

Mich. Dep't of State Police v. Sitz

Petitioners, the Michigan State Police Department and its Director, established a highway sobriety checkpoint program with guidelines governing checkpoint operations, site selection, and publicity. During the only operation to date, 126 vehicles passed through the checkpoint, the average delay per vehicle was 25 seconds, and two drivers were arrested for driving under the influence. The day before that operation, respondents, licensed Michigan drivers, filed suit in a county court seeking declaratory and injunctive relief from potential subjection to the checkpoints. The state trial court ruled that the State's program violated the 4th Amendment. The State Court of Appeals affirmed.

The Court held that the petitioner's highway sobriety checkpoint program is consistent with the 4th Amendment. The States has an interest in eradicating, the drunk driving problem. The courts below accurately gauged the "objective" intrusion, measured by the seizure's duration and the investigation's intensity, as minimal. However, they misread the Court's cases concerning the degree of "subjective intrusion" and the potential for generating fear and surprise. The "fear and surprise" to be considered are not the fear of one who has been drinking over the prospect of being stopped at a checkpoint, but rather, the fear and surprise of law abiding motorists by the nature of the particular stop. The balance of the State's interest in preventing drunk 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.