

CITY OF BARSTOW

CALIFORNIA

POLICIES and PROCEDURES MANUAL: POLICE

Subject: STATIONARY SOBRIETY CHECKPOINT

INTRODUCTION

This policy is to provide uniform procedures for the operation of sobriety checkpoints within the City limits of Barstow. Sobriety checkpoints are accepted by the courts; however, there are a number of constitutional and operational requirements that must be adhered to by the Department.

PROCEDURE

1. Location - Checkpoint sites are to be based on past accident history or a known high DUI arrest activity. Sobriety checkpoints shall not be located on freeways or other roadways where traffic speed would pose a threat to motorists.

A potential sobriety checkpoint shall have adequate lighting to illuminate the entire location. If street lighting is insufficient, portable lighting devices may be used. Additionally, the site should have a substantial amount of off-street parking for suspected DUI driver's vehicles and administration of FSTs.

2. Checkpoint Operation

- A. Assigned supervisor is to submit operation, manpower, and traffic plans at least one week prior to execution of checkpoint.

- B. The number of vehicles to be checked (i.e., every third vehicle, every fifth vehicle, etc.) shall be decided by the supervisor prior to establishing the checkpoint. This decision shall be based on manpower and amount of traffic. The frequency of vehicles checked is to be decided solely by the supervisor. During the checkpoint operation that frequency may be changed if vehicles are being unreasonably delayed.

3. Press Release

The Division Commander shall give notice of the DUI checkpoint through the press release at least forty-eight hours in advance. This release of information should be of a general nature, but the exact location of checkpoint sites shall not be announced until two hours prior to start times.

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It is possible that members of the press may wish to be present at the checkpoint. If that is so, then the supervisor shall additionally act as press liaison and find a suitable location for the media to observe. The media shall not photograph persons being requested to submit to FSTs.

4. Manpower

Checkpoints shall be manned at all times by at least one supervisor and a sufficient number of officers to maintain a free flow of traffic. A checkpoint team will usually consist of approximately ten officers.

- A. One supervisor
- B. Four officers at checkpoint
- C. Four officers to relieve as arrests are made
- D. One officer assigned as chase car

All persons involved in sobriety checkpoints shall be in full uniform, including protective vests. While stopping traffic, officers shall additionally be required to wear their helmets.

Checkpoint team members not assigned to screening or traffic control should position themselves to observe traffic and be available should a problem arise.

Officers chosen for checkpoint assignment should be selected based on their proven skills in detecting and apprehending DUI drivers. Additionally, all team members shall have received training in Gaze Nystagmus.

5. Police Vehicles

There shall be a minimum of six marked police units used at sobriety checkpoints.

- A. Three units used in pre-stop pattern
- B. One chase vehicle
- C. Two transportation vehicles

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6. Time

Generally checkpoints will operate for a period of four hours but may be extended for up to a maximum of six hours. The decision to reduce or extend the time limit shall depend on number of arrests, amount of traffic, or other operation limitations.

7. Traffic Controls

Traffic control measures shall be adequate to give warning of the approaching checkpoint. Traffic cones, barricades, and signs shall be supplied by the Street Department in sufficient quantity to insure safety for both motorist and officers. The required traffic pattern must comply with Caltrans Standard Procedure.

Patrol units shall be used in the traffic pattern to give both warning of the approaching checkpoint and to provide protection to the checkpoint team. Units should be parked in such a manner as to aid pursuit, if necessary. As a general rule, motorists that either turn right or turn around prior to entering the final stage of the traffic pattern should not be pursued. The only exception to this is when a motorist displays obvious signs of intoxication.

8. Vehicles Stopped

Stopping vehicles is not discretionary. The checkpoint team shall use the agreed frequency decided by the supervisor. However, this does not preclude stopping an obviously intoxicated motorist. Enforcement shall be limited to driving under the influence, open containers, drugs, weapons, wanted suspects, or other serious criminal violations.

Drivers will not be asked to produce licenses and registrations. Warnings for equipment violation shall be verbal only. Should a motorist refuse to stop, roll down his/her window, or fail to cooperate as is required by law, the officer shall summon assistance and handle the matter as he would at any normal traffic stop.

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The checkpoint officer shall approach all vehicles with flashlight on, scanning interior and occupants for weapons or contraband. Once the officer determined that no hazard exists, he shall greet the driver of the vehicle as follows: "Good evening sir/ma'am, this is a Barstow Police Department sobriety checkpoint. How are you this evening?" If the officer observes no visible symptoms of intoxication at this point, he shall then thank the driver for their cooperation and allow them to continue. Delays to motorist shall be kept to an absolute minimum. The screening process should normally not take more than thirty seconds.

All vehicles, regardless of type, will be subject to screening. This includes all types of commercial vehicles. Remember, the court allows checkpoints only if the procedure is random with a set frequency. Sobriety checkpoints shall not be used as "fishing expeditions".

9. Suspected Intoxication

If visible signs of intoxication are observed by the screening officer, he shall then direct the motorist to the parking area. The officer shall be relieved at the checkpoint, and will then conduct additional investigation to determine if the motorist is in fact intoxicated. Articulate signs of intoxication include, but are not limited to, the following:

- A. Odor of alcoholic beverage
- B. Alcoholic beverage containers in vehicles
- C. Slurred speech
- D. Disorientation
- E. Bloodshot eyes
- F. Dilated or constricted pupils
- G. Narcotics or paraphernalia in plain sight
- H. Odors associated with drug use
- I. Erratic driving during approach to checkpoint

From this point on, normal investigative/arrest techniques shall be used. Arrestees should be processed and transported as expeditiously as possible. The original screening officer shall conduct all FSTs, arrest, chemical testing, and prepare a standard report.

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10. Checkpoint Supervisor

The supervisor shall assure that all procedures are adhered to and that traffic continues in an orderly fashion. He is also responsible for maintaining a log of the total number of vehicles that pass through the checkpoint, the number screened, and the number of arrests made. If manpower permits, the supervisor may designate a "Log Officer" to maintain the various counts.

Previous to the actual start-up time, but after all traffic devices and units are in place, it is additionally recommended that the supervisor take a series of photographs of the checkpoint and approach. These photographs and the logs will almost certainly be required in court.

11. Reports

Standard CHP reports will be used for documenting arrests. A copy of the logs should be attached to each arrest.

The supervisor shall prepare an "After-Action" Report to be directed to the Division Commander. This report shall document all portions of the sobriety checkpoint, including any problems encountered along with a recommendation for future improvement.

The supervisor should immediately prepare a press release after securing from the DUI checkpoint. This release shall include the number of vehicles screened and the number of persons arrested.

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