

 City of Norfolk	Operational General Order – 350		Checkpoints
	Department of Police General Order		
	CALEA:	61.1.6,.10	
VLEPSC:	OPR.07.10		
LEGAL REVIEW DATE:	November 15, 2010	PRESCRIBED DATE:	12-30-10 <i>kmj</i>
City Attorney:	<i>Wayne Ringer</i>	City Manager/Director of Public Safety:	<i>Kevin H. Williams</i>
APPROVED BY THE AUTHORITY OF THE CHIEF OF POLICE:		<i>[Signature]</i>	

Office of Preparation: Strategic Management Division / acb

Purpose

To provide the policy and procedures for conducting traffic, sobriety, and narcotics checkpoints.

Policy

It is the policy of this department for police officers to conduct traffic, sobriety, and narcotics checkpoints in accordance with Sections 46.2-103 and 46.2-104 of the Code of Virginia and this general order.

Supersedes:

1. G.O. OPR-350, dated May 14, 2009
2. Any previously issued directive conflicting with this order

Order Contents:

- I. Traffic Checkpoints
- II. Sobriety Checkpoints
- III. Narcotics Checkpoints
- IV. Training
- V. Record-Keeping

I. Traffic Checkpoints (VLEPSC OPR.07.10)

A. The purpose of a traffic checkpoint is to check drivers and vehicles for compliance with state and local laws by inspecting any of the following:

1. Driver's license, learner's permit, or temporary driver's permit; vehicle registration card; vehicle equipment/operation; or manufacturer's serial/engine number of any motor vehicle, trailer, or semi-trailer; and/or
2. Contents or load of any property-carrying motor vehicle, trailer, or semi-trailer.

B. Site Selection

1. Before a traffic checkpoint is conducted, the traffic checkpoint site must be approved by the Officer-In-Charge (OIC), Traffic Unit or designee. A street supervisor (or higher rank) may recommend that a location be approved as a traffic checkpoint site by submitting the recommendation to the OIC, Traffic Unit, for approval via the submitting officer's commanding officer.
2. The Officer-In-Charge (OIC), Traffic Unit is responsible for maintaining all files relating to approved traffic checkpoint sites. These files will include for each site: whether approved for day and/or night operations; manpower requirements; precautions needed to be taken to ensure motorist, pedestrian, and officer safety; and a diagram depicting the roadway, placement of traffic control devices, and location for vehicles pulled out of traffic for further investigation.
3. Traffic checkpoint sites and the operation of such checkpoints will be distributed throughout the city to ensure broad motorist sampling.
4. Traffic checkpoints will not be conducted on interstate highways, except for interstate access ramps, nor on roadways for which the speed limit, traffic or other condition(s) would preclude motorist, pedestrian or officer safety.
5. Traffic checkpoints should cause only minimal interference with the normal flow of traffic.
6. In addition to the above, selection of traffic checkpoint sites will be based on the following criteria:
 - a. Sites should be clearly visible to approaching traffic and the public in general to ensure motorist, pedestrian, and officer safety.

- b. Sites should have adequate space to allow for:
 - (1) Officers to safely conduct the checkpoint;
 - (2) The safe parking of police vehicles;
 - (3) Vehicles that are pulled over for further investigation to be safely parked sufficiently away from and out of the flow of traffic. This space may be a coned traffic lane, a wide shoulder area, or other suitable location.

C. Operating Procedures

- 1. Before a traffic checkpoint is conducted, the Norfolk Department of Police Checkpoint Operational Plan must be approved by the OIC, Traffic Unit, or designee.
- 2. Checkpoints will be conducted under the direct on- site supervision of a street supervisor, not lower in rank than sergeant (referred to hereafter in this section as "site supervisor"). The site supervisor will not perform enforcement activities.
- 3. The site supervisor is responsible for the overall operation of the checkpoint and for ensuring the checkpoint is conducted in accordance with this general order.
- 4. The site supervisor is responsible for determining the method of stopping vehicles. If possible, all vehicles approaching the checkpoint should be stopped. If it is not feasible to stop all vehicles, such as when traffic becomes unnecessarily congested, the site supervisor may instruct the traffic to be waved through the checkpoint until the congestion subsides. The site supervisor may alternately determine to select a fixed percentage of vehicles to be stopped. In the event a fixed percentage is used, the sequence of vehicles stopped must be rigidly observed. Every fifth or tenth, etc., vehicle must be stopped, not just an average of one in five or ten, or 5% or 10% of all vehicles, etc.
- 5. The site supervisor is responsible for ensuring each vehicle is stopped for as brief a period as possible.
- 6. No officer will conduct any traffic checkpoint unless specifically directed by his/her supervisor.
- 7. The number of officers conducting the checkpoint should be proportionate to the volume of traffic at the checkpoint, with a minimum of three officers, including the site supervisor.

