DIVISION OF FLORIDA HIGHWAY PATROL
LEE COUNTY SHERIFF’S OFFICE
COMPREHENSIVE ROADSIDE SAFETY CHECKPOINT (CRSC)
OPERATIONAL PLAN
FORT MYERS DISTRICT
January 28, 2010

PURPOSE:

The Division of Florida Highway Patrol (FHP) is committed to promoting safety for motorists using the public highways and to provide a deterrent for those who violate laws which regulate and control motor vehicle traffic. This Comprehensive Roadside Safety Checkpoint (CRSC) will be used to enforce, but not limited to, the following violations, Sections 316.215(1) and 316.610, "Equipment - Unsafe, Faulty, Defective Condition," 316.193, Florida Statutes, "Driving While Under the Influence of Alcoholic Beverages, Chemical Substances, or with an Unlawful Blood Alcohol level," 316.646, Florida Statutes, "Security Required; Proof of Security and Display Thereof; Dismissal of Cases", Chapter 320, Florida Statutes, "Motor Vehicle: Licenses", Chapter 322, Florida Statutes, "Drivers' Licenses" and Chapter 893, Florida Statutes, Drug Abuse Prevention and Control.

The primary purpose of this effort is to exercise an administrative and regulatory function by specifically identifying and apprehending drivers who operate motor vehicles in violation of Florida traffic and/or motor safety and/or narcotic laws, including the operation of motor vehicles while under the influence of alcoholic beverages, controlled substances, and or chemical substances to the extent their normal faculties are impaired. An additional but secondary purpose is to ensure that the criminal laws of the State of Florida are upheld in order to protect the public.

In 2009, 10,839 people were killed in motor vehicle crashes involving a driver with a blood alcohol concentration (BAC) of .08 or higher – an average of one fatality every 50 minutes. Alcohol-impaired driving fatalities decreased nearly ten percent from 11,711 in 2008, and even more significantly, declined 49 percent from a high of 21,113 in 1982, when NHTSA first began keeping these statistics. Among those under 21 years of age, 1,398 people were killed in alcohol-impaired driving fatalities, down seven percent from 1,492 in 2008, and 73
percent from the record high of 5,215 in 1982. Alcohol-impaired driving fatalities accounted for 32 percent of all fatal crashes last year. (centurycouncil.org)

OBJECTIVES:

To use this CRSC as part of a continuing, systematic and assertive enforcement program to identify persons who are operating a motor vehicle while under the influence of alcohol, controlled substances and/or chemical substances. To establish an operational plan to identify a specific method of quickly and safely slowing motorists as they approach the CRSC for the purpose of stopping motorists at a safe location to perform a safety/sobriety check. To establish methods and procedures to perform the safety/sobriety check during the CRSC. To established procedures to re-enter motorists into their original traffic route after completing the safety/sobriety check. (A safety/sobriety check consists of the member observing signs of impairment, equipment violations, tag and driver license violations, and verifying vehicle owner/operator insurance requirements).

LOCATION:

The checkpoint will be conducted in Lee County on SR 31 north of SR 78 at the Lee County Civic Center entrance. Southbound traffic will be diverted into the right turn lane. Southbound traffic will be stopped at the civic center entrance. Those vehicles which do not require further investigation after initial contact with the officers will be released to continue south on SR 31. Vehicles requiring further investigation will be directed into the civic center parking lot. This location provides a sufficient area for the necessary staging areas for the checkpoint and traffic will be able to flow smoothly and safely through the area. Variable message signs will be placed prior to the checkpoint. The parking lot will be used during the CRSC and is sufficient in size to accommodate the event. Traffic direction control devices for the event will be facilitated by the Florida Department of Transportation in accordance with proper traffic handling mandates. This includes the traffic adjustment on SR 31 as well as the parking area where motorists will be directed. After 10:00 p.m. every vehicle, except commercial motor vehicles will be directed into the checkpoint area. Routing traffic through the CRSC will be under the direction of law enforcement personnel. This CRSC will occur at this location only during the published time of operation noted below.

DATE/TIME:

The Command Officer will conduct a pre CRSC briefing on January 28, 2011 at 8:00 pm at the Ft. Myers FHP station and the operation will commence at 10:00 p.m. The operation will cease at 2:00 a.m. on January 31, 2011. A post CRSC briefing will commence at 2:10 a.m. and be held at the CRSC area where a critique and enforcement data will be received.

JOB DESCRIPTIONS:

Command Officer:
The lead member of a supervisory rank will coordinate all checkpoint activities, including briefing, debriefing, staffing, operations, and overall supervision.

**Staging Area Supervisor** - The designated supervisor will ensure the smooth operation of the staging area and assist/supervise the Vehicle Inventory & Tow Officer, the Transportation/Booking Officer and the Station Area Security Officer. This supervisor will work with the Screening Area Supervisor to assist/supervise with the transition from the screening area to the staging area.

**Checkpoint Area Supervisor** - The designated supervisor will ensure the smooth operation of the checkpoint area and will work with the Screening Area Supervisor to ensure smooth transition from the checkpoint area to the screening area. This supervisor will assist/supervise all Checkpoint Line Officers in the checkpoint area.

**Highway Line Officers (HLO)** - HLOs will be responsible for stopping all vehicles at the designated "stop area," checking for signs of impairment and other traffic violations. Additionally, HLOs will continue investigations in the screening area if probable cause or reasonable suspicion is determined, and make appropriate charges.

**Initial Contact Officers (ICO)** – ICOs will be responsible for guiding motorists from SR-31 into the Checkpoint Area where the HLOs will be posted.

