

SACRAMENTO POLICE DEPARTMENT

SOBRIETY CHECKPOINT MANUAL



RM 537.03



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06-06-13

TO: ALL PERSONNEL

General Order 110.01 implements this manual and requires personnel know its contents and follow its guidelines when planning and conducting sobriety checkpoints. This policy statement is an expansion of the General Order.

It is in the best interest of the community and the Sacramento Police Department to conduct sobriety checkpoints in an effort to deter impaired motorists from driving on public streets. It is equally important to ensure that a perception of a risk of apprehension is maintained, and to increase the public's awareness of the problem of drinking or using drugs and then driving.

Additionally, so that this manual shall remain as contemporary, viable and useful as possible, employees shall report, through the chain of command, to the Chief of Police (COP), any discrepancies they discover between the contents of this manual, current law, and acceptable police procedures. Any procedural changes made to those outlined in this manual shall be at the direction of the COP.



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I. PURPOSE OF SOBRIETY CHECKPOINTS

The purpose for establishing Sobriety Checkpoint shall be to:

- A. deter impaired motorists from driving on public streets and highways, and to create a perception of "risk of apprehension".
- B. reduce alcohol/drug related accidents.
- C. remove impaired motorists from the roadways.
- D. increase public awareness of the problem of drinking or using drugs and operating a motor vehicle.
- E. remove unlicensed/suspended drivers from the roadways and impound their vehicles.

II. FACTORS TO CONSIDER WHEN ESTABLISHING CHECKPOINTS

State of California, Attorney General's Opinion (September 8, 1986).

Checkpoints are legal if conducted with safeguards which minimize the intrusion on motorists. Factors to consider in conducting sobriety checkpoints include, but are not limited to:

- A. the location of the sobriety checkpoint.
- B. the time and duration of the sobriety checkpoint.
- C. the method of operation of the sobriety checkpoint.
- D. advance publicity of the sobriety checkpoints.
- E. advance warning to approaching motorists.
- F. fear and anxiety generated in sobriety checkpoints.
- G. the maintenance of safety conditions.
- H. the average time motorists are detained.
- I. standards set by superior officers.
- J. the discretion left to field officers.
- K. The effectiveness of sobriety checkpoints.

III. SELECTION OF CHECKPOINT LOCATIONS

A. The location of checkpoints shall be approved by the Area Captain. The following criteria shall be considered when choosing a location of a checkpoint.

- 1. Incidents of DUI-related activity such as arrests or accidents.
- 2. Volume of traffic flow.
- 3. Speed limits.
- 4. Lighting.
- 5. Existing traffic controls.
- 6. Visibility.
- 7. Space for Field Sobriety Testing Station and Breath Intoxilizer Station.
- 8. State highways involved.

B. Upon approval of a site, a diagram of the location showing the checkpoint layout shall be completed.

IV. DUTIES AND RESPONSIBILITIES

Personnel assigned to the checkpoint shall include DUI trained officers, an appropriate number of reserve officers, CSOs, VIPS and police cadets to fulfill the following assignments.

- A. The Checkpoint Supervisor shall oversee the entire checkpoint operation.
- B. Uniformed officers shall be assigned as Greeters/Screeners to initiate the first contact with motorists and shall be trained in the detection of impaired drivers.
- C. Uniformed officers shall serve as Field Sobriety Testers/Drug Recognition Evaluators. Those functioning as testers shall have been trained in conducting Field Sobriety Tests (FST), and those functioning as Drug Recognition Evaluators shall be certified.
- D. Log/Time Keepers may be police cadets, student trainees, volunteers who maintain a log of vehicles passing through the checkpoint, the time duration of contacts as required, and record the number of motorists diverted to the FST station.
- E. Transportation/Booking officers may be either Level 1 reserve or sworn officers.
- F. One or more marked police vehicles shall be available for use as chase vehicles for motorist (s) who run the checkpoint site.
- G. Officers or reserve officers shall monitor cones and barricades throughout the checkpoint.

