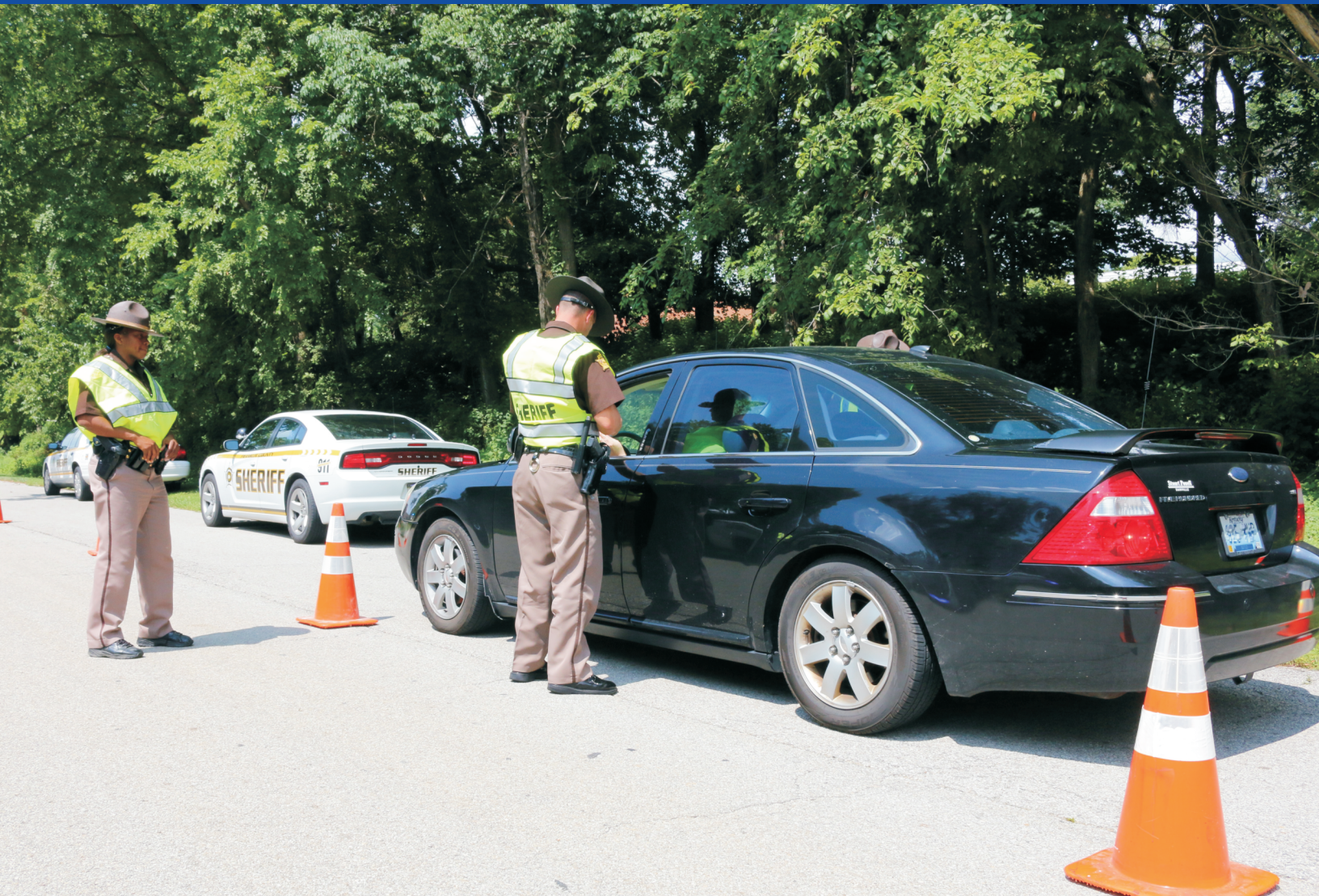


Commonwealth of Kentucky Traffic Safety Checkpoint Guide





To Kentucky's peace officers:

Your efforts, along with those of Kentucky's highway engineers and roadway maintenance personnel, public health and public safety officials, and others, have had a dramatic impact on traffic crash fatalities in the Commonwealth. In 2005, 985 individuals were killed in traffic crashes in Kentucky. In 2015, there were 761 traffic-related fatalities. The number of fatalities has been reduced by more than 200 per year, but far too many people – more than two each day – still die on Kentucky's roadways. Thousands more suffer motor vehicle collision-related injuries.

We know that active enforcement of traffic laws reduces both collisions and the number of motorists who are killed or injured on our roadways; the work you perform matters. Unfortunately, there is still more work to do. Alcohol was involved in almost 25% of all fatal crashes in 2014, as well as in thousands of other non-fatal collisions. Drivers who are impaired by drugs other than alcohol are an increasing problem, and far too many unlicensed or suspended drivers are operating vehicles on our roadways.

Traffic safety checkpoints are an effective strategy to get dangerous drivers off the road. They are a great way to locate "D" drivers – those who are drunk, drugged, drowsy, or distracted. Checkpoints are also a good way to identify and apprehend drivers who are unlicensed and those with suspended driver licenses. The publicity associated with checkpoints helps to deter other impaired and unlicensed individuals from driving.

Checkpoints require effort and planning but they are not an activity that can only be done by large departments. They can be conducted by law enforcement agencies of all sizes. This guide provides information to help you plan and conduct safe, effective traffic safety checkpoints that will comply with requirements established by our state and federal courts. We hope that you will find it useful and that you will include checkpoints as a regular part of your traffic enforcement plan.

