


<p>RABUN COUNTY SHERIFF'S OFFICE</p>  <p>General Order Number: 6.09</p>	<p>Date of Issue</p> <p>2/23/2016</p>	<p>Effective Date</p> <p>2/23/2016</p>	<p>Revision Date</p>
<p>Subject: SAFETY CHECKPOINTS</p>	<p>Amends:</p>		<p>Rescinds:</p>
<p>Index as: Safety Checkpoints</p>	<p>State Certification Standards:</p>		

PURPOSE

The purpose of this General Order is to prescribe the policies and procedures of the Rabun County Sheriff's Office regarding the use of Safety Checkpoints.

STATEMENT OF POLICY

It shall be the policy of the Rabun County Sheriff's Office that the department will use Safety Checkpoints for the protections of citizens within Rabun County and that all safety checkpoints be conducted in accordance with statute law and departmental policies.

DEFINITIONS

ARREST – To deprive a person of his/her liberty by legal authority (Black's Law Dictionary).

CITATION – Any traffic enforcement action that involves a written notice to the accused to appear and that contemplates trial adjudication or disposition to determine the guilt or innocence of the person charged with a violation.

PHYSICAL ARREST -- Any enforcement action that consists of taking persons into custody for the purpose of holding or detaining them to answer a charge before the court.

P.I.O. – Public Information Officer

O.C.G.A. – Official Code of Georgia Annotated.

OTHER TRAFFIC LAW VIOLATIONS – A violation of any law, ordinance, or regulation affecting the use or protection of streets or highways but not enacted primarily to regulate safe movement of vehicles and pedestrians.

ROAD – The portion of a highway that includes both the roadway and the shoulder.

ROADWAY – The portion of a highway, improved, designed, or ordinarily used for vehicular travel, exclusive of the shoulder.

TRAFFIC LAW VIOLATIONS — A violation of any statute, ordinance, or legally authorized regulation relating to the use of streets and highways or the operation and ownership of motor vehicles and other road vehicles.

I. GENERAL PROCEDURES

- A. The use of checkpoints for checking licenses and impaired driving compliance is part of the department's overall traffic enforcement program.
- B. Sobriety checkpoints are one of the enforcement measures of the Rabun County Sheriff's Office. When properly used in conjunction with other forms of education and enforcement, they can be an effective means to substantially reduce the drunk-driving problem within Rabun County.
- C. Regardless of the specific purpose of the checkpoint, it is essential that when used that all checkpoints be employed in strict compliance with the procedures outlined below so that Fourth Amendment protections against unreasonable searches and seizures will be upheld in the appropriate court.

II. AUTHORIZATION AND NEEDS ASSESSMENT

- A. Checkpoints shall only be employed with the prior authorization of a supervisor for those checkpoints operated under the direct control of Uniform Patrol Division Officers personnel.
- B. It is the responsibility of the authorizing official to ensure that all necessary planning, training, operational, and administrative requirements are followed.
- C. Checkpoints will only be operated under the direct and on-scene supervision of a sergeant or higher-grade commander. **Checkpoints will require the approval of a Sergeant or higher-grade commander.**
- D. The following planning activities are to be accomplished by the supervisor of the checkpoint:
 - 1. The identification of the specific locations where sobriety checkpoints could be established must be done with great care and in consideration of the existence of a situation that poses a direct threat to public safety that requires immediate action; or
 - 2. The location should provide maximum safety for both officers conducting the checkpoint and the motorists who will encounter it. The most desirable sites are those that are flat and provide sufficient sight distance to give approaching motorists adequate time to come to a safe stop and adequate shoulders and turnout areas for safe evaluation and processing of drivers suspected of being impaired. The supervisor should visit each "candidate" location in order to finalize operational requirements.

- E. The site selected should minimize interference with the normal flow of traffic. The reasonableness and hence the validity, of the checkpoint depends in part on the degree of inconvenience involved to motorists. The more the checkpoint backs-up traffic, the more intrusive, and hence the less reasonable the checkpoint is to the public.
- F. Personnel Selection And Training
 - 1. Once the specific site(s) for the checkpoint has been identified, the required number of personnel to properly operate it can be ascertained. Consideration should be given to the anticipated traffic volume, the number of vehicles to be stopped at any given time, the need to transport individuals placed in custody, additional personnel for individual relief, especially if inclement weather is anticipated, and the need for K-9 handlers. Personnel should be selected so that there is a balance of experienced officers employed with those who may be new to checkpoint operations and a balance of full-time officers with Reserve personnel.
 - 2. Officers will not participate in sobriety checkpoint operations unless they are fully aware of all procedural aspects and have been trained to carry out their assigned checkpoint functions. A complete briefing should be conducted before the actual checkpoint is established.
- G. Another principle consideration is the number and types of vehicles and other required equipment, needed to operate the checkpoint. Only marked patrol vehicles and transport vans should be used. Adequate signs, traffic cones, barricades, and other warning devices need to be obtained. Personnel shall be required to have appropriate inclement weather gear, protective vests, and flashlights. Finally, consideration should be given to the locations for personal relief and the availability of food and beverages, especially if the checkpoint is to be operated over a prolonged period. When necessary, the Rabun County Fire Department should be contacted to provide medical and/or lighting support.
- H. While the exact location of checkpoints should remain confidential, notifying the general public of the use of sobriety checkpoints during specified periods, such as over major holidays or on weekends, serves as a possible deterrent to those who may otherwise be inclined to drive after drinking. Notification of the local newspaper and radio station must be done in sufficient time so that publication and broadcast deadlines can be met. The department's P.I.O. should be notified to handle all media contacts.
- I. Although the principal reason for the operation of a sobriety checkpoint is to identify impaired drivers, it also presents officers with the opportunity to be on the lookout for other wanted persons or stolen vehicles. Criminal Investigations Division should be contacted before a checkpoint is established for the latest "BOLO" information or for assistance in conducting the safety checkpoint
- J. In the event of a large operation, the Commander of the Rabun County Jail will be contacted in advance to ensure that sufficient book-in personnel are available or to provide a transport unit in the event a large number of arrests are expected.

