I. PURPOSE:

To establish policy, procedures, and advisory guidelines for commissioned members of the Tennessee Department of Safety concerning the above captioned subject.

II. POLICY:

A. It is the policy of the Department of Safety to utilize sobriety checkpoints as a deterrent to and in the detection of persons driving under the influence of intoxicants who pose a substantial threat to the welfare of the citizenry of Tennessee.

B. It shall further be the policy of the department to utilize sobriety checkpoints in a safe, effective, uniform and lawful manner as prescribed by advisory guidelines established by the Department of Safety in the enforcement of the State’s DUI related laws under T.C.A. Title 55, Chapter 10.

III. ESTABLISHMENT OF SOBRIETY CHECKPOINTS:

A. Site selection:

1. Individual site selections will be based on historical statistical evidence and the knowledge of alcohol related or other types of crashes where impairment was indicated as a contributing factor.

   a) The District Captain will maintain Documentation of site selections on file.

2. Sites will be selected based on motorist and officer safety and ensure that adequate visibility for oncoming traffic is provided. Should the primary site prove unsafe, or if a hazardous situation develops or is present, the site supervisor will select an alternate site.

   a) If the site supervisor moves the checkpoint, the time and reason for moving shall be thoroughly documented.

   b) The location must give motorists adequate prior warning that a checkpoint is ahead.

*This order supersedes General Order No. 410-1, 31 August 2000.
C.A.L.E.A. Standards: 61.1.1, 61.1.10
c) The location will provide a safe area to move the vehicle from the traffic way in the event further inquiry of the driver is necessary.

3. District Captains will submit recommended locations and times for establishing the checkpoints on a Tennessee Highway Patrol Checkpoint Request Form to the Lieutenant Colonel.
   a) Locations and times of checkpoints will be approved by the Lieutenant Colonel at least five (5) working days prior to conducting the checkpoint.

B. Personnel:

1. No checkpoint shall be conducted without at least one (1) ranking supervisor being present and serving as the site supervisor.
   a) A Sergeant will ordinarily serve as the site supervisor.
   b) In the event that a Lieutenant is present at the site location, he/she will serve as the site supervisor.
   c) The site supervisor will not participate in the actual stopping of motorists.

2. There will be a sufficient number of uniformed personnel present to show the police presence at the checkpoint location.
   a) A minimum of four (4) uniformed personnel will be present at each checkpoint.
   b) The number of additional personnel that will be present at the checkpoint will be determined by and based upon the professional judgment of the site supervisor.

C. Equipment:

1. Traffic cones, furnished by the department, will be utilized at all checkpoints.
   a) Traffic cones will be placed along the centerline of the roadway to ensure safe traffic flow and to provide a measure of protection to officers conducting the checkpoint.
   b) Traffic cones shall also be placed at the beginning and end of the checkpoint site for traffic flow in all directions.

2. Warning signage shall be posted to alert approaching motorists in advance of entering the checkpoint from all directions allowing traffic flow.
3. The majority of the vehicles utilized at the checkpoint site should be marked patrol vehicles.
   a) All emergency lighting (blue lights, take down lights, spotlights and headlights) will be activated while the checkpoint is in operation to provide for adequate illumination of the area.
   b) Headlights and spotlights should be positioned in such a manner that will not blind drivers approaching the checkpoint.
   c) Additional lighting devices, furnished by the department, may be used to help illuminate the checkpoint area, when available.

4. All personnel shall utilize departmental issued high visibility clothing, day or night, and department issued flashlight batons when conducting checkpoints during hours of darkness.

5. The department may utilize Passive Alcohol Sensors (PAS), or other similar devices, when available, to aid in alerting officers of the need for more careful assessment.
   a) The PAS, or other similar devices, should not be used in a manner that would violate established Search and Seizure Guidelines. (For further information on PAS, refer to G.O. 410-2).

D. Operations:

1. All checkpoints will be conducted in a manner so as to minimize the fear, surprise or the likelihood of apprehension to motorists. Nothing in this Order shall be construed to mean or allow site supervisors to deviate from the minimum standards as established by this Order.

2. The checkpoint will remain in operation for a minimum period of one (1) hour.
   a) The duration of the checkpoint will not exceed two (2) hours without permission from the Lieutenant Colonel.
   b) In the event of inclement weather or an emergency situation, the site supervisor will terminate the checkpoint and assign the personnel to other duties.

3. Every vehicle will be momentarily stopped.
   a) The duration of the stop should not be excessive, except in cases where further investigation is warranted, i.e., field sobriety tasks.
b) If the volume of traffic increases, the site supervisor will designate specific vehicles to be stopped, i.e., every 3rd, 5th, 10th, etc.

c) In the event that traffic backs up creating a hazardous condition, all vehicles will be allowed to pass until the backed up condition is cleared.

