) Justice Marshall's dissent; (3) Justice Brennan's dissent; (4) Justice Douglas' dissent; (5) joining notes from the CJ, White, Stewart, Blackmun.

Rehnquist's opinion is acceptable and I recommend that you join it. I am troubled about the case because he did not meet headon the problem raised and discussed at length in the Second Circuit--namely whether Terry v. Ohio applies to possessory offenses. Tacitly, now, this Court concludes that it does. This is a major extension of Terry, and although it is a step which I view as proper and indeed almost inevitable, I am disappointed that the Court does not meet it with more assurance and force. The dissenters are justified in their concern that Terry, which was initially designed to be a narrow and refined exception to the otherwise ironclad warrant rule, has been enlarged almost by fiat. Nonetheless, I see no benefit in your writing separately. As you have pointed out, no opinion fully suits everyone and if we wrote in every case that we find troublesome the Term would never end.

Other than dodging the tough issue, I think the majority opinion is well written and thorough in its treatment of the matters it touches.

The three dissents add nothing which should cause you to change your vote. (Justice Douglas' dissent is worth reading because it is amusing in that it bears no relation

to the case before the Court. Indeed, I suspect that you will find his statements on gun control and the breadth of government power to regulate in this area most acceptable. If those remarks were made in a case before the Court I would ask you to join him.)

JOIN JUSTICE REHNQUIST LAH

THE C. J.	W. O. D.	W. J. B.	P. S.	B. R. W.	T. M.	H. A. B.	L. F. P.	W. H. R.
	dissent	dissent			dissent			4/24/72
join ~~B~~ WHR 6/6/72	join TM 6/3/72		join WHR	join WHR 6/1/72	join WOD 6/5/72	join WHR 6/2/72	join WHR 6/7/72	
					70-283 Adams v. Williams			

To: The Chief Justice
Mr. Justice Douglas
Mr. Justice Brennan
Mr. Justice Stewart
Mr. Justice White
Mr. Justice Marshall
Mr. Justice Blackmun
Mr. Justice Powell

1st DRAFT

From: Rehnquist, J.

Circulated: 6/1/72

Recirculated:

SUPREME COURT OF THE UNITED STATES

No. 70-283

Frederick E. Adams, Warden, Petitioner, *v.* Robert Williams.	On Writ of Certiorari to the United States Court of Appeals for the Second Circuit.

[June —, 1972]

Reviewed 6/6+7/72

MR. JUSTICE REHNQUIST delivered the opinion of the Court.

Respondent Robert Williams was convicted in a Connecticut state court of illegal possession of a handgun found during a "stop and frisk," as well as possession of heroin that was found during a full search incidental to his weapons arrest. After respondent's conviction was affirmed by the Supreme Court of Connecticut, 157 Conn. 114, 249 A. 2d 245 (1968), this Court denied certiorari, 395 U. S. 927 (1969). Williams' petition for federal habeas corpus relief was denied by the District Court and by a divided panel of the Second Circuit, 436 F. 2d 30 (1970), but on rehearing *en banc* the Court of Appeals granted relief. 441 F. 2d 394 (1971). That court held that evidence introduced at Williams' trial had been obtained by an unlawful search of his person and car, and thus the state court judgments of conviction should be set aside. Since we conclude that the policeman's actions here conformed to the standards this Court laid down in *Terry* v. *Ohio*, 392 U. S. 1 (1968), we reverse.

Police Sgt. John Connolly was alone early in the morning on car patrol duty in a high crime area of Bridgeport, Connecticut. At approximately 2:15 a.m.

a person known to Sgt. Connolly approached his cruiser and informed him that an individual seated in a nearby vehicle was carrying narcotics and had a gun at his waist.

After calling for assistance on his car radio, Sgt. Connolly approached the vehicle to investigate the informant's report. Connolly tapped on the car window and asked the occupant, Robert Williams, to open the door. When Williams rolled down the window instead, the sergeant reached into the car and removed a fully loaded revolver from Williams' waistband. The gun had not been visible to Connolly from outside the car, but it was in precisely the place indicated by the informant. Williams was then arrested by Connolly for unlawful possession of the pistol. A search incident to that arrest was conducted after other officers arrived. They found substantial quantities of heroin on Williams' person and in the car, and they found a machete and a second revolver hidden in the automobile.

Respondent contends that the initial seizure of his pistol, upon which rested the later search and seizure of other weapons and narcotics, was not justified by the informant's tip to Sgt. Connolly. He claims that absent a more reliable informant, or some corroboration of the tip, the policeman's actions were unreasonable under the standards set forth in *Terry* v. *Ohio*, *supra*.

In *Terry* this Court recognized that "a police officer may in appropriate circumstances and in an appropriate manner approach a person for the purpose of investigating possible criminal behavior even though there is no probable cause to make an arrest." 392 U. S., at 22. The Fourth Amendment does not require a policeman who lacks the precise level of information necessary for probable cause to arrest to simply shrug his shoulders and allow a crime to occur or a criminal to escape. On

the contrary, *Terry* recognizes that it may be the essence of good police work to adopt an intermediate response. See *id.*, at 23. A brief stop of a suspicious individual, in order to determine his identity or to maintain the status quo momentarily while obtaining more information, may be most reasonable in light of the facts known to the officer at the time. *Id.*, at 21–22; see *Gaines* v. *Craven*, 448 F. 2d 1236 (CA9 1971); *United States* v. *Unverzagt*, 424 F. 2d 396 (CA8 1970).

