



# SOBRIETY CHECKPOINTS

FC No.: 517

Date: 12-04-18

If a provision of a regulation, departmental directive, or rule conflicts with a provision of the contract, the contract prevails except where the contract provision conflicts with State law or the Police Collective Bargaining Law. (FOP Contract, Article 61)

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## I. Policy

Sobriety checkpoints in *impaired driving* enforcement will be used as a campaign for public awareness and as an effective enforcement tool. The United States Supreme Court has *affirmed* the constitutionality of *sobriety checkpoints*, which provides the department with an additional tool for deterring impaired driving. The goal of *sobriety checkpoints* is to identify and arrest the impaired driver and to increase the public's perceived likelihood of detection if they drive *while impaired*. *Arrests for impaired driving shall be based on probable cause that, at the time of the offense, an arrestee was in actual physical control of a motor vehicle.* Sobriety checkpoints are authorized only under the guidelines outlined in this directive.

## II. Definitions

- A. ***Driving While Impaired (DWI):*** *Driving, attempting to drive, operating, moving or being in actual physical control of a motor vehicle, on public property or private property used by the public in general, with a BAC BrAC of more than 0.05 but less than 0.08, or while impaired by any drug, controlled dangerous substances (CDS) or a combination of drugs and alcohol.*
- B. ***Probable Cause:*** *Facts and circumstances, when articulated, would leave a reasonable person to believe that the suspect is guilty of the offense.*
- C. ***Sobriety Checkpoint:*** *Defined by the National Highway Traffic Safety Administration (NHTSA) as the stopping of vehicles at a predetermined fixed location to detect drivers who are impaired by alcohol or other drugs.*
- D. ***Reasonable Articulate Suspicion:*** *a reasonable presumption that a crime has been, is being, or will be committed. It is a reasonable belief based on facts or circumstances and is informed by a police officer's training and experience. Reasonable suspicion is seen as more than a guess or hunch but less than probable cause.*

- E. ***Temporary Traffic Control: Measures employed at a traffic incident scene that permit the safe and expeditious flow of traffic through or around the event, reduce the likelihood of secondary collisions and mitigate the effects to secondary roadways surrounding the incident.***

**III. Procedures:**

- A. The Director *of the Traffic Division*, or designee will authorize sobriety checkpoints in writing.
- B. ***The following criteria shall be considered when selecting a checkpoint location:***
  - 1. *The primary concern is the safety factors for the officers and the citizens;*
  - 2. *Traffic volume and the number of officers scheduled for the checkpoint. This will ensure that motorists are not unnecessarily delayed in traffic backups;*
  - 3. *The number of prior driving while impaired (DWI)/driving under the influence (DUI) arrests on that roadway; and,*
  - 4. *The percentage of alcohol/drug related collisions on that roadway.*
  - 5. *Compliance of laws governing operation of sobriety checkpoints*
- C. ***The following procedures shall be put into place while conducting the checkpoint:***
  - 1. *An adequate number of officers for the location chosen shall be assigned to the checkpoint detail;*
  - 2. *Advanced warning signs and other equipment to ensure safety and to alert motorist to the upcoming checkpoint shall be on hand;*
  - 3. *An adequate number of police vehicles to complete the checkpoint shall be on hand during the checkpoint;*
  - 4. *Advanced notice shall be given to the public via the Public Information Division; and,*
  - 5. *Specific instructions at pre-checkpoint briefing on procedures to be followed at the checkpoint shall be given to all personnel involved.*

**IV. Site Selection**

The checkpoint location will be selected on the basis of data relating to alcohol-involved collisions and arrests. ***Safety of the checkpoint personnel and the public should be the primary factor*** in the selection of checkpoint sites. Sobriety checkpoints will be established on roads that can support a manageable amount of traffic and provide drivers with a sufficient distance to safely stop their vehicles. ***The site must have a safe area for the stopping of motorists and must afford oncoming traffic sufficient sight distance for the drivers to safely stop upon seeing the checkpoint. The site must also provide adequate parking for police vehicles and the vehicles of those detained or arrested.*** Sobriety checkpoints will not be held during rain, snow, or other inclement weather.