8. Checkpoints will be conducted by uniformed officers.
9. Each officer at the checkpoint site will wear a traffic safety vest.
10. Traffic checkpoints should be conducted for a minimum of two hours and maximum of six hours.
11. Should condition(s) arise before or during a scheduled checkpoint that would preclude motorist, pedestrian, or officer safety, such as construction, etc., the site supervisor will suspend the checkpoint until the condition is no longer present. The site supervisor may conduct a checkpoint at a secondary traffic checkpoint site approved in accordance with the site selection requirements. The site supervisor will not move the checkpoint to the secondary location unless conditions arise at the first location that jeopardize motorist, pedestrian, or officer safety.
12. Officers responsible for the configuration of the checkpoint will ensure that all traffic/safety precautions are taken to afford the highest degree of motorist, pedestrian, and officer safety. Signs reading "Traffic Safety Check" will be displayed to provide adequate warning to motorists. Cones, flares, and emergency lights will be used as deemed necessary by the site supervisor. At night, lighted areas will be used when other safety measures are inadequate.

II. Sobriety Checkpoints

- A. The purpose of a sobriety checkpoint is to reduce the number of DUI accidents by identifying motorists driving under the influence (DUI). Officers will refer to G.O. OPR-320: Driving Under the Influence for specific DUI procedures.
- B. Site Selection
 1. Selection of sobriety checkpoint sites are to be based on DUI-accident data, drunk driving problems, and/or related criminal activity in the area.
 2. Before a sobriety checkpoint is conducted, the sobriety checkpoint site must be approved by the OIC, Traffic Unit, or designee. A street supervisor (or higher rank) may recommend that a location be approved as a sobriety checkpoint site by submitting the recommendation to the OIC, Traffic Unit, for approval via the submitting officer's commanding officer.
 3. The OIC, Traffic Unit, is responsible for maintaining all files relating to approved sobriety checkpoint sites. These files will include for each site: the extent of drunk driving problems in the area; justification for the location; manpower requirements; precautions needed to be taken to

ensure motorist, pedestrian, and officer safety; and a diagram depicting the roadway, placement of traffic control devices, and location for vehicles pulled out of traffic for the purposes of conducting further investigation and/or administering field sobriety tests.

4. Sobriety checkpoints will not be conducted on interstate highways, except for interstate access ramps, nor on roadways for which the speed limit, traffic or other condition(s) would preclude motorist, pedestrian or officer safety.
5. Sobriety checkpoints should cause only minimal interference with the normal flow of traffic.
6. In addition to the above, selection of sobriety checkpoints sites will be based on the following criteria:
 - a. Sites should be clearly visible to approaching traffic and the public in general to ensure motorist, pedestrian, and officer safety.
 - b. Sites should have adequate space to allow for:
 - (1) Officers to safely conduct the checkpoint;
 - (2) The safe parking of police vehicles;
 - (3) Vehicles that are pulled over for further investigation/sobriety testing to be safely parked sufficiently away from and out of the flow of traffic. This space may be a coned traffic lane, a wide shoulder area, or other suitable location.

C. Operating Procedures

1. Before a sobriety checkpoint is conducted, the Norfolk Department of Police Checkpoint Operational Plan must be approved by the OIC, Traffic Unit, or designee.
2. Checkpoints will be conducted under the direct on- site supervision of a street supervisor, not lower in rank than sergeant (referred to hereafter in this section as "site supervisor"). The site supervisor will not perform enforcement activities.
3. The site supervisor is responsible for the overall operation of the checkpoint and for ensuring the checkpoint is conducted in accordance with the policies and procedures set forth in this general order.

