

	MARICOPA COUNTY SHERIFF'S OFFICE	
	POLICY AND PROCEDURES	
	Subject SOBRIETY CHECKPOINTS	Policy Number EB-8
		Effective Date 08-19-06
Related Information	Supersedes EB-8 (8-12-91)	

PURPOSE

This Policy establishes guidelines for the operation of sobriety checkpoints.

POLICY

It is the Policy of the Office to ensure that sobriety checkpoints established by the Office are consistent with the Manual of Uniform Traffic Control Devices and judicially acceptable procedures in regard to the use of warning signs, barricades, traffic cones, warning lights, and other safety equipment and/or warning devices that may be required.

DEFINITIONS

None

PROCEDURES

1. There shall be five warning signs in place for each direction that the checkpoint is in operation. The signs are as follows:
 - A. REDUCE SPEED.
 - B. BE PREPARED TO STOP.
 - C. SOBRIETY CHECKPOINT AHEAD.
 - D. FLAGMAN AHEAD.
 - E. STOP.
2. The signs shall be placed approximately 500 feet apart in the order listed. Whenever possible, the signs should be flagged and illuminated with blinking lights.
3. Patrol vehicles will be parked approximately 100 feet beyond the REDUCE SPEED sign, facing with the flow of traffic. Rear deck lights will be in operation.
4. Channelization of traffic will begin 300 feet from the STOP sign, with pylons placed 25 feet apart to define the lanes of approach.
5. Office approved reflective safety vests shall be worn by all personnel involved with the checkpoint.

6. The Arizona Supreme Court has ruled that checkpoints are permissible when they promote a legitimate government interest which outweighs the intrusion on the interests protected by the Fourth Amendment and are conducted in a manner designed to minimize intrusion. When establishing the checkpoint, the following procedures shall be followed:
 - A. All checkpoints must have prior approval from the Enforcement Operations Bureau Chief.
 - B. A factual (statistical) summary and justification governing the checkpoint location shall be prepared.
 - C. Checkpoints must be of a specified, limited duration. The date, day of week, time, and location will be based on applicable collision and enforcement data.
 - D. Public notification of an impending checkpoint, the reasons for it, and the general area in which it will be held, should be disseminated to the news media up to 5 days prior to the target date. Specific locations shall be announced at least 1 day prior to implementation.
 - E. Warning signals and signs shall be placed throughout the checkpoint area.
7. All vehicles shall be required to stop at the sobriety checkpoint. The Office shall make every effort to ensure that intrusion and inconvenience to the public are at a minimum and that conversation is as uniform as possible prior to the establishment of reasonable suspicion.
 - A. Officers shall be in full uniform to assure the public that the sobriety checkpoint is a legitimate governmental operation.
 - B. All contact officers shall ask the same, pre-selected questions, such as:
 1. Good evening, where are you going?
 2. Where are you coming from?
 3. Have you had any alcoholic beverages to drink tonight?
 - C. After a “No” answer, barring physical evidence to the contrary, the motorist shall be released. If the answer is “Yes,” follow-up questions of “How much?” and “When?” should be asked.
 - D. Under normal circumstances other variations will not be allowed. If reasonable suspicion exists to warrant further questioning, the suspect’s constitutional rights should be considered.
 - E. Contact officers shall pay particular attention to any symptom of impairment including, but not limited to, the following:
 1. The driver’s ability to follow directions of the physical layout of the checkpoint, as well as those given by uniformed officers. Extra care should be taken to ensure that the layout is very clear; there should not be the slightest doubt, in the mind of an unimpaired driver, as to what is required by the approaching motorist.
 2. The driver’s speech pattern, coordination and reflexes, flushness of face, condition of eyes, reaction to light, irrational or erratic behavior, and the odor of any intoxicants from either the interior of the vehicle or the driver’s person.
 3. The driver’s ability to understand and comprehend the conversation with the contact officer.

