HARFORD COUNTY SHERIFF'S OFFICE
OPERATIONS POLICY

Jeffrey R. Gahler,
Sheriff

Sobriety Checkpoints

Distribution:	All Personnel	Index:	OPS1004
Responsible Unit:	Traffic Unit	Rescinds:	N/A
DLI Program:	Pending	MD Code:	N/A

Issued:	1/1/18	Revised:	10/15/17	Reviewed:	12/13/17	Next Review:	1/1/19

1. Purpose

To provide deputies with guidance on conducting field sobriety checkpoints.

2. Policy

Deputies will conduct field sobriety checkpoints in a manner consistent with applicable laws, federal and state court rulings, and Harford County Sheriff's Office (HCSO) policy.

3. Procedures

A. The Special Operations Division (SOD) Commander, or his designee, will:

   1. Inspect and give final approval of all sobriety checkpoint locations;

   2. Retain all data analyzed for site selection should the site be challenged in court;

   3. Notify the State's Attorney regarding procedures and site selection prior to making a final determination;

   4. Coordinate with local State Highway Administration (SHA) representatives, or County DPW, for the use of temporary traffic control devices (e.g., sign boards, lighting, traffic cones);

   5. Coordinate with community leaders and the media; press releases should discuss the operation of the checkpoint, but the location will not be provided; and

   6. Appoint a Traffic Unit member, who has successfully completed Sobriety Checkpoint Manager training as the deputy-in-charge (OIC) of supervising the operation.

B. The OIC will:

   1. Supervise and direct the enforcement activities; and

   2. Complete aField based Reporting (FBR) incident report and a summary of activities for the detail.

C. Site Selection

   1. Sobriety checkpoints may be conducted at selected locations to detect impaired drivers.

2. Specific geographic locations will be based on an analysis of:

    a. the safety of the deputies and other personnel participating in the check point;

    b. the number of impaired driving related crashes;

    c. the frequency of impaired driving arrests;

    d. complaints by citizens and community officials regarding impaired driving violations;

    e. availability of a safe area for stopping motorists; and

    f. sufficient visibility for oncoming traffic that allows drivers to safely stop upon observing the stopping team.

3. Sobriety checkpoints conducted by the HCSO will generally be conducted on roadways for which the HCSO retains primary enforcement responsibility.

4. If the HCSO does not have primary enforcement responsibility for the selected location, the agency that is responsible for the location may be invited to participate.

5. The site must have a safe area for the stopping of motorists and must afford oncoming traffic sufficient sight distance for the drivers to safely stop upon seeing the checkpoint.

6. The site must provide adequate parking for police vehicles and the vehicles of those detained or arrested.

D. Pre-Operational Briefing

1. Immediately prior to the start of each checkpoint, all personnel will attend a briefing with the OIC that will include:

    a. information about the location;

    b. introduction of personnel; and

    c. individual assignments and responsibilities.

E. Media, community leaders, prosecutors, judges and members of support organizations are encouraged to attend all phases of the operation.
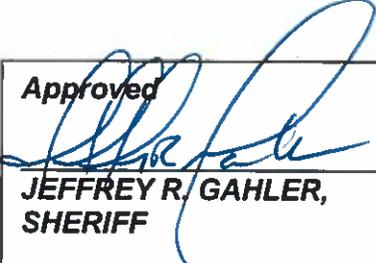
F. Site Operation

1. The site will be staffed by a sufficient number of uniformed deputies with Agency vehicles.

2. At a minimum, the following personnel will be assigned to perform and assist with the supervision of checkpoint operations:

    a. A commissioned officer.

    b. An intoximeter operator available during the hours of operation of each checkpoint; the intoximeter operator will be assigned to an available authorized test facility and will remain at that facility for the duration of the checkpoint.

       c.   A deputy in an agency police vehicle to follow vehicles that drive through the checkpoint without cooperating with the police procedures or that turns away from the checkpoint area prior to the checkpoint; this deputy will only take action if reasonable suspicion of a motor vehicle violation is established in a reasonable distance.

    3.   When available, a vehicle equipped with a license plate reader (LPR) system will be used to follow vehicles which turn from the checkpoint entrance.

    4.   All traffic passing through the checkpoint will be stopped and assessed unless traffic conditions dictate otherwise.

    5.   Emergency vehicles operating in emergency mode may bypass the checkpoint.

    6.   The OIC will continually monitor traffic conditions to ensure minimal impact to motorists.

    7.   If an individual fails to comply with requests to make contact with deputies in the checkpoint area, the operator will be waved through the checkpoint and followed by an agency vehicle for a reasonable distance.

        a. If after being waved through the checkpoint, the operator commits a motor vehicle violation, deputies will follow normal traffic stop procedures for that violation.

G.   Sobriety checkpoints will remain operational for at least one hour unless traffic conditions or other circumstances dictate otherwise.

H.   Procedures for Participating Deputies

    1.   All deputies assigned to a sobriety checkpoint will wear reflective safety vests over their uniforms and will carry their issued flashlight equipped with a traffic wand.

    2.   Traffic cones and/or safety flares will be utilized to identify the checkpoint and establish a single lane of travel through the checkpoint with an additional lane will be established to allow for parking of vehicles during roadside sobriety tests and subsequent arrests.

    3.   Deputies assigned to the checkpoint will be evenly distributed to allow for the checking of multiple vehicles simultaneously.

    4.   Deputies assigned to the checkpoint will:

        a. approach each vehicle, identify themselves to the motorists, and explain that they have been stopped at a sobriety checkpoint established to identify impaired drivers;

        b. ask brief questions requiring a verbal response from the driver such as "how are you this evening" or "how are you doing tonight" to look for signs and symptoms of impairment;

        c. look for evidence such as an odor of an alcoholic beverage about the driver, slurred speech, and/or other behaviors usually associated with impaired drivers;

        d. If no impairment exists, and no reasonable articulable suspicion for further investigation, assist the driver into the flow of traffic and provide a Citizen's Information Brochure to the driver;

e. If reasonable articulable suspicion exists and signs of impairment are observed at the checkpoint, ask the driver to pull off the roadway to a pre-determined area for further investigation and/or administration of standardized field sobriety tests; and

f. If sufficient probable cause is developed, arrest the impaired driver.

I. Data Collection

1. Checkpoint assignments will be documented by opening an incident in the CAD system.

2. If an arrest is made as a result of the checkpoint, an additional case number will be assigned.

3. An After Action Report (AAR) report, documented in FBR, will be completed by the OIC for each checkpoint containing:

   a. the number of personnel and hours;

   b. a list of all agencies involved;

   c. the number of vehicles that traveled through the checkpoint;

   d. the number of impaired driving arrests;

   e. any additional arrests not related to impaired driving;

   f. relevant statistics related to LPR use, if applicable; and

   g. any other information pertinent to the operation.

4. The OIC will submit a notification to command when checkpoints are scheduled to include the date, time, and location, if known.

5. The OIC will submit a summary AAR to command at the conclusion of the detail.

Approved

JEFFREY R. GAHLER,
SHERIFF

DATE 12/21/17