4. The site supervisor is responsible for determining the method of stopping vehicles. If possible, all vehicles approaching the checkpoint should be stopped. If it is not feasible to stop all vehicles, such as when traffic becomes unnecessarily congested, the site supervisor may instruct the traffic to be waved through the checkpoint until the congestion subsides. The site supervisor may alternately determine to select a fixed percentage of vehicles to be stopped. In the event a fixed percentage is used, the sequence of vehicles stopped must be rigidly observed. Every fifth or tenth, etc., vehicle must be stopped, not just an average of one in five or ten, or 5% or 10% of all vehicles, etc.
5. The site supervisor is responsible for ensuring each vehicle is stopped for as brief a period as possible.
6. No officer will conduct any sobriety checkpoint unless specifically directed by his/her supervisor.
7. The number of officers conducting the checkpoint should be proportionate to the volume of traffic at the checkpoint, with a minimum of three officers, including the site supervisor.
8. Checkpoints will be conducted by uniformed officers.
9. Each officer at the checkpoint site will wear a traffic safety vest.
10. Sobriety checkpoints should be conducted for a minimum of two hours and maximum of six hours.
11. Should condition(s) arise before or during a scheduled checkpoint that would preclude motorist, pedestrian, or officer safety, such as construction, etc., the site supervisor will suspend the checkpoint until the condition is no longer present. The site supervisor may conduct a checkpoint at a secondary sobriety checkpoint site approved in accordance with the site selection requirements. The site supervisor will not move the checkpoint to the secondary location unless conditions arise at the first location that jeopardize motorist, pedestrian, or officer safety.
12. Officers responsible for the configuration of the checkpoint will ensure that all traffic/safety precautions are taken to afford the highest degree of motorist, pedestrian, and officer safety. Signs reading "DUI Checkpoint" will be displayed to provide adequate warning to motorists, with cones, flares, and emergency lights. At night, lighted areas will be used when other safety measures are inadequate.

III. Narcotics Checkpoints

- A. The purpose of a narcotics checkpoint is to stem the flow of narcotics in or out of a problem area by any of the following:
1. Observing the occupants of vehicles entering the checkpoint area for furtive movements in an effort to develop reasonable suspicion and/or probable cause to stop the vehicle and subsequently search for narcotics.
 2. Stop the vehicle for an obvious traffic violation, take police action, and obtain consent to search when appropriate.
- B. Site Selection
1. Before a narcotics checkpoint is conducted, the narcotics checkpoint site must be approved by the Commanding Officer, Vice & Narcotics Division (C.O., V&N), or designee. A street supervisor (or higher rank) may recommend that a location be approved as a narcotics checkpoint site by submitting the recommendation to the C.O., V&N, for approval via the submitting officer's commanding officer.
 2. The C.O., V&N, is responsible for maintaining all files relating to approved narcotics checkpoint sites. These files will include for each site: whether approved for day and/or night operations; manpower requirements; precautions needed to be taken to ensure motorist, pedestrian, and officer safety; and a diagram depicting the roadway, placement of traffic control devices, and location of vehicles pulled out of traffic for further investigation.
 3. Narcotics checkpoints will not be conducted on interstate highways.
 4. Narcotics checkpoints should cause only minimal interference with the normal flow of traffic.
 5. In addition to the above, selection of narcotic checkpoint sites will be based on the following criteria:
 - a. Sites should be clearly visible to approaching traffic and the public in general to ensure motorist, pedestrian and officer safety.
 - b. Sites should have adequate space to allow for:
 - (1) Officers to safely conduct the checkpoint;
 - (2) The safe parking of police vehicles;

- (3) Vehicles that are pulled over for further investigation to be safely parked sufficiently away from and out of the flow of traffic. This space may be a coned traffic lane, a wide shoulder area, or other suitable location.

C. Operating Procedures

1. Before a narcotics checkpoint is conducted, the Norfolk Department of Police Checkpoint Operational Plan must be approved by the C.O., V&N, or designee.
2. Checkpoints will be conducted under the direct on- site supervision of a Vice and Narcotics street supervisor, not lower in rank than sergeant (referred to hereafter in this section as "site supervisor"). The site supervisor will not perform enforcement activities.
3. The site supervisor is responsible for the overall operation of the checkpoint and for ensuring the checkpoint is conducted in accordance with this general order.
4. All vehicles approaching the checkpoint should be waved through unless an officer:
 - a. Has probable cause to search or arrest;
 - b. Has reasonable and articulable suspicion of criminal activity in the vehicle; or
 - c. Observes a traffic violation.
5. The site supervisor is responsible for ensuring that when a vehicle is stopped upon reasonable suspicion that the investigative methods used will be the least intrusive means available to verify or dispel the officer's suspicion in a short period of time.
6. The number of officers conducting the checkpoint should be proportionate to the volume of traffic at the checkpoint, with a minimum of six officers, including the site supervisor.
7. The checkpoint itself will be conducted by officers in uniform.
8. Each uniform officer at the checkpoint site will wear a traffic safety vest.
9. Narcotics checkpoints should be conducted for a minimum of 2 hours and a maximum of 6 hours.

