

Laurel Police Department – General Order  
Chapter IV, Section 400, Order 310 – Sobriety Checkpoints  
March 3, 2013

**4 / 310.05 POLICY**

Sobriety checkpoints will be undertaken periodically by the Department to deter citizens from operating a motor vehicle while under the influence of alcoholic beverage and/or illegal drugs.

**4 / 301.10 PURPOSE**

The purpose of this General Order is to establish policy relating to sobriety checkpoint operations

**4 / 310.15 DEFINITIONS**

PBT Preliminary Breath Test

**4 / 310.20 PROCEDURES**

A. GENERAL

1. Under normal circumstances, the operator of a motor vehicle cannot be stopped by the police in Maryland unless, at the very least, some traffic infraction has occurred.
  - a. Traffic stops may not be used as a pretext for conducting some non-related investigation.
  - b. An officer on patrol who seeks to enforce the DUI laws can only respond to what they observe in the way of weaving and/or similar type dangerous driving maneuvers.
2. In determining the constitutionality of limited stops of motor vehicles, the Maryland and Federal Courts have distinguished between the stop of a single motorist by a “roving” police officer to an arbitrary location and the stop of all motorists (or a significant sampling of all motorists) at a fixed highway checkpoint.
  - a. The key is that officers are not acting in an arbitrary manner or with unbridled discretion.
  - b. Checkpoints must be rigidly controlled so as not to violate the mandates of the Constitution, as interpreted by the Court.
3. Based on the Supreme Court’s opinion the operation of a police safety checkpoint is reasonable under the Fourth Amendment and is constitutional.
4. The primary objective is to remove impaired drivers from the highways; this is not to be a license and vehicle registration check.
  - a. The officer should develop an indication that the driver has been consuming alcohol before asking for the driver’s license and vehicle registration.
  - b. If during the course of the checkpoint procedures violations of traffic or criminal statutes are discovered, the officer shall take appropriate enforcement action.
5. Sobriety checkpoint procedures will always be carried out with the utmost regard for the safety of motorists and officers involved.
  - a. All Constitutional requirements and guarantees will be adhered to.
  - b. Enforcement through sobriety checkpoints shall be impartial and universally applied.

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**B. AUTHORIZATION TO INITIATE CHECKPOINT**

1. Checkpoints may be initiated only upon the written approval of the Bureau of Operations Commander.
2. The Bureau of Operations Commander shall notify the Chief of Police, in writing and within two business days, of all checkpoint approvals.

**C. LOCATION OF CHECKPOINT**

1. Sobriety checkpoints will be conducted on selected roadways designated appropriate by the Maryland State Highway Administration based on standard, selective enforcement criteria considering the time of day, day of week, location, traffic volume relative to available manpower for the checkpoint and accident frequency at that location,
  - a. The exact site of the checkpoint will be selected based on its relative safety for motorists and Department personnel.
2. The selected roadway will be one which has demonstrated a high incidence of alcohol/drug related collisions and arrests.
  - b. The checkpoint should be established on days and times when these incidents are most likely to occur.
3. Before conducting a sobriety checkpoint on or blocking private property such as an apartment parking lot, shopping center parking lots and driveways, written permission will be obtained from the property owner or authorized agent.

**D. PRE-CHECKPOINT**

1. Notifications of a checkpoint
  - a. At the discretion of the Bureau of Operations Commander or designee a press release may be made to the local media by the City of Laurel's Public Information Officer as to:
    - 1) Checkpoint location; and
    - 2) Checkpoint day, date and time.
  - b. Prince George County State's Attorney's Office may be contacted and advised of the operation.
  - c. Communications Unit Supervisor will be notified and given ample time to assign additional staff, if needed.
  - d. Literature relating to the dangers of driving while under the influence may be obtained prior to the operation.
  - e. Specific instructions at pre-checkpoint briefing on procedures to be followed at the checkpoint.

**E. ON-SITE CHECKPOINT**

1. At least one ranking officer, Sergeant or above, will be assigned to sobriety checkpoint detail to directly supervise the operation.
2. Each checkpoint site will be manned by a sufficient number of officers to maintain a safe and effective operation.

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3. All officers working the checkpoint will be the patrol uniform of the day, and will wear their reflective safety vest and carry their flashlight if they are involved in front line duties.
4. Preliminary Breath Test (PBT) instruments, as well as a sufficient supply of mouthpieces, batteries and consent forms must be on hand.
5. Flares and/or reflectors will be used to illuminate the site.
6. Traffic cones will be placed to establish controlled traffic patterns to ensure officer safety and the safety of the general public.
7. Warning signs, reflected by flares and/or lights will erected to give advance notice of the impending stop ahead and its nature.
8. Determine a safe area near the area of the checkpoint for additional screening of suspected violators.
9. Barricades will not be used to block oncoming traffic.
10. If the traffic reaches the maximum safe distance, cars in line will be waved through the checkpoint to neutralize the dangerous conditions.
11. All motorists must be treated in a uniform, courteous and non-discriminating manner.
  - a. The officer will approach each motorist and state:
    - 1) "Good evening, I am Officer ..... of the Laurel Police Department. The sobriety checkpoint has been established to identify and remove suspected intoxicated drivers from our roadways. We wish to thank you for your patience and cooperation."
12. During the brief stop, the officer will look for the following factors that indicate impairment:
  - a. Odor of an alcoholic beverage;
    - 1) Slurred speech;
    - 2) Poor coordination;
    - 3) Bloodshot eyes;
    - 4) General appearance;
    - 5) Open alcoholic beverage(s); and/or
    - 6) Other behavior normally associated with the DUI violator
13. Once the above indicators, in section E.12, are noted to be present, the officer will administer a Standard Field Sobriety Test.
  - a. If sufficient evidence of impairment is determined, the driver may be arrested and processed in accordance with Department procedure.
14. If there is no immediate evidence of impairment or other apparent violation, each motorist will be given the necessary assistance to proceed.

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15. If sufficient material and personnel are on hand, each motorist that passes through the checkpoint shall be handed literature explaining the dangers of driving while under the influence.
  - a. The handling out of literature may be skipped or suspended as directed by the checkpoint supervisor
16. Only officer(s) trained in the use of PBT will perform PBT tests on individuals suspected to be impaired or under the influence of alcohol.
17. A sobriety checkpoint will be maintained for a designated period unless dangerous traffic congestion occurs at that location, or circumstances arise that would warrant cancellation of the remainder of the detail for anticipated backups.
  - a. Traffic backups will be continuously monitored.
18. No action will be taken toward a motorist solely on the basis of a refusal to answer the question, or if the motorist legally turns around or turns off the roadway before the checkpoint.
  - a. Officers should, however, carefully observe such vehicles to determine if they are being operated within the parameters of the State of Maryland traffic laws.

**F. POST CHECKPOINT**

1. The supervisor in charge of each checkpoint will submit a report indicating:
  - a. Traffic volume through the checkpoint;
  - b. Vehicles stopped for secondary screening;
  - c. The number of persons charged with DUI; and
  - d. The number of persons charged with other offenses.

**4 / 310.25 GOVERNING LEGISLATION AND REFERENCES**

Supreme Court Decision, United States v. Pritchard, 1981  
Supreme Court Decision, Michigan Department of State v. Rick Sitz, 1990  
Maryland Court of Appeals, Little v. State, 1984  
CALEA Standards 61.1.5, 61.1.6, 61.1.8, 61.1.10, 61.1.11

**4 / 310.30 ANNEX**

None