

## Legal Update

April 2010

### Changes to State Police Sobriety Checkpoint Paperwork

**EFFECTIVE DATE:** April 29, 2010

**SUMMARY:**

The Massachusetts State Police Traffic Programs Section has released the most recent version of the Division Commander's Order for Highway Safety Programs 10-DFS-35. The three most significant changes are as follows:

1. If the initial checkpoint screener makes the decision to divert an operator based on reasonable suspicion that the individual is under the influence of alcohol, the checkpoint screener will no longer follow the car into the secondary screening area. A different trooper will assume the role of the primary contact trooper in the secondary screening area.
2. A checkpoint can be conducted with less than or more than fifteen troopers now. In the past, fifteen troopers were required to conduct a checkpoint.
3. A second role call briefing of troopers may be conducted for troopers not in attendance at the pre-saturation phase roll-call.

**Note:** This version of the Division Commander's Order does not affect the April 13, 2010 Appeals Court decision in *Commonwealth v. Bazinet* - checkpoints carried out in accordance with the Massachusetts State Police Division Commander's Order, TRF-15, and the troop commander's letter are constitutional.

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