III. ON-SCENE PROCEDURES

- A. The manner in which the checkpoint is conducted will greatly affect its reasonableness and validity when reviewed later in court

1. The lack of appropriate on-site supervision may prove detrimental to the checkpoint's validity in court. The continued presence of a designated supervisor will greatly minimize the perception that officers had unbridled discretion in carrying out their duties.
 2. Plainclothes personnel should not be directly involved in checkpoint operations unless follow-up investigative activities are anticipated or unless the officers have appropriate clothing and their badge of office plainly displayed which would clearly indicate to the public that the individual is indeed an officer.
 3. The physical organization of the checkpoint must satisfy two requirements: the safety of officers and motorists and the conspicuous display of "official" presence to eliminate initial driver apprehension and fear.
- B. Posting Of Adequate Warnings
1. Public warning of the upcoming checkpoint should begin at a reasonable distance from the actual stop location. Where high vehicular speed or hilly terrain may be factor, the first preparatory sign may be placed even further from the checkpoint.
 2. Between the initial posted warning and the actual stop location, marked patrol units will be situated in plain view to provide additional warning of the checkpoint and to control for the flow of traffic.
 3. If the opposite lane is not included in the checkpoint operation, caution and reduce speed signs should be placed at reasonable distances and one or more officers should be assigned to keep the flow of traffic moving.
- C. If available, one patrol vehicle shall be positioned at either end of the checkpoint area when there is reasonable suspicion to believe that a violation has been committed.
- D. All motorists entering the checkpoint are stopped and questioned according to Georgia law. However, stopping all vehicles may be impractical and increase the "intrusiveness" of the checkpoint because of the delays that are likely to ensure as traffic back-ups. In such cases, the on-site supervisor may elect to temporarily cease the operation of the checkpoint and allow traffic to flow freely to prevent excess congestion and delay to motorists. The on-sight supervisor will determine the proper time to restart the checkpoint. Documentation will show that the checkpoint was temporarily ceased.
- E. The greater the time of the stop, the greater the intrusiveness, and the more likely the courts will find it to be unreasonable. The stop should be for a reasonable duration to make the necessary checks, unless a problem is identified that requires further investigation.
- F. Vehicles should be stopped at a point in advance of the contact officer(s) and directed forward as the next officer is available.
1. As traffic moves into the checkpoint location, officers should approach each motorist with a standard professional statement about the purpose of the stop and asking for any necessary documents from the driver and/or passengers.
 2. If at night, the officer should simultaneously illuminate the passenger compartment for safety.

3. During this period of contact, the interviewing officer should be alert to signs of intoxication such as the smell of alcoholic beverages, bloodshot eyes, slurred speech or other indicators of impairment or illegal drug use.
- G. Follow Up Actions
1. If there is no indication of intoxication and the motorist is able to present a valid driver's license, she/he may be directed to proceed without further delay.
 2. If a motorist does not have a valid driver's license, normal departmental procedures will be followed.
 3. If available, motorists may be provided with a leaflet that presents a more complete explanation of the roadside sobriety checkpoint and the role of checkpoints in counteracting the DUI problem within Rabun County.
- H. When there is reasonable suspicion that a driver is intoxicated, officers will direct the operator to a testing area where a Field Sobriety Test can be conducted. Once there is reasonable suspicion that a driver is under the influence or possibly impaired, she/he shall be directed to exit the vehicle and proceed to the area of the Field Sobriety Test. Other licensed occupants, if not impaired, should drive the vehicle to a designated location until the Field Sobriety Test is completed.
- I. If there is sufficient probable cause based upon the observed actions of the driver, the motorist will be arrested for DUI, handcuffed, searched, read the implied consent warning, and transported to the Rabun County Jail for book-in.
- J. The use of a drug dog is permissible after an officer has first established articulable suspicion that the driver and/or occupants are involved in illegal drug activity and further investigation is required to confirm or dispel the suspicion. Drug dogs will not be used in a capricious or pretextual manner whereby they are employed against all vehicles directed to enter the checkpoint area.
- K. A detailed report of all aspects of checkpoint operations shall be prepared by the supervisor of the checkpoint and forwarded through the chain of command to the Sheriff or his designee(s), Chief Deputy and Patrol Commander to be kept on file for future use in court. The report shall contain the following information:
1. The details of the checkpoint's selection should be made a matter of record. This should include the identification of the various reasons for selecting the specific site. The documented justification should include a record of personnel participating, the physical layout of the checkpoint, and the precautions taken to ensure safety for all concerned.
 2. Information pertaining to the actual operation of the checkpoint needs to be documented. This includes:
 - a. The need for temporary "shut-downs" because of congestion or other reasons;
 - b. The average duration of each stop;
 - c. The number and type of arrests made; and/or citations issued.

3. To the extent possible, the results of the checkpoint program should be documented. Such information will not only be of assistance in court, but will also help increase public support for future checkpoint operations.



By Order of the Sheriff: **Chad K. Nichols**
Sheriff, Rabun County