

QUESTION 5 THE ANSWER TO THIS QUESTION SHOULD GO IN BLUEBOOK II

Chris Cop, a Michigan State Police trooper stationed in Marquette, Michigan, vacationed in Las Vegas. While there, Chris rented a car. Chris was driving back to his hotel after a night of hitting the Las Vegas club scene when he observed in the roadside several police cars with lights flashing. Traffic slowed immediately and Chris observed police officers in the road, between the lanes of traffic. The officers approached every car. Within one minute, an officer approached Chris' car. The officer informed Chris that the stop was a sobriety checkpoint to investigate the possibility that he might be too intoxicated to drive. The officer asked Chris to blow into a portable breath-testing device. Chris, who never consumes alcohol, complied with the request and passed the test. The officer released Chris.

Chris recognized that this procedure would greatly enhance the public safety, as it would result in the arrest of many drunk drivers and produce a deterrent effect over the long term. When Chris returned to Michigan, he persuaded his supervisor to implement a roadside sobriety checkpoint on a Sunday morning from 1:00 a.m. to 3:00 a.m., one-half mile down the road from the busiest pub in Marquette. The supervisor at the Marquette State Police post issued a press release announcing her intent to conduct a roadside sobriety checkpoint. The press release provided the date, time and location at which the checkpoint would be implemented and noted that police records show a high incidence of drunk driving arrests in that place and time frame. The press release indicated that every car on the designated roadway would be stopped during the checkpoint and that warning lights and signs would clearly be visible as drivers approach the checkpoint area. The press release indicated that a portable breath tester would be used and that the length of the stop would be minimal. The ACLU vowed to challenge these sobriety checkpoints as being in violation of the federal and state constitutions.

Discuss whether the implementation of sobriety checkpoints violates the Michigan Constitution. Discuss whether the implementation of sobriety checkpoints violates the United States Constitution. Explain your answer.

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