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2nd court ruling on DWI checkpoints goes against police in Baton Rouge

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BATON ROUGE, Louisiana — A state District Court judge has let stand a City Court ruling that the Police Department violated the law when it a police supervisor was present and engaged in activities connected with DWI checkpoints.

State District Judge Don Johnson's ruling on Jan. 31 denied an appeal by the city to a ruling in May by City Court Judge Yvette Alexander.

City Prosecutor Lisa Freeman told The Advocate (<http://bit.ly/1nuHwR1>) that her office will appeal Johnson's ruling to the state 1st Circuit Court of Appeal.

The case hinges on whether the Police Department properly separated the duties of supervisors and field officers in conducting DWI checkpoints, as set forth in guidelines issued by the Louisiana Supreme Court.

"We feel confident that our checkpoints are valid," Freeman said.

Alexander, in her ruling last year, agreed to suppress evidence collected at a Dec. 17, 2010, checkpoint that resulted in a DWI charge against Brian Parks.

"This is going to have implications for a lot of cases," said Cliff Ivey, Parks' attorney.

Ivey said he filed motions to suppress evidence on similar grounds for other clients charged in DWI checkpoints conducted by Baton Rouge police.

Johnson's ruling is not limited to DWI cases in Alexander's court.

According to guidelines set by the Louisiana Supreme Court in 2000, the location, time and duration of a checkpoint should be in writing and must be established by supervisory or other administrative personnel rather than the field officers implementing the checkpoint.

In court filings, the city defended Reach, saying he was acting as a supervisor as required by the 2000 case.

The Louisiana Supreme Court first found DWI checkpoints unconstitutional in 1989. But in 2000 — in the decision that included the guidelines at issue — the court reversed its 1989 decision.

The guidelines are meant to ensure that DWI checkpoints do not

involve unreasonable search and seizures, which is protected by the Fourth Amendment to the U.S. Constitution.

Freeman said her office is prepared to defend DWI checkpoint cases it brings in City Court if similar motions to suppress evidence are filed, but hasn't as yet done so.

Ivey said all of his cases have been continued while the judges await higher court guidance.

"They don't want to try them and then have to try them all again," Ivey said.

Information from: The Advocate, <http://theadvocate.com>