Thank you for helping to make Kentucky's roadways safer!

Sincerely,

Terry L. Bunn, PhD
Director, Kentucky Injury Prevention and Research Center



INTRODUCTION

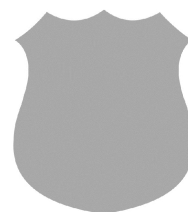
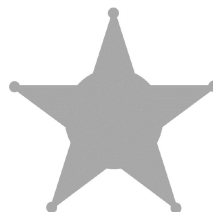
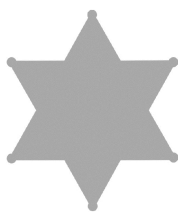
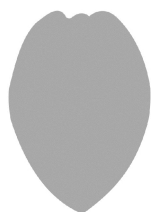
Traffic safety checkpoints, which are also known as sobriety checkpoints and sometimes also as “roadblocks,” are an effective way to identify impaired drivers and remove them from the roadway. Officers at a checkpoint are primarily looking for “D” drivers – those who are drunk, drugged, drowsy or distracted. Checkpoints also allow peace officers to apprehend unlicensed and suspended drivers, as well as individuals with active warrants, and to identify uninsured and unregistered vehicles. When properly publicized, traffic safety checkpoints can have a deterrent effect that reduces the incidence of impaired and unlicensed driving.

Traffic safety checkpoints were first used in Scandinavia in the 1930s. They became popular in the United States in the 1980s. In 1986, when the Michigan State Police announced that they would begin using checkpoints for DUI enforcement, a Michigan resident filed a lawsuit claiming that checkpoints violated the Fourth Amendment to the US Constitution. The Michigan Court of Appeals found that officers needed reasonable suspicion to stop a vehicle. Because vehicles are stopped at checkpoints without any specific suspicion that the driver is impaired or otherwise violating the law the Michigan court determined that checkpoints were an illegal violation of the Fourth Amendment (Sitz, 429 N.W. 2d). The case was appealed to the US Supreme Court, and in 1990, the Court ruled that properly conducted traffic safety checkpoints do not violate the Fourth Amendment. Since then, most states have permitted the use of checkpoints for specific purposes, primarily including the detection and apprehension of impaired drivers.

Traffic safety checkpoints are an excellent way to get dangerous drivers off the road and improve highway safety. Many law enforcement agencies, especially in small communities, believe that they don’t have the resources to conduct a checkpoint. This guide will help you conduct a safe and effective checkpoint with limited resources.

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CHECKPOINT EFFECTIVENESS

The National Highway Traffic Safety Administration (NHTSA) and Centers for Disease Control and Prevention (CDC) both endorse checkpoints as effective traffic safety programs. The CDC reviewed eleven studies of checkpoint effectiveness and found that checkpoints reduced alcohol-related traffic crashes by about 20 percent. This reduction included fatal, non-fatal, and property damage only crashes.¹ Another study found that checkpoints reduced alcohol-related crashes by 17 percent, and all crashes by 10 to 15 percent.² Statewide programs in Connecticut and West Virginia that involved a combination of checkpoints and extensive media advertising were found to reduce alcohol-related traffic fatalities.³

The effects of checkpoints extend beyond the number of impaired drivers who are actually taken off the road at the checkpoint. Checkpoints are most effective at reducing impaired driving when they are highly publicized. The perceived risk of arrest, rather than the actual risk, influences whether some individuals choose to drive while impaired. The perceived risk is influenced by a variety of factors, but publicity is an important factor.⁴ Deterring drivers from using alcohol or drugs before they drive is even better than arresting them after they are already on the roadway. Publicizing checkpoints increases the perceived risk of arrest for impaired driving and deters some individuals from driving while impaired.

Checkpoints are not just effective at deterring potential impaired drivers and apprehending those who do choose to drive while impaired. They are also an effective method for enforcing driver licensing, vehicle registration, and vehicle insurance laws. In situations where it is practical to run a driver license check for each motorist who is stopped at a checkpoint, it is common for officers to identify individuals who have active warrants. Finally, officers often observe contraband and evidence of criminal offenses in plain view when they stop motorists at checkpoints. A checkpoint cannot be used primarily to enforce non-traffic laws or to enforce seat belt violations, but it is completely acceptable to enforce any and all laws while conducting a checkpoint whose primary purpose is DUI and drugged driving enforcement.



IMPLEMENTATION ISSUES

If traffic safety checkpoints are so effective, why aren't they more common? Law enforcement agencies may choose not to conduct checkpoints for a variety of reasons, including concerns about legal issues, the agency's ability to provide the number of officers needed to staff a checkpoint, costs, logistics, and public or political objections. These are reasonable concerns. The purpose of this guide is to provide you with strategies to manage these issues.

To insure compliance with the Fourth Amendment, state and federal courts have established strict requirements for the operation of checkpoints. The following section of this guide will cover the legal requirements for conducting a checkpoint in a way that meets constitutional requirements.

The number of officers needed to properly staff a checkpoint varies with the size and traffic volume of the roadway where the checkpoint will be established. Operating a checkpoint on a busy, multi-lane roadway can easily require a dozen or more officers. Fortunately, checkpoints on smaller, less heavily traveled roads can be conducted with only a few officers. Most counties in Kentucky are served primarily by two-lane, undivided roadways. With proper planning, and some cooperation between agencies, it is relatively easy to staff an effective checkpoint on roadways of that type.