**Vehicle Inventory & Tow Officer (VIO)** - The VIO will be responsible for securing arrested person's vehicles. The VIO will ensure that a proper inventory is completed and the vehicle is towed from the staging area. The VIO is also responsible for placing a tow sheet with any arrested person's property and arrest package.

**Intoxilyzer Operator** – This officer will be credentialed to operate the Intoxilyzer 8000 and will follow the procedures of the Florida Department of Law Enforcement (FDLE) and the laws of Florida. This function will be performed by the Lee County Sheriff's Department in accordance with state law, their rules and procedures.

**Data Collection Officer (DCO)** - The DCO will be responsible for recording the number of vehicles which pass through the checkpoint, the number of vehicles stopped and the average length of delay. Additional data including number of violations committed, including arrests, written warnings and faulty equipment notices from all departments involved in the post briefing will be maintained by the DCO. The DCO will be responsible for the data entered into the Checkpoint Log including the start, the temporary shutdown and reason for the shutdown, the re-initialization and the end of the CRSC.

**Transportation/Booking Officer (TBO)** – The TBO will be familiar with the processing and booking procedures of the Lee County Sheriff Office and its Correction's Department. This officer will review the paperwork from the arresting officer to ensure compliance with local procedures.

**Observation Post Officer (OPO)** – The OPO will be stationed in marked cars with blue light activated prior to the entrance of the checkpoint. The OPO will act as an additional safeguard for the security and safety of the CRSC by increasing the awareness of motorists approaching the checkpoint. The OPO
will stop only those persons who commit a violation while attempting to avoid the safety check. If the OPO has probable cause to believe that a violation has been committed such as an illegal U-turn, or a reasonable suspicion of criminal activity, such as driving under the influence, the OPO may stop a vehicle. A driver's efforts to avoid the checkpoint alone are not sufficient to justify the stopping of a vehicle unless other acts are present which support an infraction or probable cause or reasonable suspicion of criminal activity. However, the OPO may overtake and stop drivers who fail to stop for a member on the line.

Staging Area Security Officer (SASO) - The SASO will be responsible for searching all arrested persons for weapons and to provide back-up to any member who may experience an unruly prisoner. The SASO is also responsible for the smooth and safe operation of the "staging area." The SASO will be responsible for assisting with securing all persons arrested.

At no time will this member leave the staging area unless relieved by an alternate SASO.

OPERATIONS PLAN:

At the direction of the command Officer, the CRSC will initially begin on SR 31 just north of SR 78 Ave in Lee County, Florida. At approximately 10:00 p.m. southbound traffic on SR 31 will enter the checkpoint area. Marked patrol units will have all emergency lights activated. Reflective cones, lighting, and law enforcement personnel will direct traffic in and out of the CRSC. Traffic in the southbound lane will be diverted into the right turn lane. Traffic will then be stopped at the civic center parking lot entrance where the officers will be located. The first 2 vehicles will be waved through the checkpoint, and the 3rd vehicle will be stopped to ensure that the stopping of vehicles is not targeted to any one vehicle. The start time will be documented by the DCO. Entrance Officers will be stationed at the entrance to the facility and direct the motorist to the checkpoint area. In the event the checkpoint is shutdown prior to 2:00 a.m. due to inclement weather, accident, manpower shortage or a traffic backup of 500 feet or more and then re-initiated, the Checkpoint Area Supervisor will relay the official re-initiation time to the DCO.

One Observation Post Officer (OPO) will be placed approximately 50 feet prior to the CRSC entrance with their overhead emergency lighting activated to assist in slowing approaching motorists. To comply with law, variable message boards will be placed well in advance of the checkpoint advising of the CRSC ahead. A motorist who wishes to avoid the checkpoint by legally turning or making a u-turn before entering the checkpoint area should be allowed to do so unless traffic violations are observed or probable cause exists to take other action. **The act of avoiding a CRSC avoiding a CRSC checkpoint does not constitute grounds for a stop.**

Motorists will be directed to the checkpoint area with the assistance of traffic cones where Checkpoint Line Officers will be stationed. The HLO's will be assigned an area in the center of the parking lot. The HLO's will be responsible for stopping all cars that enter the checkpoint area and perform an initial screening of the motorists. All HLO's will be wearing identifiable law enforcement attire including their OSHA approved reflective vests. The initial screening process will include the following:

- To check if the motorists possess the appropriate driving documents which include a driver license, vehicle registration and proof of insurance for the vehicle.
- To check if the driver license, registration and insurance is valid and/or current.
- To observe vehicle equipment violations.
• To check for other traffic and/or civil infractions or criminal violations.
• To check the visible passenger compartment of the vehicle for open containers or contraband in plain view
• To check for indicators of impairment of alcoholic beverages, controlled substances, or chemical substances as outlined by the National Highway Safety Traffic Administration (NHTSA) guidelines.

All HLOs will greet the motorists with the following standard greeting using the appropriate title and department name and, to ensure equal treatment to all motorists, ask the following standardized questions:

"Good evening, I am Trooper/Deputy/Officer
_____________________________
of the Florida Highway Patrol/Lee County
Sheriff's Office/Florida Department of Transportation Officer.
"This is a roadside safety/sobriety checkpoint, May I see your driver license, registration and proof of insurance?"

The HLO will ask two follow up questions if at least one indicator of impairment, as outlined by NHTSA guidelines, is observed based on the HLOs training and experience. These two questions are: "Have you been drinking tonight?" and, if yes, "How much?"

