



# SOUTH MIAMI POLICE DEPARTMENT

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<b>CFA STANDARD:</b> 24 <b>SUBJECT:</b> Traffic - DUI <b>SOBRIETY CHECKPOINTS</b>	<b>NEW (X) RESCINDS (X)</b>  <b>AMENDS ( ) OTHER ( )</b>	<b>By Order Of:</b>    <b>Rene Landa,</b> <b>CHIEF OF POLICE</b>	

**CFA STANDARD:** 24.01, 24.02M, 24.04M

**SECTIONS:**

- 29.5.1            DUI checkpoints**
- 29.5.2            Publicity**
- 29.5.2            Site Selection**
- 29.5.4            Staffing**
- 29.5.5            Method**
- 29.5.6            Equipment List**

**RESCINDS:** All existing orders in conflict.

**PURPOSE:** To establish departmental policy for DUI Sobriety Checkpoints.

**SCOPE:** All departmental personnel.

**POLICY:** The South Miami Police Department will set up and enact DUI Sobriety Checkpoints in order to publicize the commitment to reducing drunk driving in South Miami.

**PROCEDURE:**

**29.5.1            Sobriety Checkpoints Established**

Sobriety checkpoints are intended to diminish the impaired driving problem by increasing the perception that the impaired driver will be detected and arrested.

Sobriety checkpoints will be conducted at times and in places where alcohol and drug use has caused traffic danger. Vehicles passing through the checkpoint will be stopped according to a numerical pattern. Vehicles passing through the checkpoint will be stopped by using a consistent

numerical pattern. Motorists who are sober will be passed through quickly, while those who exhibit symptoms of drug or alcohol impairment will be detained for additional screening.

### **29.5.2 Publicity**

An integral part of the program will be to publicize the use of sobriety checkpoints to attain maximum public awareness and voluntary compliance with DUI laws [Jones v. State]. This increased awareness will be reinforced by education at the checkpoints. Public Service Advertisements and news releases shall be used to enhance public awareness of procedures and objectives. Publicity for the event should post in local papers at least 2 days prior to the event.

### **29.5.2 Site Selection**

- A. The selection of each site will be made by supervisory officers and the criteria and data used to determine each site will be recorded and maintained. The selection of sites should be made with consideration given to the following:
  - 1. Alcohol and drug related crash experience.
  - 2. Inter-Departmental interests.
  - 3. Law enforcement resource availability.
  - 4. Prior checkpoint location.
  - 5. Visibility to the general public.
  - 6. Officer and motorist safety.
  - 7. Convenience.
  
- B. The choice of specific checkpoint sites shall be based on the following:
  - 1. Safety of the location for citizens and law enforcement personnel. The site selected shall have a safe area for stopping a driver and must afford oncoming traffic sufficient sight distance for the driver to safely come to a stop upon approaching the checkpoint.
  - 2. The location must ensure minimum inconvenience for the driver and facilitate the safe stopping of traffic in one direction.
  - 3. Roadway choice must ensure that sufficient adjoining space is to pull the vehicle off the traveled portion of the roadway for further inquiry if necessary.

### **29.5.3 Operation**

- A. Uniform officers at checkpoint locations are to be given instruction regarding the procedure to be followed. This shall consist of a briefing to be conducted at a predetermined location and time.
  
- B. At the briefing, supervisory personnel will instruct all officers as to the exact location of the sobriety checkpoint, legal considerations involved, the procedure to

be followed in approaching a vehicle, the initial contact with its driver, and what to do in specific problem situations.

- C. One supervisory officer shall be designated the “lead officer,” who will determine the frequency of stops (anywhere from every car to every tenth) and answer on-site questions from officers and motorists.
- D. The length of a checkpoint will be determined ahead of time based on previous experience in the location and anticipated activity. Exact time and location information need not be made public in advance.
- E. Consideration should be given in choosing the time and day of a checkpoint to make sure that the checkpoints do not become too predictable. It is essential to the overall deterrent effect that motorists not be sure when and where checkpoints will appear.
- F. Safety considerations
  - 1. Each site will be staffed by a sufficient number of uniformed police officers to maintain a safe and efficient operation.
  - 2. Appropriate reflectorized safety equipment shall be provided and used by all officers. This may include flares and/or reflectors to illuminate the site and aid in traffic direction. Warning signs, flares, cones and/or emergency lighting equipment will be used and conspicuously displayed to provide advance notice of the impending stop.
  - 3. It is imperative that communication is available to all involved during checkpoint operations. This is to be accomplished through the use of radios assigned to checkpoint officers.
  - 4. Officers on checkpoint should use a flashlight with orange cone attached to direct traffic.
  - 5. Motorist Contact: An officer will approach each driver stopped and identify himself/herself by title and Department. The officer will advise each driver contacted that he/she is at a sobriety checkpoint intended to identify impaired drivers.
    - a. If so directed at the initial briefing, the officer will request to see the driver’s license. In order to minimize the inconvenience to motorists, the officer should just verify the identity and check the expiration date. Unless the driver has no license, no computer check of the license should be run. If there is no evidence of intoxication, the officer will direct the motorist on his/her way.

