



DUI
and/or
Driver License Checkpoints

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I. POLICY

Members of the Davis Police Department may conduct sobriety and/or driver license checkpoints as part of the overall comprehensive traffic safety/enforcement program. To ensure standardization of checkpoints, a clear and concise set of written procedures has been developed governing how checkpoints will be operated.

Sobriety/driver license checkpoints shall be conducted in compliance with the procedures contained in this manual, including;

- Checkpoints must be conducted in accordance with federal, state, and local laws.
- Checkpoints will be conducted so there is a minimal amount of intrusion and motorist inconvenience.
- Checkpoints will be conducted in a manner that will assure the safety of the general public, as well as law enforcement personnel.
- Site selection will be carefully selected using a standardized process based on current relevant data.
- The Davis Police Department will provide public awareness information in order to maximize the deterrent effect and to heighten awareness of the impaired driving problem.
- There shall be a systematic procedure for data collection and after impact analysis report to monitor and ensure standardization and consistency of the checkpoint program.
- Officer selection should be based on experience and training.
- Operational procedures will be covered during a briefing period prior to each checkpoint.

II. PROCEDURE

The written Operations Order for any checkpoint must:

1. Be approved by the Traffic Supervisor and a Patrol Commander, or their designees, prior to commencement of the checkpoint.
2. Specify signing, safety equipment, warning devices, barriers, etc. that will be used, their placement and proper use at the scene. This specification will be consistent with applicable standards and regulations.
3. Specify the method for selecting motorists to be contacted, e.g., “every vehicle, every fifth vehicle,” etc. to ensure objectivity.
4. Provide for an operational briefing of personnel prior to each checkpoint.

A. Operational Briefings

The success of a sobriety checkpoint depends greatly upon smooth and efficient operations. The person selected as supervisor of the operation should be briefed thoroughly on all procedures. This includes maintaining as little delay to the motoring public as possible and keeping records of any deviation from the original Operations Order.

Personnel selected to staff the checkpoint should be briefed on both its purpose and operation. They should understand the necessity for standard and uniform questions asked of drivers to avoid subjectivity. The use of an operational briefing is one way to accomplish this.

Minimally, the operational briefing should cover;

1. A review of the signed Operations Order for the checkpoint.
2. The duties specific personnel will be assigned.
3. Safety procedures.
4. The specific dialogue and educational material to be used by checkpoint personnel.
5. The method for removing vehicles to the secondary screening area for further investigation, as required.

B. Site Selection

The Davis Police Department must be able to objectively outline criteria utilized in the site selection process. The traffic supervisor or an administrator will make a site selection. An acceptable criterion for site selection includes;

1. Alcohol/Drug/Unlicensed or improperly licensed driver related traffic experiences.
 - a. Unusual incidence of alcohol/drug related crashes.
 - b. Alcohol/drug impaired driving violations.
 - c. Unusual number of nighttime single vehicle crashes.
 - d. Any other documented alcohol/drug related vehicular incidents.
 - e. Crashes involving unlicensed, suspended, or restricted drivers.
 - f. Any other documented incidents involving unlicensed, suspended, or restricted licenses.
2. Locations which permit the safe flow of traffic through the checkpoint.
 - a. Consideration should be given to posted speed limits, traffic volume, and visibility.
 - b. Ensure sufficient adjoining space is available to pull vehicles off the traveled portion of the roadway for secondary screening.
 - c. Consider other conditions that may pose hazards.
3. The site should have maximum visibility from each direction and sufficient illumination. If permanent lighting is unavailable ensure that portable lighting is provided.
4. The site will be memorialized in a diagram showing placement of signs and with photos of the checkpoint prior to the start of the operation.
5. Sobriety/driver license checkpoint teams should normally operate for periods of four to six hours

Further Consideration- Planning should assure the safety of the general public and law enforcement officers when selecting an operational site. Checkpoints must not create more of a traffic hazard than the results of the driving behavior they are trying to modify.

