

BOULDER CITY

POLICE

Subject: Public Safety Checkpoints

Policy and Procedure

Effective Date: 10/4/06

I. PURPOSE

The purpose of this policy is to provide guidelines for the proper establishment of public safety checkpoints.

II. POLICY

The Boulder City Police Department utilizes public safety checkpoints for a number of different purposes, including the detection of impaired drivers and inspecting child passenger safety seats. It is the policy of the Department to plan for the safe and effective operation of checkpoints in order to maximize enforcement efforts, to minimize undesirable consequences and to comply with constitutional requirements. The safety of the public and the officers involved in checkpoint operations are of the highest priority.

III. DEFINITION

Public Safety Checkpoint--A planned event on a roadway to provide for the safety of the motoring public by detecting and deterring specific traffic violators (i.e., DUI or Child Passenger Safety Seats).

IV. PROCEDURES**A. SUPERVISOR APPROVAL**

1. All public safety checkpoints must be pre-approved by the Chief of Police.
2. Public safety checkpoint operations may be canceled by the checkpoint supervisor, the Chief of Police or his designee.

B. PERMITTED USE OF CHECKPOINTS

1. Public safety checkpoints will be used to focus enforcement efforts in the following areas:
 - a. detecting impaired drivers;
 - b. inspecting child passenger safety seats;

c. apprehending fleeing fugitives who are likely to flee by way of a particular route; and

d. thwarting an imminent terrorist attack.

2. If a checkpoint is established for a primary purpose that is lawful, (e.g. detection of impaired drivers, inspection of child passenger safety seats, etc.), the fact that evidence of other crimes is detected during the stop does not render the checkpoint unlawful nor the evidence obtained inadmissible.

C. SITE SELECTION

1. The selection and justification of a potential public safety checkpoint location should be based on the significance of the public safety problem (i.e. increased incidence of alcohol-related accidents, etc.) in an area.
2. The checkpoint location must be visible by approaching motorists from a safe and prudent distance in each direction.
3. The checkpoint must not be set up in a curve, over the crest of a hill or other dangerous location. Street width, number of lanes, traffic volume and lighting conditions must be taken into consideration when selecting a checkpoint location.
4. The traffic flow must not be allowed to back up so much that it becomes a hazard.
5. More officers and additional precautions are required when setting up a checkpoint on a four-lane road or at a four-way intersection.
6. The site must include adequate space on the roadside to move vehicles that may be cited, if an arrest is to be made or further investigation is required.

D. STAFFING, METHODS, WARNING AND SAFETY

1. A minimum of three officers, including a checkpoint supervisor, must be present at the checkpoint. The checkpoint supervisor will ensure that an adequate number of officers are assigned to any checkpoint to provide for the safe and effective operation of the checkpoint.

2. Special care will be taken to warn approaching motorists of a public safety checkpoint.
3. Advanced warning will be accomplished by placing "Public Safety Checkpoint Ahead" (or applicable language) signs at a safe and prudent distance from the checkpoint so motorists will be able to readily view and identify the signs and have ample time to slow to a safe speed for approaching the checkpoint. Traffic cones or barricades may be used to enhance the visibility of the checkpoint.
4. To reassure motorists of the legitimate nature of the checkpoint, all officers assigned to the operation will wear uniforms and reflective traffic vests. Plainclothes officers, when used for support, will be required to display identification readily distinguishing them as police officers at all times during checkpoint operations.
5. All vehicles used for traffic control will be marked patrol vehicles. Unmarked vehicles may be used to support checkpoint operations but shall not be utilized for traffic control.
6. A systematic approach to stopping vehicles as they enter the checkpoint location must be maintained. For example, if traffic is light all vehicles may be stopped; during heavier traffic, every 3rd or 5th vehicle will be stopped. The checkpoint supervisor will determine when to change from light traffic vehicle selection to heavy traffic vehicle selection, keeping in mind that traffic congestion reduces the effectiveness of any checkpoint. No other discretion is permitted and no other officers involved in the checkpoint will have discretion in this area.
7. As traffic moves into the checkpoint location, officers shall approach each driver and identify themselves. They shall inform the driver that a checkpoint is being conducted before requesting driver's license, registration and insurance verification. Non-impaired drivers with no apparent vehicle equipment deficiencies will generally not be delayed for more than a minute. Officers working the checkpoints will maintain a high level of professionalism. Motorists will be treated courteously and respectfully, and delays and inconvenience will be minimized.
10. Driver licenses that appear valid on their face will be prima facie evidence that the driver is in compliance with Nevada's driver license laws. Driver license checks will not be made unless the officer can state a reason to believe that a violation has been committed.

