

# WATERTOWN POLICE DEPARTMENT GENERAL ORDER



JOANNA W. VITEK  
CHIEF OF POLICE

<b>Effective Date:</b> June 9, 2008	<b>Rescinds:</b> <b>Amends:</b>	<b>Number:</b> B-171
<b>Subject:</b> Safety/Sobriety Checkpoints		<b>Re-evaluation Date:</b> June 2011
<b>Distribution:</b> ALL PERSONNEL	<b>Related CALEA Standards:</b>	

This order consist of the following numbered sections:

1. Purpose
2. Policy
3. Definitions
4. Procedures

1. **Purpose**

The purpose of this policy is to increase highway safety through the proactive process of establishing Safety Checkpoints and Sobriety Checkpoints to ensure that the vehicles and operators are in compliance with all Federal, State and Local regulations.

2. **Policy**

It is the policy of the Watertown Police Department to remove impaired drivers as well as unsafe vehicles from the streets of this city through proactive enforcement.

3. **Definitions**

- A. Impaired- having an illegal per se BAC or being under the influence of any legal or illegal substance which causes impairment.
- B. Safety Checkpoint- a temporary detention of a motorist for the purpose of recognizing vehicle equipment violations.
- C. Sobriety Checkpoint- a temporary detention of a motorist for the purpose of recognizing driver impairment.
- D. D.U.I Coordinator-Officer in charge of all D.U.I Enforcment and Educational Campaigns.

4. **Procedures**

A. **Command and Control**

The D.U.I Coordinator is responsible for the organization and control of all Sobriety Checkpoints initiated by the Watertown Police Department. The D.U.I Coordinator is responsible for Sobriety checkpoint manpower allocation, collection of statistical information, site selection and media announcements. The Shift supervisor is responsible for the management of all scheduled Sobriety Checkpoints in the absence of the D.U.I Coordinator.

B. **Site Selection**

In determining the location, organization, time and duration of such an operation, the safety of the public and of the officers involved shall be a primary consideration. Traffic control devices should be used as necessary. Interference with traffic occasioned by a safety checkpoint should be minimal. Targeting of a designated time and location for a Sobriety Checkpoint must be based upon data that justifies the site selection. The data includes; DUI or other alcohol related motor vehicle offenses, alcohol related crash statistics, and special events with a history of alcohol related mortor vehicle incidents.

### **C. Stopping of Motorists**

1. It is the general policy of the Watertown Police Department to check all vehicles through a safety/sobriety checkpoint, but if the traffic volume precludes stopping every vehicle, a non-discretionary system must be adopted (in advance) for stopping a workable subset of vehicles. This may include checking every other vehicle, every third vehicle, every fourth vehicle, etc.
2. If every vehicle is not to be stopped, the system used to determine which ones will be stopped must appear on the Safety/Sobriety Checkpoint Report form.
3. If intermittent traffic conditions cause the officers to deviate from the predetermined order of selecting motorists to stop (eg. If a traffic backup occurs) the reasons for the departure must be thoroughly documented.
4. If too much traffic develops at a checkpoint, causing a backup that cannot be easily alleviated, the officer in charge of the checkpoint may consider three (3) options:
  - A. They may allow all traffic through the checkpoint to relieve the congestion, and when safe to do so, may resume with the original plan for stopping vehicles.
  - B. They may adopt the next most feasible subset system. If, for example, every vehicle is being checked when a traffic backup occurs, the supervisor may direct the officers to check every second, third, fourth, etc., vehicle until the traffic backup is alleviated, at which time they would return to the original plan.
  - C. They may terminate the checkpoint.

