Bressi v. Ford
United States District Court, District of Arizona
CV-04-264-TUC-AWT

EXHIBIT A

SHONK MEMORANDUM
Memorandum

To: All Personnel Assigned to the Vehicle Checkpoint on SR 88 Milepost 144.7

From: Lt. Kevin Shonk, Patrol Commander

CC: Captain Saunders, Chief Seligman

Date: May 4, 2000

Re: Standardized Questions to Ask

Over the past few months we have seen a marked increase in the number of stolen vehicles and amount of illegal drugs passing through the Nation. State Route 88 is one of the main corridors for this activity. We have also seen a dramatic increase in the number of undocumented aliens passing through the Nation. In addition, State Route 88 is the main corridor into the Tohono O'odham Nation and is a common road for introduction of liquor into the Nation, where such liquor is illegal. State Route 88 also has number of incidents of Driving Under the Influence.

On May 5, 2000, we will begin operating a Vehicle Checkpoint on State Route 88 at about Milepost 144.7. The times and days the Checkpoint will be in operation will vary. We will utilize the traffic signs, cones, and equipment contained within our Checkpoint Trailer. The Checkpoint will be manned by commissioned Police Officers of the Tohono O'odham Nation Police Department. Tohono O'odham Nation Rangers will assist with non enforcement functions at the Checkpoint. When possible a Police K-9 will be present at the Checkpoint.

All vehicles passing through the Checkpoint (both Eastbound and Westbound) will be stopped. The Officer will make contact with the Driver of the vehicle and look for any obvious signs of any violation of Tribal, State, or Federal laws. If the Officer sees an obvious violation, such as a cracked steering column or large bundles of marijuana in plain view, the appropriate law enforcement action will be taken.
After contacting the driver the same questions will be asked of every driver. They are:

1. Can I see your driver’s license, registration; and proof of insurance, please? (Check to see that the driver is the owner, or the owner is in the vehicle, or establish that the driver has permission to have the vehicle. If you suspect the driver or any passenger in the vehicle is an undocumented alien, have the driver pull over to the designated secondary inspection area. Try to confirm if the driver is in the U.S. legally and contact a U.S. Border Patrol Agent)

2. Have you consumed any illegal drugs or alcohol today? (If you suspect the driver is under the influence do not have him drive the vehicle any further. Have him get out of the vehicle and TOPD personnel will move the vehicle while the contact Officer begins Field Sobriety Tests)

3. Do you have any illegal drugs, alcohol, or contraband of any kind in the vehicle? (If you suspect the driver is being untruthful ask him/her to pull over to the designated secondary inspection area. Ask him/her to open the trunk of the vehicle. If he/she refuses, ask some questions as to where he/she is going, where he/she is coming from, etc. to establish probable cause. Have the K-9 walk around the exterior of the vehicle. If the K-9 alerts on the vehicle have the driver exit the vehicle and conduct a thorough search of the vehicle. If you have no reason to believe the driver is being untruthful wish them a good day and have them continue on their way)

Please do not deviate from the above questions.

If traffic becomes too backed up in any direction Officers will have the discretion to allow free flow through the Checkpoint until the backup is relieved.

Officers will not issue citations for minor traffic violations, however, on any alcohol, drug, or stolen property incident the appropriate enforcement action will be taken.

Any vehicle that needs to be towed will be moved to the designated parking area where the Officer will fill out a Vehicle Tow Sheet and call a Tow Truck for the vehicle.

Any Arrestees will be transported to the appropriate corrections facility and booked or cited and released, depending on the charges.

Thanks in advance for a great job and I will see you there!