In the event that the follow up questions cannot resolve the concerns of the HLO the motorist will be directed to the screening area. Other reasons for motorists to be directed to the screening area are:

• The motorist refuses to answer the HLOs standard questions or otherwise refuses to cooperate in the initial contact process. There, an investigation into Florida State Statute 843.02 or other violation of Florida law will be initiated.
• If the HLO has determined after these standardized questions there is probable cause that a traffic infraction has occurred or reasonable suspicion that criminal activity exists or has occurred.
• The motorist cannot produce the requested driving documents immediately upon the request of the HLO. This is to facilitate the passage of other vehicles through the checkpoint with little delay.

In the event that the motorist exhibits all appropriate documents, no contraband is located within the vehicle, no indicators of impairment are observed, no probable cause that a traffic infraction exists, and no reasonable suspicion of criminal activity is observed, the vehicle will be allowed to continue through the checkpoint and continue south on SR 80.

The screening area will be utilized to conduct further investigations on those motorists directed to this area from the checkpoint area. Once the motorists are in the screening area, the HLO that had probable cause for a traffic infraction shall issue the appropriate citation. If the HLO had reasonable suspicion of criminal activity or probable cause is developed for any violation of the criminal laws of Florida, a separate investigation will take place and the motorist will be directed to the staging area. If probable cause is established that a violation of the criminal laws of the State of Florida has occurred the HLO shall make the appropriate arrest. Before the arrest, the Staging Area Security Officer (SASO) will be summoned to assist with the arrest and the searching of the arrested subject. The subject's vehicle will be searched incident to arrest and towed in accordance with the arresting officer's department's policies and procedures. The Vehicle Inventory Officer (VIO) will secure the subject's vehicle and ensure that a proper inventory is completed and an inventory/tow sheet is complete and accompanying the subject's paperwork prior to transport to the jail. Arrangements other than the above procedures are acceptable if satisfactory with the arresting officers agency and does not result in the vehicle being left at the CRSC area. The VIO will assist in all towing procedures and ensure the tow is completed as requested by the arresting agency. The Staging Area Supervisor will oversee all arrests and assist where and when necessary.
In the context of a DUI investigation the driver will be requested to exit their vehicle for further evaluation and directed to the staging area. The VIO will be responsible for the location of this vehicle while the driver is in the staging area. The staging area will be secure and in a location to minimize outside interference. If there is a reasonable suspicion that the motorist is in violation of Florida State Statute Chapter 316.193, developed by the HLO based on indicators of impairment as established by NHSTA guidelines (Exhibit #1, The Visual Detection of DWI Motorists), the HLO will conduct field sobriety exercises pursuant to NHSTA guidelines (Exhibit #2, Standardized Field Sobriety Testing). These exercises should be video recorded when possible and performed only in the staging area. The investigation shall include exercises approved by NHTSA and minimally include HGN, Walk and Turn, and One Leg Stand, unless the motorist refuses to participate in the exercises. If the investigating officer has not yet determined whether probable cause exists after conducting the HGN, Walk and Turn and One Leg Stand exercises the officer shall conduct the Rhomberg Alphabet Exercise and the Finger to Nose exercise. If the HLO determines probable cause exists that the motorist has driven under the influence, the HLO shall make the arrest of the violator and make arrangements for the arrestee to provide a breath sample, urine sample, or blood sample pursuant to Florida law or local protocol after undergoing a twenty minute observation period. The arrangements for samples will be facilitated at the CRSC.

If probable cause for arrest is not developed for the offense of D.U.I. and a PBT is available, the driver may be requested to submit to a preliminary breath test. If the results of the preliminary breath test are less than .05, the driver will be released from custody. If the result of the preliminary breath test is greater than .05, the driver will be required to summon another licensed driver to the scene, for the purpose of driving their vehicle away. In the event the driver refuses to provide a breath sample, the driver will be released from custody.

Juveniles (anyone under the age of 21) who are suspected of having consumed alcohol, if not arrested, may be given a preliminary breath test following the State’s .02 Zero Tolerance law. If the breath sample is less than .02, the juvenile will be released. If the breath sample is greater than .02 or the juvenile refuses, the juvenile’s driver’s license will be seized and suspended pursuant to the Department of Highway Safety and Motor Vehicles (DHSMV) guidelines. Other Juvenile procedures will be followed per FHP Policy Chapter 11.03.06 (E).

Passengers that are deserted due to an intoxicated driver and are unable to operate a motor vehicle, will be taken by the TBO to a nearby lighted area equipped with a pay telephone that has a parking lot for safety or taxi arrangements will be made for them. The OPOs will make occasional checks to this area to check on these passengers. In no event will intoxicated passengers be allowed to leave on foot.

This effort will be conducted under the Florida Mutual Aid agreement and will involve law enforcement personnel from local law enforcement agencies to include the Lee County Sheriff’s Office. A member of one of these agencies will drive through the checkpoint area with the mobile video camera activated, filming the actual checkpoint from beginning to end. The screening area and staging area will also be included and documented. The Command Officer will ensure that a copy of the video is kept for one year.

**PRE CRSC ADVERTISING:**

The local media will be advised of the CRSC three days prior to the event via a FHP News Release (Exhibit #3). This notification will advise the date and county of occurrence and will explain the reasons behind the event.

**SAFETY PRECAUTIONS:**
The Florida Highway Patrol will make every effort to create a safe environment for motorists approaching the CRSC, entering the checkpoint area and navigating to the screening and staging areas. This will include ensuring adequate lighting is present, establishing a clear delineation of checkpoint areas, and clearly and visibly identifying the checkpoint in the area leading up to the checkpoint.

