

**SENECA FALLS POLICE DEPARTMENT
GENERAL ORDER**

General Order: 504	Rescinds: 07/01/13
Subject: Traffic Checkpoints	NYS Accreditation: 43.5, 47.3
Effective Date: 07/28/2017 By Order Of: Stuart W. Peenstra, Chief of Police	

I. PURPOSE

To establish procedures for traffic checkpoints.

II. DEFINITIONS

- A. Crime Scene Perimeter** - established to locate and apprehend a suspect fleeing from the scene of a crime.
- B. Traffic Control Points** - established to limit access to or egress from a crime scene, accident, or situation involving the need to limit or re-route traffic.
- C. Traffic Checkpoints** - established to check for vehicle equipment defects, expired inspection certification stickers, seatbelt violations, driver's license and registration validity, vehicle loads, etc.
- D. Sobriety Checkpoints** – establish and provide guidelines for the physical construction and operation of a sobriety checkpoint in order to maximize the deterrent effect and increase the perception of “risk of apprehension” of motorists who would operate a vehicle while impaired by alcohol or other drugs.

III. POLICY

- A.** Crime scene perimeters can be authorized by a command officer. The first responding/investigating officer may also authorize such perimeter.
- B.** Traffic control points can be authorized by a command officer or the first responding officer.
- C.** Traffic checkpoints must be authorized by a command officer.
- D.** Sobriety checkpoints must be authorized by a command officer of the rank of Sergeant or above. The sobriety checkpoint must be properly planned, supervised and staffed as is outlined in this General Order.
- E.** A roadblock, as used for the purposes of forcibly stopping a vehicle during a pursuit, is prohibited.

IV. PROCEDURES

- A.** Criteria to be used in planning a traffic checkpoint, although not all inclusive, are the following:
 - 1. Site Selection:
 - a. Sites must be approved by a supervisor prior to commencing the checkpoint.
 - b. The site must be in an area that will minimize the risk to the public and/or the police.

- c. Select locations which permit the safe flow of traffic through the checkpoint.
 - 1 Considerations should be given to posted speed limits, traffic volume, time of day, type of roadway, number of personnel available, availability of adequate supervision and safety equipment.
 - 2 Ensure sufficient adjoining space is available to pull vehicles off the traveled portion of the roadway for additional investigation.
 - 3 Consider other conditions that may pose a hazard, such as weather.
 - d. The site should have maximum visibility from each direction and sufficient illumination. If permanent lighting is unavailable, ensure that portable lighting is provided.
2. Personnel:
- a. A sworn, uniformed officer will be assigned to provide on-scene supervision of the checkpoint, and will be ultimately responsible for overseeing operations.
 - b. The checkpoint will be staffed by a sufficient number of uniformed personnel to ensure a safe and efficient operation.
 - c. Multi-jurisdictional operations are encouraged; one agency will be designated as the lead law enforcement agency.
3. Planning:
- a. Any checkpoint will require the supervisor to complete the "Checkpoint Supervisor's Report". The report will be outlined PRIOR to the commencement of the roadblock This is a brief written directive that will outline the information required in this general order.
 - b. The supervisor will ensure that all guidelines established by this general order are in effect and are communicated to the officers staffing the checkpoint.
4. Advance Notification:
- a. For the purpose of public information and education, this agency may announce to the media that checkpoints will be conducted.
 - b. This agency may encourage media interest in the sobriety checkpoint program to enhance public understanding of aggressive enforcement and to heighten the deterrent effect.
 - c. This agency should provide advance notification of the checkpoint to public safety agencies expected to be affected, such as EMS and fire.
5. Motorists Warning / Safety Methods:
- a. Special care is required to warn approaching motorists of the sobriety checkpoint.
 - b. Basic equipment will include, but is not limited to:
 - 1 Warning signs placed in advance of the checkpoint.
 - 2 Flares, or similar devices.
 - 3 Safety cones, or similar devices.
 - 4 Permanent/portable lighting.
 - 5 Marked patrol vehicles.
 - c. The use, placement and types of traffic control devices will ensure "due regard" for public safety.

- d. All personnel involved in the checkpoint operation will wear approved reflective/safety materials or similar clothing.
- 6. Communications:
 - a. A planned traffic checkpoint detail will utilize the Seneca County radio system "Zone A-Law, TAC 3" unless otherwise directed by the Seneca County E-911 Center.
- 7. Contingency Planning:

Any deviation from the predetermined guidelines must be thoroughly documented in the "notes/details for checkpoint" section of the "Checkpoint Supervisor's Report". The reasons for deviation may include; traffic backing up, intermittent inclement weather, emergency vehicle traffic, etc.

B. Any traffic checkpoint that is conducted must be conducted in a non-arbitrary and nondiscriminatory manner.

- 1. A pattern as to which vehicles are to be checked must be established and strictly adhered to prior to the commencement of a sobriety checkpoint. Every vehicle or a system of every second, third, or fourth, etc., vehicle will be utilized in choosing those vehicles to be directed to the checkpoint site. Officers do not have discretion as to any other method of selecting vehicles other than those outlined prior to commencement of a checkpoint.
- 2. In the event a violation is observed or an officer has probable cause to stop a vehicle that falls outside the established pattern, appropriate action can be taken.
- 3. In the event that traffic becomes unduly congested or a manpower shortage has occurred due to the workload, traffic will be directed to continue and not be diverted to the checkpoint area. When, in the estimate of the on-site supervisor, traffic congestion or manpower availability has eased so that the checkpoint may safely be resumed, vehicles will again be diverted to the checkpoint area pursuant to the original plan.

C. Legal Guidelines for vehicle checkpoints.

- 1. The non-arbitrary procedure for operating a sobriety checkpoint is to eliminate the discretion of the officers operating that checkpoint as to which cars to stop.
- 2. A road patrol officer not part of a sobriety checkpoint does not have the authority to stop every vehicle approaching or attempting to avoid the sobriety checkpoint; rather, he must have an independent articulable reason to stop an individual vehicle.
- 3. Vehicles who reasonably appear to be avoiding the checkpoint.
 - a. The decision to pursue and stop any vehicle who reasonably appear to be avoiding the checkpoint, should be determined on a case by case basis. This will

be outlined PRIOR to the commencement of the roadblock on the "Checkpoint Supervisor's Report" and communicated to all officers involved in the checkpoint.

b. Factors to consider:

- 1 If not normally prohibited at the site, a legal U-turn is not an articulable reason to stop a vehicle. If it is illegal for any reason, that fact must be clearly documented on the "Checkpoint Supervisor's Report" in the notes/details section.
 - 2 If, due to the site location, a vehicle which merely turns off one public highway onto another such highway, without any alleged violation of the Vehicle and Traffic Law, resulting in the avoidance of a sobriety checkpoint, that is not a permitted stop.
4. The operation and use of a motor vehicle on the highways of New York is a privilege granted subject to compliance with the provisions of the Vehicle and Traffic Law. The state has a compelling interest in maintaining safety on its highways. Law enforcement officers are charged with the responsibility to regulate and enforce the law in a fair and impartial manner. A sobriety checkpoint is one method utilized to eradicate the drunken driving problem experienced on our roads and make the highways safe. A roadblock established pursuant to a written directive of a police agency for the purpose of detecting and deterring driving while intoxicated or impaired is constitutionally permissible. When the privacy interests of a motorist are balanced against the legitimate governmental interests in controlling drunk driving, the checkpoint procedure is a sufficiently productive mechanism to justify the minimal instruction involved.

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