

ORANGE COUNTY SHERIFF'S OFFICE



GENERAL ORDER

Effective Date: December 5, 2014	<input checked="" type="checkbox"/> Amends - GO 6.1.0 (March 23, 2012)	Number: 6.1.0
Distribution: All Personnel	Review Month: March	Reviewing Authority: SOD / Traffic
Subject: Driver License And Vehicle Inspection Checkpoints		

This order consists of the following:

1. Purpose
2. Policy
3. Procedures

1. **Purpose**

The purpose of this policy is to enhance traffic safety for the citizens and visitors of Orange County.

2. **Policy**

It is the policy of the Orange County Sheriff's Office to effectively enforce driver license, vehicle equipment safety and motor vehicle laws in a consistent and safe manner.

3. **Procedures**

A. Authorization

All checkpoints will be approved in advance by a supervisor of the rank of Lieutenant or above. The authorizing supervisor shall read and approve the incident action plan for the checkpoint prior to the operation.

B. Public Notification

The public will be notified a minimum of 24 hours in advance of a DUI and sobriety compliance checkpoint. All other types of checkpoints do not require advanced notification to the public. The public notification for a DUI and sobriety compliance checkpoint will give the date of the checkpoint. Notification will be made by a press release the local news media groups including, but not limited to, newspaper, radio and television.

C. Incident Action Plan

1. A written incident action plan will be developed for each checkpoint in accordance with GO [6.2.28](#). This plan will be completed and submitted to the authorizing supervisor no less than 24hours prior to the operation. The incident action plan will contain at a minimum the following information.

- a. Purpose
- b. Objectives
- c. Time Line
- d. Specific Job Assignments
- e. Job Descriptions
- f. Staffing Allocation
- g. Contingency plan

- h. Placement of lighting, visual signals and/or signs
 - i. Vehicle selection procedure
 - 2. Written incident action plans for DUI and sobriety compliance checkpoints will also include:
 - a. FDOT checkpoint schematic and layout
 - b. Traffic volume study
 - 3. Each incident action plan will specify the techniques to be used (i.e., driver license inspection, registration inspection, vehicle equipment inspection, motorist insurance inspection, DUI and sobriety compliance inspection, or a combination thereof). The purpose and procedures of the checkpoint will be uniformly applied during the checkpoint operation.
 - 4. Assigned deputies do not have authority to change the incident action plan. Only the checkpoint supervisor may adjust the incident action plan, and his or her discretion to do so is limited to changes necessitated by traffic congestion or exigent or dangerous conditions. The checkpoint supervisor shall document the reason(s) for any adjustments in the After Action Report.
- D. Motor Vehicle Checkpoints
- 1. Checkpoints may be conducted at any time provided weather and/or road conditions will not obstruct the visibility of the deputies or motorist. Deputies must use visual signs and/or signals to advise oncoming motorists about checkpoints. Deputies participating in a checkpoint must wear clothing that clearly identifies them as law enforcement officers to oncoming motorists. Any checkpoints conducted after daylight hours must provide adequate lighting for the purposes of officer safety, general visibility and to advise oncoming motorists about the checkpoints.
 - 2. A designated supervisor with the rank of corporal or above shall be present during each checkpoint. The designated checkpoint supervisor shall determine if a driver license or vehicle inspection checkpoint will be conducted, taking into consideration the traffic present and resulting delay to motorists which would result from the checkpoint. The supervisor shall also be responsible for confirming that checkpoint procedures and the incident action plan are followed by all members present.
 - 3. Vehicle stops will result in the minimum delay required to accomplish the checkpoints objective.
 - 4. Deputies conducting Driver License Checkpoints shall request from the driver his/her driver license, insurance and vehicle registration. Violations will be enforced pursuant to Florida law and agency policy.
 - 5. Deputies conducting Vehicle Inspection Checkpoints shall request the driver license and vehicle registration from each driver. Deputies shall request proof of personal injury protection (PIP) insurance if the driver is also the owner of the vehicle. Deputies shall inspect the following equipment on each vehicle for violations of FS Chapter [316](#).

- a. Horn
 - b. Windshield Wipers
 - c. Tail Lamps
 - d. Directional signals (Required on all vehicles manufactured after January 1, 1972).
 - e. Stop lights (One on each side required on all vehicles manufactured after January 1, 1972).
 - f. Tires
 - g. Exhaust System
 - h. Other readily visible equipment (i.e. windshield, bumpers, etc.)
6. Deputies shall conduct either a Driver License Checkpoint pursuant to section D-4 above, or a Vehicle Inspection Checkpoint pursuant to section D-5 above. The purpose and procedures of the specific checkpoint must be consistently applied to all vehicles being detained. Deputies may conduct a DUI and sobriety compliance checkpoint in combination with a Driver License Checkpoint or Vehicle Inspection Checkpoint, provided the purpose and procedures of the checkpoint are consistently applied to all vehicles being detained as set forth below.
 7. During a Driver License, Vehicle Inspection, or DUI and sobriety compliance checkpoint, the checkpoint supervisor shall establish a selection procedure specifying which vehicles will be stopped (e.g., every second, third, fourth vehicle). This sequence must be maintained during the duration of that checkpoint, unless circumstances require the supervisor to modify the incident action plan pursuant to Section C-4 above. If the sequence is changed it must be authorized by the checkpoint supervisor and noted in the After Action Report. When the purpose of conducting a checkpoint is DUI and sobriety compliance, the incident action plan must provide a separate area away from the direct stream of traffic to safely and expeditiously conduct field sobriety exercises and/or conduct a criminal investigation, in order to minimize the detention of motorists passing through the checkpoint.
 8. Should a checkpoint supervisor determine that traffic is becoming congested, causing an unreasonable delay to oncoming motorists, the checkpoint supervisor shall direct that oncoming vehicles be instructed to pass through the checkpoint without stopping, or shall decrease the stop rate of vehicles passing the checkpoint, until traffic returns to a reasonable flow.
 9. Uniformed members and marked patrol vehicles shall be in sufficient quantity and visibility to show the presence of legal authority for conducting the checkpoint. Deputies assigned to specialized units may assist in checkpoint operations, but must wear visible identification (i.e., badge, traffic vest, agency vest, etc.). No hood or face mask will be worn during a checkpoint operation.
 10. Drivers turning around or trying to avoid the check point will not ordinarily be stopped unless a violation has been observed. An alternate route or turn around area must be provided to all vehicles entering the check point area.

