

# Ask a KKC Attorney



Attorney Matthew Willis

**Q:** Do I Have to Comply at a DUI Checkpoint?

**A:** YES and NO. You must comply with a checkpoint officer's command to stop your vehicle, turn off the motor, or pull over to a side shoulder. You do not need to answer any substantive questions during a checkpoint interview. Additionally, whether or not you are arrested, you are not required to participate in any field or sobriety tests. Refusal to take a breath test does come with some consequences, and I often instruct clients to submit to these tests when their arrest stems from a simple stop at a DUI checkpoint. Remember, with almost any police interview or questioning, anything you say can, and will, be used against you later.

After your initial interview by the police officer at the checkpoint, the officer will determine whether he suspects you are operating under the influence. If the officer believes you are intoxicated, you will be instructed to pull over to the side and asked to perform some field sobriety tests. Again, you are not required to perform these tests, but if you refuse, you should expect some intense scrutiny from the officer. You are also free to contact an attorney while you are waiting to be screened at a DUI checkpoint. Just be careful and make sure you use a hands free device.