

89-002 Use of Checkpoints for Driving Under the Influence/Driver License Enforcement

Los Angeles County Sheriff's Department

FIELD OPERATIONS DIRECTIVE

Field Operations Support Services



USE OF CHECKPOINTS FOR DRIVING UNDER THE INFLUENCE/ DRIVER LICENSE ENFORCEMENT

PURPOSE

This directive provides guidelines and operational procedures for driving under the influence (DUI)/driver license checkpoints. Checkpoints shall not be conducted for the sole purpose of driver license/registration enforcement.

OBJECTIVE

The purpose of sobriety/driver license checkpoints is to educate the motoring public and promote public safety by deterring intoxicated or unlicensed persons from driving on the public streets and highways.

POLICY AND PROCEDURES

Sobriety/driver license checkpoints require the prior approval of the concerned unit commander and the Risk Management Bureau/Traffic Services Detail unit commander. If conducted in a contract city, they may require the prior approval of the city administrator/manager.

Checkpoint Site Selection

The selection of a site for a checkpoint must be based on alcohol/drug-related accident statistics. Statistical information on the locations of alcohol- and drug-related accidents is available through Sheriff's station traffic computers, the Traffic Information and Citation Database, and the Statewide Integrated Traffic Records System (SWITRS).

Checkpoints shall be situated only on roadways where traffic speeds or other considerations do not pose a threat to motorists or Department personnel.

Checkpoint sites must be adequately lighted either by street lights, portable lighting equipment, or both.

Checkpoint sites must include an adjacent area for parking suspect vehicles and for the administration of Standardized Field Sobriety Tests (SFST's).

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The location must also allow for ample warning to motorists approaching the checkpoint and provide them with an alternate route, if they elect not to drive through the checkpoint. Once a motorist has passed the threshold of the traffic control cones that direct them towards the screening deputies, they are now within the control of the checkpoint.

Operation Plans

Operation plans shall be prepared for each checkpoint and approved by the unit commander prior to the scheduled date of the operation. The plans shall address the following points:

- The date, location, and hours of the operation.
- The operation plan for each checkpoint shall include:
 - An alternative location in the event safety considerations prevent checkpoint operations at the primary location.
 - Procedures for screening alternate vehicles, e.g., every third, fifth, or tenth vehicle, should the traffic volume prevent the screening of all vehicles shall be included in the operation plan. Screening procedures may be varied during the checkpoint operation to match observed traffic flows. For example, during peak hours, the team may screen only one in ten vehicles, then one in five as traffic flow reduces, and may conclude with screening every vehicle during light traffic. The change criteria shall be described in the operation plan.
- A non-scale diagram for each checkpoint location, depicting the roadway, placement of traffic control devices, and secondary testing location for administering SFST's, may be included in the operation plan for court purposes.

Media Notifications

To enhance the public's awareness of the dangers of DUI driving and to minimize challenges against sobriety checkpoints in court, notice of a pending checkpoint should be given to the local media, via SHB Media, at least 48 hours in advance of the event. The exact location of the checkpoint should generally not be announced to the media prior to the checkpoint's scheduled start time.

Stations are encouraged to schedule news conferences prior to the checkpoint operation for the purpose of briefing the media. A suitable location at the checkpoint sites should be designated for media use.

Checkpoint Operations

As a general guideline, sobriety checkpoint teams should be composed of a sergeant (Supervising Team Leader) and a minimum of six deputies. The Supervising Team Leader and the Supervising Operations Deputy must be trained in the P.O.S.T. approved "DUI Checkpoint Planning and Management" Course. The Supervising Team Leader or Supervising Operations Deputy shall assign deputies to the positions indicated on the Checkpoint Operations Checklist (see attached form). The checkpoint shall be conducted in accordance with the following guidelines:

- Checkpoints, by design, are to be highly visible. As such, the appearance of all personnel shall be professional and in uniform. Team members shall be in full Class A uniform. All personnel shall wear their issued reflectorized traffic safety vest. Personnel who store and/or impound vehicles at checkpoints

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must be MDT, MDC, and/or JDIC trained. Department personnel assigned to the Checkpoint who has potential contact with motorists or suspects and/or their vehicles or property must be in a Departmentally approved uniform. This includes, but is not limited to, Deputies, Reserve Deputies, Volunteers, Explorers, Law Enforcement Technicians, and Parking Control Officers.

