

# HONOLULU POLICE DEPARTMENT

## POLICY TRAFFIC OPERATIONS

October 19, 2018

Policy Number 6.03

### INTOXICATION CONTROL ROADBLOCKS

#### POLICY

The Honolulu Police Department (HPD) will establish and operate intoxication control roadblocks in accordance with the Rules of the Chief of Police and Sections 291E-19 and 291E-20 of the Hawaii Revised Statutes (HRS).

#### PROCEDURE

##### I. DEFINITIONS

- A. Intoxication Control Roadblock: A technique to control and direct the flow of vehicular traffic using safety measures on a public way, street, road, or highway for the purpose of detecting and apprehending impaired drivers.
- B. Operating a Vehicle Under the Influence of an Intoxicant (OVUII): A violation of Sections 291E-61, 291E-61.5, or 291E-64, HRS, for OVUII.
- C. OVUII Contact: A situation where a vehicle is stopped, the driver is suspected of being impaired, and he or she submits to a field sobriety test but passes the test.

##### II. GUIDELINES FOR ESTABLISHING INTOXICATION CONTROL ROADBLOCKS

###### A. Location Selection

When a location for a roadblock is being considered, the following safety considerations of the motoring public, as well as the officers maintaining the roadblock, must be taken into account:

1. The direction and volume of traffic;

2. The presence for areas and intersections controlled by traffic control devices;
3. The need to not unduly interfere with traffic flow and cause traffic congestion; and
4. The availability of off-street or other safe areas for parking of police and arrestees' vehicles and for conducting OVUII investigations.

B. Minimum Roadblock Staffing

Each roadblock shall be continuously staffed with a minimum of one supervisor and three officers.

C. Minimum Roadblock Safety Considerations

The following safety considerations shall be in place prior to and during the operation of each roadblock conducted in accordance with this policy:

1. Sufficient lighting in the stopping and investigation areas of the roadblock;
2. Advanced warning of the roadblock operations in the form of reflective signs, blue police vehicle lights, and flares;
3. Adequate warning devices sufficiently placed in advance of the roadblock to provide reasonable warning of its existence;
4. A sufficient number of police vehicles are present, including a blue and white car;
5. All personnel assigned to the roadblock are wearing reflective traffic vests and carrying proper identification; and
6. Officers must not unduly detain drivers once an assessment of the operator's sobriety has been completed and/or any enforcement action has been taken.

D. Time Limit for Roadblocks

1. No more than three hours shall be spent actively conducting a roadblock at a given location.
2. Unusual circumstances (i.e. disruptions, severe weather, or other unforeseen factors) may justify changing the location or terminating the operation of the roadblock.
3. In addition, at the discretion of the intoxication control roadblock supervisor, the roadblock may be terminated where unreasonable traffic congestion would otherwise result.

III. RESPONSIBILITIES

A. Media Liaison Office

On at least a bimonthly basis, the Media Liaison Office shall prepare and distribute a news release to the media for publication and broadcast.

B. Intoxication Control Roadblock Supervisor

The supervisor for each intoxication control roadblock shall:

1. Select an appropriate location for the roadblock;
2. Ensure that points of egress in advance of the roadblock, which would compel motor vehicles to enter the roadblock, are not obstructed;
3. Predetermine the number or numerical sequence by which vehicles will be stopped at the roadblock based on the following factors:
  - a. Traffic volume;
  - b. Number of traffic lanes;
  - c. Number of personnel assigned to the roadblock;
  - d. Weather conditions; and

- e. Lighting conditions;
4. Ensure that appropriate safety precautions are taken when establishing, operating, and discontinuing the roadblock;
5. Assign personnel at the roadblock to fulfill the duties of the intoxication control roadblock stopping and investigating officers. Depending on traffic volume, these roles may be filled by the same person;
6. Supervise the activities conducted at the roadblock to ensure compliance with this policy as well as other policies and laws;
7. Complete and submit a To/From report to the commander of the Traffic Division by the end of the shift in which the roadblock is conducted. The report should contain the following information:
  - a. Date and time the roadblock was established and terminated;
  - b. The location of the roadblock;
  - c. The total number of officers, by rank, assigned to the roadblock;
  - d. The total number of vehicles stopped at the roadblock;
  - e. The total number of OVUII, OVUII-drug, Zero Tolerance OVUII, and Habitually OVUII arrests that occurred at the roadblock;
  - f. The total number of other arrests at the roadblock;
  - g. The total number of citations issued at the roadblock; and
  - h. The total number of OVUII contacts that occurred at the roadblock;

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- 8. Submit a Miscellaneous Public report along with the completed INTOXICATION CONTROL ROADBLOCK ESTABLISHMENT AND OPERATION, HPD-424D form;
- 9. Ensure that officers who issue Traffic Crime or Traffic Infraction citations write down the Miscellaneous Public report number on the citation in the "officer's statement of facts" section; and
- 10. Ensure that the roadblock does not exceed the time period restrictions discussed in this policy.

C. Intoxication Control Roadblock Stopping Officer

The officer assigned to stop vehicles as they approach the roadblock shall:

- 1. Not obstruct any egress in advance of the roadblock to compel motor vehicles to enter the roadblock;
- 2. Stop only vehicles that fit the predetermined number or numerical sequence pattern, unless the officer observes:
  - a. A mechanical or equipment violation (e.g. defective headlights, cracked windshield, excessive smoke, seatbelt violations, etc.);
  - b. Some other traffic violation to include (but not be limited to) obvious weaving, impeding of traffic, excessive speed, or other violations which would suggest the vehicle's operator may be impaired; and/or
  - c. The officer observes some other criminal violation.

Note: The fact that an officer stops a vehicle for a reason other than that it fit the predetermined number of numerical sequence pattern does not alter the predetermined number in the established sequence or pattern;

3. Notwithstanding other sections of this policy, not stop or detain operators of motor vehicles simply because they appear to be avoiding or attempting to avoid a roadblock; and
4. Direct vehicles to be investigated further into the holding area.

D. Intoxication Control Roadblock Investigating Officers

The officers assigned to investigate a vehicle stopped at the roadblock shall:

1. Identify himself or herself and inform the operator whether the vehicle is being stopped based on a predetermined number or if any equipment and/or traffic violations were observed;
2. Observe the driver's responses, particularly noting speech, breath, reflexes, condition of clothing, and/or other signs of impairment;
3. Based on these observations, determine whether the operator is suspected to be under the influence of alcohol or drugs or not;
4. Allow operators not suspected to be under the influence of alcohol or drugs to exit the checkpoint after any applicable enforcement action is taken;
5. Further investigate operators suspected to be under the influence of alcohol or drugs by:
  - a. Assessing if the operator is able to maneuver the vehicle to the designated safety area, park the vehicle, and turn off the ignition;
  - b. Asking for the operator's license, insurance card, and vehicle registration;

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- c. Having the operator exit the vehicle and walk to the area designated for testing;
  - d. Conducting the Standardized Field Sobriety Test, if possible, using the Form HPD-424A as a guide;
  - e. Forming a decision to arrest or not arrest the driver for OVUII or other applicable crimes;
  - f. Administering the Preliminary Alcohol Screening, if appropriate, to further assess the presence of alcohol as an impairing substance; and
  - g. Arresting the driver if appropriate; and
6. Write down the Miscellaneous Public report number on each citation that is issued in the "officer's statement of facts" section.

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RADE K. VANIC  
Interim Chief of Police

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Post on bulletin board for one week

Policy first issued October 25, 1995