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Do Police Officers Need Probable Cause to Make a DUI Arrest?

As you're driving in your private vehicle you may wonder, when do the police have the right to stop me? Once stopped, can they arrest me for any reason? Let's discuss what must be established in order for the police to make a DUI arrest.

Reasonable Suspicion

A DUI stop has to begin with reasonable suspicion. Reasonable suspicion is when an officer uses common sense to infer that a suspect is committing, or has committed a crime. Reasonable suspicion doesn't require a significant amount of evidence, and for DUI, can be based on observations.

Common indications that a driver is under the influence include:

- Swerving within or between lanes
- Speeding
- Running through stoplights or ignoring other road signs

Any of these behaviors will make the police reasonably suspicious and they may choose to stop you.

Probable Cause



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During the DUI stop, the officers must establish probable cause to make an arrest. Therefore, you cannot be arrested just because you were stopped for suspicious driving. In DUI cases, probable cause will usually be established by breathalyzer results, field sobriety test performance, or a combination of the two. Once the police officer has collected enough evidence to prove you were driving under the influence, they will have established probable cause to make an arrest.

They cannot move forward with an arrest without probable cause, even if they feel you are guilty.

Arrested Without Probable Cause

If you believe you were stopped and arrested without probable cause, contact our defense team at Benjamin Greenwald - NY Criminal Defense Attorney [Law Office of Benjamin Greenwald, NY Criminal Defense Attorney](#). If the police did not follow proper protocol and made an arrest without cause, your case could be dismissed. To prove wrongdoing leading to your arrest, you'll want to work with our experienced Criminal Justice Attorneys. We have defended numerous cases in which our clients' rights were violated by law enforcement, and we want to help you too.

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