Warning devices, including signage, cones and marked patrol units will be used to warn motorists of the checkpoint and guide them into the checkpoint with a minimum amount of confusion, delay, and danger. VMS signs warning of the checkpoint will be placed before the CRSC as noted above.

Portable lighting banks with the addition of patrol car spotlights will be the major lighting used in the checkpoint, screening and staging areas along with street lighting that is present in the area.

CONTACTS:

During the CRSC, every vehicle will be stopped between 10:00 p.m. and 2:00 a.m. traveling eastbound on SR 31. The exception will be emergency vehicles in emergency situations. CMV or vehicle combinations too large to safely turn into the checkpoint area will be checked at the entrance of the checkpoint.

WEATHER PROCEDURES:

In the event weather conditions become too inclement for safety or to effectively conduct the CRSC during the scheduled time period, the CRSC will be temporarily shut down until the weather sufficiently improves to allow for the safe and effective operation of the CRSC. The time period of the temporary shutdown of the operation will last only as long as the inclement weather prevents the safe and effective operation of the CRSC. All delays will be recorded with the DCO. The CRSC will be re-initiated as soon as the weather conditions allow for the safe and effective operation of the CRSC. The re-initiation will be recorded with the DCO. During the shutdown the Command Officer shall assess the weather conditions every fifteen minutes and determine whether to re-initiate the checkpoint. If after the passage of four consecutive fifteen minute periods with inclement weather have passed, and the weather report indicates that no expectation of improved weather is likely, the CRSC will be terminated by the Command Officer. The DCO will log times for all inclement weather assessments by the Command Officer.

The analysis of whether the CRSC can be safely and effectively conducted in weather conditions will include an assessment by the Command Officer of the weather's effect on a reasonable motorist's ability to perform field sobriety exercises, including the ability to determine if the weather is causing or contributing to cause the subject to perform the exercises either better or worse than in ideal weather condition, a reasonable officer's ability to conduct field sobriety exercises including the ability to determine if the weather is causing or contributing to cause the officer to conduct the exercises either better or worse than in ideal weather conditions, the reasonable motorist's ability to safely approach, enter, or navigate the checkpoint, screening and staging areas of the CRSC by vehicle or by foot if asked to exit the vehicle, the reasonable officer's ability to safely conduct the initial screening of vehicles, and the motorist's ability to see the CRSC well upon approach. The CRSC will be temporarily shutdown by the Command Officer if any of the above factors disrupt the safe and effective operation of the CRSC.
CRASH PROCEDURES:

In the event that a crash occurs which disrupts an officers' ability to safely and effectively conduct the CRSC, the checkpoint will be shutdown until the Command Officer determines the officers can safely and effectively conduct the CRSC. This temporary shutdown will be recorded with the DCO. This analysis of whether the officers' ability to safely and effectively conduct the CRSC shall include an assessment by the Command Officer of the safety needs of the parties involved in the crash, the safety needs of both the officers and the motorists within the checkpoint, screening and staging areas, any damage to FHP or other law enforcement agency equipment needed to effectively conduct an investigation, the safety needs of the motorists approaching the CRSC, the effect the crash had on the remaining area of the CRSC, and the ability to maintain the different areas of the CRSC. The CRSC will be temporarily shut down by the Command Officer if any of the above factors disrupt the safe and effective operation of the CRSC. In the event that the CRSC can be safely and effectively re-initiated after the crash the CRSC shall commence promptly as previously scheduled and recorded with the DCO.

CRSC SET UP, INITIATION, SHUTDOWN AND RE-INITIATION PROCEDURES:

All officers actively participating in the CRSC will read this operation plan in full prior to the commencement of the checkpoint and sign that they have read the CRSC operation plan in full to help ensure that all protocols are followed.

All signage, lights, cones, and other markings will be set up prior to the checkpoint by the Florida Department of Transportation with the assistance of some of the officers that will actively be involved in the CRSC and dismantled at the culmination of the checkpoint. The CRSC will be video recorded as noted above after the completion of the CRSC setup but prior to vehicles being allowed to pass through the checkpoint for investigative purposes. The video will be maintained for evidentiary purposes by the Command Officer.

The Command Officer shall commence the checkpoint as soon as possible after the scheduled beginning of the checkpoint. The Command Officer will ensure that the DCO has logged the official commencement time.

In the event that a CRSC is temporarily shutdown due to inclement weather and/or an accident and/or manpower shortages, and then re-initiated, the Command Officer shall begin the re-initiation process by having the DCO record the official re-initiation time. After recording the time the checkpoint shall re-commence.

TRAFFIC/MANPOWER PROCEDURES:

The intent of the FHP is to conduct a CRSC that allows for a safe and consistent flow of traffic with no unreasonable delay and as little public inconvenience as possible for the motorists who pass through the area of the CRSC. Additionally, the intent is to limit the amount of traffic backup at the checkpoint's entrance into the checkpoint area.

The checkpoint entrance will commence on SR 31 just north of SR 78. The HLOs shall begin their duties as soon as possible once the vehicle enters the checkpoint area and screening area to ensure as little undue delay for the motorists in these areas as possible. This process will be supervised by the Checkpoint Area Supervisor and the Screening Area Supervisor.

The CRSC will begin with sufficient manpower to adequately staff all of the positions needed to safely and effectively fulfill this operation. In the event a serious felony incident or critical incident that requires an emergency manpower response occurs during the CRSC and
necessitates the transfer of officers actively involved in the checkpoint away from the CRSC, the Command Officer will immediately assess the effect the reduced manpower will have on the ability to safely and effectively conduct the CRSC. The decision of whether to divert manpower directly due to a serious felony or critical incident will be made by trooper with a rank of Lieutenant or higher after determining the need to immediately utilize the manpower for a serious felony or critical incident. The decision to divert manpower will be logged by the DCO at the direction of the Command Officer.