- Checkpoints should generally not begin prior to 1900 hours and should normally operate for a period of six hours (O.T.S. requires a minimum of six hours for grant funded operations) up to a maximum of eight hours including logistical paperwork.
- Traffic cones and warning signs shall be used to provide adequate warning to motorists approaching the checkpoint (a sample of one possible configuration is attached). The actual lane configuration may vary to provide maximum safety. The order sequence of the approach warning signs is standard and should not be altered.
- The location used must allow motorists an alternate route, such as a side street or turn-around area prior to entry into the checkpoint lane, for those persons who desire not to pass through the checkpoint.
- Patrol vehicles shall be parked to provide protection for team members and be highly visible to approaching motorists. A patrol vehicle should also be situated to allow for pursuit, if necessary (refer to MPP Section 5- 09/210, Pursuits). The position of patrol vehicles is indicated in the attachments.
- Adequate space, adjacent to the checkpoint, shall be available for parking suspect vehicles and for the administration of SFST's. This space can be an adjacent parking lot, a wide shoulder area, or a coned-off traffic lane.
- The Supervising Team Leader (or designee) shall monitor traffic to ensure that long delays do not occur. The average time a vehicle spends in the lane should be reasonable and based upon safety factors and traffic backup. At frequent intervals, a vehicle shall be selected and timed through the checkpoint lane and the time noted on the Checkpoint Activity Form (see attached form). If the delay to the motorist is unreasonable, the Supervising Team Leader shall order alternate vehicles checked as specified in the operation plan. The Supervising Team Leader shall discontinue checkpoint operations if alternate procedures fail to prevent traffic delays.
- All vehicles, regardless of type, should be subject to screening. This includes commercial vehicles such as buses and large trucks.
- Vehicles shall not be stopped on a discretionary basis, e.g., due to the "looks" of the vehicle. However, this does not preclude stopping a vehicle when the driver exhibits obvious signs of intoxication or when any other violation is observed.
- When approaching a vehicle, screening personnel should scan the interior and occupants with a flashlight if necessary for weapons and/or other contraband such as open containers of alcohol. Upon determining that no hazard exists and when applicable, verify driver license status. Once the driver license has been checked and deemed valid and no signs of impairment are observed, the driver should be provided an information card (if available) and allowed to continue. Delays of motorists should be kept to a minimum. Optimally, screening should not take more than 30 seconds once contact with the motorist is made.
- For minor Vehicle Code violations such as excessive muffler noise and defective lighting, a verbal warning shall be given. Drivers shall not be cited or otherwise detained for these violations.
- If the Vehicle Code violation presents an immediate safety hazard, the driver may be directed to pull into the SFST area to make needed corrections before proceeding.
- A driver of a motor vehicle shall stop and submit to a sobriety checkpoint inspection when signs and displays are posted requiring that stop. Motorists who refuse to cooperate by not rolling down their windows or who refuse to communicate with screening deputies should be detained, and the

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Supervising Team Leader shall be notified and respond to the screening line. The Supervising Team Leader can then decide the appropriate course of action.

