

	<h1>Garner Police Department</h1> <h2>Written Directive</h2>	
	<b>Chapter:</b> 800 - Operations	
	<b>Directive:</b> 830.07 - Traffic Checking Stations	
<b>Authorized by:</b> Chief Brandon Zuidema		<b>Effective Date:</b> June 1, 2011
<b>CALEA Standards:</b> 61.4.1, 61.4.2, 61.4.3, and 61.4.4 (5 <sup>th</sup> Edition)		<b>Last Revision:</b> May 31, 2007

### 830.7.1 - Purpose

The purpose of this Directive is to establish guidelines and procedures to be used for the physical construction and operation of a checking station.

### 830.7.2 - Policy

Checking stations are established pursuant to G.S. 20-16.3A and are established and operated for the purpose of ensuring compliance with North Carolina's motor vehicle code. All officers of this Department are required to comply with this policy when participating in a checking station established by this Department. When participating in checking stations with other law enforcement agencies, the checking station plan shall control.

### 830.7.3 - Definitions

**Alcohol Screening Device** - A portable device suitable to assist officers to make on-the-scene determinations of a person's blood alcohol concentration.

**Field Sobriety Tests** - Tests officers use to help determine the level of impairment of a driver. These may include, but are not limited to: Horizontal Gaze Nystagmus, walk and turn, one leg stand, finger to nose, balance and alphabet.

**Staging Area** - A secure area of the checking station, away from the flow of traffic, with room to park vehicles and conduct tests to measure impairment.

### 830.7.4 – Alcohol Screening Devices

#### A. What Devices to use:

Officers will use devices approved by the Injury Control Section, North Carolina Department of Health and Human Services. (Refer to the North Carolina Administrative Code T15A:19B .0503). Officers must comply with the requirements outlined in the North Carolina Administrative Code T15A: 19B .0501.

#### B. When to use Alcohol Screening Devices:

The driver of any vehicle may be requested to submit to an alcohol screening test under G.S. 20-16.3 if during the stop the officer determines that the driver had previously consumed or has an open container of alcoholic beverage in the vehicle. The officer so requesting shall consider the results of any alcohol screening test or the driver's refusal in determining if there is reasonable suspicion to investigate further.

**830.7.5 - Site Selection**

The location of a checking station shall be random or statistically indicated. Checking stations placed repeatedly in the same location or proximity are prohibited pursuant to NCGS 20-16.3A (2) (d). The site for every checkpoint shall be selected with due regard for the safety of motorists and the officers conducting the checking station.

**830.7.6 - Advance Notification**

Checking stations involving a large number of agency personnel or multiple agencies will require the advance notification of the following;

- A. Media: Whenever possible, the news media will be notified in advance by the Supervisor of the use of checking stations. Media interest in checking stations will be encouraged to enhance the deterrent effects.
- B. Other Agencies: Other public safety or criminal justice agencies that may be impacted by the checking station will be notified in advance. These agencies include, but are not limited to;
  - 1. Wake County Jail,
  - 2. Wake County Magistrates Office, and
  - 3. City County Bureau of Identification (Prisoner Processing Unit).

**830.7.7 – Checking Station Marking**

The public shall be advised that an authorized checkpoint is being conducted by having, at a minimum, one law enforcement vehicle with its blue lights activated at all times during the operation of the checkpoint. Signs, lights, cones and other warning devices may be used but are not required.

**830.7.8 - Detection and Investigation Techniques**

During the course of a stop at a checking station, if an officer determines that there is reasonable suspicion to believe that a driver or other occupant has violated a provision of Chapter 20 or other provision of law, the officer may detain that driver or occupant for a reasonable period of time in order to investigate further

**830.7.9 - Personnel**

- A. Single Agency Checking Station: Conducted by only Garner Police Officers.
  - 1. Checking Station Approval: The checking station shall be approved by a Sergeant or higher authority. Authorization shall include the location and duration of the checking station. The supervisor authorizing the checking shall designate an officer to be the on-site supervisor of the checking station (this officer may be below the rank of sergeant). The on-site supervisor shall be responsible for briefing all officers participating in the checking station on the establishment and operation of the particular checking station, as well as the officer's responsibilities during its operation.