Cost is tied directly to staffing, in that the salaries of the officers conducting the roadblock typically make up 90 percent or more of the cost of the operation. There are a number of ways to limit costs, such as arranging work schedules to reduce the number of officers who are receiving overtime pay and using volunteers (such as auxiliary police officers or special deputy sheriffs) to fill some positions. Grant funding is also available from the Kentucky Office of Highway Safety for traffic enforcement, and this funding can be used to cover the costs of staffing a traffic safety checkpoint.⁵

A variety of resources are needed to conduct a safe checkpoint. In addition to the officers who will staff the checkpoint, you will need to arrange transport for suspects who are arrested at the checkpoint, Intoxilyzer® and/or blood tests for individuals arrested for impaired driving, traffic cones and other traffic control devices, and for various other resources. Warning signs are not essential but are strongly recommended. You should also coordinate with your County Attorney and district court, the jail or detention center that will receive arrestees from the checkpoint, and work with your local newspaper, radio stations and other media outlets to publicize your checkpoint.

Some agencies may find that checkpoints are opposed by local citizens and/or by public officials. In most cases the opponents are a small (but often vocal) segment of the population but the situation is more serious if influential citizens or key officials oppose the use of checkpoints. In most cases, opponents of checkpoints are concerned about the loss of civil liberties and/or delays and inconvenience to motorists. The best answer to public or political opposition is education. It is important to help community members and local leaders understand that traffic safety checkpoints are highly effective at reducing DUI and drugged-

driving crashes, which is their primary purpose. Having a well-developed plan for how you will operate a checkpoint, including policies that address wait times for motorists, can help reduce concerns about traffic tie-ups and long delays. Try to focus discussions (and your plan) on improving traffic safety instead of on how many people you expect to cite or arrest.

Some individuals may oppose checkpoints because they believe that they will be used to target minorities or low income members of the community. It is important that checkpoint locations be selected through a review of objective criteria, such as roadways or areas within the community with a high rate of drug- and/or alcohol-related crashes or where officers often find drunk and/or drugged drivers. Kentucky's rules for checkpoints require that officers stop vehicles according to a fixed procedure (i.e., all vehicles, every third vehicle, etc.) and not based upon the discretion of the officers working the checkpoint, so officers cannot select vehicles to stop based upon the race or ethnicity of the driver, the apparent value or age of the vehicle, or other improper criteria.

LEGAL GUIDE

The US Supreme Court held in 1990, in the case of *Michigan Department of State Police v. Sitz*, 496 U.S. 444 (1990), that traffic safety checkpoints do not violate the Fourth Amendment. Chief Justice William Rehnquist, who wrote the majority opinion, stated that “no one can seriously dispute the magnitude of the drunken driving problem or the States’ interest in eradicating it. ... The weight bearing on the other scale – the measure of the intrusion on motorists stopped briefly at sobriety checkpoints – is slight.” While some individuals continue to argue against checkpoints, their legality under the Constitution – when conducted properly – is firmly established.

Since 1990, federal courts have found that checkpoints are permissible under the US Constitution to apprehend drunk drivers and deter drunk driving, to check driver licenses and vehicle registration, to address highway safety concerns such as seat belt use, to police the nation's borders, and to acquire information about a recent, violent crime in the area.

The greatest issue in terms of federal constitutionality is that, while the Court recognized that checkpoints must be strictly limited to avoid creating Fourth Amendment issues, they failed to provide specific guidelines for how checkpoints must be operated in order to be constitutional. Over time, federal courts have listed some factors that they will consider when determining if a checkpoint is constitutional. Factors that support constitutionality include:

- The decision to set up a checkpoint should be made by supervisory officers and not by officers at the patrol level;
- The checkpoint should be conducted according to neutral procedures, such as stopping vehicles according to an established pattern, so that officers are not given discretion as to which vehicles to stop;
- The checkpoint does not cause unreasonable delay to motorists;

- The checkpoint is clearly marked and identified as a traffic safety checkpoint;
- Officers staffing the checkpoint are properly trained and qualified for their roles; and
- Advance notice is provided to the public, indicating when and where the checkpoint will be conducted.

The Kentucky Supreme Court, in *Commonwealth v. Buchanan*, 122 S.W. 3d 565 (2003), gave more specific guidance for Kentucky agencies conducting traffic safety checkpoints. Four primary requirements were established for traffic safety checkpoints in Kentucky. Agencies must comply with these requirements in order for a checkpoint to be constitutional.

First, important decisions about the checkpoint, such as the date, time and location of the checkpoint, and the procedures that will be followed while conducting the checkpoint, must be made by supervisory level officers, not by field (patrol) officers. Field officers may request approval for a checkpoint, but the final decisions must be made by a supervisory officer. The court did not specify the level of supervisory authority needed. In small agencies, the chief, sheriff or head of the agency is probably the appropriate authority. In larger agencies with more levels of command authority, a shift or division commander can be an appropriate authority to review and approve checkpoints. The appropriate level of supervisory approval required for a checkpoint should be established by a written agency policy.

The location chosen for the checkpoint must have a reasonable relationship to the law enforcement purpose for the checkpoint. For example, if the goal is to apprehend impaired drivers, establishing a checkpoint on a roadway that connects a dry county to a wet or moist county, or a roadway serving an area where liquor sales are common, is reasonable. It is also reasonable to establish a checkpoint on a roadway with a high rate of impaired-driving crashes or where numerous impaired driving arrests have been made.

