

STEVENS, J., dissenting

SUPREME COURT OF THE UNITED STATES

No. 97–581

PENNSYLVANIA BOARD OF PROBATION AND
PAROLE, PETITIONER v. KEITH M. SCOTT

ON WRIT OF CERTIORARI TO THE SUPREME COURT OF
PENNSYLVANIA, MIDDLE DISTRICT

[June 22, 1998]

JUSTICE STEVENS, dissenting.

JUSTICE SOUTER has explained why the deterrent function of the exclusionary rule is implicated as much by a parole revocation proceeding as by a conventional criminal trial. I agree with that explanation. I add this comment merely to endorse Justice Stewart’s conclusion that the “rule is constitutionally required, not as a ‘right’ explicitly incorporated in the fourth amendment’s prohibitions, but as a remedy necessary to ensure that those prohibitions are observed in fact.” Stewart, *The Road to Mapp v. Ohio and Beyond: The Origins, Development and Future of the Exclusionary Rule in Search-and-Seizure Cases*, 83 *Colum. L. Rev.* 1365, 1389 (1983). See also *Arizona v. Evans*, 514 U. S. 1, 18–19, and n. 1 (1995) (STEVENS, J., dissenting); *Segura v. United States*, 468 U. S. 796, 828, and n. 22 (1984) (STEVENS, J., dissenting); *United States v. Leon*, 468 U. S. 897, 978, and n. 37 (1984) (STEVENS, J., dissenting).