

MICHIGAN DEPARTMENT OF STATE POLICE, et al
v. RICK SITZ, et al
58 USLW 4781 (1990)
“THE CASE OF THE POLICE SOBRIETY CHECK POINT”

Facts

Lucy Lee, twenty-five years old, has been stopped on several occasions at a sobriety checkpoint operated by the state police. Lucy is a school teacher and also works at part-time job as a waitress. On Friday and Saturday evenings, while returning home from her waitress job, she is sometimes stopped, along with other motorists, at a checkpoint at the exit she takes to her home. Flairs are placed along the highway for about a half a mile prior to the checkpoint. Lucy says she is not detained long, maybe a minute or so, while the police ask to see her drivers licence. She claims that some officers direct the flashlight in her face and ask prying questions, like, “What are you doing out so late, honey?” Lucy is angry about the hassle. She says she feels like she’s being treated as some kind of suspect when she hasn’t done anything wrong.

Lucy writes and lobbies her state legislator, Rick Sitz, and demands that something be done to halt the hassling of innocent drivers. Sitz responds that he is opposed to the checkpoints.

Sitz, and five other lawmakers, file a lawsuit seeking an injunction to halt the operation of the sobriety checkpoints. They also ask the court to make a declaratory judgment that the checkpoints violate the Fourth Amendment protection from unreasonable searches and seizures. Since there is no reasonable suspicion or probable cause that individual drivers are legally drunk or suspected of any other wrong doing, then the checkpoints should be halted immediately and declared unconstitutional.

The state police claim that the checkpoints were authorized by the governor based on one of many recommendations made by the state’s Drunk Driving Task Force that was established by the state legislature. The Task Force and state police, as well as public opinion, are well aware of the deadly dangers of drunk driving. Drunk drivers cause an annual death toll of over 25,000, nearly one million personal injuries, and more than five billion dollars in property damages. Each statistic is a story of personal tragedy. Furthermore, the state police argue that the checkpoint inspection is no more intrusive than border and airport inspections. The police point out that on the average, for every 125 cars stopped, two drivers are removed from the highway. The police also argue that checkpoints are a deterrent because drivers know they may be stopped at any surprise location.

Sitz and his fellow legislators claim that there are much more effective ways to reduce drunk driving without sacrificing constitutional protections. Checkpoints often require several officers, and this assigned duty distracts or delays other important police operations and criminal investigations. The police intrusion into the innocent individual drivers’ expectation of privacy violates the Fourth Amendment’s protection from unreasonable searches and seizures.

The police claim that we must balance society's interest in safety and saving lives with the minimal intrusion of a sixty-second stop at a sobriety checkpoint. Besides, most law-abiding citizens are willing to make this minor sacrifice to help reduce the dangers from drunken drivers.

YOU BE THE JUDGE

1. **FACTS**-- What are the important facts in this case? (What parties are involved in this case, briefly describe what happened to those involved in the conflict, and what is the major problem or conflict?)
2. **LAWS & CONSTITUTIONAL ISSUES**-- What law, or laws, is involved in this case?
3. Briefly explain arguments for each party's side in this case.
4. If you were the judge deciding this case, what would you decide and why?
5. Restate the major problem, or problems, in this case. How would you recommend solving this problem, or problems, in the future?

Decision:

MAJORITY OPINION-- Rehnquist, White, O'Connor, Scalia, Blackmun

“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. We hold that it is consistent with the Fourth Amendment.”

Chief Justice Rehnquist

CONCURRING OPINION

“I noted that the slaughter on the highways of this nation exceeds the death toll of all our wars.... I am pleased that the Court is now stressing this aspect of American life.”

Justice Blackmun

DISSENTING OPINION-- Brennan, Stevens, Marshall

“The court overvalues the law enforcement interest in using sobriety checkpoints, undervalues the citizen’s interest in freedom from random, unannounced investigatory seizures, and mistakenly assumes that there is ‘virtually no difference’ between a routine stop at a permanent, fixed checkpoint and a surprise stop at a sobriety checkpoint.

A motorist with advance notice of the location of a permanent checkpoint has an opportunity to avoid the search entirely, or at least to prepare for, and limit, the intrusion on her privacy. No such opportunity is available in the case of a random stop or a temporary checkpoint which both depend for their effectiveness on the element of surprise.

The most disturbing aspect of the Court’s decision is that it appears to give no weight to the citizen’s interest in freedom from suspicionless unannounced investigatory seizures. Unfortunately, the Court is transfixed by the wrong symbol -- the illusory prospect of punishing countless intoxicated motorists -- when it should keep its eyes on the road plainly marked by the Constitution.”