



HENRICO COUNTY POLICE DIVISION POLICY | License/Equipment, Sobriety Checking Details, Info-Seeking Stops, and Diversionary Checking Details

Line Procedure (LP-17-21), effective 12/17/21 (Rescinds LP-17-15)

PURPOSE

To provide procedures for the criteria and conduct of Division members to be used in performing licensing/equipment, driving under the influence (DUI) sobriety, information-seeking checking details and/or diversionary checkpoint details to ensure conformance with constitutional protections provided to all motorists.

DISCUSSION

The Commonwealth of Virginia has established many laws designed to maximize highway safety and to limit highway usage to those persons who have demonstrated an unwillingness to comply with those laws. The process begins with licensing and includes rules of the road, vehicle condition, and sobriety while driving. The Police Division has adopted the policy that enforcement activities shall be performed at a level that will maximize the safe flow of traffic and voluntary compliance with traffic laws. The Police Division considers the use of checking details a viable method to assist in achieving this policy.

Traffic crash data, summons and arrest statistics, individual officer experience, and citizen input provide valuable insight as to the types and locations of traffic law violations which should receive the concerted effort afforded by a road check detail operation. Based on these criteria, the Division's license, equipment, and sobriety checking endeavors will identify and cite those persons who (1) violate licensing laws, (2) operate unsafe, defective vehicles, and (3) operate a vehicle while under the influence of alcohol or drugs.

Even though the license/equipment and sobriety checking detail is an accepted practice, its application shall not be discretionary. The supervisor in charge will determine when an unreasonable traffic buildup at the checkpoint will be sufficient cause to allow motorists to travel through the site without stopping. This decision will be based in part on site reviews prior to the checkpoint and on conditions at the checking sites and will be identified in the briefing instructions. Specific alternatives are provided in the procedure that follows. Checkpoints shall be established from approved lists. Nothing in this directive shall prohibit one or more officers from performing selective enforcement for specific moving violations, such as failure to stop at a stop sign, following too closely, or excessive speed.

Information-seeking stops may be used under appropriate circumstances to ask for citizen assistance in gathering information in the investigation of a specific and known crime, most likely not involving the person from whom the officer is seeking information.

DEFINITIONS

- Checking detail – A brief law enforcement stop of all traffic through a designated location for a limited time to inspect drivers' licenses and vehicle registrations and thereby increase traffic safety by apprehending or citing persons who violate licensing laws, operate unsafe vehicles, or operate while under the influence of alcohol and/or drugs.
- Information-seeking stops – A brief law enforcement stop of all traffic through a designated

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location for a limited time to ask vehicle occupants for assistance in providing information about a specific and known crime. This type of stop is not designed to illicit incriminating information from the vehicle occupants but rather to seek information from members of the public to assist in a criminal investigation.

- Diversionary checkpoint detail - A detail where signs are placed along the roadway indicating a “checkpoint” ahead without there being an actual checkpoint where cars are stopped. Officers observe driver behavior and/or vehicle maneuvering as the vehicle approaches or pass the “checkpoint” signs and make traffic stops where there is reasonable articulable suspicion or a higher threshold for the stops. Officers must identify additional suspicious circumstances or independent evasive behavior to justify stopping a vehicle that makes an evasive maneuver after passing, or just before passing, a diversionary checkpoint sign.

GUIDELINES

I. CHECKING DETAIL SITE SELECTION

- A. The Commanding Officer, Special Operations (or designee) shall prepare separate lists of approved checking detail sites – one for licensing/equipment violations and one for DUI violations. The lists may be revised as appropriate. These lists must be updated at least once every six months of the calendar year. New DUI and equipment detail locations are due in January and July of each calendar year and will reflect the previous six months of activity.
- B. Each site shall be selected based on any one or combination of the following criteria:
 1. Historical, articulated data indicates a high number of DUI related traffic crashes;
 2. Historical, articulated data indicates a high number of DUI arrest activity; and/or
 3. Historical, articulated data indicates the site is on a route known to be traveled by motorists violating licensing (vehicle and operator's) or equipment related traffic laws.
- C. The site shall have adequate visibility to provide safety to the motorist and Division members.
- D. The site shall have adequate space available to park Division and violator vehicles so as to avoid the development of hazardous conditions for highway users.
- E. Each site shall be designated as approved for operation during the daytime, nighttime, or both.
- F. The site selected shall be approved by the appropriate uniformed field supervisor on the date of the usage. This uniformed field supervisor shall:
 1. Conduct an on-site inspection to ensure the detail's design complies with established guidelines (refer to section I. A-F).
 2. Take appropriate photographs or video of the site, showing the location and the design of the checkpoint.
 3. Ensure established procedures are followed throughout the duration of the detail.