4. Personnel assigned to the checkpoint will identify themselves to the driver and advise the driver that the Tennessee Department of Safety is conducting a routine stop of traffic to check for intoxicated and/or impaired drivers.

5. When no noticeable sign of possible intoxication or impairment is observed or other violation is present, the officer will thank the driver for his/her cooperation and allow the driver to leave without further delay.

6. If violations, other than alcohol or other type of impairment are detected while conducting the checkpoint, appropriate enforcement action will be taken at that time for those violations.

7. If, after the initial contact, the officer develops specific and noticeable facts that leads the officer to believe the motorist to be intoxicated or impaired, or other violations are present, the vehicle will be moved to a predetermined area for further inquiry.

   a) The officer will request the driver to perform field sobriety tasks, or take appropriate enforcement action for other violations detected.

   b) When warranted, normal DUI arrest procedures will be followed

   c) Video taping of field sobriety tasks should be conducted in an area that will minimize distortion of the video caused by lighting devices or sources of other emergency vehicles at the checkpoint site.

   d) During the course of investigation, any uniformed personnel discovering that any person to be charged with DUI or DWI is a juvenile, shall immediately terminate videotaping and recording the juvenile for the remainder of the investigation. This includes the performing of field sobriety tasks after the traffic stop. (Authority: Attorney General Opinion Number 06-107).

8. Members may periodically distribute pamphlets or brochures prompting greater highway safety to motorists when these materials are available.
IV. PRE-CHECKPOINT BRIEFING:

A. A briefing will be held by the site supervisor prior to the commencement of any sobriety checkpoint.

B. All personnel assigned to work at a sobriety checkpoint, regardless of agency affiliation, are required to attend the briefing prior to arriving at the checkpoint location.

C. All aspects of this General Order will be covered and the person conducting the briefing will explain any portion not fully understood by all personnel participating in the checkpoint.

D. The duties of each officer assigned to work the checkpoint will be explained at the briefing.

E. The site location will be reviewed as to the placement of personnel, vehicles, traffic cones, signage, and additional lighting devices, if available. Pull-off areas and all other provisions of this Order relative to officer and motorist safety must also be satisfied.

F. The briefing will include a review of identifying indicators or clues of possible impairment and/or intoxication.

G. The procedures for the further questioning and/or arrest of suspected violators are to be covered including, but not limited to, field sobriety tasks, implied consent law requirements, and disposition of violator’s vehicle upon arrest.

H. The placement of personnel at locations to observe for and procedures to follow when detection occurs of a motorist turning around to avoid the checkpoint will also be addressed.

1. A motorist who chooses to avoid a checkpoint should be allowed to proceed unless traffic violations are observed or probable cause exists to take other action.

V. NOTIFICATION TO PUBLIC:

A. The District Attorney of the area in which the sobriety checkpoint is to be conducted should be notified by the District Captain or a designated representative.

B. All local law enforcement agencies within the jurisdiction where the checkpoint is to be held should be notified, and their participation in all activity will be accepted and welcomed.

C. Written notification of sobriety checkpoints will be given to the different news media agencies in the area of the checkpoint by the District Captain or a designated representative. In urban areas, it may not be possible to notify each news media because of the large number involved. In these cases, District Captains or
designated representatives may utilize the department's media contact listing which can be obtained from the Public Information Officer.

1. This notification will include the date and county the checkpoint will be held. The notification will also identify the general location and approximate time the checkpoint will be conducted.

2. This notification will be given no sooner than two (2) weeks, nor less than three (3) days, prior to the date the checkpoint is to be held.

VI. REPORTING:

A. The site supervisor, through the chain of command, will submit a Tennessee Highway Patrol Checkpoint Activity Report (SF-1152) to the District Captain for each sobriety checkpoint held. The activity report will be completed in its entirety.

B. The District Captain will review each report submitted by site supervisors.

1. If satisfactory, the District Captain shall approve the activity reports and retain the original in the district headquarters office. Two (2) copies will be made of each activity report and distributed as follows:

a) One (1) copy will be forwarded to the Lieutenant Colonel within the respective chain-of-command.

b) One (1) copy will be forwarded to Research, Planning and Development.

c) All copies will be mailed no later than the close of business of the second working day following the day of the checkpoint.

Gerald F. Nicely
Commissioner

All Personnel: I have read and fully understand the above Order.

_________________________________  _______________________
Signature                                    Date
Pursuant to established policy, authorization is being sought to conduct checkpoint activities in accordance with information provided below.

