



MAINE STATE POLICE GENERAL ORDER

E-93

SUBJECT: MAINE STATE POLICE POLICY REGARDING O.U.I. ROADBLOCKS

EFFECTIVE DATE: 08.01.2020

EXPIRATION DATE: 08.01.2027

RECENT HISTORY: AMENDED (08.01.2020); TECHNICAL AMENDMENT (TO IV(6)(B))(02.22.2012); TECHNICAL AMENDMENT (02.02.2012); REVISED (01.27.2012); TECHNICAL CHANGE (10.04.2011); CONVERTED TO WEB FORMAT (01.09.2009); FORMERLY POLICY NO. 83

DISTRIBUTION CODE: 2 (MAY BE PUBLICLY DISCLOSED)

APPLICABILITY CODE: S, Z

SIGNATURE OF COLONEL:

A handwritten signature in black ink, appearing to read "W. B. [unclear]", is placed over a light blue rectangular background.

I. PURPOSE

1. The purpose of this General Order is to update and revise the Maine State Police policy regarding O.U.I. roadblock deployment.

II. POLICY

1. The policy of the Maine State Police is to establish uniformity in the initiation of O.U.I. roadblocks to ensure the safety of the general public and the officers involved.
 - A. This policy in no way affects any other Maine State Police policy regarding enforcement of intoxicant-related offenses.

III. DEFINITIONS

1. For the purposes of this General Order, the terms included in this section are defined as follows, unless otherwise indicated in the order.
 - A. Colonel. "Colonel" means the Chief of the Maine State Police, or his or her designee.
 - B. Intoxicant. "Intoxicant" includes, by way of example only, alcohol or a drug.

IV. PROCEDURE

1. IDENTIFICATION AND DETERMINATION OF O.U.I. ROADBLOCK LOCATIONS
 - A. Each Troop Commander shall develop a list of roadblock zones based upon multiple considerations, including, but not limited to:
 1. Intoxicant-impaired driver crash frequency;
 2. Historical O.U.I. arrest data;
 3. High-risk locations.
 - B. Troop Commanders shall determine the location(s) on the designated routes where O.U.I. roadblocks may be held in accordance with this order.
 - C. A written, detailed plan shall be sent to the Major of Operations at least forty-eight (48) hours prior to the establishment of any O.U.I. roadblock.
 1. At a minimum, this plan should include the following information:
 - a. Location of the O.U.I. roadblock;
 - b. Time of the roadblock;
 - c. Personnel assigned to the roadblock;
 - d. Safety equipment to be used at the roadblock;
 - e. A description/overview of the location of the roadblock;
 - f. An overview of the plan of conducting and scope of the roadblock.
2. SITE SELECTION
 - A. An area or location that has been designated as an O.U.I. roadblock shall be established upon a roadway that:

1. Provides ample sight distance on approach to the roadblock from either direction;
2. Provides ample road shoulder or pull in area for the safety of the officer, and persons and vehicles that are stopped or detained during the roadblock; and
3. Provides ample width to place marked police vehicles with regard to safety, visibility, and accessibility.

3. SAFETY

- A. At least two marked police vehicles shall be utilized at an O.U.I. roadblock as follows:
 1. One shall be parked on each side of the roadway facing in the direction of the respective traffic flow.
 - a. Both vehicles are to emit their blue lights and strobe hazardous warning lights at all times, and are to be positioned or located so as to be their most visible without creating a safety hazard.
- B. Personnel assigned to a roadblock shall wear the uniform of the day, traffic safety vest, and be otherwise equipped commensurate with the time of day.
- C. Traffic is to be stopped by a uniformed officer giving a visual stop signal.
 1. Each vehicle at the roadblock is to be stopped for a minimum amount of time, with the operator and all occupants remaining seated in the vehicle.

4. PERSONNEL AND EQUIPMENT

- A. Each O.U.I. roadblock shall be staffed by a State Police Sergeant in addition to a sufficient number of subordinate officers and/or sworn law enforcement officers from another agency to ensure compliance with this policy.
- B. Whenever practicable, traffic safety cones and traffic warning signs should be used to warn and slow vehicles approaching a roadblock.

5. RECORD KEEPING

- A. The Sergeant supervising a roadblock operation shall maintain a record of the operation, to include, but not be limited to, the following information:
 1. The number of vehicles passing through the roadblock;

2. The number of vehicles actually checked during the operation;
3. The number of Standardized Field Sobriety Tests administered during the operation;
4. The number of O.U.I. violations determined during the operation, including the number of occasions in which a minor operating a motor vehicle was determined to be operating the vehicle under the influence of an intoxicant;
5. The number of vehicles detained for violations other than alcohol-related violations;
6. Information regarding any unusual incidents that occurred during the duration of the operation.

- B. Once completed, this record shall be forwarded to the Colonel through the Chain-of-Command as soon as possible after a roadblock operation is completed.

6. CONDUCT OF ROADBLOCK

- A. Every attempt to minimize inconvenience to the traveling public must be taken.
- B. Requests for license and registration information should not be undertaken unless the officer has reasonable, articulable suspicion or probable cause to believe that a crime, civil violation, or traffic infraction is being, or may have been, committed.
- C. Every vehicle is to be checked unless it is evident that roadblock traffic is being unnecessarily delayed, or that the volume of traffic may delay or create a safety hazard. In such cases, traffic shall be waved on until the volume decreases to allow a minimum inconvenience.
- D. A very brief and courteous statement about the roadblock operation should be made to operators by an officer staffing a roadblock.
 1. For example: "Good evening. Maine State Police. This is a routine O.U.I. roadblock. Sorry for any inconvenience. Thank you."
- E. Only if there is evidence that a motor vehicle operator is operating under the influence of an intoxicant, or there is evidence of any other violation of law, will further inquiry be warranted.

7. ARREST/CHARGING PROCEDURES

- A. If during the brief stop an officer develops specific facts that lead the officer to believe that a motor vehicle operator may be illegally operating under the influence of an intoxicant (or, in the case of a minor operating a motor vehicle, may be operating the vehicle

under the influence of an intoxicant), the officer shall then act in accordance with applicable law and policies.

NOTICE

THIS GENERAL ORDER IS FOR USE OF THE MAINE STATE POLICE AND NOT FOR ANY OTHER AGENCY. THE GENERAL ORDER IS NOT INTENDED TO BE RELIED UPON BY ANY OTHER INDIVIDUAL OR PRIVATE OR PUBLIC AGENCY. THE GENERAL ORDER EXPRESSLY DOES NOT CREATE, AND IS NOT INTENDED TO CREATE, A HIGHER LEGAL STANDARD OF SAFETY OR CARE IN AN EVIDENTIARY SENSE WITH RESPECT TO THIRD-PARTY CLAIMS. VIOLATIONS OF THIS ORDER ONLY MAY FORM THE BASIS FOR ADMINISTRATIVE SANCTIONS BY THE MAINE STATE POLICE.