

City of Johns Creek Police Department

<i>Subject:</i>	Traffic Safety Checkpoints and Critical Incident Checkpoints.	<i>Number:</i>	02-25
<i>Reference:</i>	<i>LaFontaine v. State</i> , 269 Ga. 251 (1998); <i>Brown v. State</i> 293 Ga. 787, 799 (2013); <i>City of Indianapolis v. Edmund</i> , 531 U.S. 32 (2000).	<i>Amends:</i>	
<i>Effective:</i>	04/08	<i>Review Date:</i> Annually	<i># of Pages:</i> 4
<i>Revised:</i>	11/09		
	08/10		
	06/14		

PURPOSE:

Provide employees guidelines for using traffic safety checkpoints.

POLICY: (02-25)

Traffic safety checkpoints provide the Department with a means to protect the citizens of Johns Creek and to monitor and check driver’s licenses, driver condition, insurance, vehicle registrations and various other requirements of the Georgia State Motor Vehicle and Traffic Code.

TYPES OF CHECKPOINTS (02-25-01)

A. License and Insurance Requirement Checkpoints

These checkpoints are deployed as a general procedure to monitor the motoring public’s compliance with motor vehicle laws pertaining to driver’s licenses, insurance, seat belt safety, vehicle registration, driver condition, vehicle equipment, and various other vehicle violations.

B. Sobriety Checkpoints

These checkpoints are deployed to act as a general deterrent to prevent motorists from operating their vehicles while DUI, and to detect and apprehend drivers who are DUI. Though the primary purpose of a DUI Checkpoint is DUI deterrence and apprehension, officers at these locations will also enforce the provisions noted in Section A above.

PROCEDURES (02-25-02)

- A. The supervisor must implement the checkpoint for a “legitimate primary purpose”. It **cannot** be for the purpose of a pretext for “general crime detection”. *City of Indianapolis v. Edmund*, 531 U.S. 32 (2000).
- B. The case of *LaFontaine v. State*, 269 Ga. 251 (1998), articulates specific factors to determine when a traffic safety check is satisfactory to the courts (*Brown v. State* 293 Ga. 787, 799 (2013)). These factors are:
 1. The decision to implement the checkpoint shall be made in advance by supervisory personnel rather than by officers or supervisors in the field. This includes the time and location of the checkpoint.
 2. All vehicles are stopped as opposed to random vehicle stops. It is permissible for the supervising officer to temporarily suspend the checkpoint to avoid unreasonable or a dangerous traffic backup and then resume the checkpoint after the backup is clear.
 3. The delay to motorists must be minimal.
 4. The checkpoint operation must be well identified as a police checkpoint.
 5. The screening officer’s training and experience is sufficient to qualify him to make an initial determination as to which motorists should be given field sobriety evaluations.

Therefore, in order to comply with the standards developed by the courts, officers will adhere to the following procedures:

A. Supervisor Approval

Traffic safety checkpoints will be approved in advance by a supervisor prior to implementation. Any shift supervisor and Division Major have the authority to implement a checkpoint. In addition, the approving supervisor shall ensure:

1. There is adequate manpower to safely and efficiently conduct the checkpoint. The checkpoint supervisor, if possible, should not act as a screening officer.
2. The location is an area where motorists will have visibility of the checkpoint (approximately 500 feet in both directions)
3. The location provides sufficient room to conduct roadside investigations without affecting the safe flow of traffic on the roadway.

B. Personnel

The traffic volume will in most cases determine the number of personnel needed for the traffic safety checkpoint. At a minimum:

- 1. [REDACTED]
- [REDACTED]
- [REDACTED]

C. Suspension of the Traffic Safety Checkpoint

The following circumstances should be noted when making a determination to suspend a traffic safety checkpoint:

- 1. The supervisor may suspend the traffic safety check completely for a period of time if that action is necessary to ensure the safety of the officers, the safety of motorists, or to prevent lengthy travel delays.
- 2. How the traffic safety check is resumed will be scrutinized by the courts. Therefore, a supervisor may resume a traffic safety checkpoint when:
 - a. The traffic congestion clears, and there is no more traffic visible in each direction of the checkpoint.
 - b. If there is high traffic volume, allow traffic to flow normally for several minutes after the traffic congestion has cleared. Ascertain that all personnel at the checkpoint are prepared to resume their duties; then resume the traffic safety checkpoint.

D. Equipment

- 1. During daylight hours, officers at the traffic safety checkpoint location will:
 - a. Have a marked patrol vehicle with emergency equipment activated.
 - b. Wear a traffic safety vest.
 - c. Deploy traffic cones.
- 2. During the hours of darkness the following equipment will be utilized in addition to the items above:

- a. Officers will utilize flashlights.
- b. Officers may deploy flares.
- c. Activate alley lights and spotlights as necessary to illuminate the location.

E. After Action Reports

An after action review and report will be completed after all checkpoints and forwarded through the chain of command to the Chief of Police. A copy will also be forwarded to the Records Unit for inclusion in a master file for open records or court requests.