



GENERAL ORDER

Loudoun County Sheriff's Office

Chapter: Operations	Section: 408.3	
Subject: Traffic	Topic: Checkpoints and Checking Details	
Accreditation: OPR 07.10	Revised:	Reaffirmed:
Enacted: 07/30/2015	Last Review: 07/24/2015	Review: 07/30/2016

I. PURPOSE

The purpose of this General Order is to establish policies and procedures regarding checkpoints and checking details.

II. POLICY

Checkpoints and checking details can be used for a variety of purposes and may involve coordination and cooperation with foreign jurisdictions. It is the policy of the Loudoun County Sheriff's Office that all checkpoints and checking details be conducted in a lawful manner and in accordance with the policies and procedures outlined in this General Order.

III. LEGAL BACKGROUND

The U. S. Supreme Court in a decision on March 27, 1979, (*Delaware v. Prouse*) passed a ruling which strikes down the statutory authority granted law enforcement officers in Virginia which allowed deputies to stop any vehicle for the purpose of inspecting same. The decision of the court established the following premises to be considered in the realm of vehicle stops:

- A. The stopping of an auto and the detention of its occupant constitutes a seizure within the meaning of the Fourth and Fourteenth Amendments, even though the purpose of the stop is limited and the resulting detention quite brief;
- B. The State's interest in discretionary spot checks as a means of assuring safety on its highways does not outweigh the resulting intrusion on the privacy and security of the persons detained; and
- C. An individual operating or traveling in an automobile does not lose all reasonable expectation of privacy simply because the automobile and its use are subject to government regulation.

The court in its decision held that there must be, at least, an articulable, reasonable suspicion that a motorist is unlicensed or that an automobile is not properly registered, or that either the vehicle or an occupant is otherwise subject to seizure for violation of law. The court added that the stopping of all automobiles at a common checkpoint is acceptable.

The decision makes it clear that deputies must be able and prepared to articulate both to

the person(s) stopped, and possibly in court, their reasonable suspicion of a possible violation of the law. The authority given to allow a stop and frisk as provided for in *Terry v. Ohio* still provides one means of confronting suspects. Traffic stops provide the other.

IV. PROCEDURE

A. DUI Checkpoints

1. Routine DUI checkpoints will be coordinated by the appropriate OSD Traffic Supervisor or Field Operations Station Commander, and must be reviewed and approved by the Sheriff or his/her designee. Operational guidelines and procedures shall be compiled for each individual checkpoint, as the requirements of each checkpoint location and duration differ.
2. The checkpoint operations plan must be coordinated with and approved by the Commonwealth Attorney's Office prior to the execution of the checkpoint.
3. In determining checkpoint locations, the following factors will be considered:
 - a. Standard selective enforcement criteria as to time, place, and frequency of previous DUI arrests or accidents
 - b. Relative safety of a particular location for citizens as well as deputies conducting the checkpoint
 - c. A location that will afford approaching traffic ample time to realize that a stop is imminent
 - d. Adequate space to allow deputies to direct motorists out of the main stream of traffic if investigation is indicated
 - e. The probable escape routes available by which intoxicated drivers may attempt to avoid detection at a checkpoint
4. Checkpoint locations will have been selected with safety as a prime objective. In addition, the following procedures will apply:
 - a. An adequate number of flares will be used to alert the oncoming traffic of the checkpoint location. Traffic cones or other equipment may be used as an additional means of directing and warning traffic.
 - b. Appropriate safety clothing, including a traffic vest, will be worn by deputies manning the checkpoint.

- c. As an added means of safety warning and as a means of recognition, marked cruisers with flashing emergency lights will be stationed at the position where approaching traffic enters the checkpoint. All Sheriff's vehicles shall be parked in a way to avoid interference with normal traffic.

5. Enforcement Procedures

These procedures are formulated to eliminate any arbitrary enforcement action and to minimize the degree of police intrusion:

- a. Vehicles will be stopped according to one of the following plans, to be selected by the initiating executive officer based on anticipated traffic conditions:
 - i. Stop all vehicles
 - ii. Stop every second vehicle
 - iii. Stop every third vehicle
- b. A brief and courteous statement will be made by deputies manning the checkpoint. (Example: "Good evening. This is a routine sobriety checkpoint. Have you consumed any alcoholic beverages tonight? Sorry for the inconvenience, good night.")
- c. Only upon observing an articulable sign of possible intoxication will further inquiry be warranted. The deputy must develop at least an indication that the driver has been consuming alcohol or drugs before asking for a driver's license or engaging in conversation regarding such use.
- d. Based on the deputy's observations, if further questioning is required, the driver shall be directed to a safe area out of the main flow of traffic.
- e. In order for a deputy to pursue and stop a vehicle attempting to evade the DUI checkpoint, the suspect driver must have committed some type of traffic violation or demonstrated an obvious act of evasion (i.e., make a U-turn in the middle of the road).
- f. In the event that operation of the checkpoint causes backups of traffic, the operation of the checkpoint will be suspended until the congestion has cleared.
- g. The checkpoint will be terminated at any time when sufficient personnel become unavailable to safely man the checkpoint, or for any other reason of

safety.

6. Personnel

The checkpoint will be manned with adequate personnel to ensure deputy safety and to perform the task with the least delay to the motoring public.