Planners should remember to select a site that allows officers to pull vehicles out of the traffic stream without causing significant subjective intrusion (fright) to the drivers and/or creating a

safety hazard, e.g., by creating a traffic backup. Furthermore, officers' safety must be taken into account when deciding where to locate the checkpoint.

Adequate space shall be made available away from the checkpoint for the parking of suspected DUI drivers' vehicles and the administration of SFST's. This space may be a coned-off traffic lane, a wide shoulder area, or an adjacent parking lot. For safety reasons, a parking lot should be used, if available. Provisions shall also be made for securing the vehicles of arrested parties.

The site should permit the safe flow of traffic through the checkpoint. Consideration should be given to the posted speed limits, traffic volume and visibility. If the traffic volume precludes stopping every vehicle, a nondiscretionary scheme should be adopted, in advance, for stopping some subset of vehicles. The United States Supreme Court has indicated that stopping all cars would be an acceptable method of conducting spot checks. The court has also suggested that other methods would also be acceptable, such as stopping every tenth car that passes a given point. If every vehicle is not stopped, the method used to determine which ones will be stopped must appear in the Operations Order authorizing the use of the checkpoint.

The site should have maximum visibility from each direction and sufficient illumination for the safety of both the motorists and officers. If permanent lighting is unavailable, ensure that adequate portable lighting is provided. Planners should also ensure that sufficient adjoining space is available to pull vehicles off the traveled portion of the roadway. Any other conditions that may pose a hazard should be taken into consideration.

C. Staffing Requirements

Checkpoints will usually be staffed with one supervisor and enough officers to effectively operate the checkpoint. The supervisor must be acknowledged by the on-duty Watch Commander. The exact number of personnel may vary depending on the site location.

All participating personnel shall be in full uniform at all times while in public view. All personnel, other than those assigned to observation vehicles, shall wear the Department approved reflectorized safety vest.

SUPERVISOR/TEAM LEADER— The pre-designated supervisor shall serve as the Team Leader. The Team Leader shall pre-designate at least one Assistant Team Leader.

The Team Leader is responsible for the overall operation of the checkpoint and ensuring adherence to these procedures. The Team Leader shall remain on site, except for brief relief periods.

The Team Leader will determine the rate of screening vehicles (i.e. every vehicle or every third vehicle) based upon the amount of traffic. The average time a vehicle spends in the lane should not normally exceed three minutes. The Team Leader shall monitor traffic to ensure that a back-up of vehicles does not occur. At intervals of approximately ten or fifteen minutes, a vehicle should be selected and timed through the checkpoint lane. If delays of more than three minutes occur, the Team Leader may order alternate vehicles checked as specified in the Operations Order. The Team Leader may discontinue checkpoint operations if alternate vehicle check procedures fail to prevent unreasonable traffic backups, and may consider moving to the alternate location designated in the Operations Order.

The Team Leader is also responsible for ensuring that a record is kept of the number of vehicles that pass through the checkpoint, the number of arrests made, and any problems encountered.

The Team Leader will be responsible for the rotating of personnel to prevent fatigue and also coordinate the other assignments. The Team Leader shall be available to address and resolve developing problems or questions.

In the event of an arrest, the Team Leader will assign one of the Transport Units to the arrestee. Should a chemical test be required at the hospital, the transport officer will take the arrestee for the test prior to lodging. Should an arrestee be combative, one transport officer and the arresting officer will transport the arrestee.

****The Team Leader may discontinue operations at any time for safety reasons****

ASSISTANT TEAM LEADER– The Assistant Team Leader shall assist the Team Leader or assume the duties of the Team Leader in the Team Leader’s absence.

SCREENING OFFICERS – Officers assigned to this position are responsible for screening vehicles passing through the checkpoint, performing the SFST’s, and issuing citations, if needed.

