


PINE BLUFF POLICE DEPARTMENT POLICY & PROCEDURES MANUAL

| | | |
|---|---|--|
|  | SUBJECT: | POLICY NUMBER 404 |
| | SOBRIETY CHECKPOINT (ROADBLOCK) | ISSUE DATE 02/19/2008 |
| | CHAPTER: TRAFFIC | EFFECTIVE DATE 02/19/2008 |
| | ISSUED By: Chief of Police John E. Howell | TOTAL PAGES 3 |

I. POLICY

The United States Supreme Court has upheld that **systematic** vehicle stops based upon no suspicion whatsoever are authorized if the need is substantial and outweighs the intrusion to motorists. It is the policy of this agency to conduct sobriety checkpoints, roadblocks and other types of checkpoints when a significant problem has been identified and a need for the checkpoint has been determined to outweigh the subsequent intrusion to motorists.

II. PURPOSE

To provide guidelines for all law enforcement officers of this agency to follow in establishing and conducting any type of roadblock or checkpoint.

III. PROCEDURES

- A. General Rule as stated within the Arkansas Rules of Criminal Procedure, Rule 9.
- B. Police may generally not make spot checks of vehicles without reasonable suspicion. However, where police are conducting a systematic checkpoint or roadblock, no degree of suspicion is necessary if the need for stopping vehicles is substantial and outweighs the intrusion to motorists.
- C. Roadblocks will only be conducted by this agency when directed by the Chief of Police or the supervisor in charge at the time the need for a roadblock arises.
- D. Roadblocks will be established in cases of compelling law enforcement and public concern (e.g., prison or jail escape where escapees have been determined to be a risk to society, serious felony offense having just occurred, or in any case for which the need for stopping vehicles is substantial and outweighs the intrusion to motorists).

- E.** Sobriety checkpoints are deemed constitutionally reasonable only when a balancing test is employed, considering:
 - 1. The gravity of public concerns served by the checkpoint (state's interest in reducing drunk driving versus large number of alcohol related vehicle accidents in vicinity of where checkpoint is to be conducted);
 - 2. The degree to which the roadblock advances public interest (arrest rate adequately demonstrates the checkpoint was a reasonable law enforcement effort to combat a serious public danger); and
 - 3. The severity of the interference with individual liberty.
 - 4. Duration of the seizure and intensity of the investigation.
 - 5. Potential to generate fear and surprise in a motorist.

- F.** Sobriety checkpoints will be conducted only after there is a demonstrated compelling need for reducing a severe drunk driving problem in the vicinity of the sobriety checkpoint. Drinking in public and possession of alcohol concerns will not be considered.

- G.** When research shows that a sobriety checkpoint will be the most effective law enforcement response to a serious alcohol/drug related problem, the Chief of Police or his/her designee will take the following steps prior to conducting the operation:
 - 1. Written guidelines will be prepared for conducting the checkpoint.
 - 2. Establish and document that the drunk driving problem is severe enough to qualify for a sobriety checkpoint.
 - 3. Establish the goals and specific objectives for the checkpoint. Goals and objectives will include:
 - 4. Rules governing the who, when, where, and how for organizing and operating the sobriety checkpoint.
 - 5. Taking steps, such as issuing directives that minimize officer discretion and establish the specifics of the checkpoint.

- H.** The public must be given notice by means of signs, etc., placed on the street that a sobriety checkpoint, or any other type of checkpoint, is being conducted on the roadway ahead. The signs are to be placed at a location near enough to the checkpoint that officers in patrol units can intercept those vehicles whose drivers are attempting to leave the scene.

- I.** Records of sobriety checkpoints or any other type of checkpoint, conducted by this agency will be maintained by the Chief of Police or his/her designee.

- J.** There are other types of checkpoints that are typically used by law enforcement agencies and are governed by the same law and procedural rules as are the sobriety checkpoint. The checkpoints that are typically used include, but are not limited to, the following:
- 1.** Check drivers' license
 - 2.** Check all motorists' paper work, including drivers' license, vehicle registration, insurance documentation, etc...
 - 3.** As a final note, all officers of this agency should realize the following:
 - a.** Roadblocks or checkpoints are authorized only in situations where a specific need for that operation has been identified.
 - b.** In conducting a roadblock/checkpoint, officers may systematically stop vehicles, such as: every vehicle, every other vehicle, or every tenth vehicle. It only requires that some system is used in stopping the vehicles.
 - c.** The roadblock/checkpoint may not be multi-purpose for which the law enforcement agency (the Pine Bluff Police Department) conducting the operation is actually "fishing" for evidence of illegal activity instead of concentrating on the specific purpose of the operation.