

"In Missouri v McNeely the US Supreme Court addresses warrantless blood draws in DUI/Drunk Driving Cases"

CASE: Missouri v McNeely - Opinion Number 11-1425, April 17, 2013

FACTS:

The respondent McNeely was initially detained by a Missouri state police officer for speeding and crossing the center line in his vehicle. McNeely declined to take a breath test; and afterwards, he was arrested and taken to the nearest hospital for a blood test. The arresting officer never attempted to obtain or secure a search warrant prior to the blood test. The respondent refused to consent to the blood draw; however, the arresting officer then directed a laboratory technician to take a sample of McNeely's blood. His blood tested well above the Missouri legal limit in DUI/drunken driving cases. McNeely was then officially charged with DWI (driving while intoxicated).

PROCEDURAL HISTORY:

At the trial level McNeely moved to suppress the results of his blood test arguing that the forcible taking of his blood without a warrant violated his Fourth Amendment rights under the United States Constitution. After hearing arguments from the defendant and the state, the trial court agreed and suppressed the blood alcohol reading from the trial of the case. In ruling for the defendant, the trial court opined that the "exigency" exception to the warrant requirement under the Fourth Amendment did not apply in the case at bar because, apart from the lone fact that McNeely's blood alcohol level was dissipating at the time of the seizure, no other circumstances suggested that the arresting officer faced any kind of emergency.

The district attorney's office appealed the trial court ruling to the Missouri State Supreme Court. In affirming and upholding the trial court's ruling, the Missouri Supreme Court relied on the previous US Supreme Court decision of Schmerber v California 384 U.S. 757 (where the US Supreme Court upheld a DWI/DUI suspect's warrantless blood test where the officer "might reasonably have believed that he was confronted with an emergency situation, in which the necessary delay to obtain a warrant under the particular circumstances threatened to lead to the destruction of evidence.") The Missouri Supreme Court focused on the fact that the case at bar involved a routine DWI/DUI investigation where no factors other than the natural dissipation of blood alcohol suggested that there was any type of emergency; and therefore, the non-consensual warrantless blood draw violated the respondent's right to be free from unreasonable searches of his person pursuant to the Fourth Amendment of the United States Constitution.

The state then appealed to the United States Supreme Court.

ISSUE:

Does the lone factor that a suspect's blood alcohol level is dissipating justify a warrantless blood draw in DUI/drunken driving cases?

HOLDING:

No. The judgment of the Missouri Supreme Court and the Missouri trial court is affirmed. In drunk driving investigations, the natural dissipation of alcohol in a suspect's blood stream does not constitute an "exigent circumstance" in every case sufficient to justify conducting a blood test without a warrant.

A warrantless search of a person is reasonable only if it falls within a recognized exception. One recognized exception applies when "the exigencies of the situation" make the needs of law enforcement so compelling that a warrantless search is objectively reasonable. This court looks to the totality of the circumstances present in determining whether or not an exigent situation exists.

In the case at bar, the state of Missouri seeks a "per se" rule, contending that exigent circumstances always exist when a police officer has probable cause to believe that a person has been driving under the influence of alcohol because this type of evidence is inherently evanescent. In cases such as this, a careful case by case assessment must take place. When officers in drunk driving (DUI) investigations can reasonably obtain a warrant prior to having a blood sample drawn without significantly undermining the efficiency of the search, the Fourth Amendment of the United States Constitution mandates that that procedure be followed. Again, each case must be decided on its own individual facts. Critically, because an officer typically must take a DWI/DUI suspect to a medical facility or breath testing facility to determine, some delay between the time of the arrest and the time of the test is inevitable regardless of whether a warrant is obtained or not. In other words, dissipation of alcohol in a person's blood stream is going to happen in every case, not just this one. Additionally, the state's seeking of a "per se" rule also fails to account for advances in the 47 years since the Schmerber decision. While the natural dissipation of alcohol in a person's blood may support an exigency finding in a specific case, as it did in Schmerber, it does not categorically do so in all DWI/DUI cases.

This court has consistently recognized that any compelled intrusion whatsoever into the human body implicates significant and constitutionally protected privacy interest of that individual. The government's general interest in combating drunk driving does not justify departing from the warrant requirement without showing exigent circumstances that make securing a warrant impractical in that particular case. The government's other arguments advancing support of a "per se" rule are unpersuasive.

Accordingly, the judgments of the lower courts are affirmed. When the lone factor justifying a warrantless seizure of a person's blood is that the alcohol is dissipating, and no other exigent circumstances exist, a search warrant must be obtained prior to the taking of the blood sample.