



DPS TRAINING BULLETIN

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SOBRIETY CHECKPOINT

Reference: Michigan Department of State Police, et al. v. Rick Sitz, et al. United States Supreme Court 58 LW 4781 (No. 88-1897) June 14, 1990

FACTS:

Michigan State Police established a sobriety checkpoint pilot program. Under the guidelines, all vehicles passing through a checkpoint would be stopped and drivers briefly examined for signs of intoxication. If field tests and observations made by officers revealed intoxication, the driver would be arrested. All other drivers were permitted to immediately resume their journey.

The first and, to-date, only checkpoint was conducted for one hour and fifteen minutes and 126 vehicles were stopped. Average delay for each vehicle was approximately 25 seconds. Two drivers were detained for field sobriety testing. One of these two was arrested for driving under the influence of alcohol.

ISSUE:

Does the use of sobriety checkpoints violate the Fourth Amendment?

HELD: No.

REASONING:

1. Checkpoints are selected pursuant to guidelines and uniformed officers stop every vehicle.
2. This case involves neither random stops nor a complete absence of empirical data indicating that the stops would be an effective means of promoting roadway safety.
3. The balance of the State's interest in preventing drunken driving, the extent to which this system can reasonably be said to advance that interest, and the degree of intrusion upon individual motorists who are briefly stopped, weighs in favor of the State program.

NOTES:

The Court stated that, even though a "seizure" occurs when a vehicle is stopped at a checkpoint, it is not "unreasonable" under the Fourth Amendment in this context. This is an "investigatory" type of stop.

Remember--our Court of Appeals could arrive at a different conclusion when interpreting the Alaska Constitution.

NOTE TO SUBSCRIBERS TO THE ALASKA LEGAL BRIEF MANUAL:

Add this case to Sections I and Q of your Contents and Text. File Legal Bulletin No. 144 numerically under Section R of the manual.