



San José Police Department

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*DUI Checkpoint Manual/
Briefing and Instructions*

Checkpoint Operations:

The operation of DUI/Drivers License continues to be scrutinized by our judicial system. It is important that officers/supervisor adhere to all the factors set forth in Ingersoll V. Palmer. This case identifies 8 points which are necessary of the planning and operation of checkpoints.

Decision making must be at a supervisory level, rather than by officers in the field.

- The site selection and procedures of the checkpoint were made by supervisory personnel and not the officer in the field. DUI collision/arrest data was used to determine each location.

A neutral formula must be used to select vehicles to be stopped, such as every vehicle or every third vehicle, rather than leaving it up to the officer in the field.

- Every vehicle will be screened by officers in the field. There are times that this may not be the case (Code3 fire engine, no officers available, for example). This discretion will be up to the supervisor in the field and not the officers. Officer will not have the discretion to determine which vehicles to stop absence probable cause. This is to be adhered to at all times.

Primary consideration must be given to public and officer safety.

- Public and officer safety have been designed into each checkpoint. Lighting, warning signs/signals, official vehicles and officers in full uniform are necessary to minimize the danger to officers and the motorists.

The site should be selected by policy making officials, based upon areas having a high incidence of drunk driving.

- Policy making officials have determine the location of each checkpoint based on the number of DUI collisions and DUI arrests and not the officers in the field.

Limitations on when the checkpoint is to be conducted and for how long, bearing in mind both effectiveness and intrusiveness.

- Statistics compiled from NHTSA and the State Department of Transportation suggests the highest incidence of drunk driving and injury collisions involving drunk drivers occurs between the hours of 9 PM and 3AM. The San Jose Police Department limits DUI checkpoints to the hours of 9PM-3AM. This time was created with effectiveness of the checkpoint in mind.

Warning lights and signs should be clearly visible.

- Checkpoint design was created by using high visibility through the use of signs, flashing lights, lighting, police vehicles and uniformed officers. These are

important safety factors while also give motorist advance warning to reassure motorists that the stop is duly authorized.

Length of detention of motorists should be minimized.

- The time of detention of motorist should be minimized to 15-20 seconds. This is done to reduce the intrusiveness of the stop and to maintain safety by avoiding traffic backups. Officers need to briefly look for signs of intoxication. If no signs of intoxication, the driver will be permitted to drive on without delay.

Advance publicity is necessary to reduce the intrusiveness of the checkpoint and increase its deterrent effect.

- Advance publicity has been conducted on each checkpoint. Press releases have been distributed to all media outlets. The purpose of this is two fold. First, it is a deterring effect by dissuading people not to drink and drive. Secondly, advance notice limits the intrusion upon personal dignity/security because the persons stopped would anticipate and understand what was occurring.
- Roll Call/Assignments
- Primary concern is **PUBLIC SAFETY/OFFICER SAFETY**. Wear reflective vest.
- Our main goal is reducing collisions and their resulting injuries attributed to DUI.
- We accomplish this by enforcing all Codes related to impaired driving, ensure drivers have proper licensing, and educating the public of the dangers of impaired driving.
- Deliver all cites to impound officer for final disposition.
- **Officers on the line will not release any vehicles.**
- Use your call sign as your ID on the working channel.
- At the end of the night, you will receive an email with the VIS code for the pre-designated hours for pay.
- If you need a radio, flashlight or vest, some are available to be checked out at the bus.

Officer Procedures:

- As drivers pull up to the line, look for signs of impaired driving.
- Stop the vehicle, based on our neutral formula. Minimize the initial detention, approximately 15 to 20 seconds. If the driver shows signs of intoxication (reasonable suspicion) you may prolong your contact. If not, release the driver.
- **If important to you, ask to see the vehicle registration at this time.** You may still retrieve it at a later time from the vehicle, if you determine that you must move the vehicle immediately. However, you must ask as a pre-emptive (**new, as of July 20**).
- If driver shows signs of intoxication, direct the driver to exit the vehicle. Direct passengers to exit the other side of the vehicle and wait at the curb.

- Call for an additional officer to drive the vehicle to the vehicle holding area or impound lot.
- Take the driver to the field sobriety exercise area to perform FSE's.
- Run all parties and vehicle plates on the working channel. If after license status becomes an issue after DUI investigation cite for appropriate section.
- If a PAS is needed, go to the DUI bus to obtain a PAS device. Every use of the PAS and its results need to be documented for grant purposes even if it was 0.00. Provide the following information: suspect's name, DOB, and PAS results.
- If DUI is determined, handcuff immediately; return the PAS to the DUI bus.
- Complete the necessary paperwork. If a citation was issued, walk the citation over to the impound lot and place it on the windshield of the vehicle. On face of all citations please write "PC: DUI Checkpoint."
- If an occupant needs to get items out of their vehicle, the arresting officer will accompany the person to the vehicle to obtain such items.
- For DUI's, contact the *Drager* officer to be placed on the list for breath or blood samples. The *Drager* officer will obtain samples for you and give you the results.
- Complete all paperwork and obtain all property off the suspect. Give it to the *Drager* officer.
- When authorized by the TEU sergeant, a transportation officer will obtain all paperwork and property, then transport all arrested suspects to the Main Jail to be booked.

Reminder for the chase cars; it is not a crime to avoid a DUI checkpoint. However, they may not commit vehicle code violations when doing so.

When authorized by the TEU sergeant, completed CHP F180's will be delivered to the Auto Desk to expedite information entered into the vehicle database