- Should a motorist of a screened vehicle display obvious signs of intoxication, the driver should be directed to exit the vehicle and be escorted to the adjacent SFST area where further investigation can be conducted. A suspected intoxicated driver shall not be allowed to drive into the adjacent SFST area. The deputy conducting the SFST's shall determine whether to effect an arrest. Drivers who are not arrested after completing the SFST's shall be noted in an operations log and allowed to leave and directed back into the normal traffic flow.
- The Supervising Team Leader or Supervising Operations Deputy shall ensure that Checkpoint Release Procedures regarding Unlicensed Drivers adheres to the following procedure:
 - If Deputy personnel encounter a driver who is in violation of Section 12500 CVC only, Deputy personnel shall make a reasonable attempt to identify the registered owner of the vehicle.
 - If the registered owner is present or Deputy personnel are able to identify the registered owner and have them respond in person to the checkpoint location prior to the end of the checkpoint, the registered owner may authorize the release of their motor vehicle to a licensed driver.
 - The vehicle shall be released to either the registered owner of the vehicle if he or she is a licensed driver or to a licensed driver authorized by the registered owner of the vehicle. If a notice to appear is issued, the driver license number of the licensed driver to whom the vehicle was released along with the date, time, and name shall be listed on the Deputy's copy of the notice to appear issued to the unlicensed driver.
 - When a vehicle cannot be released, there is a secondary violation (excluding equipment violations) such as No Insurance, Expired Registration, Children not Properly Secured in the Vehicle, or the Supervising Team Leader or Supervising Operations Deputy has ordered the checkpoint concluded, the vehicle shall be removed pursuant to subdivision (p) of Section 22651, whether a notice to appear has been issued or not. 14602.6(a)(1) CVC does not apply to 12500 CVC drivers contacted during a DU/DL checkpoint.
 - If Deputy personnel can show that the registered owner knowingly allowed an unlicensed driver to operate their motor vehicle, the registered owner should be arrested for 14604 (a) CVC.

The Supervising Operations Deputy (or designee) is responsible for the administrative functioning of the checkpoint. This deputy must ensure that accurate records are maintained of the number of vehicles that pass through the checkpoint, the number of vehicles screened, the number of drivers given SFST's, the number of drivers arrested, the number of vehicles stored or impounded, the number of citations issued, and any special issues encountered.

Reporting

The Supervising Team Leader shall initiate a press release that outlines the results of the checkpoint through the Sheriff's Headquarters Bureau within 3 days of the conclusion of each checkpoint operation. The press release shall indicate the location(s) of the checkpoint(s), the number of vehicles screened, the number of arrests made for DUI, and any other significant information.

Additionally, a report, or copy of the press release, on the checkpoint operation shall be completed and forwarded to the appropriate Field Operations Region Chief and Traffic Services Detail. The report shall be delivered to the chief's office and Traffic Services Detail no later than 1200 hours on the second regular business day following the checkpoint. The report, or if using the press release, should include the following

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information:

- Checkpoint location(s)
- Date
- Time started
- Time ended
- Supervising Team Leader
- Supervising Operations Deputy
- Team members
- Number of vehicles screened
- Number of sobriety tests
- Number of DUI arrests
- Other arrests/citations
- Other significant information (i.e., news media, city officials, Departmental executives, etc.)
- Number of vehicles stored and/or impounded

Copies of the operation plan, the Checkpoint Activity Form, the Checkpoint Operations Checklist, and any arrest reports or citations issued shall be maintained at the Sheriff's station conducting the checkpoint, for a minimum of one year following the date of the operation.

CITES/REFERENCES

DUI caselaw:

- Michigan v. Sitz (1990) 428 US 543, 561-64
- Ingersol v. Palmer (1987)
- People v. Alvarez (1996) 14 Cal. 4th 155, 183
- People v. Washburn (1968) 265 Cal. App. 2d 665, 668, 670
- People v. Alvarado (2011) 193 Cal. App. 4th Supp. 13

ATTACHMENTS

Sobriety Checkpoint Operations Checklist

Checkpoint Activity Form and Vehicle Time Log Instruction Sheet Checkpoint Activity Form and Vehicle Time Log

Generic Checkpoint Diagram
