



Tulsa Police Department

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Policy # 110D

Policy Name Roadside Safety Checkpoints

Approved by *Wendell Franklin, Chief of Police*

Effective Date 12/04/2007

Approved Date 09/19/2007

Previous Date 08/15/2003

PURPOSE OF CHANGE:

To update the policy format.

POLICY:

Checkpoints are a tool that officers can utilize for many different purposes. However, they must be reasonable and based on the gravity of the public concerns served by the seizure, the degree to which the seizure advances the public interest, and the severity of the interference with individual liberty. Roadside safety checkpoints may include, but are not limited to seatbelts, drunk drivers, driver's license and/or insurance checks, and stops to seek information regarding a crime. Normal traffic enforcement, such as watching for seatbelt violators from the side of the road, does not constitute a checkpoint.

Driving a motor vehicle is a privilege, not a right, granted by the state. Persons who drive under the influence of intoxicating substances pose a great threat to human life and personal property. Therefore, officers are authorized to conduct sobriety checkpoints pursuant to the procedures and regulations established herein. The purposes of a sobriety checkpoint are to deter persons who are under the influence of intoxicating substances from driving a motor vehicle and to protect the public by arresting drivers who operate motor vehicles while under the influence of intoxicating substances.

SUMMARY: Procedures for performing roadside safety checkpoints.

APPLIES TO: All sworn personnel

DEFINITIONS:

AFTER ACTION REPORT – a report used to document the results of a roadside safety checkpoint.

BRIEFING CHECKLIST – a checklist of required procedures.

NEUTRAL SELECTION PROCESS – an objective process used to choose which vehicles are to be stopped at the roadside safety checkpoint. (Example: every vehicle must be stopped or every 5th vehicle must be stopped.)

OBSERVATION UNITS – marked police units stationed near the entrance and exits of the checkpoint.

PRIMARY SCREENING AREA – the area where vehicles are initially stopped.

ROADSIDE SAFETY CHECK – a temporary operation in which law enforcement utilizes a neutral selection process to stop some or all traffic.

SECONDARY SCREENING AREA – a safe area off the travel portion of the roadway used to continue the lawful investigation of detained vehicles and/or drivers. This area will be utilized to conduct Standardized Field Sobriety Tests (SFST) and to issue citations.

VEHICLE LOG – a form containing a chronological list (by tag number) of all vehicles stopped at the roadside safety checkpoint and the enforcement action taken.

PROCEDURES:

1. Division commanders, or designees, will maintain a file containing all roadside safety checkpoint proposals and *After Action Reports*.
2. Roadside safety checkpoint proposals must be approved by a captain prior to implementation. The proposal will include the time, location, and duration of the checkpoint.
3. The field supervisor will ensure the location of the roadside safety checkpoint meets all the following minimum requirements:
 - a. Adequate visibility and safety from oncoming traffic.
 - b. Ample room for officers and detained vehicles.
 - c. Establishment of a secondary screening area.
 - d. Permission obtained for encroachment on private property.
 - e. Freedom from obvious hazards on the roadway.
 - f. Adequate advance warning signs announcing the roadside safety checkpoint.
 - g. Sufficient lighting to ensure motorists' and officers' safety.
4. The field supervisor will conduct a briefing with officers prior to the roadside safety checkpoint and complete the *Briefing Report Checklist* form. The field supervisor will ensure that all personnel and equipment are properly placed prior to the first vehicle being stopped and assign an officer to complete a *Vehicle Log* form to ensure all tag numbers are noted.
5. Utilizing a neutral selection process, officers will signal vehicles to proceed to the primary screening area of the roadside safety checkpoint. They will engage in brief conversation with the driver, explaining the reason for the stop. The driver shall be delayed no longer than is necessary to achieve the goal for the stop, unless the officer:
 - a. Receives legal consent from the driver.
 - b. Can articulate a reasonable suspicion that a crime has been or is being committed.
6. In the event one of the above occurs, the driver will be escorted to the secondary screening area. Officers shall not detain a passenger unless they have a lawful reason.
7. Field supervisors may utilize a chase vehicle for use in the event that a driver does not stop for the checkpoint.
8. Shift commanders will monitor the roadside safety checkpoint to ensure it does not cause unreasonable congestion or time delays. If an unexpected influx of traffic is experienced and the congestion and time delays become unreasonable, suspend the roadside safety checkpoint until the area clears. If the congestion and time delays continue to be unreasonable, terminate the roadside safety checkpoint.
9. The field supervisor will ensure that equipment is collected and stored upon completion of the roadside safety checkpoint. The field supervisor will submit an *After Action Report* to the division commander upon completion of the roadside safety checkpoint. The report shall contain a brief narrative listing the location, date and time, assigned personnel, arrest/citation totals, and any unusual events. It will also contain a copy of the *Briefing Report Checklist*, site diagram, *Vehicle Log*, and copies of arrest reports.

REGULATIONS:

1. No driver shall be delayed any longer than is necessary to achieve the goal for the stop, unless the officer receives legal consent and/or can articulate a reasonable suspicion that a crime has been or is being committed.

2. No passenger(s) shall be detained unless the officer has a lawful reason for the detention.

REFERENCES:

Lookingbill v. State, 2007 OK CR 7, Case Number F-2005-1235, 03/20/2007
110A, *DUI, DWI, APC Arrests*
CALEA 61.1.6, 61.1.10