

ORLANDO POLICE DEPARTMENT POLICY AND PROCEDURE
1310.0, ROADBLOCK OPERATIONS

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POLICY: The lawful purposes of police roadblock operations are to provide officers with a systematic plan for checking drivers' licenses and performing cursory equipment inspections of vehicles or to heighten public awareness of the DUI problem and to detect and apprehend impaired drivers. In order to ensure that roadblock procedures are conducted in a consistent, lawful manner, officers will adhere to the following guidelines during all roadblock operations.

PROCEDURES:

1. DEFINITIONS

Equipment and Driver's License Checkpoint: A law enforcement controlled fixed roadblock that is set up in conjunction with the Department of Transportation restrictions and operated by police officers for the express purpose of systematically checking drivers' licenses and performing cursory equipment inspections of motor vehicles.

Sobriety Checkpoint: A law enforcement controlled fixed roadblock that is set up in conjunction with the Department of Transportation restrictions and operated by police officers for the express purpose of heightening public awareness of the DUI problem, identifying driver and vehicle safety violations, and detecting and apprehending impaired drivers. Sobriety checkpoint operations shall be conducted by the Special Operations Division.

2. ROADBLOCK OPERATIONS

2.1 DECISION TO CONDUCT ROADBLOCK OPERATIONS

A supervisor shall determine the necessity for and select the location and time of the roadblock operation. However, a command officer, usually a watch commander, will have overall authority and responsibility for the roadblock operation. The field supervisor must be on the scene during the implementation of the roadblock operation and regularly update the command officer on the status of the operation.

2.2 DECISION TO CANCEL ROADBLOCK OPERATIONS

A supervisor may cancel a roadblock operation at his/her discretion due to various, unforeseen reasons (i.e., inclement weather, unsafe conditions, low traffic count, etc.). It will be the supervisor's responsibility to make all the proper notifications (watch commander, media, Communications, etc.).

2.3 SITE SELECTION

Site selection is to be based upon objective criteria, which may include high traffic counts, accident rates, traffic hazard potential, and officer safety. An acceptable site permits officers to direct vehicles out of the traffic stream without undue hazard or delay. Sobriety checkpoints will be established in areas that maximize probable contact with DUIs and are known to be high accident and violation areas.

2.4 OPERATIONAL PLAN AND PRE-ROADBLOCK BRIEFING

No roadblock operation will be conducted without the creation of a detailed operational plan specifically delineating all personnel and procedures to be used. Records of activity will be maintained and a critique will be conducted subsequent to the conclusion of the roadblock operation.

When an arrest results from a roadblock operation, officers must note in their reports the existence of the written operational plan. Arresting officers must provide a copy of the plan to the prosecuting authority, and must take a copy of the plan to any motion hearing or trial so that it may be introduced in evidence as required by case law. (*Harsfield v. State*, 629 So. 2d 1020 [4th DCA 1991]). Officers may need to remind prosecutors of the need to introduce the plan into evidence.

A briefing shall be conducted prior to each roadblock operation. During this briefing, the supervisor shall instruct the officers on proper roadblock procedures and shall explain the pattern to be employed in stopping vehicles. A systematic stopping procedure shall be employed, i.e., every second car, every fifth car, etc.

2.5 SAFETY AND NOTICE REQUIREMENTS

Adequate warning that a roadblock has been established must be provided to approaching motorists.

At all roadblocks, at least one marked police vehicle shall be positioned near the checkpoint. This vehicle shall be positioned so that it is clearly visible to approaching vehicles. In addition, a sign indicating that a police roadblock is ahead shall be positioned at least 50 feet prior to the roadblock.

During night operations, road flares and extra lighting should be used when appropriate. Police vehicle flashing blue lights shall be turned on. An officer shall stand at least 50 feet prior to the checkpoint with an illuminated flashlight to help direct oncoming vehicles.

Warning signs, emergency lights, directional arrows, and traffic cones shall be deployed in accordance with the Traffic Engineering Department instructions.

All officers making initial contact with vehicles and directing traffic at a roadblock operation shall wear an official Police Department uniform in order to signify police presence in and around the operation area and to reassure motorists of the legitimate nature of the operation. Department-approved safety equipment shall be utilized as dictated by the circumstances and surroundings.

2.6 DETENTION AND DISPOSITION OF VEHICLES

During equipment and driver's license checkpoint operations, the length of detention of vehicles at the checkpoint shall be kept to the minimum amount of time necessary for officers to conduct a driver's license check of the motor vehicle's driver and to perform a cursory inspection of the exterior of the vehicle for compliance with state equipment standards.