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II. INFORMATION-SEEKING STOPS SITE SELECTION

- A. The site must be in close proximity to a recent specific and known crime and the detective and their supervisor believes that it would be helpful to seek information from the public.
- B. The site shall have adequate visibility to provide safety to the motorist and Division members.
- C. The site shall have adequate space available to park Division and/or other vehicles so as to avoid the development of hazardous conditions for highway users.

III. DIVERSIONARY CHECKPOINT DETAIL SITE SELECTION

- A. Any location can be selected for this type of detail, taking into consideration the following: traffic congestion, time of day, weather, officer safety, site distance, and public safety.
- B. The site selected shall be approved by the appropriate field supervisor on the operational plan prior to the beginning of the detail. Before approving the site, the supervisor shall:
 - 1. Conduct an on-site inspection to ensure the detail's design complies with these guidelines, and
 - 2. Take photographs or videos of the site, showing the location and design of the detail, including the officer's observation point.

IV. CHECKING DETAIL OPERATIONS

- A. A supervisor (or designee) will complete an Operations Plan (HCPD-383), Incident Command Template (HCPD-058), Briefing Instructions (HCPD-452 and/or HCPD-453), and any other supporting documents (for each checking detail). Each officer participating in the checking detail will be briefed using these documents and will retain a copy for court purposes.
- B. If the checking detail is to achieve the desired objective of producing a sustained deterrence and result in voluntary compliance of all traffic laws, the checks should be conducted at various times of the day and week. In addition, Division members shall adhere to the following guidelines:
 - 1. Checking details will be conducted only at approved sites. Only Division members assigned by the supervisor in charge may participate in the checking detail.
 - 2. A supervisor shall be present for all checking detail operations. The supervisor shall be responsible for the following:
 - a. Recording the starting and ending times of the detail;
 - b. Recording the number and the names of the officers assigned to the detail;
 - c. Ensuring established operational procedures are maintained throughout the duration of the detail;

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- d. Terminating the detail if the operation becomes unsafe or unreasonable;
 - e. Recording the number of vehicles, if any, which are allowed through the detail to reduce traffic back-ups and the time this situation occurred; and
 - f. Recording the number of summonses issued (listing each specific violation/charge and providing cumulative totals).
3. Checking details should normally be operated no less than thirty minutes and no more than five hours.
4. Members conducting the detail shall be responsible to see that all precautions are taken to afford the highest degree of safety to everyone. This includes but is not limited to: the use of roadway flares, traffic cones, appropriate signs, emergency lights, personal traffic vests, and flashlights.
5. Safety considerations include circumstances such as extremely heavy traffic at or near the checking detail location which may necessitate procedures for screening alternate vehicles (i.e., every third, fifth, or tenth vehicle). The average checking time per vehicle and the number of officers available will determine the appropriate alternate procedures for checking vehicles. These alternate procedures may vary to match the traffic flow; however, vehicles will not be stopped on a discretionary basis.
6. When approaching a vehicle, members shall utilize Division approved officer safety techniques. Should no hazard exist, the operator shall be advised of the purpose of the stop.
7. The motorist shall be requested to present his operator's license and vehicle registration card.
8. All contact with citizens and/or motorists shall be firm, polite, and as brief as possible.
9. Division officers have been trained in DUI detection, screening, and apprehension methods, as well as techniques to use in interviewing suspected violators of the law. In the event an offense is suspected or identified, officers are expected to utilize the techniques required by the Division.
10. The uniformed field supervisor (or designee) shall complete an After-Action Report (HCPD-384) containing the results of the checking detail (including the information recorded, as discussed in section III.B.2.a-f). This After-Action Report shall be a complete packet, which includes, but not be limited to, the above report, Operations Plan, Incident Command Template, Briefing Instructions (HCPD-452 and/or HCPD-453), Traffic Special After-Action Report (HCPD-382), and all supporting documentation related to the checking detail. This packet shall be forwarded to the Accreditation Manager within five working days from the conclusion of the checking detail and will be kept on file for a period of four years. Each officer assigned to the detail should retain their own copy of this packet for court purposes.

