

MONTPELIER POLICE DEPARTMENT

Traffic Safety Checkpoint Policy	Related Polices:
<i>This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this agency for non-judicial administrative action in accordance with the laws governing employee discipline.</i>	
Applicable Vermont Statutes:	
Applicable CALEA Standard:	
Date Implemented:	Review Date:

Purpose: The purpose of this policy is to assure constitutional compliance through the provision of guidelines pursuant to federal and Vermont law in a law enforcement action whereby motor vehicles are subjected to being stopped at predetermined checkpoint locations.

- I. Policy:** It shall be the policy of this law enforcement agency to implement a traffic safety checkpoint program. This will be done as part of a comprehensive enforcement program. To ensure standardization of this program a clear and concise set of written guidelines has been developed governing procedures on how checkpoints will be operated within this jurisdiction.
- A.** To implement this policy this agency must:
- a.** Satisfy federal, state and local legal requirements.
 - b.** Conduct checkpoints with a minimal amount of intrusion or motorist inconvenience.
 - c.** Ensure the safety of the general public as well as law enforcement Officers/deputies involved.
 - d.** Provide for an objective site selection process based on relevant data.
 - e.** Provide for public information and education to maximize the deterrent effect and heighten awareness of the impaired driving problem.
 - f.** Provide for a systematic procedure for data collection and after impact analysis report to monitor and ensure standardization and consistency of the checkpoint program.

- g.** Operational procedures will be covered during a briefing period prior to each checkpoint.

II. Procedure:

A. SITE SELECTION

Criteria utilized in the site selection process must be able to be objectively outlined and the location, time and procedures shall be determined by a supervisory law enforcement official. Supervisors shall consider:

1. Related traffic experiences.
 - a. Unusual incidence of alcohol/drug related crashes.
 - b. Alcohol/drug impaired driving violations.
 - c. Unusual number of single vehicle crashes.
 - d. Any other documented vehicular incidents.
2. Select locations which permit the safe flow of traffic through the checkpoint.
 - a. Consideration should be given to posted speed limits, traffic volume and visibility.
 - b. Ensure sufficient adjoining space is available to pull vehicles off the traveled portion of the roadway.
 - c. Consider other conditions that may pose a hazard.
3. The site should have maximum visibility from each direction and sufficient illumination. If permanent lighting is unavailable ensure that portable lighting is provided.

B. PERSONNEL

1. A sworn, uniformed officer will be assigned to provide on-scene supervision of the traffic safety checkpoint.
2. The traffic safety checkpoint will be staffed by a sufficient number of uniformed personnel to assure a safe and efficient operation.
3. The supervisor in charge of the operation shall conduct a briefing for all personnel assigned to operate the traffic safety checkpoint. Such personnel shall be provided with the required guidelines and procedures to be adhered to during the operation.

C. ADVANCE NOTIFICATION

1. For the purpose of public information and education, this agency will announce to the media that traffic safety checkpoints will be conducted.
2. The supervisor in charge of the operation shall give no less than one days notice to the public information officer for dissemination to the general public. The announcement will identify the location of the traffic safety checkpoint.

3. This agency will encourage media interest in the traffic safety checkpoint program to enhance public perception of aggressive enforcement, to heighten the deterrent effect and to assure protection of constitutional rights.
4. This agency will provide advance notification of the traffic safety checkpoint to public safety agencies expected to be impacted.

D. MOTORISTS WARNINGS / SAFETY METHODS

1. Special care is required to warn approaching motorists of the traffic safety checkpoint. The nature of the checkpoint should be readily apparent to approaching motorists.
2. Basic equipment will include, but is not limited to:
 - a. Warning signs placed in advance of the checkpoint
 - b. Flares, fusees, or similar devices
 - c. Safety cones or similar devices
 - d. Permanent/portable lighting
 - e. Marked patrol vehicles
3. The use, placement and types of traffic control devices must comply with federal, state, or local transportation codes.

E. OPERATOR CONTACT AT CHECKPOINT

1. The selection of vehicles to be stopped will be made by the supervisor in charge, and such selection shall be either:
 - a. Every vehicle;
 - b. Set pattern of vehicles (ever other, every third, or set number);
 - c. Each motorist stopped shall be dealt with in the same manner;This will serve to remove officer discretion from consideration of those vehicles that are chosen to be stopped.
2. All contact law enforcement officers shall be uniformed so as to assure the public that the traffic safety checkpoint is a legitimate governmental operation.
3. All contact law enforcement officers shall wear a reflective traffic safety vest.
4. At a minimum, each traffic safety checkpoint must be manned by at least one officer with DUI enforcement training.
5. Some traffic enforcement grants may require additional compliance requirements depending upon the nature of the enforcement.
6. At all authorized checkpoints motorists who are stopped shall be immediately informed of the nature of the checkpoint. In the event of a sobriety checkpoint, it is recommended that the contact law enforcement officer/deputy utilizes a statement or question similar to the following upon contact with the driver of a stopped vehicle:

"Good evening. This is a sobriety checkpoint aimed at deterring impaired driving. Have you consumed any alcohol or drugs today?"

Motorists should not be detained any longer than is necessary to perform a cursory examination to look for signs of intoxication or check for license and registration.

7. During the conversation with the driver, the contact law enforcement officer/deputy will establish if reasonable suspicion exists to warrant further investigation.
8. The contact law enforcement officer/deputy shall pay particular attention to any symptoms or indicators of impairment to include but not limited to:
 - a. Ability to follow directions as to the physical layout of the checkpoint as well as those given by checkpoint personnel.
 - b. The driver's speech, coordination, appearance, eyes, and any odor of intoxicants or other contraband.
 - c. An odor of intoxicants warrants asking the driver if he or she has been drinking.

E. CONTINGENCY PLANNING

Any deviation from the predetermined guidelines must thoroughly document the reason for the deviation. (i.e. traffic backing up, intermittent inclement weather.)

F. DATA COLLECTION AND EVALUATION

To monitor and ensure standardization and consistency of the traffic safety checkpoint program a systematic method of data collection will be incorporated.

1. After action report may include, but is not limited to:
 - a. Time, date, and location of checkpoint.
 - b. Weather conditions.
 - c. Number of vehicles passing through checkpoint.
 - d. Average time delay to motorists.
 - e. Predetermined order of selecting motorists
 - f. Number and types of arrests.
 - g. Number of motorists detained for field sobriety testing.
 - h. Identification of unusual incidents such as safety problems/other concerns.
2. To assist in determining the effectiveness of a checkpoint operation, a periodic impact analysis will include the following types of information.
 - a. Crash rate reduction.

- b. Impaired driving offenses.
- c. Other traffic related incidents.
- d. Public opinion survey to determine increased perception of detection and apprehension of impaired drivers.