

MASSACHUSETTS SUPREME JUDICIAL COURT

Commonwealth v. Carkhuff

441 Mass. 122 (2004) · Decided March 5, 2004

SUMMARY

The Massachusetts Supreme Judicial Court affirmed suppression of evidence obtained after a State trooper stopped the defendant’s vehicle without individualized suspicion near the Cobble Mountain Reservoir. The court held that the suspicionless stop, implemented as a security measure following the September 11, 2001, attacks, did not satisfy constitutional requirements for a roadblock or administrative seizure because motorists received no prior notice and the intrusion was not adequately minimized. The court grounded its analysis in article 14 of the Massachusetts Declaration of Rights.

CASE DETAILS

COURT	Massachusetts Supreme Judicial Court
WRITING FOR THE COURT	Sosman, J.
JURISDICTION	Massachusetts
DECIDED	March 5, 2004
DISPOSITION	affirmed
PROCEDURAL POSTURE	The Commonwealth appealed from an order allowing the defendant's motion to suppress evidence obtained after a suspicionless traffic stop near the Cobble Mountain Reservoir. A single justice granted leave to appeal and designated the appeal for review by the full Supreme Judicial Court.
STANDARD OF REVIEW	Constitutionality of the suspicionless stop and administrative screening procedures reviewed de novo; the trial judge's subsidiary factual findings were accepted where supported by the record and uncontested testimony.
PRECEDENTIAL VALUE	Published Massachusetts Supreme Judicial Court opinion; precedential.
PARTIES	Commonwealth v. David Carkhuff

TOPICS

- suppression of evidence
- search and seizure
- fourth amendment
- criminal procedure

PRACTICE AREAS

criminal procedure

constitutional law

evidence

QUESTIONS PRESENTED

1. Whether the suspicionless stop of the defendant's vehicle as part of a reservoir-security program violated art. 14 of the Massachusetts Declaration of Rights.
2. Whether the stop could be upheld as a reasonable administrative seizure or screening procedure designed to protect a vulnerable water-supply facility.
3. Whether the evidence obtained after the stop was subject to suppression.

HOLDINGS

1. A suspicionless stop of vehicles near a potentially vulnerable facility must be conducted as part of an administrative screening scheme whose purpose is other than gathering evidence for criminal prosecutions and must be limited and no more intrusive than necessary to satisfy the legitimate administrative need. The reservoir stop failed that requirement because motorists received no prior notice or warning and had no meaningful opportunity to avoid the encounter.
2. The evidence obtained as a result of the unconstitutional stop was properly suppressed.

KEY QUOTATIONS

“An administrative search must also be “reasonable” in the sense that it “must be as limited in its intrusiveness as is consistent with satisfaction of the administrative need that justifies it.” (127-128)

“When, as part of an administrative search, the police seek to stop, question, and potentially to search persons as to whom they have no articulable suspicion of wrongdoing, they must take all reasonable steps to reduce the intrusiveness of that encounter.” (130)

FACTUAL BACKGROUND

The Cobble Mountain Reservoir supplied drinking water to several municipalities, including Springfield, and a narrow public road ran alongside part of its shoreline. After Federal authorities issued a general credible-threat advisory following the September 11, 2001, attacks, Massachusetts State Police assigned troopers to stop all persons traveling along the reservoir and to search certain trucks. Trooper Gawron stopped the defendant's passenger sedan despite observing no suspicious conduct; during the encounter, the defendant displayed signs of intoxication, failed field sobriety tests, and was arrested.

PROCEDURAL HISTORY

State police stopped all vehicles traveling alongside the Cobble Mountain Reservoir pursuant to heightened security procedures adopted after September 11, 2001. The defendant was stopped, subjected to field sobriety tests after the trooper observed signs of intoxication, arrested, and charged with operating a motor vehicle while under the influence of intoxicating liquor. The trial judge suppressed all evidence resulting from the stop, and the Supreme Judicial Court affirmed.

DISPOSITION

affirmed

CASES CITED

- Commonwealth v. Willis, 415 Mass. 814, 816 n.2 (1993)
- Commonwealth v. Rodriguez, 430 Mass. 577, 579 (2000)
- Terry v. Ohio, 392 U.S. 1 (1968)
- Commonwealth v. Trumble, 396 Mass. 81, 86-87 (1985)
- Commonwealth v. McGeoghegan, 389 Mass. 137, 143 (1983)
- Commonwealth v. Harris, 383 Mass. 655, 656-657 (1981)
- United States v. Edwards, 498 F.2d 496 (2d Cir. 1974)
- United States v. Davis, 482 F.2d 893, 908, 910 (9th Cir. 1973)
- United States v. Miles, 480 F.2d 1217 (9th Cir. 1973)
- Chandler v. Miller, 520 U.S. 305, 323 (1997)
- State v. Plante, 134 N.H. 585, 588, cert. denied, 502 U.S. 984 (1991)
- United States v. Albarado, 495 F.2d 799, 806 (2d Cir. 1974)
- People v. Hyde, 12 Cal. 3d 158, 176 (1974) (Wright, C.J., concurring)
- Commonwealth v. Shields, 402 Mass. 162, 165-166 (1988)
- Michigan Department of State Police v. Sitz, 496 U.S. 444, 453 (1990)
- Delaware v. Prouse, 440 U.S. 648, 657 (1979)
- United States v. Ortiz, 422 U.S. 891, 895 (1975)
- Commonwealth v. Amaral, 398 Mass. 98, 100 (1986)
- McMorris v. Alioto, 567 F.2d 897, 901 (9th Cir. 1978)
- State v. Rexroat, 266 Kan. 50, 54-55 (1998)