

La Plata Police Department – Standard Operating Procedures

	Title: Sobriety Checkpoints		Number #: Traffic-01	
	Effective Date: June 18, 2015	Review Date:		
	Original Issue:		<input checked="" type="radio"/> New <input type="radio"/> Amends <input type="radio"/> Rescinds	
Approved by: Chief Carl Schinner				CALEA 5 th Edition
CALEA Standard: 61.1.5 61.1.6 61.1.8 61.1.10 61.1.11				Pages: 4

1. **POLICY:** It is the policy of the La Plata Police Department to conduct public awareness and/or enforcement activities on roadways in the Town to reduce alcohol related collisions. This may be achieved by routine patrols, saturation patrols or sobriety checkpoints.

2. **PURPOSE:** Sobriety checkpoints increase public awareness to the hazard of driving while under the influence/intoxication and raise the perceived risk of apprehension and arrest among those who choose to drive while under the influence/intoxicated.

3. **PROCEDURES:**
 - A. Checkpoint locations will be approved by the Chief of Police, through the chain of command, by the officer who is requesting the check point be conducted.

 - 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 intoxicated (DWI)/driving under the influence (DUI) arrests on that roadway; and,
 4. The percentage of alcohol/drug related collisions on that roadway.

 - 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 media; and,
 5. Specific instructions at pre-checkpoint briefing on procedures to be followed at the checkpoint shall be given to all personnel involved.

4. SITE SELECTION:

- A.** Roadways should be selected which have demonstrated a high incidence of alcohol/drug related collisions and arrest. The checkpoint should be established on days and times when these incidences are most likely to occur. The relative safety of the police personnel and the public should be of primary importance in the selection of the site. 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.
- B.** It is recommended that unless the roadway involved is divided by an actual physical barrier (jersey wall, grass or concrete median, etc.) that traffic in both directions be subject to the checkpoint procedures. It is felt that this will enhance officer and citizen safety by eliminating or lessening the chance of a vehicle being operated at a high rate of speed in the opposite direction from striking an officer or citizen involved in the checkpoint procedure.

5. EQUIPMENT: The following equipment shall be utilized during the checkpoint operation to provide a safe working environment:

- A.** Traffic cones and/or flares; (CALEA 61.3.2.f)
 - B.** “Sobriety Checkpoint” notification signs (minimum of 2);
 - C.** Flashlights equipped with traffic wands;
 - D.** Preliminary Breath Test (PBT) instruments, mouthpieces, batteries and consent forms;
 - E.** A vehicle designated as a command post; and,
 - F.** Adequate paperwork to complete DWI/DUI arrest.
 - G.** Reflective Safety Traffic Vest.
 - H.** Supplemental Lighting (if needed).
- 6. PERSONNEL:** Sufficient police presence at the checkpoint site is vital to ensure that all aspects of the operation performed as planned. At a minimum the following personnel will be assigned to perform and supervise the checkpoint operation:

- A.** An officer acting at the rank of lieutenant or above shall oversee the overall operation of the checkpoint. This officer will be referred to as the “incident commander”.
- B.** The Department’s DUI Checkpoint Manager, or an officer designated by the Operations Commander in charge of the checkpoint, shall be there to monitor and supervise line operations during the checkpoint. This officer will also complete a detailed report summarizing the event after the checkpoint has been completed, with notations of any suspensions of the checkpoint (i.e., rain, insufficient staffing after arrests, etc.). This report shall include at a minimum the approximate number of vehicles that proceeded through the checkpoint, the number of vehicles stopped, and the number of arrests made. This officer will be referred to as the “Checkpoint Manager”.
- C.** An officer in the staging area shall be designated as the PBT officer. This officer shall be trained in the use of a PBT and shall complete the advice of rights paperwork for each test conducted. All test will be documented on a PBT form.

