

GENERAL ORDER XVIII

SUBJECT: SOBRIETY CHECKPOINTS

EFFECTIVE DATE: 10-31-02

REVIEW DATE: 01-13-12

NOTE: This rule or regulation is for internal use only, and does not enlarge an officer's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this directive, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial administrative setting.

I. POLICY

It is the policy of the West Plains Police Department to seek out and remove impaired drivers from the streets of the City of West Plains. Drivers who are impaired by alcohol or drugs present a significant risk to the public. Such drivers kill and injure a number of people each year.

II. PURPOSE

To establish a standard and uniform system and procedure of conducting "sobriety checkpoints", with goal of identifying and apprehending impaired drivers, in a cooperative effort, and in conjunction with the guidelines established by the Missouri Division of Highway Safety, Missouri Department of Public Safety.

III. GENERAL DUTIES

1. The Chief of Police shall designate an officer to be the Officer in Charge (OIC) of the Sobriety Checkpoints conducted by this department.
2. The OIC of the Checkpoints shall attend a special training session sponsored by the Missouri Division of Highway Safety, Missouri Department of Public Safety prior to actually conducting a Sobriety Checkpoint.
3. Officers staffing the Checkpoint shall be approved by the chain of command.
4. Particular care will be used in staffing the Checkpoint with at least a four officers who have been State Certified in Standard Field Sobriety Testing. The Sobriety Checkpoint shall be adequately staffed with a minimum of six officers. There shall be a minimum of four officers, including the OIC, on site at all times.

5. Officers selected to participate in a Sobriety Checkpoint shall give special attention to their appearance prior to reporting for briefing.
6. Officers staffing the Checkpoint shall exhibit uncommon courtesy while performing their duties.
7. Officers assigned to the Checkpoint operation shall maintain the highest standard of safety at all times.
8. Officers may participate in co-operative checkpoints and DWI saturation in other jurisdictions with prior approval of the Chain of Command.

III. PROCEDURE

- A. The OIC shall have the following responsibilities.
 1. Ensure that the proper equipment is available for use during the operation of the Checkpoint.
 2. Announce the uniform of the day for the officers staffing the Checkpoint.
 3. Determine the specific assignments for the officers staffing the Checkpoint.
 4. Conduct the roll call, an inspection and briefing of the officers staffing the Checkpoint.
 5. Make a news release prior to the Checkpoint. The news release should only give the date and time that the Checkpoint will be conducted.
 6. The overall supervision and control of the Checkpoint and the officers assigned.
 7. Be responsible for development of a formal written plan for each Checkpoint.
 8. Be responsible for all decisions relating to the operation of the Checkpoint to include, but not limited to:
 - a. Directing the parking location of the Police Vehicles used at the scene of a Checkpoint.
 - b. Establishing the exit locations where the field sobriety tests will be performed.

- c. Establishing the manner and location of the placements of traffic cones, signs and flares.
 - d. If circumstances create a hazard to officers or motorists, he may stop the operation of the Checkpoint.
 - e. If the volume of traffic creates unnecessary obstruction to the normal flow of traffic, he may stop the operation of the Checkpoint, and resume it at an alternate site and/or time, or he may change the criterion for stopping the selected vehicles.
- 9. Direct the officers to follow through with their own reports unless the OIC advised otherwise due to checkpoint style.
 - 10. Have the responsibility of completing any after action reports that may be deemed necessary.

B. The checkpoint officers shall have the following responsibilities;

- 1. Contacting the operator of the vehicles that have become involved in the Checkpoint.
- 2. The officer shall be polite and courteous throughout his contact with the driver that is stopped.
- 3. Carefully check each driver for signs of intoxication.
- 4. Conduct and monitor the application of field sobriety tests that he/she may have the occasion to administer.
- 5. Be aware of unsafe conditions and immediately report an unsafe condition to the OIC.
- 6. Establish adequate probable cause before he/she affects any arrest of any violator for any violation.
- 7. Determine the enforcement action of any violation, except that of Driving While Intoxicated.
- 8. Transport any prisoner that he/she takes into custody unless the OIC has directed otherwise.
- 9. Has the responsibility of any further processing of persons taken into custody.

10. Completes any administrative duties as directed by the OIC.

C. The Chemical Test Officer

1. Ensure that all chemical tests he/she performs are conducted as per the Department of Health Guidelines. This may be done by each officer or one in particular depending on how the Checkpoint is run.

D. Enforcement action to be taken by the officers for violations other than Driving While Intoxicated will be at the discretion of the officer, may include;

1. A verbal warning.
2. The issuance of a traffic ticket.
3. Custodial arrest based on probable cause.

E. Preliminary determination by the officers contacting vehicle operators of the use of intoxicants, shall include, but not be limited to;

1. The odor of intoxicants
2. Slurred speech.
3. Bloodshot and/or watery eyes.
4. Inability to follow directions.
5. Open intoxicants within the vehicle.
6. The specific manner in which the person operates the vehicle.
7. Fumbling while attempting to produce their operator's license upon request by the law enforcement officer.
8. Their statements or admissions.

- F. When the investigating officer determines that the driver of the vehicle is under the influence of intoxicants, he/she shall have the operator exit the vehicle and direct him to the area where field sobriety tests are to be conducted and direct the driver to perform the following;
1. The one leg stand test.
 2. The nine step "heel to toe" walking test.
 3. Horizontal gaze nystagmus test (if qualified to administer)
 4. Any other test as directed by the officer in charge.
- G. If the driver of the vehicle passes the tests, he/she shall be allowed to proceed.
- H. Should the officer have probable cause to believe the driver is under the influence of intoxicants based upon the officers observations and/or the driver's performance on the field sobriety tests, the officer shall arrest the individual for Driving While Intoxicated.
- I. Upon arrest of the driver, and prior to further processing, the arresting officer shall secure the vehicle in a predetermined location until the driver can arrange for it to be moved unless the driver wishes for a passenger to drive the vehicle away from the Checkpoint or wishes for it to be towed at their expense.
- J. The arresting officer shall transport the suspect to the West Plains Police Department for further processing, unless transport arrangements have been scheduled by the OIC or the checkpoint is as such that processing will occur at the Checkpoint.
- K. When the arresting officer has completed the processing of the suspect, he/she will return to the Checkpoint and resume his/her assigned duties.
- L. While assigned to the Sobriety Checkpoint, each officer shall remain alert for other violations of the law, to include but not limited to;
1. Expired vehicle registration
 2. Improper operator's license
 3. No driver's license
 4. Vehicle equipment violations

5. Minor in possession
6. Weapons violations
7. Narcotic violations
8. Seatbelt violations

AUTHORITY

- A. This policy is issued by the authority of the Chief of Police. Any policy additions, deviations or revisions shall be made only at the direction of the Chief of Police.

By Authority of:

Charles Brotherton, Jr., Chief of Police