



GENERAL POLICE ORDER CLEVELAND DIVISION OF POLICE



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| SUBJECT: SOBRIETY CHECKPOINTS | | | |
| ASSOCIATED MANUAL: | | RELATED ORDERS: | |
| CHIEF OF POLICE: <i>Edward F. Lohn, Chief</i> | | | |

PURPOSE: To provide guidelines to conduct sobriety checkpoints that are minimally intrusive and maximize deterrent effects on those who drive under the influence of alcohol or drugs.

POLICY: The Cleveland Division of Police shall use sobriety checkpoints to deter driving under the influence of alcohol or drugs. Sobriety checkpoints deter this behavior by increasing a motorist’s perceived risk of detection and arrest. They are not vehicle safety checks and are not expected to yield a high number of citations.

DEFINITION: A sobriety checkpoint is a brief random traffic stop during which a few standard questions are asked relevant to sobriety.

PROCEDURES:

I. Pre-Checkpoint activities

- A. **Planning:** Sobriety checkpoints shall be planned in advance. The District Commander/Traffic Commissioner shall determine the time and location of the sobriety checkpoint and shall consider the history of alcohol-related crashes and DUI violations in the area and request media notification. The physical characteristics of the area must allow for a checkpoint without creating a traffic hazard.
- B. **Checkpoint Officer in Charge (OIC):** The Commander/Commissioner shall designate a superior officer the Checkpoint OIC. The Checkpoint OIC shall oversee the operation of the sobriety checkpoint. If traffic congestion or circumstances arise, that warrants discontinuation the checkpoint OIC shall temporarily or permanently close the operation.
- C. The sobriety checkpoint shall allow for two screening areas.

1. The primary screening area is a roadway section used to stop vehicles initially.
 2. The secondary screening area is a safe, off the travel portion of the roadway used to investigate detained vehicles and/or drivers, to conduct field sobriety tests, issue citations, affect arrests, and tow vehicles.
- D. The Checkpoint OIC shall provide a pre-checkpoint briefing for assigned officers and include an overview of impaired driver characteristics, checkpoint safety procedures and officer/motorist interaction that emphasizes courtesy.
- E. Physical layout: checkpoints shall be equipped with distant signage warning that a sobriety checkpoint is ahead. The checkpoint area must have flashing lights and permanently burning flares. An avoidance route for drivers who wish to avoid the checkpoint shall be provided following the initial warning, but before the driver reaches the checkpoint greeting station.

II. Conducting the Checkpoint

- A. Safety:
1. The Checkpoint OIC shall supervise the sobriety checkpoint, ensure that personnel and equipment are placed, and ready before the first vehicle stop. Officers shall wear the orange traffic vest.
 2. Motorists shall be given advance notice of the sobriety checkpoint with well-lit reflective signs conspicuously posted. The warning signs shall be placed to allow traffic through the checkpoint at a safe speed.
 3. The Commander/Commissioner shall ensure that an adequate number of police vehicles, uniformed officers, and traffic control devices identify the site as an official police activity.
- B. Stop-Ratio: Selected motorists are stopped at the primary screening area according to a pre-determined neutral stop-ratio. The stop-ratio shall be applied uniformly. Officers shall not vary the ratio. Only the Checkpoint OIC shall change the stop ratio if traffic volume or checkpoint capacity

necessitates. The OIC shall document the change noting the time of and reason for the change.

- C. Vehicle Log: The Checkpoint OIC shall ensure that a chronological written log is kept of vehicles stopped and shall include enforcement action taken.
- D. Primary Screening: Vehicles selected for a sobriety check shall follow a pre-determined stop-ratio.
- E. The officer shall greet the driver with a standardized statement that briefly explains the checkpoint purpose, estimates the delay time, and contains a request to view the driver license. While interviewing, the officer shall look for signs of driver impairment (odor, slurred speech, lack of physical coordination, unusual eye movements, disorientation, etc). Drivers who do not display signs of impairment shall be directed to proceed safely. The primary screening shall not delay a motorist briefly (approximately 45 seconds) unless the officer:
 - 1. Receives legal consent from the driver.
 - 2. Articulates reasonable suspicion that a crime has been or is being committed (i.e. signs of impairment).
 - 3. Observes a misdemeanor or the law allows a probable cause misdemeanor arrest.
 - 4. Has probable cause to believe that a felony has occurred.
- F. Secondary Screening: If the officer contact with the driver results in one of the above, the driver shall be diverted to the secondary screening area for alcohol/drug impairment screening. (If impairment is obvious, the officer shall remove the driver from the vehicle and walk the driver to the secondary screening area and another officer shall move the suspect vehicle to the secondary screening area.) Officers shall use standard field sobriety tests. Drivers who cannot demonstrate driving fitness shall be arrested and transported to a booking facility.
- G. Observation of Motorist: Officers with marked vehicles shall be assigned at either end of the checkpoint to observe traffic entering and leaving the checkpoint. They shall watch for drivers who exhibit impaired behavior, i.e.

switching drivers, placing contraband under the seat, or making illegal turns to avoid the checkpoint. Officers shall describe such behavior to the Checkpoint OIC. Only after receiving permission from the Checkpoint OIC may officers follow and stop such motorists.

Drivers, not selected by stop-ratio, who show signs of obvious impairment, shall be investigated in the secondary screening area. Officers shall not allow obviously impaired drivers to drive within the checkpoint area.

- H. Avoiding a checkpoint is not sufficient reason to justify stopping a driver. Probable cause or reasonable suspicion of criminal activity or traffic related violations must occur to stop a vehicle outside of the sequentially selected stops. Motorists, who avoid the checkpoint by making a **legal** turn, absent indicators of impairment or probable cause shall not be pursued.

III. Post Checkpoint Activities

- A. The Checkpoint OIC shall conduct a checkpoint debriefing for detailed officers to discuss improving future effectiveness for sobriety checkpoints.
- B. The Checkpoint OIC shall make a written report and forward it through the chain of command to the Deputy Chief of Field Operations. It shall include the checkpoint location, date, and time, personnel assigned, arrest/citation totals, a description of unusual events, and suggestions to improve future checkpoints.
- C. The vehicle log shall be attached to the report.