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<th>DISTRICT:</th>
<th>COUNTY:</th>
<th>TROOP(s):</th>
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Type of Checkpoint:

- [ ] DRIVER LICENSE
  *Note: Sergeants or Lieutenants may request Driver License Checkpoints. District Captains or higher authority must approve them. If submitted by a Sergeant, the request must be forwarded to the Lieutenant for approval and then to the District Captain for final approval.

- [ ] SOBRIETY
  *Note: Sobriety Checkpoints must be requested by the District Captains and approved by the Lieutenant Colonel within the respective chain of command.

Checkpoint activities are requested to be conducted on the following dates at the disclosed locations:

<table>
<thead>
<tr>
<th>COUNTY:</th>
<th>DATE(s):</th>
<th>TIME(s):</th>
<th>LOCATION(s):</th>
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All personnel participating in checkpoints will be responsible for following procedures outlined in General Orders.

Requested By:

- **Sergeant** (D.L. only)

- **Lieutenant** (D.L. only)

- **Captain** (Sobriety only)

Approved By:

- **Lieutenant** (D.L. only)

- **Captain** (D.L. only)

- **Lt. Colonel** (Sobriety only)

I hereby order that the following vehicles will be momentarily stopped and the operator asked to exhibit the necessary information:

- [ ] ALL
- [ ] EVERY OTHER
- [ ] EVERY 5TH
- [ ] EVERY 10TH
- [ ] OTHER

* After final approval is obtained, all original requests are to be retained and filed at District Headquarters. One (1) copy of the Driver License Checkpoint request form is to be sent to Research, Planning, and Development. Two (2) copies of the Sobriety Checkpoint request form are to be made; one (1) copy sent to RPD and one (1) copy to the Lt. Colonel.
TENNESSEE HIGHWAY PATROL
CHECKPOINT ACTIVITY REPORT

REPORT SUMMARY OF:
☐ Site Location
☐ County Totals
☐ District Totals

TYPE OF CHECKPOINT: ☐ DRIVER LICENSE ☐ SOBRIETY ☐ OTHER

DISTRICT: __________________________ COUNTY: __________________________

DATE: ___________________________ TIME: ___________________________ TO: ___________________________

LOCATION OF CHECKPOINT: __________________________

PERSONNEL PARTICIPATING (A Minimum of 2 Troopers and a supervisor must be present)

<table>
<thead>
<tr>
<th>Supervisor</th>
<th>☐ PFG</th>
<th>Trooper</th>
<th>☐ PFG</th>
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<tbody>
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If any of the above personnel were paid from a grant, please check the PFG box and list the name of the grant here:

The checklist disclosed below is provided to aid in ensuring that necessary requirements are satisfied according to policy prior to conducting checkpoints. All applicable provisions must be satisfied.

CHECK IF COMPLETED/USED
☐ Review of Department Guidelines Conducted
☐ Site Approved Prior to Checkpoint
☐ Media Notified
☐ Cones Utilized
☐ Traffic Vests Worn
☐ Checkpoint Area Illuminated
☐ Flashlight Batons Used

CHECK IF COMPLETED/USED
☐ Marked Units with Activated Emergency Lighting Present
☐ Dispatcher Notified Prior to Checkpoint
☐ Number of...
   TV
   Radio
   Printable

☐ C.R.D. Law
☐ CVE Violations
☐ DUI
☐ DWI
☐ Felony Drug
☐ Misdemeanor Drug
☐ Equipment Law (Non-CVE)
☐ Juvenile Offender Act
☐ Light Law
☐ Open Container
☐ Registration Law
☐ Revoked/Suspended DL
☐ Other DL Law
☐ Safety Belt Law
☐ Other

Total Citations

NUMBER OF ARRESTS/WARNINGS

<table>
<thead>
<tr>
<th>Felony Arrests</th>
<th>Misdemeanor Arrests</th>
<th>Total Arrests</th>
<th>Warnings Issued</th>
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</thead>
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RELATED ACTIVITY:

| No. of Vehicles Passing Through Checkpoint | No. of Vehicles Seized | No. of Vehicles Search
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<tr>
<td>No. of Vehicles Detained</td>
<td>No. of Vehicles Seized</td>
<td>Estimated Amount of Drugs Seized</td>
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<tr>
<td>No. of Recovered Stolen Vehicles</td>
<td>No. of Safety Literature/Items Distributed</td>
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<tr>
<td>No. of Weapons Seized</td>
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</tbody>
</table>

Submitted By: ___________________________ Date: ___________________________
Reviewed By: ___________________________ Date: ___________________________
Approved By: ___________________________ Date: ___________________________