10. Should condition(s) arise before or during a scheduled checkpoint that would preclude motorist, pedestrian, or officer safety, such as construction, etc., the site supervisor will suspend the checkpoint until the condition is no longer present. The site supervisor may conduct a checkpoint at a secondary narcotics checkpoint site approved in accordance with the site selection requirements. The site supervisor will not move the checkpoint to the secondary location unless conditions arise at the first location that jeopardize motorist, pedestrian, or officer safety.
11. Officers responsible for the configuration of the checkpoint will ensure that all traffic/safety precautions are taken to afford the highest degree of motorist, pedestrian, and officer safety. Signs reading "Narcotics Checkpoint" will be displayed to provide adequate warning to motorists, with cones, flares, and emergency lights. At night, lighted areas will be used when other safety measures are inadequate.

IV. Training

All officers assigned to work at checkpoints must be fully briefed and trained for the assignment.

V. Record-Keeping

A. Traffic and Sobriety Checkpoints

1. The site supervisor will maintain a log during each checkpoint, to include the following information:
 - a. The time the checkpoint started and ended;
 - b. Weather and traffic conditions;
 - c. The pattern being used to stop traffic;
 - d. Changes (including the reason) made during the check.
2. The site supervisor will complete a Norfolk Department of Police Checkpoint Operational Plan (Attachments A) and PD 776, Selective Enforcement Sheet, and submit the completed forms to the OIC, Traffic Unit for review and filing.
3. The OIC, Traffic Unit, will review the completed forms for completeness and accuracy and ensure the checkpoint was conducted at an approved checkpoint site and in the proper manner.

4. The OIC, Traffic Unit, will maintain traffic/sobriety checkpoint statistics, including but not limited to the number of vehicles stopped, number of summonses issued, the number of individuals arrested for DUI, etc, for a period of three years.

B. Narcotics Checkpoints

1. The site supervisor will maintain a log during each checkpoint, to include the following information:
 - a. The time the checkpoint started and ended;
 - b. Weather and traffic conditions;
 - c. The pattern being used to stop traffic;
 - d. Changes (including the reason) made during the check.
2. The Vice & Narcotics site supervisor will complete a Norfolk Department of Police Checkpoint Operational Plan and PD 776, Selective Enforcement Sheet and submit the completed forms to the C.O., V&N for review and filing.
3. The C.O., V&N will review the forms for completeness and accuracy, and will ensure the checkpoint was conducted at an approved checkpoint site and in the approved manner.
4. The C.O., V&N will maintain checkpoint statistics, including but not limited to the number of vehicles stopped, number of summonses issued, the number of individuals arrested for narcotics, etc, for a period of three years.

Related Documents:

1. G.O. OPR-320: Driving Under the Influence (DUI)
2. S.O. 84-009: Highway Safety Program
3. S.O. 84-023: Highway Safety Program Procedures Manual
4. S.O. 86-011: Highway Safety Program
5. Memo 91-083: DUI Waiver Information, Virginia Beach General District Traffic Court Record Returns
6. Memo 92-245: DUI Blood Samples, New Procedures
7. Memo 94-147: DUI Ordinance Change
8. Memo 94-262: Implied Consent Advisory

Attachment:

- A. Norfolk Police Department Checkpoint Operational Plan



Date of Operation _____ Hours of Operation _____

PRIMARY LOCATION

Location _____ Patrol Division 1st 2nd 3rd

Number of officers required to man checkpoint _____

Traffic control measures required? Yes No

Adequate lighting available? Yes No

Police parking available? Yes No

Location _____

Violator parking available? Yes No

Location _____

Diagram of checkpoint attached? Yes No

ALTERNATE/SECONDARY LOCATION

Location _____ Patrol Division 1st 2nd 3rd

Number of officers required to man checkpoint _____

Traffic control measures required? Yes No

Adequate lighting available? Yes No

Police parking available? Yes No

Location _____

Violator parking available? Yes No

Location _____

Diagram of checkpoint attached? Yes No

Violator screening procedures are to be determined by the on-scene supervisor in accordance with departmental policy and procedures. Factors to be considered are traffic volume and officer safety issues.

Submitted By _____ Date _____

Approved By _____ Date _____