The checkpoint location must also protect the safety of the public. This means that it must be clearly visible and identifiable to approaching drivers, so that they have plenty of time to slow down and stop safely as they approach the checkpoint. The location should also offer a safe place, away from traffic flow, where officers can interview individuals who are suspected of being impaired or of committing other offenses, and administer field sobriety tests as necessary, without officers or suspects being exposed to moving traffic.

The second requirement is that the officers who conduct the checkpoint must comply with the policies and procedures established by their superiors to insure that all vehicles are treated in a consistent way. The agency conducting or hosting the checkpoint should have a written policy detailing how checkpoints will be conducted. The officers working the checkpoint may not exercise broad discretion as to which vehicles they stop. For example, it is acceptable to stop every vehicle, every third vehicle, every sixth vehicle, etc., but officers may not pick and choose which vehicles to stop. It may also be acceptable to differentiate between vehicles that are treated differently by law, such as by stopping all commercial vehicles but only every third private vehicle. The point is that the process must be fair, so that vehicles are stopped randomly and not because of an officer's personal discretion.

The requirement for random vehicle stops only applies when vehicles are stopped without specific, articulable suspicion. If an officer observes a vehicle being operated in a way that would justify a traffic stop under normal circumstances, the officer may stop that vehicle even if it would not have been stopped according to the procedure being used for the checkpoint. For example, if the checkpoint policy is to stop every third vehicle, but the second approaching vehicle is weaving from lane to lane as it approaches the checkpoint, an officer may legally stop the weaving vehicle because the officer has a specific, clearly explainable reason for suspecting the driver of being impaired (or, at the least, of reckless driving). When an officer stops a vehicle at a checkpoint due to a specific suspicion of a violation, instead of because it met the policy criteria for the checkpoint, it is essential that the officer document why he or she suspected the driver of a violation.

It is acceptable to vary the vehicle stopping procedure to maintain safe traffic flow and reduce the waiting time for motorists, as long as it is done according to a consistent procedure that doesn't allow for wide officer discretion. An example procedure might read:

“At the start of the checkpoint period, each vehicle passing through the checkpoint shall be stopped.

If the average wait time for motorists to pass through the checkpoint exceeds five minutes at any point, the officer in charge of the checkpoint shall increase the interval between vehicles being stopped by two, i.e. from every vehicle to every third vehicle, from every third vehicle to every fifth vehicle, etc., until average wait times are less than five minutes.

If the average wait time later falls below two minutes, the officer in charge shall reduce the interval between stopped vehicles by two, and continue to do so at intervals of approximately five minutes, until (a) every vehicle is once again being stopped or (b) the average wait time is no longer below two minutes.”

The third requirement is that the nature of the checkpoint should be readily apparent to approaching drivers. Officers working the checkpoint should be in uniform and should be wearing ANSI/ISEA approved traffic safety vests. (The requirement to be uniformed does not apply to officers who are only providing transport for arrestees and who do not interact directly with motorists or moving traffic.) Marked patrol vehicles with activated warning lights should be present at the checkpoint. Signs with messages such as ‘TRAFFIC SAFETY CHECKPOINT’ are not essential but are highly recommended.

Finally, the checkpoint should not delay innocent motorists for more than a few minutes, and officers should stop each motorist only long enough to briefly look for signs of impairment and to check the driver's license, registration, and/or proof of insurance. If an officer observes something that leads him or her to suspect a violation, the motorist should be directed to a safe area off the roadway or out of the travel lane for further investigation. This will clear the roadway for other motorists and also reduce the risk to officers and motorists from moving traffic.

STAFFING A CHECKPOINT

Most of Kentucky's law enforcement agencies are small, with only a few officers. Staffing a traffic safety checkpoint typically requires at least five to six sworn peace officers, and often more. Many agencies have less than five officers on their staff. How can small agencies conduct a checkpoint? Cooperation and creativity are the answers.

Most agencies can provide one or two officers for a checkpoint, especially if funding is available (for example, from a highway safety grant) to pay for overtime costs. Small law enforcement agencies that have a good working relationship with other agencies in their area can coordinate checkpoints that utilize officers from two, three or even more agencies. If officers are being paid with local funds, it may be possible to trade favors, i.e. "We'll send two officers to help you do a checkpoint if you'll do the same for us next month." When traffic safety grant funds are available, agencies can usually be reimbursed for the hours that their officers spend working a checkpoint.

It is important to realize that not every officer who assists with a checkpoint needs to be certified, and some positions may not even require a sworn officer of any type. Transporting arrestees from the checkpoint to a jail or detention center, for example, can be handled by jailers and deputy jailers, constables, and/or special deputy sheriffs. The flagger who directs approaching vehicles into different check lanes as they approach the checkpoint might be a city or county road department employee or other non-sworn individual with training in traffic direction. By using non-certified officers and even non-law enforcement personnel for some tasks, we can reduce the number of certified peace officers needed to properly operate a checkpoint.

It is also important to consider a wide variety of potential partners. State agencies, such as the Kentucky State Police and Commercial Vehicle Enforcement are obvious potential partners. Other local and state agencies may be available to assist you in operating a checkpoint; don't limit your search for partners to just city and county police and sheriff's offices. Some agencies may be unable or unwilling to help, but you won't know until you ask. It is important to ask early, before you plan the details of your checkpoint, since some agencies may require several weeks to consider your request for assistance.

