

Checkpoints

CLAIMS BRIEF



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Supreme Court Bans Drug Interdiction Checkpoints

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In *City of Indianapolis v. Edmond*, decided November 28th, the Supreme Court ruled that law enforcement officers may not set up roadblocks in order to randomly stop vehicles to detect and search for drugs. Backed by the American Civil Liberties Union, motorists brought a class action suit against the City of Indianapolis, alleging that drug interdiction checkpoints violate the Fourth Amendment. In a 6-to-3 decision, the Court declared that the practice amounted to an unreasonable search.

Between August and November 1998, Indianapolis Police conducted six roadblock checkpoints for the express purpose of interdicting illegal narcotics in high-crime areas. Pursuant to departmental directives, officers stopped the car, advised the driver that the stop was a drug checkpoint, and examined the driver's license and registration. The officer was instructed to look for signs of impairment and conduct an open-view examination of the vehicle from outside while a drug-sniffing dog circled the stopped vehicle. Officers further were instructed that they could

search only with consent, or on the basis of particularized suspicion. Unless reasonable suspicion or probable cause was present, stops lasted five minutes or less. During the four-month period, 1,161 vehicles were stopped, and 104 motorists arrested. Fifty-five arrests were drug related; 49 were not. Consequently, the program's "hit rate" was roughly nine percent.

The case was decided in light of the constitutional prohibition against unreasonable searches and seizures. Generally, searches conducted in the absence of individualized suspicion of criminal wrongdoing are unreasonable. In the past, the Supreme Court has upheld brief, suspicionless seizures at a fixed checkpoint designed to intercept illegal aliens (*United States v. Martinez-Fuerte*, 428 U.S. 543(1976)), and at a sobriety checkpoint aimed at removing drunk drivers from the road (*Michigan Dep't of State Police v. Sitz*, 496 U.S. 444 (1990)). In addition, the Supreme Court also has suggested that roadblocks to verify drivers' licenses and

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registrations would be permissible due to states' interests in roadway safety (*Delaware v. Prouse*, 440 U.S. 648 (1979)).

Clearly, the purpose of drug interdiction checkpoints is much different from the examples mentioned above. As Justice O'Connor, speaking for a majority of the Court, said, "the Supreme Court never has approved a checkpoint program whose primary purpose was to detect evidence of ordinary **criminal** wrongdoing." In other words, unlike the limited checkpoints approved by the Court in the past, drug interdiction checkpoints cannot be rationalized in terms of highway safety or by limiting the number of impaired motorists on the road.

In conclusion, despite the severe drug problem, **the generalized interest in crime control promoted by drug interdiction**

checkpoints cannot serve as a basis for a suspicionless stop. However, this decision does not undermine prior decisions of the Court concerning the constitutionality of sobriety and border checkpoints. Furthermore, the case does not limit an officer's ability to react to information obtained during a checkpoint whose **primary purpose** is lawful. Judicial inquiries into checkpoints will focus upon the program intent at the administrative level. This decision is not "an invitation to probe the minds of individual officers acting at the scene."

(Please take note of this decision if your department is conducting or intends to conduct roadway checkpoints. If you would like a copy of the full opinion, please contact Sherri Butler at 1-800-673-8231 or Sherri@lgit.org.

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