During sobriety checkpoint operations, the length of the detention of vehicles at the checkpoint shall be kept to the minimum amount of time necessary for officers to briefly check drivers for signs of intoxication. A consistent introductory conversation will be used with all vehicle operators. Drivers will be informed of the purpose of the checkpoint and will be detained only a minimum of time (approximately one minute) from the time conversation with the driver begins.

There is no legal impediment to the presence and use of a drug-detecting dog during roadblock/checkpoint operations. Occupants of any stopped vehicle must be advised to keep their hands and heads within their vehicle while the drug dog makes a sweep of the exterior of the vehicle. A positive indication by the dog for the presence of drugs should result in the vehicle being directed off the roadway for further investigation. The investigating officer should make every effort to obtain consent to search the vehicle, as this will negate any search and seizure legal issues. If a driver consents to a search, specific consent must be obtained to permit the drug dog to enter the interior of the vehicle. Even if consent is denied, a search may take place because a positive alert by a drug dog forms the legal basis for

probable cause to believe drugs are in the vehicle. The scope of such a search includes any area in the vehicle that may contain drugs.

If, during this detention at the checkpoint, the officer making contact with the vehicle develops a reasonable suspicion or probable cause to believe that the vehicle's driver or a passenger has committed, is committing, or is about to commit a traffic infraction or an arrestable offense, the officer will direct the vehicle off the roadway for further investigation.

When an officer directs a vehicle off the roadway for further investigation, that officer shall remain with the vehicle during the investigation. Another officer will then assume the position of contacting approaching vehicles.

Because DUI arrests are anticipated at the checkpoint, an efficient system for testing, arresting, processing, and transporting prisoners will be created immediately adjacent to the sobriety checkpoint. Officers staffing the checkpoint will be trained in the detection and testing of impaired drivers, and will conduct all tests and arrests in conjunction with Department policy and procedures.

If, during the roadblock operation, the supervisor determines there are insufficient officers available at the checkpoint to maintain the predetermined order of stopping vehicles, all vehicles shall be directed through the checkpoint until such time as the supervisor determines that there are sufficient officers available to maintain the ordered pattern of stopping vehicles.

The disposition of any arrestee's vehicle shall be in accordance with Department policy.

2.7 PUBLICITY

The Police Department, through Media Relations, may announce the general area and time in which a roadblock operation will be conducted. News media may be permitted to conduct interviews, take photographs, and otherwise perform their assigned tasks provided their activity is not in violation of the guidelines established for the roadblock operation and in violation of any other Departmental policy. The commanding officer may limit the media's access to certain areas of the roadblock site if the safety of media personnel might otherwise be jeopardized.

2.8 ROADBLOCK OPERATION INFORMATION REPORT FORM

A supervisor shall remain at the roadblock operation at all times. This supervisor shall complete a Roadblock Operation Information Report form (Attachment A) and submit it to the watch/section commander. This form includes the type, date, time and location of the operation; time of briefing and pattern of stopping vehicles; the numbers of vehicles stopped, citations issued, verbal warnings and arrests made; and the types of arrests made during the operation. The supervisor and personnel assigned to the roadblock operation are also documented on the form. The watch/section commander shall forward the form to the Records/ID Unit for future reference.

2.9 RECORDS/ID UNIT'S RESPONSIBILITIES

The Records/ID Unit is responsible for setting up a "Roadblock Operations" file. The Roadblock Operation Information Report forms should be maintained in the file by the date of the roadblock operation.

ATTACHMENT A

ORLANDO POLICE DEPARTMENT
ROADBLOCK OPERATION INFORMATION REPORT

TYPE OF ROADBLOCK OPERATION: _____

DATE OF ROADBLOCK OPERATION: _____

LOCATION OF ROADBLOCK OPERATION: _____

TIME OF ROADBLOCK OPERATION: FROM _____ TO _____

TIME OF BRIEFING: FROM _____ TO _____

PATTERN OF STOPPING VEHICLES: _____

NUMBER OF VEHICLES STOPPED: _____

NUMBER OF CITATIONS ISSUED: _____

NUMBER OF VERBAL WARNINGS GIVEN: _____

NUMBER OF ARRESTS MADE: _____

TYPES OF ARRESTS MADE: _____

ROADBLOCK COMMAND OFFICER: _____

ROADBLOCK OPERATION SUPERVISOR: _____

ROADBLOCK OPERATION PERSONNEL: _____