Finally, it is not necessary to limit your potential partners to agencies within your own county. KRS 431.007 allows agencies to request assistance from police officers, sheriffs and paid deputy sheriffs from other counties for "any matter within the jurisdiction of the requesting agency." Such matters include traffic safety checkpoints. No formal interagency or intergovernmental agreement is required; only a simple request for assistance. The Kentucky Court of Appeals found that a verbal request for assistance is sufficient (2013 WL 3238036, *McGlennen v. Comm.*, unpublished Court of Appeals), but since you'll be planning your checkpoint well in advance, a request in writing or via e-mail with a similar response from the assisting agency indicating that they are willing to help is the best practice.

MANAGING COSTS

As we previously discussed, the largest cost to agencies that conduct checkpoints is the cost of wages for the officers who staff the checkpoints. There are several ways to reduce costs. One way is by sharing the costs for a checkpoint between several agencies, with each providing one or more officers for the event. The use of volunteer officers for tasks such as prisoner transport, in communities where auxiliary police officers or special sheriff's deputies are available, can also reduce costs.

Highway safety grant funds are also available to cover the costs of checkpoints and other traffic enforcement programs such as saturation patrols. Grants typically cover overtime wage costs for officers assigned to traffic safety details. In some cases, supplies and materials used for checkpoints may also be covered. A single agency may apply for a grant, but in order to pay for officer salaries from other agencies, the agencies must have a written memorandum of understanding (MOU).⁵ Submitting a unified grant application for a regional traffic safety task force is an even better option. For more information about highway safety grant opportunities, contact the Kentucky Office of Highway Safety at (502) 564-1438.

LOGISTICS

In addition to officers and marked vehicles, a variety of resources are needed to operate a safe and efficient traffic safety checkpoint. Traffic cones, warning signs and other traffic control equipment will be needed. The jail or detention center that will receive arrestees from the checkpoint should be notified so that the staff can prepare for what will likely be an increase in their intake rate.

Most law enforcement agencies have some traffic management equipment, but few have enough traffic cones, flares, flagging equipment or traffic barricades to set up a safe, efficient checkpoint. Fortunately, these items can usually be borrowed from a city or county road department, the Kentucky Transportation Cabinet, or another agency in your area. You may even be able to persuade these agencies to set up and remove the traffic control equipment for you. That will not only reduce the officer time required to conduct the checkpoint, it will allow you to take advantage of the roadway department's expertise in handling traffic flow.

DEALING WITH OPPOSITION

In some communities, local citizens or elected officials may oppose the use of checkpoints. In most cases where opposition occurs, it is due to concerns about a loss of citizens' rights, inconvenience to motorists, or tying up scarce law enforcement resources. In some cases, members of minority groups or low income communities may believe that they are being unfairly targeted. Rarely, an individual may oppose checkpoints for personal reasons.

Little can be done to eliminate personal antipathy or opposition from those who know that they are themselves offenders, but legitimate community concerns can often be addressed through education. The courts have found that properly conducted checkpoints are constitutional, and that they are effective at reducing impaired driving. The information listed in the Checkpoint Effectiveness section can help you explain why the minimal inconvenience created by checkpoints provides important safety benefits to all motorists. This information – such as the 20 percent reduction in alcohol-related traffic crashes identified in the CDC study – can also help justify to local policy makers why checkpoints are a good and efficient use of law enforcement resources.

CHECKPOINT SAFETY

Checkpoints can present dangers to both officers and motorists. Any time an officer is working around moving vehicles, he or she is at risk. Officers in Kentucky and elsewhere have been killed while working checkpoints. Motorists have also been injured when their vehicles were struck by other drivers at a checkpoint. Because checkpoints are established at times and locations where officers expect to find a high number of “D” drivers, the risk is higher at a checkpoint than during other traffic-related operations.

Drivers who don’t know how to react to the checkpoint may create additional risk. Traffic safety checkpoints are not common events and some drivers may not have prior experience with them. Drivers who are unsure of what to do may behave unexpectedly, putting themselves, other motorists, and the checkpoint staff at risk. Clear directions provided by signs, traffic channeling devices (such as traffic cones), and manual traffic direction can help drivers to navigate the checkpoint safely.

Finally, drivers who are committing an offense have an incentive to attempt to avoid or run the checkpoint. The checkpoint policy and plan should include plans for dealing with such drivers. No officer on foot should ever attempt to block or apprehend a driver who is attempting to flee or run the roadblock in a motor vehicle.

There are a variety of things that can be done to increase safety at checkpoints. Most checkpoints take place at night, and individuals who cannot be clearly seen by drivers are at high risk, so adequate lighting should be available at the checkpoint location. Vehicle headlights and cruiser spotlights are *not* sufficient for this purpose, and often blind drivers; they should be extinguished. If the checkpoint is not taking place at a location that already has strong street lighting, portable light sources should be used. Portable or vehicle-mounted scene lights and generators are often available from fire departments, rescue squads and utility companies. Scene lights should be pointed downward, rather than toward oncoming traffic.

The checkpoint location must be clearly visible from both directions – even if you are only stopping vehicles traveling in one direction. This is a requirement for constitutionality as well as for safety. The line of sight for approaching drivers must be long enough to offer plenty of time to stop, keeping in mind that (a) the rear of the queue of vehicles waiting to pass through

the checkpoint may extend several hundred feet from the checkpoint location and (b) “D” drivers may require much more warning and stopping distance than alert, unimpaired drivers.

