

**MODEL  
BUI CHECKPOINT PLAN OF OPERATIONS**

[Insert Area]  
[Insert Body of Water  
[Date]

**Preliminary Statement**

**Cooperating** \_\_\_\_\_

**Agencies:** \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**Officers in charge:** For Operations: \_\_\_\_\_  
For Media Contacts: \_\_\_\_\_

**Location:**

\_\_\_\_\_ [County, State of] \_\_\_\_\_

**Date:** \_\_\_\_\_

**Time:** \_\_\_\_\_

**Authority to conduct checkpoint:** [HOST STATE] agencies' statutory authority to conduct such a project is found within [STATE LAW REFERENCE]. As peace officers in the State of [STATE], with concurrent jurisdiction on [BODY OF WATER], agencies are authorized by law to enforce all statutes regarding watercraft enforcement. Pursuant to [STATE LAW REFERENCE], the State of [HOST STATE] recognizes the concurrent jurisdiction of [COOPERATING STATE] by interstate compact, where mutually "prohibited conduct is committed anywhere on the boundary water between the two states." The [HOST AGENCY] is to provide "safe watercraft recreation for the enjoyment, appreciation, and use of present and future generations." [AGENCY] protocol [DEPARTMENT POLICY OR COMMISSION RULE ] for BUI checkpoints will be adapted for use on this project.

**History**

[DESCRIBE BODY OF WATER, LOCATION, RECREATIONAL ACTIVITY WITH SUPPORTING STATISTICS.] *An example: Lake Mohave is a portion of the Colorado River located within the Lake Mead National Recreation Area, between Hoover and Davis dams and forms state boundary waters for Nevada and Arizona. Lake Mohave is within four hours travel time from Phoenix, Las Vegas and Los Angeles. This close proximity to these major metropolitan areas accounts for the large number of*

*watercraft users that recreate on Lake Mohave. Lake Mohave is Arizona's second most utilized lake in terms of recreational boating. Statistics compiled by the National Park Service indicate use peaks in the month of June with approximately 172,000 visitors projected for 1997. Lake Mohave serves approximately 1.5 million visitors yearly. A recent survey by the National Park Service noted 67% of the persons questioned favored or strongly favored strong enforcement of safety rules and regulations. Of the Lake Mohave users, 75% are estimated to travel from California, 13% are from Arizona and 9% are from Nevada. Additionally, a 1994 Arizona Watercraft Survey compiled for the purpose of fuel tax and boater use estimated Lake Mohave experienced 517,223 boat-use days and 2,503,359 person-use days [1994 Arizona Watercraft Use Survey]. This survey also found that 65% of boaters would like to see drunken boaters stopped. Stopping drunken and reckless boaters were the two main law enforcement activities boaters would like to see increased at this lake. It is estimated that alcohol is a factor in the majority of the watercraft accidents that occur on Lake Mohave, but the exact numbers are undocumented.]*

### **Purpose**

The primary purpose of this checkpoint is to enforce violations of [BUI LAWS], regarding the operation of a watercraft while under the influence of alcohol or drugs. Secondary purposes of this checkpoint are: 1) check for compliance of required safety equipment; 2) increase public awareness of problems associated with BUI; and 3) deter boaters' use of alcohol while operating a watercraft in the future.

Utilizing a BUI checkpoint will be more effective than normal patrol techniques. It is difficult to establish probable cause for watercraft operators suspected of being under the influence of alcohol due to the lack of traffic control devices [i.e., center lines, speed limits, stop signs, etc.] as found for vehicles. Due to the congestion of watercraft found in several areas on the [BODY OF WATER], erratic operation is not uncommon, making it difficult to use this as a means to establish probable cause as in automobiles. Due to the size of the [BODY OF WATER] and number of watercraft using the waterway, it is logistically impossible to contact the number of watercraft needed to effectively address this enforcement issue. Utilizing checkpoints will not only increase the number of contacts with watercraft operators, but it will also provide a focal point for the media, residents, and non-residents to show them that this problem is being addressed.

The facilities available on the water and on the shoreline meet the needs of this project and will increase both officer and public safety compared to similar investigations conducted on the water. The facilities at [LOCATION] have boat slips capable of mooring several boats. Both the boat dock and nearby shoreline are well lit after sunset. A houseboat will be available near the designated boat slips to provide an area to perform field sobriety tests (FSTs) and other investigations

needed for this project. An Information and Education area will be designated to provide information to the media and public on watercraft safety and the dangers of operating a watercraft under the influence of alcohol or drugs.]

## **Guidelines**

The following guidelines will be complied with throughout the project, and any changes will only be made by the Officer-In-Charge (OIC).

1. The OIC will be present at the checkpoint for the duration of the project.
2. All officers assigned to the checkpoint will receive a written plan containing the purpose of the checkpoint, their assignment (i.e., contact officer, FST observer, booking, etc.), the procedures to be used in operating the checkpoint and determining when detention and further investigation is warranted.
3. Uniformed personnel will make all initial contacts.
4. All initial contacts will be kept at or under five [5] minutes.
5. Citations will be issued only for violations specified at the checkpoint briefing.
6. All second-phase testing of subjects will be conducted in an area to minimize viewing by the public.
7. Commissioned personnel and certified operators will conduct all preliminary testing. Non-commissioned personnel will only assist with the handling of watercraft and providing information to the public or the booking of any operators found to be under the influence of alcohol or drugs.
8. Horizontal gaze nystagmus (HGN) testing should be conducted by certified HGN personnel.

