

2005

United States v. Kincade - Justifying the Seizure of One's Identity

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checkpoint was a violation of his Fourth Amendment rights.¹²⁵ Relying on the Court's decision in *Edmond*, the Illinois Supreme Court held the checkpoint to be an unconstitutional violation of the Fourth Amendment.¹²⁶

The United States Supreme Court disagreed, distinguishing the *Edmond* checkpoint from the *Lidster* checkpoint.¹²⁷ The Court once again purported to focus on the purpose of the checkpoint. The Court reasoned that while the purpose of the *Edmond* checkpoint was to detect whether the vehicle occupants were committing a crime, the purpose of the *Lidster* checkpoint was not to determine whether the person stopped had committed a crime, but merely to obtain information from the public at large about the hit and run.¹²⁸ Under this "solicitation of information" reasoning, the Court judged the reasonableness of the checkpoint, taking into consideration "the gravity of the public concerns served by the seizure, the degree to which the seizure advance[d] the public interest, and the severity of the interference with individual liberty."¹²⁹ Balancing the gravity of the public concern in the criminal investigation and the significant advancement of this concern against the minimal level of intrusion involved in the search, the Court declared the checkpoint to be constitutional.¹³⁰

While these cases both involved roadway checkpoints, taken together, it is possible to gain some insight into the Court's "special needs" analysis. In contrast to the reasonableness inquiry associated with individualized suspicion searches, the Court will first examine the purpose of the particular search to establish whether the search is one that falls under the "special needs" exception. In making this determination, the Court will reject any general law enforcement purpose as a legitimate special need; if a general law enforcement purpose is involved, individualized suspicion is required. Next, once a search is deemed to involve a special

125. *Lidster*, 540 U.S. at 422.

126. *See id.* at 422-23.

127. *See id.* at 423.

128. *Id.* at 423-24. The Court viewed the "information-seeking stop" as an event that does not involve individualized suspicion of the driver being questioned, and considered the brief stop to be unlikely to induce anxiety or prove intrusive. *Id.* at 425.

129. *Id.* at 427 (quoting *Brown v. Texas*, 443 U.S. 47, 51 (1979)).

130. *See id.* at 427-28.