The Command Officer shall measure and mark the location 500 ft from the initial checkpoint entrance. In the event that backup traffic accumulates more than 500 ft. prior to the CRSC's initial entrance, the Command Officer shall converse with the DCO and log the official traffic backup time. After recording the traffic backup time when motorists reach the marked location more than 500 ft. from the initial checkpoint entrance, the Checkpoint Area Supervisor will identify the first vehicle located outside the 500 ft. location and then shall waive the following vehicles through without stopping those vehicles to ensure that the stopping of vehicles is not targeted toward any one individual vehicle. The CRSC shall re-initialize after 2 minutes and the Data Collection Officer records the official commencement time and continue with all successive vehicles. The Command Officer shall be the sole decision maker regarding the waiving of vehicles through the checkpoint.

The Command Officer shall ensure that the DCO has logged detailed times vehicles are waived through the checkpoint.

**ASSIGNMENTS:**

**Command Officer:**
Lieutenant Darren Sapp

**Staging Area Supervisor:**
Sgt. James McPherson

**Checkpoint Area Supervisor:**
Sgt. Joseph Gideons

**Checkpoint Line Officers:**
Trooper Mark Steele
Trooper Gustavo Reyes
Trooper Booker Ferrell
Trooper Merritt
Trooper Adam Heinlein
Trooper Catani
Trooper J. Wilcox
Trooper Justin Martin
Trooper Nicholas Reid

**Initial Contact Officers:**
TBA

Vehicle Inventory and Tow Officer:
Cpl. Quintana

Data Collection Officer:
TBA

Transportation/Booking Officer:
TBA

Observation Post Officers:
Cpl. Ellis

Intoxilyzer Operator:
TBA

Staging Area Security Officer:
Trooper Grider

MANPOWER:
Approximately 5 Lee County Sheriff's Deputies, 12 FHP members and 3 FHP Supervisors will be present.

CONTINGENCY PLAN:
If, for unseen reasons or reasons noted above, the CRSC is unable to start or continue SR 31 will be returned to two lanes and all signage, cones, etc. related to the CRSC will be removed or shutdown. All members of FHP will be instructed to return to their regular duty of patrol and conduct patrol procedures similar to a "wolfpack" operation. Due to the amount of scheduling for an operation of this size no alternate date is scheduled.

ADDITIONAL INFORMATION:
An area will be set aside for the media to observe the activities of the checkpoint. This area may be separated from the spectator's area so the media will not be disturbed, if needed.

An area will be set aside for civilian spectators, as well. This area will encompass the area where MADD will set up. Spectators are prohibited from walking through any area of the CRSC except this designated area. All CRSC officers will be responsible for ensuring that civilians stay away from the CRSC operations areas.
The purpose and procedures of this checkpoint will be uniformly applied during the checkpoint. No officer has the authorization to modify the checkpoint. The Command Officer will ensure that events of the CRSC are documented by the DCO as prescribed by FHP Policy Chapter 17.08, Comprehensive Roadside Safety Checkpoints.

AFTER ACTION REPORT/CRITIQUE:

Within ten days after the completion of the roadside safety checkpoint, a written report will be forwarded to the appropriate Deputy Director of Field Operations containing statistics, an evaluation of the operation and recommendations for future operations. The Command Officer, with the assistance of the DCO, will have the following information within the report that will be gathered during the checkpoint operation:

Date/Location of checkpoint.
Checkpoint evaluation.
Recommendation(s) regarding future operations.
Delay Periods (number of occurrences and delay time).
Number of motorists stopped.
Number of vehicles waived through checkpoint.
Number of arrests by offense.
Number of written warnings.
Number of faulty equipment notices.
Copy of press releases.
A list of media outlets notified prior to checkpoint.

Note: The operational plan and all related documents shall be filed in a checkpoint notebook and retained for four years from date of the operation. The notebook shall be identified by troop, date and location of checkpoint.

Lieutenant Darren Sapp, Command Officer:

Approved: V Disapproved: ______ Date: 1-15-11

Captain Timothy P. Culhane, Fort Myers District Commander:

Approved: ______ Disapproved: ______ Date: 1-19-11

Major Carlos Vasquez, Troop F Commander:

Approved: ______ Disapproved: ______ Date: ______
Exhibit #1
The Visual Detection of DWI Motorists
The Visual Detection of DWI Motorists

DWI DETECTION GUIDE

Weaving plus any other cue: $p = \text{at least .65}$

Any two cues: $p = \text{at least .50}$

---

Problems Maintaining Proper Lane Position
$p = .50.75$

Weaving, Weaving across lane lines, Straddling a lane line, Swerving, Turning with a wide radius, Drifting, Almost striking a vehicle or other object

Speed and Braking Problems
$p = .45.70$

Stopping problems (too far, too short, or too jerky), Accelerating or decelerating for no apparent reason, Varying speed, Slow speed (10+ mph under limit)

Vigilance Problems
$p = .55.65$

Driving in opposing lanes or wrong way on one-way, Slow response to traffic signals, Slow or failure to respond to officer's signals, Stopping in lane for no apparent reason, Driving without headlights at night*, Failure to signal or signal inconsistent with action*

Judgment Problems
$p = .35.90$

Following too closely, Improper or unsafe lane change, Illegal or improper turn (too fast, jerky, sharp, etc.), Driving on other than the designated roadway, Stopping inappropriately in response to officer, Inappropriate or unusual behavior (throwing, arguing, etc.), Appearing to be impaired