**V. Checkpoint Supervisor Responsibilities**

***The checkpoint supervisor will:***

- A. ***Ensure*** the checkpoint is supervised and staffed with a sufficient number of officers.
- B. ***Conduct pre-operation briefing, information will include:***
  - 1. *Disseminate information about checkpoint location*
  - 2. *Introduction of personnel*
  - 3. *Safety briefing*
- C. ***Conduct site assessment to ensure all checkpoint resources are operational and personnel positioned.***
- D. ***Ensure all notifications are made in compliance with section IX.***
- E. ***Determine if the sobriety checkpoint should be terminated or suspended due to unsafe conditions.***

VI. *Logistics*

A. *Equipment*

1. *Traffic control devices (cones, flares, signs);*
2. *“Sobriety Checkpoint” notification signs (minimum of 2);*
3. *Flashlights equipped with traffic wands;*
4. *Preliminary Breath Test (PBT) instruments, mouthpieces, batteries and appropriate forms;*
5. *High-visibility/reflective outerwear (vest, jacket, raincoat);*
6. *Sobriety checkpoint trailer;*
7. *Supplemental lighting (if needed)*

B. *Personnel*

*Sufficient police presence at the checkpoint site is vital to ensure that all aspects of the operation performed as planned.* The minimum number of officers recommended to operate a checkpoint will be three officers and a checkpoint supervisor. *When operating a checkpoint, the checkpoint supervisor should consider the availability of the following personnel to assist at the checkpoint:*

1. *Drug recognition expert (DRE)*
2. *Alcohol Enforcement Specialist (AES) trained personnel*
3. *Alcohol Initiatives Unit (AIU)*
4. *Interpreter*
5. *Volunteers Resource Section*
  - a. *Volunteers*
  - b. *Interns*
6. *Police Explorers*

VII. *Checkpoint Operations*

- A. *At a minimum, two 20-square-foot warning signs marked “Stop Ahead, Sobriety Checkpoint” will be erected to alert drivers of the upcoming checkpoint. The signs must be placed 200 to 300 feet in front of each checkpoint in order to allow the driver an alternate route or to safely negotiate a U-turn, thereby avoiding any delay or infringement of individual rights. An officer, intern, or volunteer assigned to the detail will monitor the warning signs throughout the roadblock operation.*
- B. *The checkpoint will be sufficiently illuminated with flares **and/or other sufficient lighting devices**. Adequate channelization will clearly guide traffic to an appropriate stopping point.*
- C. *All personnel will wear high-visibility/reflective outerwear for the duration of checkpoint operations.*
- D. *When **reasonable articulable suspicion exists for further investigation**, the driver will be instructed to move into the assigned pull-off area and an investigation will be conducted. **The driver’s information will be recorded** in the pullover log. Officers will conduct *S.F.S.T* to determine the level of impairment. A preliminary breath test will be offered to all drivers. The department’s zero-tolerance policy will be enforced.*
- E. *The checkpoint will be operational during the hours authorized by the Director of the **Traffic Division**, or **designee**, or until:*
  1. *Traffic becomes congested, at which time the **checkpoint supervisor will allow** traffic to flow until the congestion clears up, or*
  2. *The weather becomes inclement, at which time the checkpoint will be suspended or terminated.*

**VIII. Initial Contact**

- A. All vehicles entering the checkpoint will be counted and stopped, and no driver will be singled out arbitrarily.
- B. Officers will conduct a brief, courteous conversation to assess the driver's sobriety. The conversation should take no more than 30 seconds and will be done without any perception of harassment, threat, annoyance, or fear.
  - 1. *If there is no reasonable articulable suspicion for further investigation, the driver will be advised to safely proceed.*
  - 2. *If reasonable articulable suspicion exists, the driver will be instructed to move into the assigned pull-off area for further investigation.*
- C. *At the discretion of the checkpoint supervisor, an officer may be assigned to follow vehicles that drive through the checkpoint without cooperating with police procedure or turn away from the checkpoint area prior to the checkpoint. This officer will take action only if there is reasonable articulable suspicion that a motor vehicle violation has been committed.*

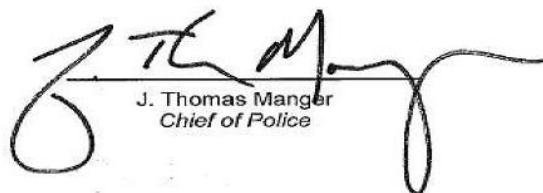
**IX. Notifications**

- A. *The sobriety checkpoint supervisor will notify ECC and Duty Commander upon the initiation and completion of the checkpoint.*
- B. *The Public Information Division will be notified of all sobriety checkpoints and is responsible for developing a media advisory and coordinating the release of information to members of the media. No other disclosures concerning checkpoint sites will be made until the sites become operational.*
- C. Upon completion of the checkpoint, the supervisor will submit an MCP 565, "DWI Checkpoint Report," to the Assistant Chief, FSB, and the Director, *of the Traffic Division*.
- D. A copy of the MCP 565 will be *e-mailed* to the *Public Information Division* as soon as the checkpoint is completed.

**X. CALEA Standards: 61.1.1, 61.1.10, 61.3.4**

**XI. Proponent Unit: Alcohol Initiatives Section**

**XII. Cancellation: This directive cancels Function Code 517, dated 04-30-02.**



J. Thomas Manger  
Chief of Police