

P.G. 212-64 Vehicle Checkpoints

Date Effective: 08/01/13

PURPOSE

To establish the criteria by which members of the service can conduct a safe, legal, and effective vehicle checkpoint program.

SCOPE

A vehicle checkpoint is a site on a roadway designated by the commanding officer of a patrol borough, [I.O. 1 s 11] Traffic Operations District, precinct, police service area, transit district, highway district/unit, or task force, which is overseen by uniformed personnel. Motor vehicle operators are stopped here in a nonarbitrary manner (e.g., every third vehicle, etc.), as directed by the commanding officer on a VEHICLE CHECKPOINT FORM (PD371-143). Unlike routine car stops, police officers are not required to articulate an individualized suspicion for each vehicle stopped pursuant to a vehicle checkpoint.

Vehicle checkpoints must be set up to include adequate warnings to motorists of their existence. Uniformed members of the service assigned to the checkpoint may lawfully establish reasonable temporary restrictions on movement of vehicles in order to facilitate the flow of vehicular traffic through the checkpoint (e.g., prohibit parking, standing, stopping, or turning, etc.) by such means as signs, barriers, traffic cones, etc. A motorist who violates these temporary restrictions or any other traffic rule may similarly be stopped. An example would be a motorist, who after entering a checkpoint, attempts to avoid it by backing his/her vehicle out.

It should be emphasized that motorists who avoid a checkpoint by lawful means may not be stopped. If police have not blocked off a side street within a checkpoint, and a motorist turns down it, the motorist may not be stopped unless another lawful reason exists to stop the motorist.

PROCEDURE

Whenever a vehicle checkpoint is to be established:

COMMANDING OFFICER CONCERNED

1. Establish vehicle checkpoints for the primary purpose of a DWI check or vehicle safety check. Vehicle checkpoints for all other purposes other than in emergency circumstances cannot be conducted without prior written approval from the Deputy Commissioner, Legal Matters.
2. Prepare VEHICLE CHECKPOINT FORM.
3. Ensure the VEHICLE CHECKPOINT FORM is affixed to the interior right side of a legal size manila file folder.
4. Give the directive and file folder to the supervisor in charge of the checkpoint and discuss tactics and safety concerns.
5. Ensure that safety equipment is utilized when warranted and ordered from

the Quartermaster Section, when necessary.

NOTE: If the vehicle checkpoint is established by a command other than a precinct, the commanding officer concerned shall confer with the precinct concerned before implementing the checkpoint.

SUPERVISOR IN CHARGE OF CHECKPOINT

6. Comply with the captions on the VEHICLE CHECKPOINT FORM as completed by the commanding officer.

7. Discuss tactics, including appropriate and lawful questioning techniques, and apprise personnel of the primary purpose of the operation.

8. Ensure personnel are familiar with and have reviewed the contents of the VEHICLE CHECKPOINT FORM as provided by the commanding officer.

9. Remain at the checkpoint location for the entire operation.

NOTE: Supervisors in charge of vehicle checkpoints are reminded that the safety of the public and members of the service is paramount. Reflective vests or luminous traffic belts are to be worn during hours of darkness. Additionally; safety equipment, including turret lights, flares, traffic cones, signs, and/or barriers will be utilized to enhance safety and to warn motorists of the existence of the checkpoint.

10. Utilize at least two Department vehicles while conducting the checkpoint and employ appropriate safety equipment.

11. Assign a "point person", in the rank of police officer, whose sole responsibility is to maintain the commanding officer's established procedure for stopping vehicles and to advise the vehicle operators that their vehicles are being stopped, and the reason why.

UNIFORMED MEMBER OF THE SERVICE ASSIGNED TO CHECKPOINT

12. Stop vehicles as directed by the supervisor in charge of the vehicle checkpoint.

NOTE: After stopping a vehicle, it is permissible to request the driver's license, registration, and insurance card. It is also permissible to conduct a license and VIN check. The VIN check must be conducted from the outside of the car. Reaching inside the car to uncover the VIN plate is not permitted even if the VIN plate is covered or obstructed; however, the member may request that the motorist uncover the VIN plate.

Additionally, the driver's failure to produce a license or insurance card does not provide the basis to enter the car and conduct a further search. However, the driver's failure to produce a license or insurance card does allow for the issuance of a summons or other appropriate enforcement action. If the documentation produced is appropriate, the driver must be allowed to proceed unless reasonable suspicion is developed during the stop.

13. Take summary action, when necessary.

14. Record the identity (e.g., name, address, telephone, etc.) and statements of witnesses in ACTIVITY LOG (PD112-145), whenever an arrest is made in connection with a vehicle checkpoint.

NOTE: If as a result of the vehicle checkpoint, an arrest is effected, the VEHICLE CHECKPOINT FORM prepared for that particular vehicle checkpoint shall be reproduced for the District Attorney's Office.

SUPERVISOR IN CHARGE OF CHECKPOINT

15. Ensure that a record is kept of:

- a. The number of summonses issued;
- b. The number of arrests made;
- c. The number of vehicles stopped; and
- d. Any other information relevant to the checkpoint.

16. Complete the remaining sections of the VEHICLE CHECKPOINT FORM at the conclusion of the vehicle checkpoint.

17. Record other pertinent information in ACTIVITY LOG.

18. Deliver the completed file folder to the commanding officer of command conducting checkpoint.

a. Vehicle checkpoints will be sequentially numbered beginning with the number one at the beginning of each calendar year.

b. Forward copy of VEHICLE CHECKPOINT FORM to commanding officer, precinct concerned.

CLERICAL STAFF

19. Maintain files as per Department retention schedule.

ADDITIONAL DATA

In case of inclement weather the supervisor in charge may cancel the vehicle checkpoint. Furthermore, traffic congestion and other risk factors may also be taken into consideration when determining whether or not a checkpoint should remain in place. In any event, regardless of conditions, a vehicle checkpoint should not exceed two hours at a location. Commanding officers may draft specific procedures for vehicle checkpoints that meet the needs of their command, using this general procedure as a guide. When appropriate, written material such as flyers, or pamphlets related to the purpose of the checkpoint shall be distributed to motorists who are stopped.

FORMS AND REPORTS

ACTIVITY LOG (PD112-145)

VEHICLE CHECKPOINT FORM (PD371-143)