

### **I. POLICY**

This policy establishes procedures for conducting suspicionless seizures of vehicles at fixed checkpoints and Special Operations checking stations. **(CALEA 61.1.6)**

### **II. STANDARDS FOR ALL CHECKING STATIONS (CALEA 61.1.6)**

The site for every checking station shall be selected with due regard for the safety of motorists and the members operating the checking station. Sufficient distance must be provided to allow a motorist traveling at the speed limit to stop his/her vehicle in a normal manner under the existing conditions. No checking station shall be conducted without at least two uniformed members present and at least one marked Patrol vehicle.

All checking stations shall be marked by signs and/or activated emergency lights, marked Patrol vehicles parked in conspicuous locations, or other ways to ensure motorists are aware that an authorized checking station is being conducted. Blue lights, on at least one Patrol vehicle shall be operated at all times.

With the exception of Special Operations checking stations, all checking stations shall provide for the stopping of every vehicle. Individual members shall not vary from this policy, except that the member in charge of the checking station may allow variance from this requirement if the traffic congestion or other factors are creating a hazard. The member in charge may then authorize all vehicles to pass through the checking station until there is no longer a hazard.

Checking stations shall be operated so as to avoid unnecessary traffic congestion and delay to motorists.

Adequate area must be available off the traveled portion of the highway to allow for the safety of motorists when enforcement action is taken.

Patrol vehicles must be parked to allow access to the highway for pursuit in any direction.

Members must maintain radio contact with the Communications Center.

### **III. STANDARD CHECKING STATION (CALEA 61.1.6; 61.1.10)**

Members may conduct checking stations to determine compliance with motor vehicle laws. Examples for which this type of checking station may be used, includes, verification of drivers' licenses, vehicle registration checks, insurance checks, seat belt compliance checks and driving while impaired.

All checking stations, day or night, shall be approved, in writing, by a district supervisor or higher authority. The supervisor shall designate the purpose, location and approximate time of operation of the checking station. The placement of checkpoints should be random or statistically indicated, and, unless statistically indicated, supervisors shall avoid placing checking stations repeatedly in the same location or proximity. Supervisors shall use Form HP-14 (Checking Station Authorization) for this purpose.

A supervisor who authorizes establishment of a checking station shall specify, on Form HP-14 whether drivers shall be asked to produce a drivers license, proof of registration or insurance information or any combination thereof. The driver of every vehicle stopped shall be asked to produce the document(s) specified and members working the checking station shall have no discretion to deviate from this pattern unless the member has some reasonable suspicion to investigate further.

If a member determines there is a reasonable suspicion to believe that a driver or other vehicle occupant has violated a provision of Chapter 20 or any other provision of law, the member may detain the driver or occupant for a reasonable period of time in order to investigate further.

Regardless of the designated purpose of the checking station, the operator of any vehicle stopped at the checking station may be requested to submit to an alcohol screening test under N.C.G.S. § 20-16.3 if during the stop the member determines the driver had previously consumed or has an open container of alcoholic beverage in the vehicle. Members may consider the results of any alcohol screening test or the driver's refusal in determining if there is reasonable suspicion to investigate further. A driver shall not be charged with resisting, obstructing or delaying a public officer solely for refusing to submit to an alcohol screening test.

Specific written directions may be provided for a particular checking station. When issued by a supervisor or higher authority, these written directions shall be considered additional policy.

Standard Checking Stations shall comply with the United States and North Carolina Constitutions and shall be conducted in accordance with the provisions of N.C.G.S. § 20-16.3A.

#### **IV. INFORMATIONAL CHECKING STATION**

Members may conduct informational checking stations for the purpose of seeking motorists' assistance in solving a crime. This type of checking station may be appropriate in cases involving death or serious injury and where motorists may be able to provide pertinent information to help identify the offender or otherwise provide pertinent information related to the death or injury.

Informational checking stations should, whenever feasible, be approved, in writing, by a district supervisor. The authorizing supervisor shall designate the purpose, location and approximate time of operation of the checking station on Form HP-14.

Because an informational checking station is not designed to determine whether a vehicle's occupants are violating a provision of the motor vehicle law, drivers shall not be asked to produce a drivers' license or any other documentation. If, however, during the course of the stop, a member determines there is a reasonable suspicion to believe that a driver or other vehicle occupant has violated a provision of Chapter 20 or any other provision of law, the member may detain the driver or occupant for a reasonable period of time in order to investigate further and the operator of any vehicle may be requested to submit to an alcohol screening test under N.C.G.S. § 20-16.3 if during the stop the member determines the driver had previously consumed or has an open container of alcoholic beverage in the vehicle.

#### **V. SPECIAL OPERATIONS CHECKING STATION (CALEA 61.1.10)**

The First Sergeant or higher authority must determine that a Special Operations checking station is necessary because it may likely result in the apprehension of a suspect who poses a danger to life and property or the rescue of a hostage or abducted person.

The location, equipment, time, and operation of the checking station must be in accordance with policy.

When the suspect sought to be apprehended by the checking station has a hostage or abducted person in the vehicle or the member reasonably believes a hostage or abducted person is in the vehicle, the priority shifts from apprehending the suspect to preserving the life of the hostage or abducted person. The member is governed by the Highway Patrol Unusual Occurrence Manual Section 9, Crisis Situations.

Members operating the checking station shall position themselves and their Patrol vehicles in a manner that will provide a tactical advantage and maximize officer safety.

Members shall wear their body armor at all times while operating the checking station.

Supervisors should periodically check the checking station for the purposes of insuring officer safety and updating information.

## **VI. MULTI-AGENCY CHECKING STATION**

Checking stations involving other agencies or law enforcement officers must be approved by the District First Sergeant or higher authority and conducted pursuant to the provisions of this Directive. Exceptions to this provision may be granted by the Section Director/Troop Commander or higher authority.