The checkpoint location should offer a place, such as a parking lot, to pull suspicious vehicles over for secondary inspection and field sobriety testing. This area *must* be out of the regular travel lane(s) of the roadway. An emergency lane or wide shoulder is not ideal, but can be used if no other area is available. On multi-lane highways, one lane of the roadway may be blocked and used for this purpose. If a highway lane, emergency lane or on a roadway shoulder is used for the pull over area, it *must* be protected with a blocking vehicle. A large, heavy blocking vehicle such as a fire engine, dump truck or highway department safety truck should be used if at all possible, since police cruisers are too light to fully absorb or deflect an impact from larger vehicles such as commercial trucks.

The roadway at the checkpoint location should have a straight, level section long enough to contain the entire checkpoint. It should also be as wide as possible; try to avoid establishing a checkpoint on a narrow, two-lane roadway. The checkpoint must allow for the safe flow of traffic through the scene. Any checkpoint that creates a significant traffic hazard is both unconstitutional and a potential source of both officer injuries and liability for the agency. Finally, the checkpoint site should not have an overwhelming volume of traffic that would lead to long queues and extended wait times, or a high speed limit.

A checkpoint is a planned highway work zone, so it should be established like any other highway work zone, with proper traffic management and the use of traffic channeling devices such as traffic cones. The type of ad hoc traffic control often used at emergency scenes is not sufficient for a traffic safety checkpoint. The first warning sign should be placed at least 8 times the speed limit, in feet, prior to the location where you expect the tail of the waiting queue to be. The formula is: $\text{Speed Limit} \times 8 = \text{Distance in Feet}$. For a 55 mile per hour roadway, this formula (55×8) gives us a minimum initial warning distance of 440 feet.

Placing the initial warning sign even farther away is recommended. It isn't unusual to have 65 MPH traffic on most 55 MPH roadways. A passenger car traveling 65 MPH can usually stop in about 320 feet, *if* the driver is alert and attentive, but a semi-trailer truck traveling at the same speed will need around 525 feet to come to a stop.⁶ Remember that the stopping distance must be calculated from the tail end of the queue of stopped vehicles, and not from the actual checkpoint location. You should estimate at least 20 feet per waiting vehicle to calculate your queue length. This means that if you expect to have ten vehicles waiting at any given time, you will need to add at least 200 feet to the distance between your checkpoint location and your initial warning sign.

A high visibility sign, such as an illuminated variable message sign, is by far the best way to warn motorists of a checkpoint ahead. If a sign is not available, an emergency vehicle with warning lights activated can be used instead. Remember to activate only the warning lights (such as rear flashers) that face traffic approaching the checkpoint, and to avoid using too many emergency lights. Large numbers of bright emergency lights can distract drivers and lead to a crash or to an officer being struck by a vehicle.

A traffic cone taper should be used to channel traffic into one or more lanes where drivers will be checked by officers. The length of the taper should be at least Width x Speed, where Width is the lane (or cone taper) width in feet and Speed is the posted speed limit. Thus, a taper to merge one 12 foot wide lane into another on a 45 MPH roadway should be at least 540 feet long. Cones should be spaced no more than Speed feet apart, i.e. 45 feet or closer for a 45 MPH roadway. In general, closer cone spacing is better, but it does require more traffic cones.

A blocking vehicle should always be part of the taper. A buffer area between the blocking vehicle and the work area is essential. A portable stop sign should be used, if possible, to indicate the location where drivers should stop. Having officers manually flag vehicles at the stop point is less safe and more likely to confuse drivers.

All officers *must*, by law, wear high visibility traffic safety vests when working at a checkpoint. Officers should have, and be familiar with, escape routes that they can use to avoid an oncoming vehicle. It is a good idea to have a traffic spotter – who need not be a peace officer – to watch traffic and warn other personnel if an approaching vehicle appears to present a threat.

Officers should be trained to properly conduct a checkpoint. A free, one hour, online course is available from the Emergency Responder Safety Institute. Officers can complete this course on their own schedule and receive a certificate of completion. The URL for the course is located in the Resources section of this guide.

If possible, consider having an emergency medical services (EMS) unit available at the checkpoint. On site EMS personnel can be critical if a serious injury does occur, and they are also available to provide a medical check for individuals who are highly intoxicated.

Finally, it is absolutely essential – for both safety and legality – to have one officer who is clearly in charge of the checkpoint. This officer, who must be physically present at the checkpoint, is the incident commander for the checkpoint operation. The incident commander must insure that the constitutional protections established by the courts are in place and that proper safety practices are followed by all individuals who are working the checkpoint.



CHECKPOINT EXAMPLES

These diagrams provide examples of safe, efficient checkpoint layouts.