11. Vehicles operated by violators arrested will be towed per agency policy by the arresting deputy.
12. All vehicle crashes occurring at the checkpoints will be investigated by the appropriate agency

E. After Action Report

In accordance with GO [6.2.28](#), an After Action Report will be completed at the conclusion of each operation. The After Action Report will be completed in accordance with TB [09-2](#). The checkpoint supervisor shall complete an After Action Report for each checkpoint conducted. The After Action Report will be maintained with the incident action plan and will be completed and returned to the authorizing supervisor within 48 hours of completion of the checkpoint. The following minimum information will be included in the After Action Report;

1. Date, time and location of checkpoint.
2. Type of checkpoint conducted.
3. List of all personnel who participated in the checkpoint and their job assignments.
4. The time the checkpoint started and stopped to include number of vehicles passing through the checkpoint, and the average delay time of each vehicle stop made during the checkpoint.
5. Any changes or deviations from the incident action plan as approved by the checkpoint supervisor and why the changes were made.
6. Number and types of arrests made, drugs and weapons seized, number and types of citations issued.

F. Checkpoint Assignment Responsibilities

Checkpoint assignments are required for each deputy working the operation. Each deputy must read and understand the incident action plan and his/her role in the operation. No deputy shall work the checkpoint operation without first reading the incident action plan and being assigned specific responsibilities. A detailed briefing will be conducted before each checkpoint with all personnel assigned to the operation.

1. The Checkpoint Supervisor shall:
 - a. Monitor the checkpoint operation for consistency and deputies' dialogues with drivers.
 - b. Continuously monitor the checkpoint for the safety of checkpoint deputies and the driving public.
 - c. Watch for significant traffic delays and determine when to modify the checkpoint incident action plan to regulate the traffic flow for the safety of the driving public.
 - d. Complete the After Action Report for the operation and submit this report to the authorizing supervisor within 48 hours of completion of the operation.
 - e. Conduct a briefing with all persons participating in the checkpoint.

This briefing will cover the incident action plan and give assignments to each participating deputy as well as to other law enforcement agencies and their personnel who are participating in the checkpoint.

2. Checkpoint Traffic Direction Deputy shall:
 - a. Be responsible for the safe movement of traffic through the checkpoint including the traffic sequence for stopping vehicles passing through the checkpoint as determined by the checkpoint supervisor.
 - b. Keep count of all vehicles passing through the checkpoint including the start and stop times of the operation, and traffic flow opening and closing as authorized by the checkpoint supervisor.
 - c. Not conduct any driver license or vehicle inspections during the time of the operation.
 - d. Be responsible for the proper operation of all lighting equipment and the proper placement of checkpoint warning signs and/or signals.

3. Checkpoint Line Deputies shall:
 - a. Conduct driver licenses, safety checks, or DUI and sobriety compliance, including field sobriety exercises, as determined and directed by the checkpoint supervisor.
 - b. Work according to instructions presented at briefing and by his/her job assignment.
 - c. Wear traffic vests at all times while working in the road way.
 - d. Be consistent in their initial comments to drivers. In an effort to confirm such consistency, deputies should state the following "Good day or good evening. I am Deputy Sheriff _____, of the Orange County Sheriff's Office. This is a driver license, DUI and sobriety compliance, or vehicle inspection checkpoint. May I see your driver license, vehicle registration and proof of insurance please."
 - e. Take enforcement action on any Florida criminal or traffic violation they observe at the time of the stop. In the case of DUI and sobriety compliance checkpoints, a deputy shall direct a vehicle into a separate designated lane or staging area with appropriate lighting to further investigate and/or conduct field sobriety exercises, if the deputy has reasonable suspicion to believe the driver may be impaired.
 - f. Direct the violator out of the traffic lane into a designated lane to continue the investigation or issue citations.
 - g. Be responsible for all traffic citations, arrests and vehicle tows of defendants who are arrested.
 - h. Turn in his/her statistics to the checkpoint supervisor at the conclusion of the operation.

4. If a K-9 deputy is required he/she may be called from the on-duty squad to assist at the checkpoint. The K-9 deputy shall perform perimeter vehicle searches and interior searches where appropriate. The K-9 search will occur without unreasonable delay and will be conducted prior to completing the checkpoint inspection.