LOG OFFICER – A “Log Officer” shall be appointed to perform record keeping duties. This officer is responsible for recording all data at the checkpoint, including but not limited to, the following:

- Vehicles through checkpoint
- Drivers screened at checkpoint
- Field Sobriety Tests administered at checkpoint
- DUI arrests at checkpoint
- Drug arrests at checkpoint
- Criminal (in custody) arrests at checkpoint
- Suspended Licenses
- All other arrests/citations
- Vehicles impounded at checkpoint
- Vehicles towed at checkpoint
- Recovered stolen vehicles

TRAFFIC CONTROL OFFICER – One member of the team will be designated as the Traffic Control Officer. The Traffic Control Officer is responsible for maintenance of the traffic control devices and directing traffic into the checkpoint.

OBSERVATION VEHICLES – Observation vehicles will be assigned both to stop vehicles which fail to stop for the checkpoint and to enforce traffic laws on the “escape route”, if necessary. Motorcycle officers are the preferred observation vehicles.

Avoiding a checkpoint, via a lawful route outside of the cone pattern, does not provide reasonable cause to stop a vehicle. An officer must have legal cause to make the traffic stop. If a driver is stopped and it is determined they are under the influence, the officer should notify the Team Leader who may either dispatch assistance from the checkpoint or request Patrol to assist.

Observation vehicles should remain in proximity to the checkpoint to provide priority assistance if a driver attempts to “run” the checkpoint.

EXTRA/STANDBY OFFICERS – Unassigned personnel should position themselves to observe traffic from a position of safety and should be immediately available to provide assistance as needed. Duties should be rotated periodically to prevent undue fatigue, and to orient each person to the various responsibilities of the other team member duties. Officers should not leave the checkpoint without notifying the Team Leader. At least one officer should be on standby at all times to take the place of any screener who leaves the screening area with a motorist to be evaluated.

TRANSPORT OFFICERS – Transport officers will be assigned by the Team Leader in case of arrest.

Transport Officers should ensure that chemical tests are completed, suspects are booked and admin per se forms are completed. If the suspect requests a breath test and the Transport Officer is not certified on use of the breathalyzer, they should consult the Team Leader for assistance.

CSO/PSS/VOLUNTEERS – Can perform duties such as Log Officer, vehicle removal (off the line or from the scene via 180’s) and security for posted checkpoint signs that are away from the immediate area.

SAFETY OFFICER – The Safety Officer will be assigned to monitor approaching traffic and sound a warning if any approaching vehicle fails to stop or presents any danger.

D. Vehicle/Driver Screening

1. All vehicles, regardless of type, should be subject to screening. This includes commercial vehicles such as buses and large trucks.
2. Vehicles shall not be stopped on a discretionary basis, e.g., due to the “looks” of the vehicle. However, this does not preclude stopping a vehicle when the driver exhibits obvious signs of intoxication or when any other violation is observed.
3. Depending upon the configuration of the checkpoint, two or more officers should be used as screening officers. When approaching a vehicle, screening officers should scan the interior and occupants with a flashlight, if necessary, for weapons and/or other contraband such as open containers of alcohol. Upon determining that no hazard exists, officers should greet the driver of the vehicle as follows:

“Good Evening. I’m Officer (name) with the Davis Police Department. We are conducting a DUI/Driver License checkpoint. Have you consumed any alcohol today? Do you have your driver’s license with you?”

Or

“Good evening sir/ma’am, this is a Davis Police Department sobriety and driver license checkpoint. May I please see your driver’s license? How are you this evening?”

After the driver license has been checked and deemed valid, and no signs of impairment are observed, the driver should be handed an information pamphlet (if available), thanked for stopping, and allowed to continue. Delays of motorists should be kept to a minimum. Optimally, screening should not take more than 30 seconds.

NOTE: The Team Leader should assign at least one officer as an observer on the passenger side of the lane (personnel permitting), to check on all vehicle occupants in the vehicles being stopped for screening.