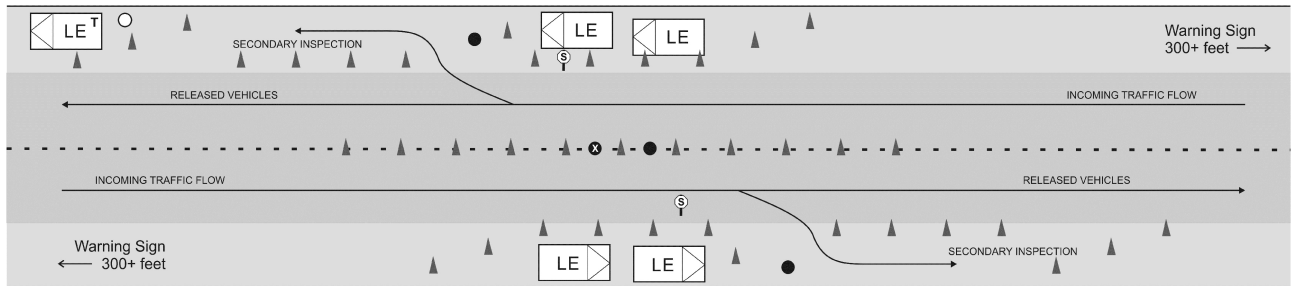


Figure 1. Checkpoint on a low speed, two-lane roadway

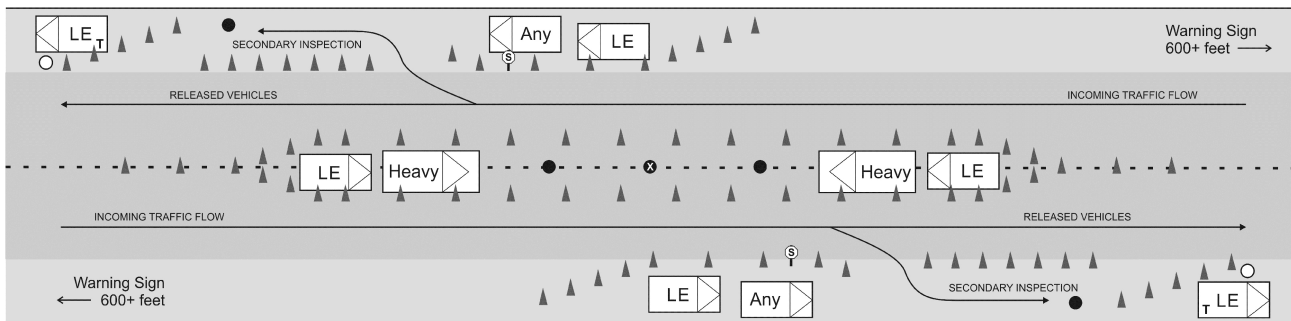


Figure 2. Checkpoint on a high speed two-lane roadway

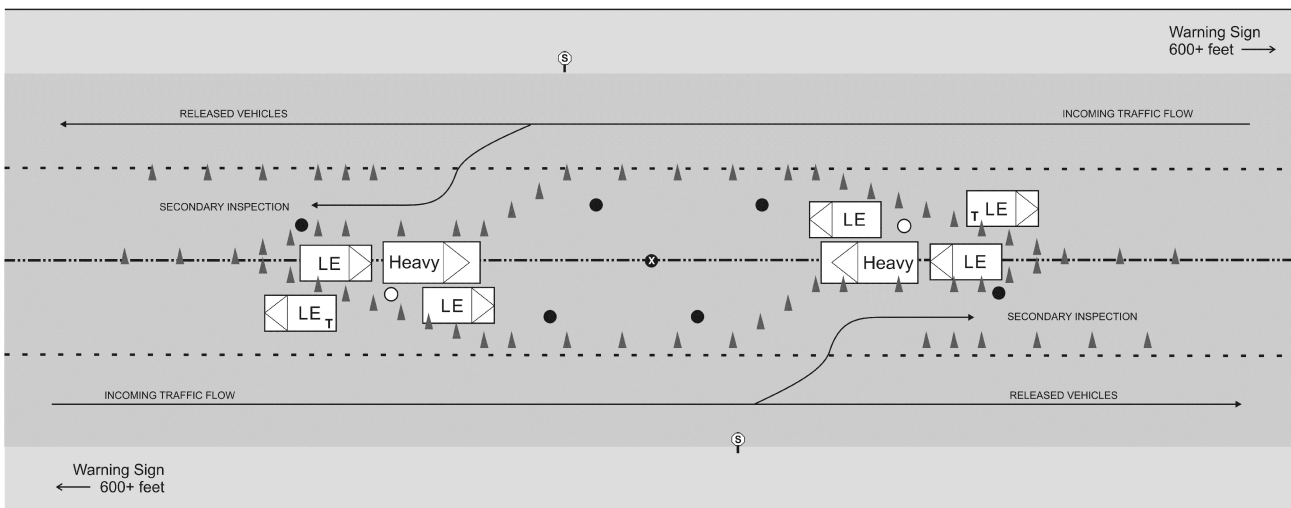


Figure 3. Checkpoint on a four-lane roadway

Key to Figures 1-3.

▲ Traffic cone

ⓧ Certified peace officer (supervisor)

● Certified peace officer

○ Peace Officer

Ⓢ Temporary stop sign (portable)

◀ LE Marked law enforcement vehicle

◀ LE_T Law enforcement vehicle (transport)

◀ Heavy Heavy vehicle (fire apparatus, road department truck, etc.)