V. RECOMMENDED EQUIPMENT:

- A. Marked police vehicles
- B. Flares



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- C. 28" reflective cones
- D. Official Traffic Signs
 - 1. Sobriety Checkpoint Ahead (at least 2)
 - 2. Sobriety Checkpoint
 - 3. Prepare To Stop; or, Stop Ahead
 - 4. Stop
 - 5. Lane Closed Ahead (Left or Right)
 - 6. Lane Closed (Left or Right)
 - 7. Merge
 - 8. Have driver's license ready.
- E. LED Programmable sign boards (if available) to include any of the above messages or combination of them.
- F. Appropriate sign stands
- G. Command Post Van
- H. Portable lighting
- I. DUI, Arrest, Booking and Vehicle Log forms
- J. Handout materials
- K. Stop watch
- L. Generator
- M. Barricades
- N. Arrest Kits
- O. Extension Cords
- P. Portable Intoxilizer
- Q. PAS Devices
- R. Equipment Trailer
- S. Tow Vehicle
- T. Tow Forms.

VI. NOTIFICATIONS

The Checkpoint Supervisor shall:

- A. The PIO Office will prepare and send a news release prior to a sobriety checkpoint.
- B. Notify the Records Division at least 48 hours in advance so they can have the appropriate number of personnel for the high volume of tow/vehicle update requests that will be needed.
- C. Notify the Communications Division at least 48 hours in advance so they can plan to operate with a dedicated channel if needed.

VII. OPERATIONAL OUTLINE

- A. The Checkpoint supervisor shall prepare an operational outline in compliance with General Order 532.07.
- B. Copies of the outline shall be distributed to the:
 - 1. appropriate Watch Commander(s)
 - 2. Communications Center
 - 3. Fire Department
 - 4. appropriate outside agencies.

VIII. OPERATIONAL BRIEFING

- A. Personnel involved in the physical operation of a sobriety checkpoint shall participate in an operational briefing prior to the checkpoint setup unless otherwise instructed by the Checkpoint Supervisor.
- B. Items to be covered in the operational briefing shall include, but not be limited to:
 - 1. personnel task assignments.
 - 2. setup procedures.
 - 3. safety issues.
 - 4. operational procedures.
 - 5. take down procedures



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IX. SOBRIETY CHECKPOINT SETUP

- A. When possible, pre-mark checkpoint locations for cone and sign placements.
- B. Begin setup with placement of "Prepare to Stop" followed by "Sobriety Checkpoint Ahead" sign.
- C. Divert or wave traffic through until entire checkpoint is set up.
- D. The Checkpoint Supervisor shall determine the initial screening pattern and be the only one to modify the pattern during the checkpoint using the following criteria.
 1. Preliminary screening shall last only as long as necessary to evaluate the driver for signs of impairment, and if the driver possesses a valid driver's license.
 2. If the checkpoint supervisor determines that the duration of the pattern has exceeded a reasonable length of time, he/she shall allow the necessary number of vehicles to pass in order to alleviate the problem.
- E. Initiate the checkpoint when all personnel and equipment are in position.

X. CHECKPOINT OPERATION

- A. The Checkpoint Supervisor shall monitor the entire operation.
- B. The Greeters/Screeners shall:
 1. make contact with the motorists in accordance with the established screening pattern.
 2. advise the motorists of the purpose of the checkpoint.
 3. ask if the driver has ingested any alcoholic beverage/drug.
 4. request the driver provide a valid driver's license.
 5. if signs of impairment are observed or the driver appears to be unlicensed, direct the motorist to pull into the vehicle parking area for contact by a screening officer.
 6. if no signs of impairment are observed and they have a valid driver's license:
 - a. hand out informational materials.
 - b. wave the motorist on.
- C. The Log/Time Keeper shall maintain a checkpoint vehicle log. The checkpoint vehicle log shall contain the following information:
 1. the number of vehicles which passed through the checkpoint.
 2. the number of vehicles directed to the Sobriety Testing area.
 3. the initial screening pattern and any subsequent changes to the pattern.
 4. the time log.
- D. The Sobriety Testing Officers shall conduct the standard FSTs, as appropriate. Failure of the tests shall result in arrest and processing for chemical testing and booking as required. (See GO 537.01.)
 1. When possible, all paperwork shall be completed prior to transportation to the County Jail.
 2. Transportation and booking personnel shall then transport and book arrested persons.
 3. When completion of testing requires going to the Sobriety Testing Station at the County Jail or to a DRE Testing Station, the Sobriety Testing Officer shall accompany the booking personnel to finish the testing process. The Sobriety Testing Officer shall then return to the checkpoint location. The booking personnel shall complete the booking process.
- E. The Transportation/Booking Officers shall transport arrested subjects to the Sacramento County Main Jail and complete the booking process.