The Court recognized in *Terry* that the policeman making a reasonable investigatory stop should not be denied the opportunity to protect himself from attack by a hostile suspect. "When an officer is justified in believing that the individual whose suspicious behavior he is investigating at close range is armed and presently dangerous to the officer or to others," he may conduct a limited protective search for concealed weapons. *Id.*, at 24. The purpose of this limited search is not to discover evidence of crime, but to allow the officer to pursue his investigation without fear of violence, and thus the frisk for weapons might be equally necessary and reasonable whether or not carrying a concealed weapon violated any applicable state law. So long as the officer is entitled to make a forcible stop[1] and has reason to believe that the suspect is armed and dangerous, he may conduct a weapons search limited in scope to this protective purpose. *Id.*, at 30.

Applying these principles to the present case we believe that Sgt. Connolly acted justifiably in responding to his informant's tip. The informant was known to him personally and had provided him with information in the past. Unlike the situation that obtains in the

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[1] The State does not contend that Williams acted voluntarily in rolling down the window of his car.

case of an anonymous telephone tip, for example, the informer here came forward personally to give information that was immediately verifiable at the scene. Indeed, under Connecticut law, the informer herself might have been subject to immediate arrest for making a false complaint had Sgt. Connolly's investigation proven the tip incorrect.[2] Thus, while the Court's decisions indicate that this informant's unverified tip may have been insufficient for a narcotics arrest or search warrant, see, *e. g.*, *Spinelli* v. *United States*, 393 U. S. 410 (1969); *Aguilar* v. *Texas*, 378 U. S. 108 (1964), the information carried enough indicia of reliability to justify the officer's forcible stop of Williams.

In reaching this conclusion, we reject respondent's argument that reasonable cause for a stop and frisk can only be based on the officer's personal observation, rather than on information supplied by another person. Informants' tips, like all other clues and evidence coming to a policeman on the scene, may vary greatly in their value and reliability. One simple rule will not cover every situation. Some tips, completely lacking in indicia of reliability, would either warrant no police response or require further investigation before a forcible stop of a suspect would be authorized. But in some situations—for example, when the victim of a street crime seeks immediate police aid and gives a description of his assailant, or when a credible informer warns of a specific impending crime—the subtleties of the hearsay rule should not thwart an appropriate police response.

While properly investigating the activity of a person who was reported to be carrying narcotics and a con-

[2] Section 53-168 of the Connecticut General Statutes, in force at the time of these events, provided that a "person who knowingly makes to any police officer . . . a false report or a false complaint alleging that a crime or crimes have been committed" is guilty of a misdemeanor.

cealed weapon and who was sitting alone in a car in a high crime area at 2:15 in the morning, Sgt. Connolly had ample reason to fear for his safety.[3] When Williams rolled down his window, rather than complying with the policeman's request to step out of the car so that his movements could more easily be seen, the revolver allegedly at Williams' waist became an even greater threat. Under these circumstances the policeman's action in reaching to the spot where the gun was thought to be hidden constituted a limited intrusion designed to insure his safety, and we conclude that it was reasonable. The loaded gun seized as a result of this intrusion was therefore admissible at Williams' trial. *Terry* v. *Ohio, supra,* at 30.

Once Sgt. Connolly had found the gun precisely where the informant had predicted, probable cause existed to arrest Williams for unlawful possession of the weapon. Probable cause to arrest depends "upon whether, at the moment the arrest was made . . . the facts and circumstances within [the arresting officers'] knowledge and of which they had reasonably trustworthy information were sufficient to warrant a prudent man in believing that the [suspect] had committed or was committing an offense." *Beck* v. *Ohio,* 379 U. S. 89, 91 (1964). In the present case the policeman found Williams in possession of a gun in precisely the place predicted by the informant. This tended to corroborate the reliability of the informer's further report of narcotics, and

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[3] Figures reported by the Federau Bureau of Investigation indicate that 125 policemen were murdered in 1971, with all but five of them having been killed by gunshot wounds. Federal Bureau of Investigation Law Enforcement Bulletin, February 1972, p. 33. According to one study, approximately 30% of police shootings occurred when a police officer approached a suspect seated in an automobile. Bristow, Police Officer Shootings—A Tactical Evaluation, 54 J. Crim. L. C. & P. S. 93 (1963).

together with the surrounding circumstances certainly suggested no lawful explanation for possession of the gun. It is true, as respondent points out, that gun possession is legal in Connecticut if the individual has a permit. But nothing occurred in the course of Sgt. Connolly's encounter with Williams to suggest that Williams might have such a permit, and it is undisputed, of course, that he did not in fact have one. Probable cause does not require the same type of specific evidence of each element of the offense as would be needed to support a conviction. See *Draper* v. *United States,* 358 U. S. 307, 311–312 (1959). Rather, the court will evaluate generally the circumstances at the time of the arrest to decide if the officer had probable cause for his action:

> "In dealing with probable cause, however, as the very name implies, we deal with probabilities. These are not technical; they are the factual and practical considerations of everyday life on which reasonable and prudent men, not legal technicians, act." *Brinegar* v. *United States,* 338 U. S. 160, 175 (1949).

See also *id.,* at 177. Under the circumstances surrounding Williams' possession of the gun seized by Sgt. Connolly, the arrest on the weapons charge was supported by probable cause, and the search of his person and of the car incident to that arrest was lawful. *Chimel* v. *California,* 395 U. S. 752, 763 (1969). The fruits of the search were therefore properly admitted at Williams' trial, and the Court of Appeals erred in reaching a contrary conclusion.

Reversed.