4. When necessary, the driver license check should be obtained through dispatch. Optimally, a mobile digital computer (MDC) should be used to establish license validity. This will ensure the beat patrol units, or dispatcher will not be negatively impacted by increased use of the radio.
5. In the event a motorist fails to comply with a Screening Officer's request, such as refusing to provide their driver's license, they should be moved to the secondary screening area. If the motorist refuses to roll down their window down, the screening officer shall request assistance from the Team Leader. The Team Leader shall assess the circumstances and order the appropriate enforcement action in accordance with established departmental policy.
6. As the evening progresses, there may be a tendency to get overly casual about contact with motorists. The officers on the line must remain alert and professional in their actions. As the traffic flow lightens and traffic thins, both the speed of the vehicles and the BAC's of the drivers are on the increase. This may be one of the most dangerous phases of the checkpoint. Be aware of incoming traffic at all times.

E. Enforcement Actions

Detection and Investigation Techniques - Participating officers should be properly trained in detecting impaired drivers. It is highly desirable that officers assigned to conduct sobriety checkpoints receive the Standardized Field Sobriety Testing (SFST) training. The use of sobriety checkpoints which allow impaired drivers to pass through undetected will not achieve the desired deterrence effect.

1. Enforcement actions should be limited to driver license violations, DUI, open alcoholic beverage containers, drugs, and serious criminal violations. For most mechanical violations, a verbal warning should be given. If the mechanical violation presents a serious safety hazard, the driver should be directed to pull into the secondary screening area to make or arrange for repairs before proceeding.
2. It must be emphasized to all checkpoint team members that the purpose of the checkpoint is to detect and deter DUI and/or unlicensed drivers. A sobriety/driver license checkpoint is not a "fishing expedition" for other types of violations. The team leader shall evaluate and approve all enforcement actions that are not DUI or driver license related.
3. Officers should look for the following indicators of impairment during initial contact with a driver at a checkpoint: odor of alcoholic beverages or other drugs (marijuana, hashish, some inhalants); bloodshot eyes; alcohol containers or drug paraphernalia; fumbling fingers; slurred speech; admission of drinking or drug use; inconsistent

responses; etc. When/if articulable signs or behavior normally associated with DUI are observed, or further investigation of the status of the driver license is warranted, the driver will be directed to the secondary screening area where further investigation will be conducted. The driver shall be directed to safely exit their vehicle and they will be escorted to the designated area for further investigation. Any passengers will also be directed to a designated safe area. The vehicle will be driven off the line and parked by another officer or CSO/PSS/volunteer.

NOTE: The presence of closed alcoholic beverage containers alone is not sufficient grounds for further testing. However, they are indicators of possible DUI violations. When these containers are observed in the immediate area of a driver, officers should be especially alert for other symptoms of DUI. If open containers are observed the driver should be examined at the secondary screening area.

4. Drivers should be escorted away from their vehicle so the passengers, if any, cannot easily view the SFST's. This is to avoid any interference or disruptions that may arise if the driver is subsequently arrested.
5. When an arrest for DUI is made, investigative/arrest procedures as directed in this manual shall be used. The officer who originally screens the driver should conduct the SFST's and make any arrest. Chemical testing and booking of the arrestee should be handled by the Transport officer, but may be delegated to another officer. As a Screening Officer moves from the line with a driver, a Standby Officer should rotate into the line and assume screening duties. Drivers who are not arrested shall be assisted back into traffic.
6. Vehicle Tows shall be handled in accordance with PP 2.05-A, Vehicle Tows.

E. Advance Notification/Press Releases

Public Information and Education - To obtain maximum benefit in terms of its general deterrent effect, checkpoints should be publicized aggressively. Most drivers will probably never encounter a checkpoint, but will only learn of it through media reports or by word of mouth. These two valuable forms of public communication will greatly enhance any such program and should be employed consistently.