- b. During the brief stop and contact with the driver, the officers will be alert for articulable indications of impairment. These may include the odor of intoxicants, disorientation, unusual eye movements or other behavior that, in the officer's experience, is commonly associated with impairment by alcohol or controlled substances.
- c. Should indications of impairment be present, the driver will be directed to move to an out-of-traffic location and then asked for vehicle documents. If the driver appears to be a risk to pull over, he will be asked to leave the car and either a passenger or another officer will be asked to move the vehicle to a safe location, pending the conclusion of tests.
- d. Once out of the vehicle, a driver may be requested to perform field sobriety tests. If sufficient evidence of impairment is present, the driver will be arrested and asked to provide a breath or urine sample. If sufficient evidence does not exist, the driver will be released from the checkpoint.
- e. If a driver approaching a sobriety checkpoint deliberately avoids the checkpoint by either turning around or turning away, the decision to pursue will be based on observed driving behavior. If it appears that the driver (based on the driving pattern) may be impaired, a decision to follow will be authorized by the lead officer.

#### **29.5.4 Staffing**

- A. **Command Personnel:** A supervisory officer shall be the commander in charge at the sobriety checkpoint. Responsibilities of this officer include briefing and de-briefing, proper operation and overall supervision.
- B. **Checkpoint coordinator:** The coordinator will have the authority to alter the number of cars between stops to avoid undue congestion. If, at any time, traffic congestion or other circumstances arise that warrant the discontinuing of the operation, the lead officer may close down that checkpoint for any length of time necessary.
- C. **Approach Safety Officer:** This officer with a vehicle will be stationed along the roadway in the approach to the checkpoint. Responsibility includes observing vehicles in their approach and providing advance warning of any potentially hazardous activity. This officer should also inform the checkpoint contact officers of any driving behavior suggesting impairment, so that the contact officer can decide whether to pull a vehicle over. The approach safety officer should not leave position as long as the checkpoint is in operation.

- D. Observation Officer: This officer shall have ready access to a vehicle, preferably a motorcycle, while observing traffic entering and leaving the checkpoint. The officer shall be responsible to watch for vehicles that may attempt to avoid the checkpoint and to determine if the driving pattern exhibits signs of impairment. The officer may follow and apprehend such a driver only after receiving permission from the lead officer after reporting the facts suggesting impairment.
- E. Paperwork Master: This officer will maintain a record of the time, date and location of the checkpoint, its duration, the number of drivers stopped and the number of arrests made.
- F. Lane Safety Officer: This officer is responsible for ensuring that all flares remain lit and that all cones and barriers remain in place.
- G. Checkpoint Contact Officer: This officer will be positioned at the checkpoint at predetermined distances. The officer will be in the roadway and will wear a reflectorized vest.
- H. Support Personnel: Additional personnel may be assigned as replacement or support officers for any of the above positions, or for other duties which may be identified as necessary in conducting a safe and efficient sobriety checkpoint operation.
- I. Breath Testing Personnel: These officers shall be responsible for administering post-arrest breath and urine tests in those cases where a contact officer has concluded that a subject is DUI and has placed the subject under arrest.
- J. Transport Officer: This Officer transports prisoners to the jail facility.
- K. Pursuit Officer: This Officer follows and stops motorists who deliberately avoid the checkpoint or turn around prior to the checkpoint.

### **29.5.5 Method**

- A. The officers who approach the motorist should state their name, rank and affiliation. They will advise the driver that he or she has entered a sobriety checkpoint set up to detect impaired drivers. If there is no immediate evidence of impairment, the officer will provide an informational brochure (if available), thank the motorist, and permit the motorist to continue.
- B. During the brief stop, the officer will look for articulable signs of impairment. Drivers showing these signs will be directed to a predetermined “safe area” for further investigation. If the situation warrants, the officer will not allow the driver to move the vehicle at all. This decision should only be made after consulting with the lead officer. If the evidence of impairment is sufficient after the secondary

investigation, which may include field sobriety tests if the subject consents, the driver will be arrested.

- C. The checkpoint officer shall remain with the driver from the initial contact to the arrest or release. When the officer leaves the lane, he/she is to be replaced by another officer, if available.
- D. All checkpoint officers should have significant training and experience in the detection and apprehension of motorists driving under the influence of alcoholic beverages and drugs.
- E. All participating officers, regardless of capacity, will be in full uniform and will have been briefed at the onset of the operation.
- F. If, in the opinion of the lead officer, it is possible to combine the duties described above while maintaining the safety, efficiency and fairness of the checkpoint procedures, one officer may function in more than one capacity.
- G. The breath testing officer shall determine that the testing equipment is in proper working order and that the test is administered in accordance with the rules of the Florida Department of Law Enforcement (FDLE), including those regarding the reading of "implied consent." All testing officers must have current permits from FDLE to administer tests on the instrument being used.

### **29.5.6 Equipment List**

The following items are used in the set-up and operation of a sobriety checkpoint.

- 1. flashlights
- 2. High-visibility, Reflective vests
- 3. Flares / Fusees
- 4. Refuse containers
- 5. Channeling devices (cones)
- 6. Relectorized warning signs consisting of the following:
  - a. Sobriety Checkpoint
  - b. Reduce Speed
  - c. One Lane Ahead
  - d. Prepare to stop
  - e. Thank You, Don't Drink and Drive
- 7. Relectorized warning signs (Optional) consisting of the following:
  - a. Rebaja Velocidad (Reduce Speed)
  - b. Una Linea Seguido (One Lane Ahead)
  - c. Preparate De Parar (Prepare to stop)
  - d. Thank You, Drive Sober
  - e. Gracias, No Tome Y Maneje

8. Prisoner Van
9. Patrol Units
10. Motorcycle Units
11. Vehicle log sheet
12. Paper supplies
13. BAT Mobile, when possible