- F. Contact officers will visually inspect all occupants in the vehicle, inspect the vehicle's interior and exterior, and monitor activity for reasons of their own safety, as well as for developing reasonable suspicion for further investigation. Officers may utilize a flashlight to illuminate the driver and occupants.
 - G. Appropriate investigation or detention shall be initiated when reasonable suspicion is developed for any criminal act.
8. The initial stop should be minimal, and the driver should not be detained any longer than 5 to 20 seconds if reasonable suspicion is not discovered. All questioning should take place in this time frame.
- A. If the officer establishes a reasonable suspicion that the driver may be impaired, the suspect should be removed from the vehicle and requested to perform a series of field sobriety tests. The vehicle will then be legally parked by law enforcement personnel.
 - B. Adequate off-street parking for any follow-up investigation shall be available in the immediate vicinity of the sobriety checkpoint. Vehicles will not be left unattended on private property without the permission of the owner of the property and the owner of the vehicle.
 - C. If the driver satisfactorily performs the field sobriety test, he will be released. The driver must not be detained any longer than absolutely necessary.
9. When reasonable suspicion exists to indicate that a driver is impaired, the investigating officer shall process the suspect in accordance with Policy EB-3, *Driving Under the Influence (DUI)*.
- A. The initial contact officer shall remain with the driver throughout the arrest process or until the driver is dismissed to return to his normal activities. The officer shall be responsible for conducting all field sobriety and subsequent breath tests, if qualified. He shall complete appropriate reports for any crime discovered or arrest made during contact with the suspect.
 - B. In compliance with court decisions, the suspect shall be allowed to contact an attorney prior to a breath test or any method of blood/alcohol determination. A telephone shall be made available. The telephone may also be used to facilitate the release of arrestees to responsible parties or to obtain alternate transportation.
 - C. Suspects who cannot be released shall be transported to the jail by mobile booking vans or patrol units.
10. Vehicles that make a U-turn in order to avoid the checkpoint may be followed by an officer for a distance not to exceed one mile, excluding the distance needed to catch up to the vehicle. If the officer observes a violation, he may stop the vehicle and proceed as if on a routine traffic stop. If a violation is not observed within the one mile radius, the chase officer will return to the checkpoint site without stopping the vehicle.
- A. Drivers who refuse to roll down their window in order to make contact with an officer shall be waved through immediately. They may be followed by an officer and observed for evidence of impairment for a distance not to exceed one mile.
 - B. Drivers who refuse to stop at the checkpoint may be stopped and cited for appropriate violations, such as "Failure to Stop for a Traffic Control Device" or "Failure to Obey a Police Officer." The officer stopping this type of driver will then look for signs of impairment in the same manner as any other routine traffic stop.
 - C. Drivers who refuse to cooperate shall not be detained solely for that reason.

11. If the on-scene supervisor determines that an unnecessary delay is being created, he may utilize the following formula to relieve the congestion.
 - A.

DELAY	ACTION
4 to 6 Minutes	Stop 5 and Pass 5
6 to 8 Minutes	Stop 5 and Pass 10
8 to 10 Minutes	Stop 5 and Pass 15
Over 10 Minutes	Pass all vehicles until the delay time drops below 4 minutes
 - B. If at any given time there are insufficient officers available to properly conduct the checkpoint, the supervisor shall terminate the checkpoint until such time as officers become available.
 - C. Documentation shall be maintained on the length of time the checkpoint was suspended and the reason for the suspension. The time of the suspension and the time the checkpoint was resumed shall also be documented.
12. An Incident Report (IR) number shall be assigned at the start of the checkpoint and a report written. The report shall include the names and other vital information on the suspects arrested and the number of vehicles that entered through the checkpoint. Any abnormalities should also be described in the report.
 - A. All reports written on individual arrestees shall have a unique IR number and shall be cross-referenced to the IR number for the checkpoint.
 - B. The checkpoint shall be photographed with a 35 millimeter or digital camera prior to any vehicles entering. It should also be photographed several times during and at the completion of the operation. All photos taken need to be reproducible. The time each photo was taken shall be documented in the IR, and the photos, negatives, or CDs (in the case of digital photos) shall be kept in the photo files of Support Services.
 - C. The supervisor shall ensure that statistics are maintained on the number of vehicles processed through the checkpoint, the number of drivers field-tested, the number of drivers arrested, and the charges brought against these drivers. These statistics shall be forwarded to the Enforcement Operations Bureau Chief soon as practical.