## **Procedure for Primary Operators**

The following procedures will outline the steps taken during this checkpoint to contact the operator of a watercraft and to determine if that operator is under the influence of alcohol or drugs. This procedure will also outline the steps taken if the operator is found not to be under the influence of alcohol or drugs. Only the OIC may change any of these procedures.

Any watercraft not wishing to participate in this checkpoint will be notified of this checkpoint by information buoys located at the no-wake buoys. Any watercraft that turns around before the no-wake buoys will not be contacted or detained, unless probable cause can be established by waterborne contact officers.

All watercraft entering the designated BUI checkpoint area will be stopped by a marked enforcement vessel and told to proceed to the contact area by a uniformed officer. Assigned enforcement personnel operating personal watercraft will also contact watercraft and escort operators to the nearest contact area. Enforcement personnel will advise the operator to prepare the safety equipment for inspection and have the vessel registration available for the contact officers. Waterborne

contact officers will escort the vessels until the craft and operator are observable by contact officers on the docks or shore. Initial contact officers should watch for possible switching of operators. If the operator of the watercraft is obviously intoxicated and no other member of the party is capable or available to operate the watercraft, the enforcement vessel will tow the watercraft to the slips. No boarding will be conducted on the water unless the watercraft is determined to be too large for the slips. These craft will be contacted by a predetermined enforcement craft, staffed by uniformed peace officers.

Any watercraft, after having been contacted by the marked enforcement vessel or an officer operating a personal watercraft, that attempts to leave the area to avoid the checkpoint will be stopped and detained by a marked enforcement vessel, provided this can be done at a safe speed. The enforcement vessel will not pursue or attempt to stop any watercraft that requires pursuit above a wakeless speed, in a no-wake area.

Initially, all watercraft passing between the designated buoys will be stopped. If the contacts begin to cause unnecessary delays [greater than 5 minutes], or contact station/slip/personnel availability decreases, the OIC will revise the number of watercraft contacted with a systematic approach to ensure contacts are not made randomly. If more than two, but less than five, boats are either waiting for escort vessels or slips, every other boat will be stopped. If five or more boats are either waiting for escort or slips, every fourth boat will be stopped. If unnecessary delays still occur after this point, no more watercraft will be stopped until two contact stations have been cleared.

The operator of the watercraft will be directed to pull into an unoccupied contact station and tie off to the dock. A uniformed officer will make contact with the watercraft at this time. The contact officer will complete a contact form on each watercraft, including start contact time and other requested information. If the personnel aboard the watercraft have switched operators between the no-wake buoy line and the courtesy docks, both operators will be observed to determine whether they may be impaired.

Initial field observations (i.e., signs of impairment, admissions of consumption, odor of alcoholic beverage on breath, red and watery eyes, and slurred speech) and interview will determine if the formal enforcement process continues. The contact officer will conduct a routine safety equipment check. Any safety violations identified will be addressed appropriately during the contact. Warnings and citations should be noted on the contact form. This procedure should not take more than five minutes. Any passenger not impaired by alcohol or drugs that wishes to leave the watercraft and retrieve the vehicle and trailer may do so at this time. Standby contact officers who are waiting for watercraft will remain ready to assist officers currently making a contact as necessary to avoid undue delay. If the contact officer finds no indication of impairment, the contact officer will print their name, agency, badge number and the ending contact time on the contact sheet. The

operator will be allowed to leave the checkpoint area.

If the contact officer finds indication of intoxication or impairment, the operator will be taken to an area to perform FSTs and to have a breath test given. These tests will be conducted on-board the houseboat or the nearby dock area. If the operator fails the FSTs and breath test above [BAC LEVEL], he/she will be processed and/or transported to the nearest holding facility for booking. If the operator has a BAC of between [.05 and .099] and other competent evidence of impairment exists, the operator will be cited, released and advised that he/she may not operate a motor vehicle. The contact officer will follow the operator through all stages, including breath testing and booking unless the officer is not HGN or breath alcohol testing instrument certified. A certified HGN or breath alcohol testing instrument officer will perform those phases of the testing for the contact officer, then turn the operator back over to the contact officer for continued processing.

### Impounds and Seizures

If an operator is arrested for BUI and no one is available to take control of the watercraft, the watercraft will be impounded. If narcotics are found on board the watercraft or if the watercraft is found to have altered identification numbers, the watercraft will be seized, pursuant to [ref. law]. Any watercraft that are impounded or seized during this checkpoint will be stored temporarily at a secured storage area until final disposition. Any watercraft seized for narcotics violations will be turned over to the appropriate participating agency under the provisions of the RICO act.

### Summary

This checkpoint is designed to detect and apprehend watercraft operators who are under the influence of alcohol or drugs. The checkpoint will also provide data on the amount of alcohol consumption related to recreational boating. This project will be conducted by a multi-agency task force. All checkpoint personnel will adhere to this plan. Any changes to the plan of operation will be made by the Officer in Charge.

**BUI TASK FORCE  
PERSONNEL TASK LIST**

**Contact Officers:**

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.
- 9.
- 10.
- 11.
- 12.

**Officer in Charge:**

**Secondary Officer in Charge:**

**Media Contact Officer:**

**Breath Alcohol Testing Officer:**

**On-the-Water Contact Officers:**

- 1.
- 2.
- 3.

**Contact/Chase Craft:**

- 1.
- 2.