---

POST STOP CUES
$p > .85$

- Difficulty with motor vehicle controls
- Difficulty exiting the vehicle
- Fumbling with driver's license or registration

• Repeating questions or comments
• Swaying, unsteady, or balance problems
• Leaning on the vehicle or other object
• Slurred speech
• Slow to respond to officer/officer must repeat
• Provides incorrect information, changes answers
• Odor of alcoholic beverage from the driver

• p > .50 when combined with any other cue:
• Driving without headlights at night
• Failure to signal or signal inconsistent with action

The probability of detecting DWI by random traffic enforcement stops at night has been found to be about three percent (.03).
Contents

The DWI Detection Guide

Explanations of the 24 driving cues

Summary

A description of post-stop cues that are predictive of DWI

Introduction

More than a million people have died in traffic crashes in the United States since 1966, the year of the National Traffic and Motor Vehicle Safety Act, which led to the creation of the National Highway Traffic Safety Administration, or NHTSA.

During the late 1960s and early 1970s more than 50,000 people lost their lives each year on our nation's streets, roads and highways. Traffic safety has improved considerably since that time: the annual death toll has declined substantially, even though the numbers of drivers, vehicles, and miles driven all have increased. When miles traveled are considered, the likelihood of being killed in traffic during the 1960s was three to four times what it is today.

The proportion of all crashes in which alcohol is involved also has declined. The declines in crash risk and the numbers of alcohol-involved crashes are attributable to several factors, including the effectiveness of public information and education programs, traffic safety legislation, a general aging of the population, and law enforcement effort.

NHTSA research contributed to the improved condition, in part, by providing patrol officers with useful and scientifically valid information concerning the

behaviors that are most predictive of impairment. Continued enforcement of DWI laws will be a key to saving lives in the future. For this reason, NHTSA sponsored research leading to the development of a new DWI detection guide and training materials, including a new training video. Many things have changed since 1979, but like the original training materials, the new detection guide describes a set of behaviors that can be used by officers to detect motorists who are likely to be driving while impaired.

Building upon the previous NHTSA study, the researchers interviewed officers from across the United States and developed a list of more than 100 driving cues that have been found to predict blood alcohol concentrations, or BACs, of 0.08 percent or greater. The list was reduced to 24 cues during three field studies involving hundreds of officers and more than 12,000 enforcement stops. The driving behaviors identified by the officers are presented in the following four categories:

1) **Problems in maintaining proper lane position,**
2) **Speed and braking problems,**
3) **Vigilance problems,** and
4) **Judgment problems.**

The cues presented in these categories predict that a driver is DWI at least 35 percent of the time. For example, if you observe a driver to be weaving or weaving across lane lines, the probability of DWI is more than .50, or 50 percent. However, if you observe either of the weaving cues and any other cue listed in this booklet, the probability of DWI jumps to at least .65, or 65 percent. Observing any two cues other than weaving indicates a probability of DWI of at least 50 percent, although some cues, such as swerving, accelerating for no reason, and driving on other than the designated roadway, have single-cue probabilities greater than 70 percent. Generally, the probability of DWI increases substantially when a driver exhibits more than one of the cues.

The research suggests that these training materials will be helpful to officers in:

- Detecting impaired motorists,
- Articulating observed behaviors on arrest reports, and
- Supporting officers' expert testimony.

**Back to Top**
The Visual Detection of DWI Motorists

Summary

To summarize, the DWI cues related to problems in maintaining proper lane position include,

- Weaving,
- Weaving across lane lines,
- Straddling a lane line,
- Drifting,
- Swerving,
- Almost striking a vehicle or other object, and
- Turning with a wide radius, or drifting during a curve.

The DWI cues related to speed and braking problems include,

- Stopping problems (too far, too short, too jerky),
- Accelerating for no reason,
- Varying speed, and
- Slow speed.

The DWI cues related to vigilance problems include,

- Driving without headlights at night,
- Failure to signal a turn or lane change, or signaling inconsistently with actions,
- Driving in opposing lanes or the wrong way on a one-way street,
- Slow response to traffic signals,
- Slow or failure to respond to officer's signals, and
- Stopping in the lane for no apparent reason.

The DWI cues related to judgment problems include

- Following too closely,
- Improper or unsafe lane change,
- Illegal or improper turn (too fast, jerky, sharp, etc.),
- Driving on other than the designated roadway,
- Stopping inappropriately in response to an officer,
- Inappropriate or unusual behavior, and
- Appearing to be impaired.

Post-Stop Cues

In addition to the driving cues, the following post-stop cues have been found to be excellent predictors of DWI.
• Difficulty with motor vehicle controls,
• Difficulty exiting the vehicle,
• Fumbling with driver's license or registration,
• Repeating questions or comments,
• Swaying, unsteady, or balance problems,
• Leaning on the vehicle or other object,
• Slurred speech,
• Slow to respond to officer/officer must repeat questions,
• Provides incorrect information or changes answers, and
• Odor of alcoholic beverage from the driver.

Top of Page

Table of Contents
The Visual Detection of DWI Motorists

Explanations of the 24 driving cues

Problems in Maintaining Proper Lane Position

Speed and Braking Problems

Vigilance Problems

Judgement Problems

Table of Contents

Problems in Maintaining Proper Lane Position

Maintaining proper lane position can be a difficult task for an impaired driver. For example, we have all seen vehicles weaving before. Weaving is when the vehicle alternately moves toward one side of the lane and then the other. The pattern of lateral movement can be fairly regular, as one steering correction is closely followed by another. In extreme cases, the vehicle's wheels even cross the lane lines before a correction is made. You might even observe a vehicle straddling a center or lane line. That is, the vehicle is moving straight ahead with either the right or left tires on the wrong side of the lane line or markers.