Checkpoints are an ideal opportunity to give educational materials regarding impaired driving, speeding, child restraint and seat belt usage, as well as seasonal reminders such as schools opening, to persons stopped at the checkpoint.

For the purpose of public information and education, the Davis Police Department will announce to the media that a checkpoint will be conducted, no less than 48 hours prior to the checkpoint operation. The press releases shall include general information outlining date(s), time(s), and the general area where the checkpoint operation will occur.

A press release should be released immediately after the checkpoint operation to let the public know of the results of the operation.

This agency will encourage media interest in the checkpoint program to enhance public perception of aggressive enforcement, to heighten the deterrent effect and to assure protection of constitutional rights.

This agency will provide advance notification of the checkpoint to public safety agencies expected to be impacted.

F. Motorists Warnings/Safety Methods and Equipment

Warning Devices - Special care should be taken to warn approaching motorists of the checkpoint. Such notice can be accomplished using warning signs indicating the upcoming checkpoint; flares or fusees (if weather permits) and safety cones or similar devices for marking and/or closing lanes on the roadway; permanent or portable lighting to illuminate the checkpoint area; and marked patrol vehicles with warning lights flashing.

A sign or device should be placed to provide advance warning stating why motorists are stopped. The U.S. Supreme Court has found that visible signs of the officers' authority generate less concern and fright on the part of lawful travelers, and is therefore less of an intrusion.

The placement and types of traffic control devices used should comply with federal, state or local codes.

Basic equipment includes, but is not limited to:

1. Warning signs placed in advance of the checkpoint as to adequately warn motorists that they are approaching a sobriety/driver license checkpoint.

NOTE: At least six warning signs shall be used when setting up a checkpoint: Two signs shall read "SOBRIETY/DRIVER LICENSE CHECKPOINT AHEAD"; one sign shall read "SOBRIETY/DRIVER LICENSE CHECKPOINT" - these two signs can be substituted by the use of the message sign board; one sign shall read "STOP AHEAD"; two signs shall read "STOP"; and one sign shall warn of "LEFT/RIGHT LANE CLOSED AHEAD."

2. Flares or similar devices
3. Safety cones or similar devices
4. Permanent/portable lighting
5. Marked patrol vehicles shall be parked to provide protection to team members and to be highly visible to approaching motorists. Patrol vehicles should also be situated to allow for observation, if necessary.
6. Evidential Breath Testing Equipment – EPAS and PAS devices.
7. DUI trailer
8. Personnel should be advised to wear protective gloves while setting up the signs. This is necessary to ensure that lacerations do not occur from handling the signs and support mechanisms.
9. Clipboards, checkpoint count sheets, CHP 180's, Admin Per Se forms, Arrest forms and other necessary forms.

G. Contingency Planning

Any deviation from the predetermined plan for stopping vehicles should be thoroughly documented and the reason for the deviation given (e.g., traffic backing up, intermittent inclement weather). Courts have allowed this as long as documentation of the reason requiring

the deviation from the interview sequence is kept. If such an event occurs, the Team Leader should have a prepared alternative plan to handle the checkpoint.

H. Data Collection and Evaluation

To monitor and ensure standardization and consistency of the checkpoint program, a systematic method of data collection will be incorporated.

1. An after action report may include, but is not limited to:
 - a. Time, date, and location of the checkpoint.
 - b. Weather conditions.
 - c. Number of vehicles passing through the checkpoint.
 - d. Average time delay to motorists.
 - e. Predetermined order of selecting motorists.
 - f. Number and types of arrests.
 - g. Number of motorists detained for field sobriety testing.
 - h. Identification of unusual incidents such as safety problems/other concerns.
2. To assist in determining the effectiveness of a checkpoint operation, a periodic impact analysis will include the following types of information.
 - a. Crash rate reduction.
 - b. Impaired driving offenses.
 - c. Impaired driving convictions