XI. TOWING VEHICLES AT CHECKPOINT OPERATION (Vehicle Code § 2814.2)

- A. Vehicle Code ("VC") § 2814.2
 1. Became effective January 1, 2012
 2. Places limits and conditions on when a vehicle may be towed from a DUI checkpoint when, the driver's **only** offense is driving in violation of VC § 12500.
 3. Requires law enforcement to **make a reasonable attempt** to identify the registered owner (RO) and release their vehicle to them (if they are licensed). If the RO is not licensed the vehicle can be released to RO's licensed designee. Officer(s)/CSO(s) **shall not** tow the vehicle unless they are unable to contact the R/O by the end of the checkpoint
- B. TOWING VEHICLES AT DUI CHECKPOINTS
 1. A checkpoint supervisor shall be informed when vehicles/drivers meet the criteria of § 2814.2.
 2. If a vehicle is released to the licensed RO or their licensed designee prior to the end of the checkpoint, **that person's name and driver's license number shall be** written on the **officer's copy** of the citation issued to the driver.



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3. Vehicles will be deemed driving through a DUI checkpoint, once it has entered the cone pattern and does not have an outlet, regardless if the driver is contacted in the street or in the primary screening area by an officer, or receives a pass without contact.
4. If the driver is contacted outside the cone pattern or screening area either prior to or after the checkpoint location, VC § 2814.2 does not apply (i.e. traffic stops or probable cause contacts).
5. If the driver is arrested for an offense other than or in addition to VC § 12500, then the tow limitations of VC § 2814.2 do not apply.

EXAMPLE: when the driver is arrested for DUI-warrant- drug-weapons-etc, the vehicle may be towed and impounded under VC § 226551 (h)(1). However, Equipment/Insurance/Seatbelt violations will not be considered “other than or in addition to” VC § 12500 offenses for purposes of this procedure.

6. Vehicles that were not released to the licensed RO or their licensed designee at the end of the checkpoint shall be towed. The end of the checkpoint shall be the time when the STOP signs are turned around or taken down and NO more vehicles will be contacted or sent to primary or secondary locations for screening (if there is a break in the checkpoint for operational needs and the checkpoint will be re-opened, this will not be considered the end of the checkpoint).
7. A 30 day hold shall not be placed on vehicles which are towed under VC § 2814.2. A vehicle towed shall be stored under VC § 22651(p) and shall be released the next day or following day the tow company is open for business, after the RO or the RO's designee provide a valid driver's license and current registration.

C. LOCATING REGISTERED OWNERS

1. Officer(s)/CSO(s) shall make reasonable attempts to locate the RO by:
 - a. Checking to see if any of the occupant(s) in the vehicle is the RO. If RO is not in the vehicle, request the phone number from the occupant(s) and call the RO. NOTE: The Officer handling the contact should call the R/O personally and explain the situation);
 - b. Requesting the dispatcher that is assigned to the checkpoint use available computer system to locate and contact the RO.
2. Officer(s)/CSO(s) may use written documents, verified valid form of identification or prior knowledge to validate the identity of the RO. Officer(s)/CSO(s) may use other means to verify the identity as long they are certain that the person giving authority to release the vehicle is the RO.
3. All attempts made by the SPD to contact the RO shall be documented on the CAD call and on the towed and stored report.
4. Department personnel shall not attempt to contact the RO by driving to RO's resident or having a unit dispatched to the ROs address unless a separate crime deems it necessary (- i.e. suspicion of stolen vehicle).

- D. The steps outlined in E1-E4 shall be followed when releasing the vehicle to the RO or their licensed designee if the R/O is unlicensed.

E. SUSPENDED/REVOKED DRIVERS

1. Follow current department policy regarding suspended/revoked drivers as they are unaffected by VC § 2814.2

XII. TERMINATION OF CHECKPOINT

- A. Begin takedown of the checkpoint by removing the electronic signboards.
- B. Remove remainder of signs and cones.
- C. Secure Command Post and Sobriety Testing area.
- D. All personnel shall then return to the appropriate police facility for debriefing and checkout, as appropriate.

XIII. DEBRIEFING

- A. The Sobriety Checkpoint Supervisor shall:
 1. account for all assigned personnel.
 2. account for all equipment.
 3. prepare a summary of checkpoint results.
- B. The debriefing summary shall be submitted to the Traffic and Air Operations Lieutenant, within five (5) working days after conducting the checkpoint.