COLORADO v. RISTER (1990)

Random Stops

SUMMARY:

By a vote of 4-3, the Supreme Court of Colorado has upheld the right of police officers to stop selected motorists at a highway roadblock intended to catch drunk drivers. The ruling came in the case of *Colorado v. Rister* and was issued by the Court on December 10, 1990.

BACKGROUND:

The Colorado State Police set up a so-called sobriety checkpoint at the intersection of two main highways. Such efforts have become commonplace throughout the United States and are designed to be an important part of the effort to crack down on drunk driving. This particular check was run under strict regulations. These were designed to avoid one of the primary evils of such checkpoints — that the persons stopped might be selected on some arbitrary basis such as race, gender, or wealth.

For instance, an individual officer might operate under the assumption that poor people are more likely to drive drunk than rich people are. He might let the Mercedes' through without checking them but stop all of the old pick-up trucks.

The Colorado procedure avoided such distinctions by requiring that all vehicles be stopped unless a supervisor decided that traffic was backing up too much, in which case a specific number of cars should be let through without stopping.

The drivers of all vehicles that were stopped were required to show their driver's licenses and the officer who stopped them looked (or smelled) for signs of alcohol use.

Ralph Rister was among those stopped in this effort one Fourth of July weekend. He was not drunk, but did not have a valid driver's license and was issued a ticket because of that. He challenged the ticket, asserting that the stop which led to the ticket was a search without probable cause and thus violated both the federal and Colorado constitutions.

ANALYSIS: The United States Supreme Court ruled on a related issue in 1990. In that case, from Michigan, it held that these sobriety checks were valid so long as the intrusion on drivers was kept to a minimum (in which case it would not be a "search or seizure" in the Constitutional sense) and so long as the procedures of the sobriety check were designed to avoid arbitrary decisions about who would or would not be searched.

The stops in this case pretty clearly met the federal standard put down by the United States Supreme Court. The Colorado Constitution contains a broader provision, a so-called "right to be left alone" provision which grants a general protection against unreasonable

government intrusion. The majority of the Colorado Supreme Court found that the stop in this case was reasonable under that provision. The dissenters disagreed with that conclusion. Since state supreme courts have the final word on the meaning of the state constitution, the validity of these types of stops is firmly established in Colorado.

EXCERPTS FROM THE MAJORITY OPINION (By Justice Rovira):

"When confronted with the question of the reasonableness of seizures that are substantially less intrusive than arrests, we have, as the Supreme Court has, balanced the competing interests of the state in accomplishing its legitimate goals and of the individual in the inviolateness of his or her person. . . . Having already determined that the checkpoint stop here does not violate the Fourth Amendment, we can find no basis for concluding that it is other than reasonable under (the Colorado Constitution)."

EXCERPTS FROM THE DISSENT (By Justice Quinn):

"The majority's rejection of a reasonable individualized suspicion as a necessary condition for a temporary seizure under the Colorado Constitution results in subjecting all persons to the risk of governmental intrusions that are antithetical to the precious 'right to be left alone' contemplated by (the Colorado Constitution)."