- D. At the discretion of the commanding officer, an officer in a marked police vehicle 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 suspicion that a motor vehicle violation has been committed.
7. **PRE-CHECKPOINT:** Authorization to conduct any sobriety checkpoint will be obtained in advance from the Chief of Police. Upon approval, the following notifications will be made:
- A. A press release will be made to local media notifying them of the Department's intention to conduct a sobriety checkpoint. The exact location and times of the checkpoint need not be disclosed;
 - B. The State's Attorney's Office will be notified and an Assistant State's Attorney will be invited to attend the checkpoint;
 - C. The Charles County Communications Division will be notified of the checkpoint and given ample time to assign additional communications specialists if needed. It is not anticipated that the checkpoint will significantly increase radio traffic, however the scheduling of an additional communications specialist may be necessary.
 - D. Mothers Against Drunk Driving.
8. **CHECKPOINT:**
- A. All officers working the checkpoint will be in the patrol uniform of the day and will wear their reflective traffic safety vest if they are involved in the front line duties. (CALEA 61.3.2.g)
 - B. A minimum of two (2) "Sobriety Checkpoint" signs will be placed on the target roadway at least 100 yards in advance of the checkpoint.
 - C. Traffic cones and/or flares will be utilized to identify the checkpoint and establish lanes of travel through the checkpoint. If practical, two (2) lanes of through traffic will be maintained to minimize traffic backups. It should be noted, that when flares are used close to the officers on the line, the sulfur smell may decrease the officer's ability to detect an odor of alcoholic beverage. (CALEA 61.3.2.f)
 - D. Stop signs will be placed at the end of the designated travel lanes informing the drivers that they must stop at the checkpoint
 - E. Officers will be positioned outside the designated travel lanes in a manner which is safe. These officers will instruct each vehicle to stop (as long as the command has not been given to allow traffic to flow freely). Officers will greet each motorist and explain to them that they have entered a sobriety checkpoint. Officers shall engage the motorist in a short (2 or 3 sentence) conversation, and conclude with an apology for any inconvenience that the checkpoint may have caused. While speaking with the motorist, the officer will be looking for any signs of possible impairment such as:
 - 1. An odor of alcoholic beverage;
 - 2. Slurred speech;
 - 3. Poor coordination;
 - 4. Bloodshot eyes;

5. Open alcoholic beverage(s); and/or
 6. Any other behaviors usually associated with intoxicated drivers.
- F.** If no impairment is detected the officer will assist the driver into the flow of traffic. If signs of impairment are observed at the checkpoint, the driver will be directed to the parking area where additional investigation will be conducted.
- G.** Arrest will be handled pursuant to Order 706-Alcohol Enforcement which outlines details for DWI/DUI arrest.
- H.** If sufficient material and personnel are on hand, each motorist that passes through the checkpoint shall be handed literature that explains the dangers of driving while under the influence/intoxicated. The handing out of literature may be skipped or suspended if deemed so by the Incident Commander or Checkpoint Supervisor.

9. SUMMARY:

- A.** In determining the constitutionality of limited stops of motor vehicles, the Maryland and Federal Courts have distinguished between the stop of a single motorist by a “roving” police officer to an arbitrary location on a highway and the stop of all motorists (or a significant sampling of all motorists) at a fixed highway checkpoint.
- B.** Based on the Supreme Court’s opinion in *Michigan department of state vs. Rick Sitz*, as well as the decision of the United States Court of Appeals in *United States V. Prichard*, the operation of a police safety checkpoint, under the assumed factual conditions and restrictions contained in the above statement of facts is reasonable under the Fourth Amendment and is constitutional.
- C.** It should be remembered that the primary objective of this operation is to remove intoxicated drivers from the highways; this is not to be a license and vehicle registration check. The officer should develop an indication that the driver has been consuming alcohol before asking for the driver’s license and vehicle registration. If during the course of the checkpoint procedures serious violations of traffic or criminal statutes are discovered, the officer shall take appropriate enforcement action. Officers should refrain from taking enforcement actions for minor violations.

