What is an Investigatory Stop? by Ashley Carron

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When your operating a motor vehicle you have less constitutional rights than you would have if you were sitting at home watching TV. Meaning, an officer cannot simply enter your house unless they have a warrant signed by a judge. Hence, officers are allowed to have â€œcheckpointsâ€• and stop your vehicle without any reasonable suspicion. Roadside checkpoints under Arizona law are allowed and considered constitutional if the procedures followed at the checkpoints ensure that the intrusion to a motorist is minimum; that the public interest in such checkpoints is great; and that there is a demonstrated need for that kind of enforcement technique. This allows officers to set up checkpoints and speak with you or your passengers.

Without reasonable suspicion of criminal activity or a suspected civil traffic violation, officers may not stop a moving car because courts consider that once the â€œred and blueâ€• lights of a police vehicle are on that a reasonable person would pull over and not feel free to leave. This stop then starts the process of an initial investigation of an officer. When you hire a Chandler DUI lawyer or a Scottsdale DUI Lawyer such as the attorneys at our firm, we can review the police report in detail and interview officers to determine if they had a reasonable suspicion of criminal activity or there existed evidence for a suspected civil traffic violation. The latter, suspected civil traffic violations, is typically what officers are looking for when patrolling the streets at night. For example, all vehicles must have operative break lights and a light over their license plate. If an officer sees you driving with either of those lights broke or missing he would have reasonable suspicion that there is a civil traffic violation and can stop your vehicle.

Once an officer has good reason to stop your vehicle they may now request to see your license, insurance and registration. All three of which are mandatory to have if you operate a motor vehicle in Arizona. It is at this point the officer may then smell alcohol or begin to get a suspicion that you may have been drinking and they will continue to question you about it during their investigatory stop.

It is at this point where you may invoke your Fifth Amendment right to remain silence if you believe that the officer intends on pursuing a line of questioning that may result in you admitting that you were drinking and driving.

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