### **D. Contact with Motorists**

1. The use of sobriety checkpoints by uniformed patrol only or in conjunction with other law enforcement agencies is authorized and encouraged.
2. The drivers of all vehicles stopped will be professionally and courteously greeted by the officers at the sobriety checkpoint. The minimal intrusiveness of the checkpoint is important to maintain. Vehicles will only be held at the checkpoint long enough to greet the driver and determine if they have been consuming an intoxicating beverage. If not, the vehicle will be released from the checkpoint. Minor equipment violations such as lights, will be verbally conveyed to the driver before release.
3. The goal of the sobriety checkpoint is the detection of alcohol or drug impaired motor vehicle operators and other alcohol related offenses. Driver's license, registration, and other documents will not be requested unless the driver or occupants require further examination for an alcohol or other plain view criminal offense.
4. A safety checkpoint cannot be held for the primary purpose of obtaining an opportunity to observe the interior of a vehicle. However, during the normal course of a safety checkpoint, a plain view observation of the interior of a vehicle may present probable cause to support other law enforcement actions.
5. While operating a safety checkpoint, officers should not order or request a driver or occupant to exit a vehicle unless there is justification to do so, such as when there are facts leading the officers to suspect that the driver may be intoxicated, that a crime has or is about to be committed, that the person presents some danger to the officer or others, or that a pat-down search is justified for the safety of the officer.

### **E. Traffic Control Devices**

Traffic control signs, amber and red flashing lights, traffic cones and flares will be utilized as per SDCL 32-33-12 to provide ample warning to the public near the site of the checkpoint. The requirements are as follows:

- A. The temporary road block must be established at a point on the highway clearly visible at a distance of not less than 100 yards in either direction.
- B. At a distance of not less than 100 yards from the point of the temporary roadblock, at least one flashing amber light shall be placed at the side of the roadway so as to be clearly visible to oncoming traffic. A sobriety checkpoint sign will also be displayed at this location.

- C. At the same point of the temporary roadblock, a flashing red light must be displayed. Said flashing red light may be one which is attached to a vehicle but in any event shall be clearly visible to the oncoming traffic at a distance not less than 100 yards.

**F. Media Participation**

1. The media may be invited to attend and view selected sobriety checkpoints at the discretion of the D.U.I Coordinator.
2. Non law enforcement personnel will be notified no earlier than 10 days before the checkpoint. The notification shall include the date and general location of the checkpoint.
3. The non law enforcement personnel attending the checkpoint will be notified of the exact location by the D.U.I Coordinator, no earlier than 3 hours prior to the commencement of the checkpoint.
4. At the scene of the checkpoint all non law enforcement personnel must observe the checkpoint from a location established in advance by the D.U.I Coordinator. All personnel will be provided a traffic safety vest. Failure or refusal to wear the safety vest will result in their dismissal from the checkpoint area. The non law enforcement personnel will park in a location determined by the D.U.I Coordinator.
5. No unauthorized personnel will be allowed into a patrol vehicle while sobriety tests are being administered, or when a citation is being issued.
6. The media will not be allowed to record, film or take pictures of any license plates of the vehicles passing through the checkpoint, or be allowed to record, film, or take pictures of the faces or identity of any person passing through the checkpoint. A release of liability and hold harmless agreement is required prior to filming.
7. No unauthorized personnel will be allowed to speak to or ask questions of any person passing through the checkpoint and not subject the motorists to unnecessary delays or intrusion.
8. Any media or non law enforcement personnel should be aware that they may be called as a witness in a criminal court proceeding for being present at the checkpoint, and the media may have their film or records subpoenaed into court as evidence.
9. The officer in charge of the checkpoint shall be responsible for determining a count of vehicles passing through the checkpoint, and for the number of arrests made, citations issued and preliminary breath tests administered. The count of vehicles may be obtained through either an actual count, or by estimating the average number of vehicles passing through the checkpoint for a specified period of time.
10. General information normally collected at a checkpoint will be available for public disclosure as soon as practical after the completion of the event. Usually this time frame will not exceed 48 hours from the conclusion of the event. Upon request, the information for public disclosure about the checkpoint may include any or all of the following: estimated vehicle count, duration of checkpoint, agencies involved, number of DUI and zero tolerance arrests.

---

JOANNA W. VITEK  
Chief of Police  
Watertown Police Department  
Watertown, South Dakota