

## TAKOMA PARK POLICE DEPARTMENT - GENERAL ORDERS



<b>TITLE: Sobriety Checkpoints</b>			<b>Number: 716</b>
<b>Effective Date: July 18, 2016</b>			<b>Review Date: July 18, 2022</b>
New	X Amends	Rescinds	Dated April 23, 2002
Authority: Chief Alan Goldberg			Total Pages 2

**01 Purpose:** The purpose of this General Order is to establish uniform guidelines for sobriety checkpoint operations.

**02 Background:** The Supreme Court of the United States has indicated that the police may utilize checkpoints for the purpose of traffic checks in order to determine driver licensing and car registration status, to check individuals in the immediate area of a crime scene or criminal incident, and to ascertain the conditions of a vehicle or its driver.

The key is that officers are not acting in an arbitrary manner or with unbridled discretion. Checkpoints must be rigidly controlled so as not to violate the mandates of the Constitution, as interpreted by the Court.

**03 Policy:** Sobriety checkpoints will be undertaken periodically by the Department as a part of the effort to deter drunk driving. Sobriety checkpoint procedures will always be carried out with the utmost regard for the safety of motorists and officers involved. All Constitutional requirements and guarantees will be adhered to, as delineated by this General Order. Only the Chief of Police may authorize a sobriety road check, or the participation of Department personnel in similar operations being conducted by another police department.

**04 Procedures:**

**A. Location of Checkpoints and Procedures:** Sobriety checkpoints will be conducted on selected roadways based on standard, selective-enforcement criteria considering the time of day, day of week, location, and accident frequency. The exact site of the checkpoint will be selected considering its relative safety for motorists and department personnel.

**B. On-Site Procedures:**

1. At least one ranking officer, Sergeant or above, will be assigned to each sobriety checkpoint detail to directly supervise the operation.
2. Each site will be manned by a sufficient number of officers to maintain a safe and effective operation. Officers assigned will wear Department reflecting vests. Flares and/or reflectors will be used to illuminate the site, and warning signs will be erected to give advance notice of the impending stop ahead and its nature. Barricades will not be used to block oncoming traffic.
3. All traffic approaching the checkpoint will be stopped. Traffic backups will be continuously monitored for safety. If the traffic backup reaches the maximum safe distance, pre-designated by the checkpoint supervisor, cars in line will be waved through the checkpoint to neutralize the dangerous condition.

**4.** All motorists must be treated in a uniform, courteous, and non-discriminating manner. The officer will approach each motorist and state:

“Good evening. I am Officer \_\_\_\_\_, of the Takoma Park Police Department. This sobriety checkpoint has been set up to identify and remove drunk drivers. We want to thank you for your cooperation.”

If there is no immediate evidence of intoxication, or other apparent violation, the motorist will be given the necessary assistance to safely proceed.

**5.** During the brief stop, the officer will look for factors such as an odor of an alcoholic beverage, slurred speech, general appearance, and/or other behavior normally associated with a DWI violator. A combination of these factors may give sufficient reasonable grounds to believe the person is driving while intoxicated, with impaired ability, or under the influence of drugs.

**6.** If reasonable suspicion exists that a motorist is operating under the influence, the observing officer will:

- \* cause the vehicle to be moved out of line to a safe area for secondary screening
- \* ask for and take the operator’s license and registration
- \* conduct a field sobriety test to determine sobriety. If sufficient evidence of intoxication is discovered, the driver will be arrested and processed in accordance with General Order 706, Driving While Intoxicated Enforcement.

**7.** A sobriety checkpoint will be maintained for a designated period unless dangerous traffic congestion occurs at that location, or circumstances arise that would warrant cancellation of the remainder of the detail, as determined by the officer in charge.

**8.** The location of the scheduled checkpoints will be kept confidential. The date of the activity may be widely publicized, under the authorization of the Chief of Police, so as to deter potential drunk drivers.

**9.** No action will be taken toward a motorist solely on the basis of a refusal to answer a question, or if the motorist legally turns around or turns off the roadway before the checkpoint. Officers should, however, carefully observe such vehicles to determine if they are being operated competently.

**10.** The supervisor in charge of each checkpoint will submit a report indicating:

- \* traffic volume through the checkpoint
- \* vehicles stopped for secondary screening
- \* number of persons charged with DWI
- \* number of persons charged with other offenses
- \* number of potential DWI offenders sent home with sober licensed drivers