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V. INFORMATION-SEEKING STOP OPERATIONS

- A. Nothing in this directive shall preclude a supervisor from setting up an information-seeking stop immediately after a known and specific crime to obtain valuable information. The supervisor shall document in writing the factors of the information-seeking stop (i.e., place, duration, purpose, etc.) before it is to take place, complete the required documentation listed in section IV.B. at the appropriate time, and submit it with the After-Action Report.
- B. A supervisor will complete an Operations Plan (HCPD-383), Incident Command Template (HCPD-058), Information-seeking Stops – Briefing Instructions (HCPD-450), and any other supporting documents and forward to the Accreditation Manager within five working days from the conclusion of the information-seeking stop. This packet will be kept on file for a period of four years.
- C. Each officer participating in the operation shall be briefed specifically on what information is being sought as it relates to a known and specific crime and shall receive a copy of the Operations Plan and briefing instructions.
- D. A supervisor shall be on site for all information-seeking stops.
- E. It is recommended that at least one uniformed member from Patrol Operations be present at an information-seeking stop. Anyone actively participating in this event (including detectives) shall wear their ballistic vest.
- F. All officers participating in the information-seeking stop shall be in uniform and wearing the approved reflective traffic vest. Detectives participating should wear appropriate “Police” identifying vests or identification, as well as the approved reflective traffic vest.
- G. Officers SHALL NOT request driver’s license and registration information from occupants during an information-seeking stop unless officers develop reasonable suspicion on a criminal act.
- H. If an officer observes behavior that furnishes a reasonable suspicion that the driver appears to be under the influence of alcohol and/or drugs and/or is involved in some other form of criminal activity, then the officer may question the driver and, if justified, direct the driver to a safe location for further investigation.
- I. Officers can only ask for information related to the known and specific crime for which the information-seeking stop was established.
- J. Officers may provide flyers or other written information to occupants of the vehicle as deemed necessary by the supervisor and/or detective on scene.

VI. DIVERSIONARY CHECKPOINT DETAIL OPERATIONS

- A. A supervisor (or designee) shall complete an Operational Plan (HCPD-383), Incident Command Template (HCPD-058), and supporting documents (for each detail). Each officer participating in the operation shall be briefed using these documents and shall retain a copy for court purposes.
- B. The detail should be conducted at various times of the day and week.
- C. The checkpoint signs used may only be ‘License and Equipment’ or ‘Sobriety’ signs.

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1. Only Division members assigned by the supervisor or the designee in charge may participate in the detail.
2. A supervisor or designee shall be present for all details. The supervisor or designee shall be responsible for the following:
 - a. Recording the starting and ending times of the detail;
 - b. Recording the number and the names of the officers assigned to the detail;
 - c. Ensuring established operational procedures are maintained throughout the duration of the detail;
 - d. Terminating the detail if the operation becomes unsafe or unfeasible (i.e., because of adverse weather, staffing limitations, etc.);
 - e. Recording the total number of vehicles that pass by the sign(s); and
 - f. Recording the number of summonses issued (listing each specific violation/charge and providing cumulative totals).
3. Details should normally be operated no less than thirty minutes and no more than five hours.
4. Officers conducting the detail shall use the following safety equipment, as needed in the detail: roadway flares, traffic cones, traffic safety signs, emergency lights, personal traffic vests, and flashlights.
5. The supervisor (or designee) shall complete the Traffic Special After-Action Report (HCPD-382) containing the results of the checking detail. This After-Action Report shall be a complete packet, which includes, but not be limited to, the above report, Operations Plan, Incident Command Template, and any other supporting documentation related to the checking detail. This packet shall be forwarded to the Sergeant, Traffic Enforcement within five working days from the conclusion of the checking detail. Each officer assigned to the detail should retain their own copy of this packet for court purposes.

VII. REQUEST FOR GRANT MONEY USE FOR CHECKING DETAILS

- A. When there are grant monies available for traffic specials, a supervisor (or designee) shall submit a Request for Traffic Enforcement Special Grant Funding (HCPD-406) form through his chain-of-command for approval. The request packet shall include copies of the Operations Plan, Incident Command Template, and any other supporting documentation. Once the Operations Plan is approved, it shall be forwarded to the Commander, Traffic Enforcement Unit to verify the funds are available and the plan complies with the grant requirements.
- B. Once the request has final approval, the requesting supervisor (or designee) will be notified in writing by the Sergeant, Traffic Enforcement or Commander, Traffic Enforcement.
- C. No grant money shall be used for diversionary checkpoint details

VIII. The Commanding Officer, Special Operations (or designee) shall be responsible for reviewing

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this directive each year or when new court decisions dictate the necessity to make appropriate revisions.

By Order of: Eric D. English, Chief of Police