- a. Sufficient personnel will be assigned to handle the contact with the motorist, based on anticipated volume of traffic and number of stops.
 - b. Sufficient personnel will be available to relieve deputies who may be called upon to perform additional questioning, or to make arrests.
 - c. Sufficient personnel to serve as back up deputies and to man pursuit vehicles will be detailed to the checkpoint.
 - d. All deputies assigned to DUI checkpoints will be in full uniform.
7. The checkpoint will be operated under the direct supervision of a sworn deputy with the rank of sergeant or above, who will ensure that the policies and procedures relating to the operation of DUI checkpoints are adhered to.

B. Other Checkpoints

Checkpoints can be conducted for a variety of reasons, other than DUI enforcement. The following general procedures shall be followed when conducting other checkpoints:

1. The checkpoint will be coordinated by the appropriate OSD Supervisor, CID Supervisor, or Field Operations Station Commander, and must be reviewed and approved by the Sheriff or his/her designee. Operational guidelines and procedures shall be compiled for each individual checkpoint, as the requirements of each checkpoint purpose, duration, and location differ.
2. The checkpoint operations plan must be coordinated with and approved by the Commonwealth Attorney's Office prior to the execution of the checkpoint.
3. In determining checkpoint locations, the following factors will be considered:
 - a. Standard selective enforcement criteria as to time, place, and frequency of violations
 - b. Relative safety of a particular location for citizens as well as deputies conducting the checkpoint

- c. A location that will afford approaching traffic ample time to realize that a stop is imminent
 - d. Adequate space to allow deputies to direct motorists out of the main stream of traffic if investigation is indicated
 - e. The probable escape routes available by which drivers may attempt to avoid detection at a checkpoint
4. Checkpoint locations will have been selected with safety as a prime objective. In addition, the following procedures will apply:
- a. An adequate number of flares, traffic cones, or other equipment will be used to alert the oncoming traffic of the checkpoint location.
 - b. Appropriate safety clothing, including a traffic vest, will be worn by deputies manning the checkpoint.
 - c. As an added means of safety warning and as a means of recognition, marked cruisers with flashing emergency lights will be stationed at the position where approaching traffic enters the checkpoint. All Sheriff's vehicles shall be parked in a way to avoid interference with normal traffic.
5. Enforcement Procedures

These procedures are formulated to eliminate any arbitrary enforcement action and to minimize the degree of police intrusion:

- a. Vehicles will be stopped according to one of the following plans, to be selected by the initiating executive officer based on anticipated traffic conditions:
 - i. Stop all vehicles
 - ii. Stop every second vehicle
 - iii. Stop every third vehicle
- b. A brief and courteous statement will be made by deputies manning the checkpoint. (Example: "Good evening. This is a routine _____ checkpoint. [Appropriate question depending on the nature of the checkpoint]. Sorry for the inconvenience, good night.")

- c. Only upon determining reasonable suspicion of a violation will further inquiry be warranted.
 - d. Based on the deputy's observations, if further questioning is required, the driver shall be directed to a safe area out of the main flow of traffic.
 - e. In order for a deputy to pursue and stop a vehicle attempting to evade the checkpoint, the suspect driver must have committed some type of traffic violation or demonstrated an obvious act of evasion (i.e., make a U-turn in the middle of the road).
 - f. In the event that operation of the checkpoint causes backups of traffic, the operation of the checkpoint will be suspended until the congestion has cleared.
 - g. The checkpoint will be terminated at any time when sufficient personnel become unavailable to safely man the checkpoint, or for any other reason of safety.
6. Personnel
- The checkpoint will be manned with adequate personnel to ensure deputy safety and to perform the task with the least delay to the motoring public.
- a. Sufficient personnel will be assigned to handle the contact with the motorist, based on anticipated volume of traffic and number of stops.
 - b. Sufficient personnel will be available to relieve deputies who may be called upon to perform additional questioning, or to make arrests.
 - c. Sufficient personnel to serve as back up deputies and to man pursuit vehicles will be detailed to the checkpoint.
 - d. All deputies assigned to the checkpoint will be in full uniform.
7. The checkpoint will be operated under the direct supervision of a sworn deputy with the rank of sergeant or above, who will ensure that the policies and procedures relating to the operation of the checkpoint are adhered to.

C. Checking Details

- 1. Deputies shall only conduct stationary checking details at the specific direction of a supervisor (Sergeant or above). The supervisor shall also instruct the deputies in reference to the following:

- a. The specific location of the checking detail (i.e. West Church Road and West Holly Avenue)
 - b. Specific date detail to be held and time of detail (ex. August 31st from 1800 hrs. to 2000 hrs.)
 - c. Specific purpose of checking detail (ex. Virginia and County traffic violations)
2. The checking detail shall be conducted, under normal circumstances, with two or more deputies. The first-line supervisor may assign more deputies if the flow and/or volume of traffic warrant such assignment.
 3. Deputies shall make vehicle stops only when they are able and prepared to articulate at least a reasonable suspicion that criminal activity or traffic violation has occurred or is occurring. Deputies should be ready and willing to provide motorists with an explanation as to why the individual was stopped.
 4. Upon stopping a vehicle, the deputy shall advise ECC of the traffic stop.
 5. Upon completion of the stop, the deputy shall close the traffic stop call with the appropriate notes and clearance codes.