Drifting is when a vehicle is moving in a generally straight line, but at a slight angle to the lane. The driver might correct his or her course as the vehicle approaches a lane line or other boundary, or fail to correct until after a boundary has been crossed. In extreme cases, the driver fails to correct in time to avoid a collision.

Course corrections can be gradual or abrupt. For example, you might observe a vehicle to swerve, making an abrupt turn away from a generally straight course, when a driver realizes that he or she has drifted out of proper lane position, or to avoid a previously-unnoticed hazard.

A related DWI cue is almost striking a vehicle or other object. You might observe a vehicle, either at slow speeds or moving with traffic, to pass unusually close to a sign, barrier, building, or other object. This cue also includes almost striking another vehicle, either moving or parked, and causing another vehicle to maneuver to avoid a collision.

Turning with a wide radius, or drifting during a curve, is the final cue in this category of driver behaviors. A vehicle appears to drift to the outside of the lane, or into another lane, through the curve or while turning a corner. Watch for this cue and stop the driver when you see it. Many alcohol-involved crashes are caused by an expanding turn radius, or drifting out of lane position during a curve.
Speed and Braking Problems

The research showed that braking properly can be a difficult task for an impaired driver. For example, there is a good chance the driver is DWI if you observe any type of stopping problem. Stopping problems include,

- Stopping too far from a curb or at an inappropriate angle,
- Stopping too short or beyond a limit line, and
- Jerky or abrupt stops.

![Stopping Beyond a Limit Line](image)

Impaired drivers also can experience difficulty maintaining an appropriate speed. There is a good chance the driver is DWI if you observe a vehicle to,

- Accelerate or decelerate rapidly for no apparent reason,
- Vary its speed, alternating between speeding up and slowing down, or be
- Driven at a speed that is ten miles per hour or more under the limit.

Vigilance Problems

Vigilance concerns a person’s ability to pay attention to a task or notice changes in surroundings. A driver whose vigilance has been impaired by alcohol might forget to turn his or her headlights on when required. Similarly, impaired drivers often forget to signal a turn or lane change, or their signal is inconsistent with their maneuver, for example, signaling left, but turning right.

![Signaling Inconsistent with Driving Actions](image)

Alcohol-impaired vigilance also results in motorists driving into opposing or crossing traffic, and turning in front of oncoming vehicles with insufficient headway.

Driving is a complex task that requires accurate information about surrounding traffic conditions. Failing to yield the right of way and driving the wrong way on a one-way street are dangerous examples of vigilance problems.

A driver whose vigilance has been impaired by alcohol also might respond more slowly than normal to a change in a traffic signal. For example, the vehicle might remain stopped for an unusually long period of time after the signal has turned green. Similarly, an impaired driver might be unusually slow to respond to an officer’s lights, siren, or hand signals.

The most extreme DWI cue in the category of vigilance problems is to find a vehicle stopped in a lane for no apparent reason. Sometimes when you observe this behavior the driver will be just lost or confused, but more than half of the time the driver will be DWI—maybe even asleep at the wheel.

Judgment Problems

Operating a motor vehicle requires continuous decision-making by the driver. Unfortunately, judgment abilities can be affected by even small amounts of alcohol. For example, alcohol-impaired judgment can cause a driver to follow another vehicle too closely, providing an unsafe stopping distance.

Alcohol-impaired judgment also can result in a driver taking risks or endangering others. If you observe a vehicle to make improper or unsafe lane changes, either frequently or abruptly, or with apparent disregard for other vehicles, there is a good chance the driver’s judgment has been impaired by alcohol.

Similarly, impaired judgment can cause a driver to turn improperly. For example, misjudgments about speed and the roadway can cause a driver to take a turn too fast, or to make sudden corrections during the maneuver. These corrections can appear to the observer as jerky or sharp vehicle movements during the turn.

Alcohol-impaired judgment can affect the full range of driver behaviors. For example, the research found that impaired drivers are less inhibited about making illegal turns than unimpaired drivers.
Turning Illegally

Driving on other than the designated roadway is another cue exhibited by alcohol-impaired drivers. Examples include driving at the edge of the roadway, on the shoulder, off the roadway entirely, and straight through turn-only lanes.

In some cases, impaired drivers stop inappropriately in response to an officer, either abruptly as if they had been startled, or in an illegal or dangerous manner.

In fact, the research has shown that there is a good chance a driver is DWI if you observe the person to exhibit any inappropriate or unusual behavior. Unusual behavior includes throwing something from the vehicle, drinking in the vehicle, urinating at the roadside, arguing with another motorist, or otherwise being disorderly. If you observe inappropriate or unusual behavior, there is a good probability that the driver is DWI.

Driving on Other than the Designated Roadway

The final cue is actually one or more of a set of indicators related to the personal behavior or appearance of a driver. These indicators include, gripping the steering wheel tightly, driving with one's face close to the windshield, slouching in the seat, and staring straight ahead with eyes fixed. Some officers routinely scrutinize the faces of drivers in oncoming traffic, looking for the indicators of impairment. If you observe a driver who appears to be impaired, the research showed that there is an excellent probability that you are correct in your judgment.