E. FIELD SUPERVISION

Public safety checkpoints shall be conducted under direct control of the checkpoint supervisor. The checkpoint supervisor is responsible for adherence to the guidelines and procedures set forth in this policy and for providing for the smooth operation of the checkpoint, including:

1. monitoring the safety of motorists and officers;
2. deciding to continue or terminate a checkpoint;
3. assigning officers to checkpoint positions; and
4. answering motorists' concerns about the checkpoint.

The checkpoint supervisor must be present for the entire checkpoint operation. The absence of the checkpoint supervisor, even temporarily, shall require the immediate suspension of checkpoint operations.

F. DRIVERS AVOIDING CHECKPOINTS

A motorist who wishes to avoid a checkpoint by legally turning before entering the checkpoint area should be allowed to do so, unless a traffic violation is observed or reasonable suspicion exists to take action. The motorist may be followed by an "observation" car for a reasonable distance, a registration check made on the vehicle, and if their driving behavior appears normal, they should be allowed to proceed.

G. ADDITIONAL NIGHTTIME REQUIREMENTS

1. Any public safety checkpoint which is conducted during nighttime hours, must involve a heightened level of safety due to decreased visibility.
2. All "Public Safety Checkpoint Ahead" (or applicable language) signs must be illuminated for the duration of the checkpoint.
3. To reassure motorists of the legitimate nature of the checkpoint, all officers assigned to nighttime checkpoint operations will wear uniforms, reflective traffic vests and utilize flashlights with traffic wands. Plainclothes officers, when used for support, shall wear reflective traffic vests and display identification readily distinguishing them as police officers at all times during checkpoint operations.
4. Personnel sufficient to staff all necessary functions (including vehicle stops, field sobriety testing, transports of arrestees, vehicle inventories, narcotics detection, communications, blood alcohol

testing) shall be maintained throughout the operation. Other local law enforcement agencies may be contacted for additional manpower.

5. The public safety checkpoint should be illuminated in a manner that will ensure that any approaching motorist will have adequate warning of the checkpoint. Emergency overhead lighting on police vehicles should not be relied upon to be the sole provider of such illumination.

H. TRAINING

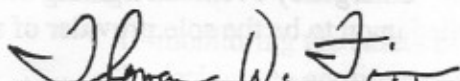
1. Prior to deployment at a public safety checkpoint, sworn members of the Department shall receive instruction relating to public safety checkpoints.
2. Training shall include instruction in the following areas:
 - a. selection and justification for public safety checkpoint locations;
 - b. requesting and receiving approval for establishing a checkpoint;
 - c. techniques for properly executing a checkpoint;
 - d. proper supervision of the checkpoint once established.

I. DATA COLLECTION AND EVALUATION

To monitor and ensure standardization and consistency of the public safety checkpoint program, a systematic method of data collection will be utilized. The checkpoint supervisor shall submit a "Public Safety Checkpoint Report" to the Chief of Police within three business days after the checkpoint was conducted.

1. The Public Safety Checkpoint Report shall include:
 - a. Date, time and location of the checkpoint.
 - b. Weather conditions.
 - c. Total number of vehicles that passed through the checkpoint.
 - d. Average time delay to motorists.
 - e. Predetermined order of selecting motorists, whether it was modified and why.
 - f. Number and types of arrests.

- g. Number of motorists detained for field sobriety testing or car seat inspections.
- h. Documentation of unusual incidents such as safety problems or other concerns.



Thomas W. Finn, Chief of Police