

GENERAL ORDER



Subject
**Traffic Safety Compliance
Checkpoints**

Topic	Series	Number
OPS	308	03

Effective Date
June 7, 2007

DISTRICT OF COLUMBIA

I. Background.....	Page 1	IV. Procedural Guidelines	Page 2
II. Definitions	Page 1	V. Cross References.....	Page 6
III. Regulations.....	Page 1	VI. Attachments	Page 6

I. BACKGROUND

A Traffic Safety Compliance Checkpoint is an effective law enforcement tool for addressing traffic-related problems. Courts have found that checkpoints are constitutional when limited in scope, and conducted for a legitimate, traffic-related purpose.

This General Order provides guidance for implementing Traffic Safety Compliance Checkpoints that are designed to ensure officer safety; be consistent with constitutional requirements; provide high visibility; and ensure effective and productive traffic enforcement to create safer communities for citizens.

II. DEFINITIONS

When used in this directive, the following terms shall have the meaning designated:

1. Traffic Safety Compliance Checkpoint (TSCC) – A fixed location where vehicles are systematically stopped for the purpose of conducting traffic-related enforcement.
2. Traffic Safety Compliance Checkpoint Supervisor’s Report (PD Form 907) – A report completed by the supervisor that documents why, when, where, and how a TSCC was conducted.

III. REGULATIONS (CALEA 61.1.1-c)

- A. A TSCC shall **not** be established for the sole or primary purpose of looking for drugs, or for other general crime deterrent purposes.

- B. Members shall wear an MPD-approved visibility vest while conducting a TSCC, and the necessary equipment shall be made available (e.g., radar, tint meter, etc.).
- C. A TSCC may be established only in response to traffic-related issues, and shall be:
 - 1. Conducted for a specific and legitimate traffic safety purpose (e.g., on the basis of community complaints about traffic problems such as speeding, traffic congestion, illegal stops, double parking, illegal U-turns, or other disruptions to the flow of traffic in neighborhoods).
 - 2. Targeted to promote traffic safety interests (e.g., checking driver's licenses, automobile registrations, or usage of seatbelts).
 - 3. Conducted in a systematic way to minimize intrusion, and reduce or eliminate discretion on the part of the officers participating in the checkpoint (e.g., stopping every vehicle, stopping every other vehicle, stopping every third vehicle, etc.).
- D. The decision to establish a TSCC and the selection of the location of a TSCC shall be made by an official at the rank of Lieutenant or above.

IV. PROCEDURAL GUIDELINES (CALEA 61.1.1-c)

- A. TSCC locations shall be selected with a primary purpose of addressing a traffic safety issue. Evidence of traffic safety problems may be found in:
 - 1. Traffic data;
 - 2. Information from citizen and community reports and complaints; and
 - 3. Information gathered at PSA, or other community meetings. (CALEA 61.1.1-b).
- B. Documentation of the evidence considered under Section IV.A and an explanation of how it supports a purpose of the TSCC as described in Section III.C. shall be preserved and attached to the PD Form 907.
- C. The location shall be selected based on the following criteria:
 - 1. The traffic problem to be addressed is not made worse by the establishment of a TSCC (e.g., a TSCC designed to address traffic congestion should not create further congestion);
 - 2. There is space to deploy uniformed officers;
 - 3. There is space on the roadway for marked MPD vehicles to be clearly visible (e.g., not parked on the sidewalk, a tree-box space, or otherwise semi-concealed);

4. There is space for equipment to alert motorists in advance of the TSCC;
 5. There are minimum delays to normal traffic patterns; and
 6. There is space to legally park the vehicles of arrested persons as this applies to Section IV.G. (1-3) of this directive.
- D. Checkpoints shall be staffed by a minimum of five (5) officers and one (1) supervisor, the rank of Sergeant or above. The Lieutenant establishing the TSCC or the Watch Commander may increase, but not decrease, the staffing depending on the location, stop frequency, etc.
- E. Members shall:
1. Be equipped with a visibility vest, flashlight, cones, flares, window tint meters (if certified), warrant book, Notice of Infraction (NOI) and PD Form 61D (Violation Notice) books, and PD Form 76 (Stop or Contact Report); (CALEA 41.3.4)
 2. Direct drivers to the designated stop area, which should not impede traffic flow; (CALEA 61.1.7)
 3. Identify themselves, their element, and reason for the stop; and (CALEA 61.1.7)
 4. If a violation is detected, issue a NOI, or a PD 61D for the specific violation.
- F. In accordance with General Order 602.1 (Automobile Searches and Inventories), when a person is arrested for offenses other than DUI/DWI, and is in an automobile that he/she owns, or has been authorized to use, the vehicle shall be classified as prisoner's property if the vehicle cannot be classified as a seizure for the purposes of forfeiture or evidence.
- Vehicles that are classified as prisoner's property shall be disposed of in any lawful manner in which the arrestee directs. A PD Form 81 E (Vehicle Release Form) shall be completed when an arrestee requests:
1. His/her vehicle be lawfully parked on a public street; or
 2. Another person, other than the owner/registrator, takes custody of the vehicle.
- G. Vehicles of impaired arrestees shall be impounded in accordance with D.C. Official Code § 50-2201.05.(c-1)(1), which states, "The officer shall cause the motor vehicle which the arrested person operated or controlled to be impounded." The only exceptions are outlined in this directive.