2. **Staffing:** The checking station will be staffed by a sufficient number of officers to provide a safe and efficient operation. This will require checking station officers and two apprehension vehicles if possible. Any checking station involving more than four officers, will require a Sergeant or higher ranking officer to be present.
  3. **Officers will wear the Department's official uniform, including reflective traffic vests, at all times while participating in the checking station.**
- B. **Multiple Agency Checking Stations:** Conducted by Garner Police Officers in conjunction with officers from other agencies.
1. **Checking Station Approval:** Checking Stations involving a multiple agency will require the approval of a Lieutenant or higher ranking officer.
  2. **Requirements:** All multi-agency checking stations will require the completion of a written plan located in section 830.7.11 of this directive. A copy of the plan will be distributed to each of the personnel working the checking station.

#### **830.7.10 – Checking Station Plan**

The pattern for stopping vehicles shall be to stop every vehicle. The on-site supervisor of the checking station may alter this pattern in the event of unreasonable traffic delays or other factors that create a hazard. The alteration of the pattern shall consist of permitting all vehicles to pass through the checkpoint until the delay or hazard is abated. The altered pattern must insure that no individual officer is given discretion as to which vehicle is stopped.

The pattern for requesting documentation is that the drivers of every vehicle stopped shall be requested to produce their driver's license and registration. The on-site supervisor of the checking station may alter this pattern if unreasonable traffic delays or other hazards occur. The altered pattern must insure that no individual officer is given discretion as to what documentation a given driver is required to produce.

If outside law enforcement agencies participate in the checking station, the attached checking station plan shall be used and all participants given a written copy.

#### **830.7.11 – Written Checking Station Plan**

Below is a copy of a written Checking Station Plan template. Officer will utilize this plan when the checking station involves agency other than the Garner Police Department.

## Written Checking Station Plan

-MEMORANDUM--

TO: (Participants)

FROM: (Agency in Charge)

SUBJECT: Checking Station Plan

Date:

This checking station is established pursuant to G.S. 20-16.3A, a copy of which is included. The purpose of this checking station is to determine compliance with the Motor Vehicle Code. The ultimate goal of this combined enforcement effort is to reduce crashes; injuries and deaths all contributed to impaired driving offenses. To this end, this checking station is established. By participating all agencies and officers agree to the purpose of this checking station and to abide by this plan.

### 1. Briefing

All personnel will report to \_\_\_\_\_ for roll call, briefing and assignment:

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

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

### 2. Checking station

This systematic plan has been drawn up in advance and the following location(s) of the checking station was selected taking into account the likelihood of detecting impaired drivers, the traffic conditions, the number of vehicles that would likely be stopped and the convenience and safety of the motoring public.

Location of checking station:

\_\_\_\_\_

### 3. Date & Time of checking station:

From: \_\_\_\_\_ (a.)(p.) m. \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_,

To: \_\_\_\_\_ (a.)(p.) m. \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_,

### 4. Equipment

- a. To advise the public that an authorized checking station is being operated, at a minimum one law enforcement vehicle with its blue light in operation will be maintained during the operation of the checking station.
- b.  Signs will be posted in advance of the checking station to notify the motorist of the checking station. **[Subsection b applies only if checked]**
- c. All officers conducting the checking station are to be uniformed officers with reflective vests and flashlights.
- d.  Traffic cones will be provided by \_\_\_\_\_  
**[Subsection d applies only if checked]**
- e. All alcohol screening breath-testing devices shall be calibrated pursuant to rule 10A NCAC-41B.0503.
- f.  The N.C. Department of Health and Human Services will provide a Bat Mobile Unit.  
**[Subsection f applies only if checked]**

## 5. Checkpoint Procedures

Officers involved in the checking station must be familiar and be able to give testimony concerning the operation of the checking station. The checking station is to be operated as detailed below:

