

<b>East Haven Police Department</b>  	<b>Type of Directive:</b> <b>Policies &amp; Procedures</b>		<b>No. 438.2</b>
	<b>Subject/Title:</b>  <b>Sobriety Checkpoints</b>	<b>Issue Date:</b>  July 29, 2014	
		<b>Effective Date:</b>  September 1, 2014	
<b>Issuing Authority:</b>  <b>Honorable Board of Police Commissioners</b>	<b>Review Date:</b>  <b>Annually</b>		
<b>References/Attachments:</b>  Connecticut General Statutes § 14-227a Manual On Uniform Traffic Control Devices (MUTCD) Michigan v. Sitz and State v. Boisvert		<b>Rescinds:</b>  438.1	
		<b>Amends:</b>  N/A	

## I. PURPOSE

- A. The purpose of this directive is to set forth the policies and procedures of the East Haven Police Department regarding the guidelines for the physical construction and operation of roadside sobriety checkpoints.

## II. POLICY

- A. It is the policy of the East Haven Police Department to safely, in accordance with the United States Constitution, State and Federal Law, and various binding court decisions, conduct Operating Under the Influence Sobriety Checkpoints. All sobriety checkpoints shall be standardized, consistent, and objective.
- B. The East Haven Police Department uses Sobriety Checkpoints in order to maximize the deterrent effect and increase the “risk of apprehension” of motorists who operate a vehicle under the influence of alcohol and/or drugs.

## III. GENERAL CONSIDERATIONS AND GUIDELINES

- A. The East Haven Police Department conducts sobriety checkpoints that satisfy federal, state, and local legal requirements. Sobriety checkpoints are conducted with the minimal amount of intrusion and/or motorist inconvenience while assuring the safety of the general public and officers involved.
- B. Sobriety checkpoints allow the East Haven Police Department to provide public information and education to maximize the deterrent effect and heighten awareness of the impaired driving problem.

## IV. PROCEDURES

### A. Pre-Checkpoint Preparation

1. Have sufficient signage, cones, warning equipment, barriers, etc. that will be used to adequately and sufficiently protect the location of the checkpoint(s).
2. Specify the method for selecting the location of the sobriety checkpoint. East Haven Police Department selects locations for sobriety checkpoints based on crash data, roadway usage, and public safety needs.
3. Specify the method for selecting motorists to be contacted: either all motorists passing through the checkpoint, every two, 3<sup>rd</sup>, 5<sup>th</sup>, 10<sup>th</sup> etc. in order to ensure objectivity.
4. Provide operational briefing prior to commencing sobriety checkpoint with all personnel involved.
5. Provide for the removal of vehicles from the sobriety checkpoint based on the current department towing/removal policy. Reference Policies and Procedures # 702.

### B. Supervisor Site Selection

1. Locations with high incidence of alcohol and/or drug related incidents to include but not limited to DUI arrests, alcohol and/or drug related motor vehicle crashes, or areas with a high incidence of motor vehicle crashes, etc.
2. Select an area that permits the safe flow of traffic through the checkpoint.
  - a. Consideration should be given to the posted speed limits.
  - b. Ensure sufficient space is available to pull vehicles off the traveled portion of the roadway.
  - c. Consider other conditions that may pose a hazard.
  - d. The site should have maximum visibility from each direction and sufficient illumination. If permanent lighting is unavailable, ensure that portable lighting is provided.

### C. Personnel

1. At least one supervisor shall be assigned to provide on-scene supervision.
2. The supervisor shall ensure that the checkpoint will be staffed by a sufficient number of uniformed personnel to assure safe and efficient operation.
3. The checkpoint shall be staffed by personnel in accordance with the current collective bargaining agreement.

4. Uniform
  - a. Officers may wear any of the department's approved Class B or Class C uniform(s) with a high visibility yellow reflective vest/jacket or the high visibility Class D shirt (provided that all personnel assigned to the sobriety checkpoint are wearing the same uniform, unless an exception is permitted by the supervisor).

D. Advance Notification

1. For the purposes of education, public information, and to fulfill current legal requirements, an announcement will be made to the media. The notification will provide the date(s), general location(s), and time(s) where the checkpoint(s) will be conducted.
2. A copy of the press release advising of the checkpoint(s) along with a copy of the page with date from the proper media source will be kept on file in the records room.
3. The department will encourage media interest in the sobriety checkpoint program to enhance public perception of aggressive enforcement, to heighten the deterrent effect, and to assure protection of constitutional rights.

E. Motorists Warnings/Safety Methods

1. Special care is required to warn approaching motorists of the sobriety checkpoint.
2. Basic equipment should include based upon the location and determination of the supervisor:
  - a. Warning signs placed in advance of the checkpoint.
    - 1) At least one sign will indicate to approaching motorists that a Sobriety Checkpoint is ahead. This sign shall be placed at or prior to the turn off point.
    - 2) A turn off or point of egress (side street, alternate route) shall be made available so that approaching motorists may elect to avoid the checkpoint and select an alternate route.
  - b. Flares or similar devices.
  - c. Safety cones or similar devices.
  - d. Permanent/portable lighting.
  - e. Marked patrol vehicles equipped with flashing emergency lights.
3. The use, placement, and types of traffic control devices must comply with Federal, State, or local transportation codes, statutes, ordinances, and legal decisions.

F. On Scene Planning/Operation

1. Any deviation from the predetermined guidelines must be thoroughly documented in the After Action Report as to the reason for such deviation.

2. The supervisor on scene or his/her designee will keep a tally of the number of vehicles that pass through each location of a checkpoint.
3. Each officer will keep track of any vehicle he or she pulls out of the checkpoint line for a secondary inspection. This shall be done on a tally sheet completed by the officer and submitted to records with the supervisor's action report.
4. Interview of operators
  - a. Each operator contacted in line shall be advised of the reason for the sobriety checkpoint and asked a minimal amount of questions to determine if he or she may be under the influence of alcohol and/or drugs. If suspicion is not determined by the short interview of questions, the operator must immediately be allowed to pass through the checkpoint.
  - b. If while speaking to the operator, the officer observes another legal reason or articulable suspicion that itself would justify a reason to stop the operator had he or she not been passing through the checkpoint, the operator may then be pulled to the shoulder of the roadway and further investigation conducted.
  - c. At no time shall an officer arbitrarily pick a vehicle and/or operator out of line for a further secondary inspection unless there is a reasonable suspicion of operation under the influence or other legal reason to stop the vehicle.

G. After Action Report

1. The after action report shall be completed by the supervisor in charge.
2. The report shall include the following;
  - a. Time, date, and location of checkpoint.
  - b. Weather conditions.
  - c. Number of vehicles passing through each location of the checkpoint.
  - d. Note of any excessive or unusual time delays to motorists that are not pulled to the shoulder for secondary inspection.
  - e. Predetermined order of selecting vehicles/operators contacted.
  - f. Number and types of arrests, summons, infractions.
  - g. Number of motorists detained for field sobriety testing, regardless if arrested.
  - h. Identification of unusual incidents such as safety problems and other concerns.
3. The supervisor in charge of each sobriety checkpoint shall submit to the Records Division the After Action Report, each officer's tally sheet, and a copy of any

paperwork required if the checkpoint is conducted based on a grant. All checkpoint paperwork will be kept on file by records.