The officer shall not impound the vehicle of an impaired arrestee under any of the following three circumstances:

1. A registered owner of the vehicle authorizes the officer to release the vehicle to a person who is in the company of the arrested person, and:
 - a. The person has a valid permit to operate a motor vehicle in his/her immediate possession; and
 - b. The officer determines the person to be in physical condition to operate the vehicle without violating D.C. Official Code § 50-2201.05(b).
 2. A registered owner of the vehicle is present to take custody of the vehicle, and the owner:
 - a. Has a valid permit to operate a motor vehicle in his/her immediate possession; and
 - b. The officer determines the owner to be in physical condition to operate the vehicle without violating D.C. Official Code § 50-2201.05.(b).
 3. The arrested person authorizes the officer to release the vehicle to a person who is not in the company of the arrested person, and the person:
 - a. Has a valid permit to operate a motor vehicle in his/her immediate possession;
 - b. The officer determines the person to be in physical condition to operate the vehicle without violating D.C. Official Code § 50-2201.05.(b), and
 - c. The person agrees to take custody of the vehicle, within a reasonable period of time, from a public parking space that is selected by the arresting officer [D.C. Official Code § 50-2201.05(c-1)(2)(C)(iv)].
- H. Supervisors shall:
1. Ensure that the documentation required by Section IV.B is attached to the PD Form 907.
 2. Physically inspect the selected site prior to conducting a TSCC, to determine:
 - a. Adequate natural lighting or street lighting is present; and

- b. Adequate space is available for safe operations, deployment of personnel, traffic flow, and parking for vehicles of arrested persons.
3. Notify the district Watch Commander of the location and time for the TSCC.
4. Conduct roll call with members assigned to the TSCC prior to conducting the checkpoint (e.g., explain how to systematically stop vehicles, direct vehicles that are to be stopped, impound vehicles, etc.).
5. Designate stop locations utilizing barricades, lights, cones, or flares to reduce excessive traffic backup.
6. Position a marked vehicle in the event a vehicular traffic stop is necessary.
7. Ensure that at least two members approach each stopped vehicle, if practical.
8. In the event that all members become involved with multiple stops, and/or traffic becomes unduly delayed, temporarily suspend the TSCC and resume normal traffic flow until members are available, or congestion is relieved.
9. Ensure that members conduct vehicle searches in accordance with existing laws and General Order 602.1 (Automobile Searches and Inventories).
10. Ensure that members impound vehicles of impaired arrestees in accordance with D.C. Official Code § 50-2201.05(c-1)(1), and that exceptions to impoundment, as provided for in Section IV.G.(1-3), are followed.
11. Approve and sign all arrest paperwork, and submit copies, along with the PD Form 907, to the element Watch Commander for review and approval prior to the end of the tour of duty. (CALEA 82.2.2-e)

NOTE: Supervisors of the Mobile Force and Redeployment Unit shall ensure the required paperwork is submitted through their chain of command to the Synchronized Operations Command Center (SOCC).

- I. District Watch Commanders shall provide copies to the District Lieutenant of the PSA in which the TSCC was conducted.
- J. Watch Commanders shall transmit the original PD Form 907 and all accompanying documentation to the element's Administrative Office. The Watch Commander for the Mobile Force and Redeployment Unit shall retain

the PD Form 907 when that unit conducts TSCCs. All documentation shall be maintained in accordance with the applicable records retention schedule.

V. CROSS REFERENCES

- A. General Orders
 - 1. GO-OPS-301.03 (Vehicular Pursuits)
 - 2. GO-PCA-501.03 (Handling Intoxicated Persons)
 - 3. General Order 602.1 (Automobile Searches and Inventories)
- B. D.C. Official Code § 50-2201.05 (Fleeing from Scene of Accident; Driving Under the Influence of Liquor or Drugs)
- C. Case Law Impacting TSCC Operations in the District of Columbia
 - 1. Brown v. Texas, 443 U.S. 47 (1971)
 - 2. U.S. v. McFayden, 275 U.S. App. D.C. 207 (D.C. Cir. 1989)
 - 3. Galbreth v. U.S., 590 A.2d 990 (D.C. 1991)
 - 4. Duncan v. U.S., 629 A.2d 1 (D.C. 1993)
 - 5. Indianapolis v. Edmond, 531 U.S. 32 (2000)
 - 6. U.S. v. Davis, 348 U.S. App. D.C. 153 (D.C. Cir. 2001)
 - 7. Illinois v. Lidster, 540 U.S. 419 (2004)

VI. ATTACHMENTS

- 1. Attachment A: PD Form 907 (Traffic Safety Compliance Checkpoint Supervisor's Report)

//SIGNED//
Cathy L. Lanier
Chief of Police

Metropolitan Police Department

Traffic Safety Compliance Checkpoint Supervisor's Report

Date: _____ Element: _____ Supervisor: _____
 (DD/MM/YYYY)

Location: _____

Purpose: _____
 (Speeding, traffic congestion, illegal stops, double parking, illegal U-turns, etc.)

Time started: _____ Time ended: _____

Time paused: _____ Time resumed: _____

District Watch Commander notified: _____
 (Name/Rank/Badge Number/Date and Time Notified)

Method of stop: _____
 (All vehicles, every other vehicle, every third vehicle, etc.)

Total number of vehicles: _____ Passing through checkpoint: _____ Stopped at checkpoint: _____

Detouring the checkpoint: _____

Number of vehicles failing to stop: _____

Total # of NOI's Issued: _____ Total # of PD 76's Completed: _____ Total # of 61 Ds issued: _____

(Record vehicles in the boxes below, using hashmarks)

PASSING THROUGH	STOPPED	FAILED TO STOP

(Arrests Made)

ARREST NUMBER	CCN#	NAME OF ARRESTEE	CHARGES	DISPOSITION

Reviewed by (Watch Commander): _____
 (Print Name)

 (Sign Name)