- a. The pattern for stopping vehicles is that every vehicle is to be stopped. If traffic conditions create a hazard or undue delay of motorists, the officer in charge may temporarily alter this pattern. No other officer may change the pattern nor may any officer deviate from the pattern or plan except when temporarily authorized by the officer in charge as provided above. The officer in charge of the checking station is

\_\_\_\_\_

(name of officer)

- b. The pattern for drivers that are stopped is to request that every driver produce his/her driver's license. While the vehicle is stopped, the officer stopping the vehicle shall (1) observe driver's eyes for signs of impairment, (2) engage the driver in conversation to determine if the driver has the odor of alcohol on his/her breath and /or if his/her speech pattern indicates possible impairment, (3) observe the driver's clothing and (4) look for open containers of alcoholic beverage in the vehicle.

- c. An officer, who determines there is a reasonable suspicion that an occupant has violated a provision of the Motor Vehicle Code, or any other provision of law, may detain the driver to further investigate in accordance with law.

- d. The operator of any vehicle stopped at a checking station may be requested to submit to an alcohol screening test under G.S. 20-16.3 if during the course of the stop

the stopping officer determines the driver had previously consumed alcohol or has an open container of alcoholic beverage in the vehicle. The officer so requesting shall consider the results of any alcohol screening test or the driver's refusal in determining if there is reasonable suspicion to investigate further.

e. If an officer reasonably suspects a driver of being impaired, the driver shall be requested to step from the vehicle and taken to a safe location for further investigation in accordance with law. Under no circumstances will an impaired driver be allowed to move his or her vehicle from the highway. The vehicle will be moved for the driver.

f. Cars designated as apprehension cars will be responsible for stopping all vehicles attempting to avoid the checking station. An officer who stops a driver who is attempting to avoid the checking station shall utilize the procedures as set forth above.

g. Arrests will be made or citations issued for all definite clear-cut and substantial violations of the law. ***[Include information about transporting prisoners or if a magistrate will be available at the checking station. The delay between the taking of the evidential breath test and the setting of bond may become an issue -- efforts must be made to reduce this time.]***

h. The officer in charge shall terminate the checking station.

The ultimate goal of this operation is to make the highways safer by reducing the incidents of impaired driving. Your cooperation and assistance are appreciated.

**G.S. 20-16.3A. Checking stations and roadblocks.**

(a) A law-enforcement agency may conduct checking stations to determine compliance with the provisions of this Chapter. If the agency is conducting a checking station for the purposes of determining compliance with this Chapter, it must:

(1) Designate in advance the pattern both for stopping vehicles and for requesting drivers that are stopped to produce driver's license, registration, or insurance information.

(2a) Operate under a written policy that provides guidelines for the pattern, which need not be in writing. The policy may be either the agency's own policy, or if the agency does not have a written policy, it may be the policy of another law enforcement agency, and may include contingency provisions for altering either pattern if actual traffic conditions are different from those anticipated, but no individual officer may be given discretion as to which vehicle is stopped or, of the vehicles stopped, which driver is requested to produce driver's license, registration, or insurance information. If officers of a law enforcement agency are operating under another agency's policy, it must be stated in writing.

(3) Advise the public that an authorized checking station is being operated by having, at a minimum, one law enforcement vehicle with its blue light in operation during the conducting of the checking station.

(b) An officer, who determines there is a reasonable suspicion that an occupant has violated a provision of this Chapter, or any other provision of law, may detain the driver to further investigate in accordance with law. The operator of any vehicle stopped at a checking station established under this subsection may be requested to submit to an alcohol screening test under G.S. 20-16.3 if during the course of the stop the officer determines the driver had previously consumed alcohol or has an open container of alcoholic beverage in the vehicle. The officer so requesting shall consider the results of any alcohol screening test or the driver's refusal in determining if there is reasonable suspicion to investigate further.

(c) Law enforcement agencies may conduct any type of checking station or roadblock as long as it is established and operated in accordance with the provisions of the United States Constitution and the Constitution of North Carolina.

(d) The placement of checkpoints should be random or statistically indicated, and agencies shall avoid placing checkpoints repeatedly in the same location or proximity. This subsection shall not be grounds for a motion to suppress or a defense to any offense arising out of the operation of a checking station.