

## A driver's guide to DUI checkpoints in South Carolina

Written by Australian Business

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September 27, 2013 **/24-7PressRelease/** -- Imagine driving down the highway late at night after an evening out with your friends. As you look down the road, you notice flashing lights on the horizon. You get closer and you realize that those lights are part of a DUI checkpoint, where drivers are being pulled over without reasonable suspicion to believe they are under the influence.

Maybe you had a couple drinks while you were out, but you are pretty sure that you aren't in violation of the law. Perhaps you had more than that, and you aren't certain that your blood alcohol content is within legal limits. At any rate, you are likely scared, and you probably don't know what to do.

Since [DUI](#) checkpoints are used with relative frequency in South Carolina, it is important to educate yourself so that you are prepared to assert your rights if you are stopped.

### **Are DUI checkpoints legal?**

It might seem like DUI checkpoints violate the right to be free from unreasonable searches and seizures, since drivers can be stopped even if there is no evidence to suggest that they are under the influence. However, a 1990 ruling by the U.S. Supreme Court authorized states to conduct checkpoints, so long as they adhere to a few basic rules.

All checkpoints must be overseen by a qualified, uniformed law enforcement officer. Law enforcement must stop cars in a predictable pattern, for example by pulling over every third or fourth vehicle. The agency conducting the checkpoint must also provide sufficient warning to allow motorists to stop at the checkpoint safely. The National Highway Traffic Safety Administration also recommends that law enforcement alert media to the existence of checkpoints before they occur.

### **What to do if you are stopped at a checkpoint**

If you are stopped at a checkpoint, it is important to stay calm and to avoid any disruptive behavior. While there is a chance that your vehicle will not be selected for screening, you should prepare yourself to talk to the police.

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If your vehicle is stopped, a police officer or public safety volunteer will observe your behavior and ask you a few questions to determine whether you show signs of intoxication. If you do, you will be routed to a separate area for additional screening.

There, law enforcement officers will likely conduct field sobriety tests. If they believe that you are under the influence of alcohol, you will likely be arrested and asked to submit to a breath test. It is important to understand that you do not have to agree to this test. However, there are penalties for refusal, including a potential six-month [driver's license](#) suspension. These penalties apply regardless of whether you are ultimately convicted of drunk driving.

It is also important to remember that you have a constitutionally-protected right to remain silent during your encounter with the police. You do not have to answer any questions, especially those that might be incriminating. If you are arrested, you should immediately ask to consult with an attorney and should inform the police that you will not be answering any questions without your attorney present.

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