

**Cobb County Police Department**

**Policy 5.19**

**TRAFFIC SAFETY CHECKPOINTS**

<b>Effective Date:</b> January 12, 2013
<b>Rescinds:</b> Policy 5.19 (July 23, 2008)
<b>Related Orders:</b> None
<b>Issued By:</b> Chief J.R. Houser <span style="float: right;"><b>Page 1 of 4</b></span>
The words “he, his, him,” which may appear in this policy, are used generically for clarity and ease of reading. These terms are not meant to imply gender and relate to all employees of the Department.

Traffic safety checkpoints provide the Department with a means to protect the citizens of Cobb County and to monitor and check driver’s licenses, driver condition, insurance, vehicle registrations, vehicle equipment, and various other requirements of the Georgia State Motor Vehicle and Traffic Code. The purpose of this policy is to provide members of the Department with guidelines when establishing traffic safety checkpoints.

**I. POLICY**

The Cobb County Police Department will conduct periodic traffic safety checkpoints as a means to ensure the safety of motorists. Officers are authorized to conduct these checkpoints in order to achieve this goal. The traffic safety checkpoints will be conducted in compliance with applicable state and federal law. Furthermore, traffic safety checkpoints will be conducted in a manner that will be of minimal inconvenience to the motorists affected.

**II. TYPES OF CHECKPOINTS**

**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. DUI 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.

**C. Motor Carrier Safety Assistance Program Safety Checkpoints**

The Department participates in the Motor Carrier Safety Assistance Program. This program is administered by the Georgia Public Service Commission. The intent of the program is to reduce traffic crashes by conducting safety inspections of commercial motor vehicles.

**D. Critical Incident Traffic Checkpoints**

Critical Incident Traffic Checkpoints are deployed as a means to:

1. Be a containment procedure in response to a critical incident. The checkpoints may be part of the outer perimeter, or they may be established on Cobb County roadways which provide an exit from Cobb County.
2. Secure the area of critical incident. Checkpoints may be established to ensure that only authorized individuals enter the area of a critical incident.

**III. PROCEDURES**

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. These factors are:

- The decision to implement the checkpoint was made by supervisory personnel rather than by officers in the field. This includes the time and location of the checkpoint.
- 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 dangerous backup and then resume the roadblock after the backup is clear.
- The delay to motorists must be minimal.
- The roadblock operation must be well identified as a police checkpoint.
- 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.
- The supervisor must implement the roadblock for a "legitimate primary purpose." This has been held to be any of the following: registration checks, insurance checks, driver's license checks, sobriety checks, prevention of a terrorist attack, and locating a specific, dangerous criminal thought to be in the area. It cannot be for the purpose of a pretext for "general crime detection." *City of Indianapolis v. Edmund*, 531 U.S. 32 (2000).

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 by a supervisor prior to implementation. Any supervisor has the authority to implement a checkpoint. In addition, the approving supervisor should ensure:

1. There is adequate manpower to safely and efficiently conduct the checkpoint. Normally, the checkpoint supervisor should not act as a screening officer.
2. The location is in an area where the motorists will have good 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. Officers will be needed to screen motorists in the roadway. Only officers with the appropriate training and experience should be deployed as screeners.
2. Officers will be needed to conduct follow-up investigations of motorists whom the screeners have developed articulable suspicion or probable cause to detain.
3. At least one additional officer will be needed to initiate traffic stops of motorists who violate state law in the vicinity of the traffic safety checkpoint and/or refuse to stop at the checkpoint.

**C. Suspension of the Traffic Safety Checkpoint**

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

1. Should the location become congested with vehicles, the supervisor may authorize officers to check in a pattern (i.e. every other vehicle, every third vehicle, etc.). The principle is to be consistent with the volume of traffic at the checkpoint. Should the traffic volume decrease, officers may then revert to checking every vehicle.
2. 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.
3. 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.

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- 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 indicating the stopping point for motorists.
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.

## **IV. JOINT TRAFFIC SAFETY CHECKPOINTS**

Supervisors are encouraged to coordinate traffic safety checkpoints with adjacent precincts and law enforcement agencies.

## **V. CRITICAL INCIDENT SAFETY CHECKPOINTS**

- A.** Critical incident checkpoints are exempt from the above procedures. The Department recognizes that the checkpoints may have to be established quickly and efficiently. Additionally, dependent upon the type of critical incident, the use of some equipment (i.e. flares) may be dangerous.
- B.** Officers are authorized to establish critical incident checkpoints without direction from a supervisor. Once established, the officer should:
  1. Notify the Communications Center; and
  2. Notify supervision.