TRAFFIC SAFETY CHECKPOINT – PLANNING CHECKLIST

Several Weeks Before Event Date

- ☐ Select the date and time for your checkup event; when possible, this should be a period when you can expect a high number of “D” drivers.
- ☐ Identify the officers, and any non-sworn personnel, who will set up and operate the checkpoint. If you need assistance from other agencies, arrange for it now.
- ☐ Insure that your officers are trained for checkpoint operations. Recommend to any assisting agencies that they have their officers complete the online checkpoint safety training class.
- ☐ Verify that all personnel who will be working the checkpoint have high visibility traffic safety vests and that they are instructed to wear them at all times while working the checkpoint.
- ☐ Identify the checkpoint location and insure that it meets legal and safety requirements. Determine where vehicles will be parked and traffic control devices will be deployed, where vehicles will be sent for secondary inspection and field sobriety testing of drivers, and the location(s) where you will need to place the initial warning sign(s) or vehicle(s).
- ☐ Arrange for any traffic control resources (cones, barriers, warning signs, non-sworn traffic control personnel, etc.) that you will need for the checkpoint.
- ☐ Insure that your agency has a policy for conducting traffic safety checkpoints, that the checkpoint has been approved by a supervisory officer, and that an experienced, qualified officer or supervisor has been designated to be in charge of the checkpoint.
- ☐ Begin publicizing the checkpoint in local media, on your agency’s website, etc.
- ☐ Coordinate with local agencies that may be impacted, such as the jail or detention center that will receive arrestees; all fire departments, rescue squads and EMS agencies that may need to respond to (or avoid) the checkpoint; and your local prosecutor (County Attorney).
- ☐ Brief local officials about the checkpoint as necessary.

A Day or Two Before the Checkpoint

- ☐ Confirm that the planned officers and resources will be in place.
- ☐ Review your operational plan for the checkpoint and update it if conditions or resources have changed.
- ☐ Provide a new round of press releases and checkpoint information to local media outlets.

Checkpoint Setup

- ☐ Establish temporary traffic control while personnel set up cones and other traffic control devices.
- ☐ Set up early warning signs and/or vehicles, a traffic cone taper (using the formulas in the Checkpoint Safety section), blocking vehicles, and scene lighting as needed.

- ☐ Park vehicles in pre-planned locations. Turn off headlights and unnecessary emergency lights to avoid blinding or distracting approaching drivers.
- ☐ Brief all checkpoint staff. The officer in charge should address:
 - ☐ The mandatory wear of traffic safety vests by all participants at all times;
 - ☐ The escape routes that officers should take if a moving vehicle enters the work area;
 - ☐ The selection criteria for stopping vehicles (for example, every vehicle, every fourth vehicle, etc.) and when those criteria may be changed (for example, if the queue length or wait time exceed a previously selected amount);
 - ☐ The location(s) where secondary inspections and sobriety testing will be conducted;
 - ☐ Procedures for processing and transporting suspects who are arrested;
 - ☐ Emergency procedures if an officer or other person is struck by a vehicle or otherwise injured;
 - ☐ What checks (e.g., intoxication, driver license, registration, insurance, etc.) will be performed during motorist contacts;
 - ☐ Duty assignments and responsibilities for each individual staffing the checkpoint; and
 - ☐ Any other agency policies or identified issues that relate to the checkup.

Checkpoint Operation

- ☐ All participants must remain alert for moving vehicles, aggressive suspects, and other hazards.
- ☐ Direct drivers clearly, using non-flashing yellow, orange or red traffic wands if needed.
- ☐ All personnel on or near the roadway should avoid turning their back to oncoming traffic.
- ☐ The officer in charge must monitor the length of the waiting queue and adjust the formula for selecting vehicles to stop (i.e., every other vehicle, every fifth vehicle, etc.) to avoid delaying motorists more than a few minutes. The time and reason for each change should be documented.
- ☐ Any individuals who are placed under arrest should be transported promptly, especially if they are charged with drunk or drugged driving. Prompt transport will remove potentially impaired and/or disruptive individuals from the scene and allow for rapid breath and/or blood testing as appropriate.
- ☐ Document any unusual situations, actions or issues that occur during the checkpoint.

Checkpoint Closeout

- ☐ Establish temporary traffic control while vehicles and traffic control devices are removed from the roadway and support areas.
- ☐ Conduct a short debriefing session with all participants. The officer in charge should ask:
 - ☐ What was our goal for this event? Did we accomplish it?

- ☐ What went well?
- ☐ What could have gone better?
- ☐ What should we have done differently?
- ☐ Who do we need to share the answers to these questions with?

The Day Following the Checkpoint

- ☐ Share the results of the checkpoint with local officials and local media outlets.
- ☐ Collect, review and retain all records and documents from the checkpoint.

The Week Following the Checkpoint

- ☐ Review the results of the post-checkpoint debriefing. Adjust plans for future checkpoints as needed to address any problems identified.
- ☐ If highway safety grant funds were used to fund or help fund the checkpoint, complete all required activity reporting.

Checkpoint Location _____

Date / Time _____

Lead Agency _____

Supervisor _____

Resource Needed	Supplying Agency	Point of Contact	Telephone Number
Certified officer(s)			
Certified officer(s)			
Certified officer(s)			
Transportation officer(s)			
Transportation officer(s)			
Traffic cones			
Warning lights / flares			
Portable STOP signs			
Scene lighting			
Heavy vehicles for blocking			
Other vehicles (if needed)			
Other personnel (if needed)			
EMS standby at scene			

RESOURCES

Online traffic safety checkpoint training for peace officers

https://learning.respondersafety.com/Training_Programs/Sobriety_Checkpoint_Safety.aspx

This training is free, but officers will have to create a login on the Emergency Responder Safety Institute website prior to completing the course.

Model traffic safety checkpoint policy for Kentucky law enforcement agencies

<https://www.kaco.org/en/media/14974/Traffic%20Safety%20Checkpoint.doc>

This policy was drafted for the Kentucky Association of Counties and the Kentucky League of Cities by the Legal and Liability Risk Management Institute.

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