Appearing to be Impaired

Exhibit #2

Standardized Field Sobriety Testing
APPENDIX A
Standardized Field Sobriety Testing

The Standardized Field Sobriety Test (SFST) is a battery of three tests administered and evaluated in a standardized manner to obtain validated indicators of impairment and establish probable cause for arrest. These tests were developed as a result of research sponsored by the National Highway Traffic Safety Administration (NHTSA) and conducted by the Southern California Research Institute. A formal program of training was developed and is available through NHTSA to help law enforcement officers become more skillful at detecting DWI suspects, describing the behavior of these suspects, and presenting effective testimony in court. Formal administration and accreditation of the program is provided through the International Association of Chiefs of Police (IACP). The three tests of the SFST are:

- Horizontal Gaze Nystagmus (HGN),
- Walk-and-Turn (WAT),
- and One-Leg Stand (OLS).

These tests are administered systematically and are evaluated according to measured responses of the suspect.

HGN Testing

Horizontal Gaze Nystagmus is an involuntary jerking of the eye that occurs naturally as the eyes gaze to the side. Under normal circumstances, nystagmus occurs when the eyes are rotated at high peripheral angles. However, when a person is impaired by alcohol, nystagmus is exaggerated and may occur at lesser angles. An alcohol-impaired person will also often have difficulty smoothly tracking a moving object. In the HGN test, the officer observes the eyes of a suspect as the suspect follows a slowly moving object such as a pen or small flashlight, horizontally with his or her eyes. The examiner looks for three indicators of impairment in each eye: if the eye cannot follow a moving object smoothly, if jerking is distinct when the eye is at maximum deviation, and if the angle of onset of jerking is within 45 degrees of center. If, between the two eyes, four or more clues appear, the suspect likely has a BAC of 0.08 or greater. NHTSA research found that this test allows proper classification of approximately 88 percent of suspects (Stuster and Burns, 1998). HGN may also indicate consumption of seizure medications, phencyclidine, a variety of inhalants, barbiturates, and other depressants.

Walk and Turn

The Walk-and-Turn test and One-Leg Stand test are "divided attention" tests that are easily performed by most unimpaired people. They require a suspect to listen to and follow instructions while performing...
simple physical movements. Impaired persons have difficulty with tasks requiring their attention to be divided between simple mental and physical exercises.

In the Walk-and-Turn test, the subject is directed to take nine steps, heel-to-toe, along a straight line. After taking the steps, the suspect must turn on one foot and return in the same manner in the opposite direction. The examiner looks for eight indicators of impairment: if the suspect cannot keep balance while listening to the instructions, begins before the instructions are finished, stops while walking to regain balance, does not touch heel-to-toe, steps off the line, uses arms to balance, makes an improper turn, or takes an incorrect number of steps. NHTSA research indicates that 79 percent of individuals who exhibit two or more indicators in the performance of the test will have a BAC of 0.08 or greater (Stuster and Burns, 1998).

**One Leg Stand**

In the One-Leg Stand test, the suspect is instructed to stand with one foot approximately six inches off the ground and count aloud by thousands (One thousand-one, one thousand-two, etc.) until told to put the foot down. The officer times the subject for 30 seconds. The officer looks for four indicators of impairment, including swaying while balancing, using arms to balance, hopping to maintain balance, and putting the foot down. NHTSA research indicates that 83 percent of individuals who exhibit two or more such indicators in the performance of the test will have a BAC of 0.08 of greater (Stuster and Burns, 1998).

**Combined Measures**

When the component tests of the SFST battery are combined, officers are accurate in 91 percent of cases, overall, and in 94 percent of cases if explanations for some of the false positives are accepted (Stuster and Burns, 1998).

The original NHTSA research found different accuracies for the SFST Battery than reported in the more recent study. Tharp, Burns, and Moskowitz (1981) reported accuracies of 77 percent for the HGN, 68 percent for the Walk and Turn, and 65 percent for the One Leg Stand components; 81 percent of officers' arrest decisions at 0.10 BAC were correct when all three measures were combined. In contrast, Stuster and Burns (1998) found greater accuracies in making arrest decisions on the basis of SFST results in their study at 0.08 percent BAC, as described previously and summarized in the following table.

**Comparison of SFST Accuracies 1981 vs. 1998**

Study: Combined Tharp, Burns, & Moskowitz (1981)

- BAC: 0.10
- HGN: 77%
- WAT: 8%
- OLS: 65%
- Combined: 81%

Study: Stuster & Burns (1998)

- BAC: 0.08
- HGN: 88%
- WAT: 79%
- OLS: 83%
- Combined: 91%

The greater component and overall accuracies found during the 1998 study are attributable to 17 years of law enforcement experience with the SFSTs since the original study and a lower criterion BAC than in the original study (i.e., 0.08 vs. 0.10 percent).

Table of Contents
PRESS RELEASE

January 25, 2011

Comprehensive Roadside Safety Checkpoint

The Florida Highway Patrol and the Lee County Sheriff’s Office will be conducting a Comprehensive Roadside Safety Checkpoint on January 28, 2011 in Lee County. The objective is to reduce alcohol related traffic fatalities, traffic crashes and other criminal activities. Since DUI related crashes result in more deaths each year than total homicides, it is quite obvious impaired driving and impaired related crashes constitute a major threat to the safety and well being of the public. Reducing the deaths and injuries associated with this violation is one of the most important goals of this and other law enforcement agencies.

By the use of Comprehensive Roadside Safety Checkpoints along with continuing public information and education, we hope to maximize the deterrent effect and increase the perception of “risk of apprehension” of motorist who would operate a vehicle while impaired by alcohol or drugs.
Any questions, call Lt. Darren Sapp – 239-344-1735

Captain Timothy P. Culhane