New York v. Burger

Of these cases, New York v. Burger, 482 U.S. 691 (1987), most clearly illustrates the degree to which the Court sometimes is willing to recognize “special needs” in settings where law enforcement interests clearly are also present. Burger involved a New York statute that required the owners of automobile junkyards and related businesses to maintain records of cars and major parts in their possession and to make these records, as well as the automobiles and components listed in them, available for warrantless inspection by police during regular business hours. These inspections were for the purpose of deterring motor vehicle theft. (The police in Burger had inspected a junkyard pursuant to the statute, found evidence of stolen vehicles, and arrested the owner.)

The Court observed that the warrantless inspection of premises in a “closely regulated” industry is reasonable when three criteria are met. First, there must be a “substantial” government interest informing the regulatory scheme pursuant to which the inspection is made. Second, warrantless inspections must be necessary to further the regulatory scheme. And third, the inspection program must provide a “constitutionally adequate substitute” for a warrant (by informing proprietors that regular inspections of a defined type take place pursuant to law in this industry and by placing appropriate limits on the time, place, and scope of inspections). The Court found the New York statute met these criteria. The fact that the regulatory goals in Burger — separating legitimate dealers in used auto parts from “chop shops” that “fenced” parts from stolen cars, and ensuring that stolen cars and parts could be traced — overlapped with purposes in the penal laws did not render the regulatory scheme invalid. “Nor do we think,” the Court continued, “that this administrative scheme is unconstitutional simply because, in the course of enforcing it, an inspecting officer may discover evidence of crimes, besides violations of the scheme itself.” Id. at 716.