

ASHEVILLE POLICE DEPARTMENT POLICY MANUAL

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INTRODUCTION

The purpose of this direction is to provide procedures for the implementation and operation of checking stations and roadblocks. [61.1.1 d]

POLICY STATEMENT

It is the policy of the Asheville Police Department (APD) to conduct periodic Checking Stations as a means to ensure the safety of motorists and to re-enforce compliance with Chapter 20 Motor Vehicle Laws. Checking stations and roadblocks will be conducted in compliance with [N.C. Gen. Stat. § 20-16.3A](#).

DEFINITIONS

[Checking Station](#): a preplanned, systematic stopping of vehicles to check motorists for violations within Chapter 20 of North Carolina General Statute.

[Roadblock](#): a preplanned, systematic stopping of vehicles that can be used to distribute information or apprehend an offender who is trying to escape by means of a vehicle or search for a missing person or to search for a wanted vehicle involved in a crime.

RULES AND PROCEDURES

1304.1 GENERAL PROCEDURES

- A. APD officers may use checking stations as an enforcement tool to ensure compliance with North Carolina motor vehicle laws. [61.1.1 d]
- B. APD officers may use any type of roadblock as long it is established and operated in accordance with the provisions of the United States Constitution and the Constitution of North Carolina.
- C. Checking stations and roadblocks will be implemented and removed only by the authority of a supervisor.
- D. Checking stations and roadblocks should be operated to avoid any unnecessary traffic congestion and traffic hazards.
- E. The sites for checking stations will 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 to travel at the speed limit to stop his/her vehicle in a normal manner under the existing conditions.
- F. The placement of checking stations should be random or statistically indicated and will avoid being placed repeatedly in the same location or proximity thereof.
- G. No checking station or roadblock will be conducted without at least two (2) uniformed officers present, and at least one (1) marked patrol vehicle actively utilizing emergency lights.
- H. Officers are required to wear a reflective traffic vest issued by the department for any checking station or roadblock. [61.3.2 e]
- I. All checking stations will designate in advance the pattern for both stopping vehicles and requesting drivers that are stopped to produce their driver's license, registration, or insurance information. The officer in charge may allow a variance from this requirement if the traffic congestion or other factors are creating a hazard. Any variation needs to be documented by time and reason.

1304.2 CHECKING STATIONS

- A. An Event Operational Guideline must be completed and signed by the District Commander or Watch Commander prior to conducting a checking station.
- B. Pursuant to this policy and in accordance with N.C. Gen. Stat § 20-16.3A, traffic safety checking stations must, at a minimum:

1. Have a designated plan for the individual checking station that includes a pattern for stopping vehicles.
 2. Have a designated pattern in advance for stopping vehicles and for requesting drivers that are stopped to produce a driver's license, registration, or insurance information.
 3. Be marked by signs and/or activated emergency lights, marked patrol vehicles parked in a conspicuous location, or other ways to ensure motorists are aware that an authorized checking station is being conducted. Flashing blue lights on at least one (1) law enforcement vehicle will be operating at all times.
- C. A supervisor or their designee will be the sole person in control of the checking station. The supervisor or designee is responsible for:
1. Observing the operation of the checking station, not checking vehicles.
 2. Documenting any deviation from the original plan.
 3. Determining if the checking station has become a hazard to motor vehicles or officers, or if the checking station needs to be shut down due to lack of officers to check vehicles.
- D. If an officer determines there is a reasonable suspicion that an occupant has committed a motor vehicle violation, or other provision of law the Officer may detain that driver for further investigation.
- E. If an officer suspects a driver is under the influence of an impairing substance, they will have the driver exit the vehicle where it is stopped. Another officer will safely move the vehicle to a secured area within the checking station. For the safety of other officers and the driver, under no circumstances should the driver be allowed to move their vehicle if impairment is suspected.
- F. If during the course of the stop an officer determines that the driver previously consumed alcohol or has an open container of alcoholic beverage in the vehicle, the operator of any vehicle stopped at a checking station may be requested to submit to an alcohol screening test pursuant to N.C. Gen. Stat. § 20-16.3.
- G. If a driver is suspected to have consumed an impairing substance, procedures outlined in Policy 1305 - DWI Enforcement will be followed.
- H. If the driver is unable to attend to their vehicle (i.e., arrest or transport to the hospital), procedures outlined in Policy 1307 - Vehicle Towing will be followed.

- I. Officers may sit on the outskirts of the checking station to observe vehicles attempting to avoid it. Officers may follow these vehicles but must develop reasonable suspicion or observe a traffic violation before stopping the vehicle. Officers must also adhere to [Policy 700 - Vehicle Pursuits](#) if the vehicle attempts to flee.
- J. Checking Stations in which the APD provides assistance to, or receives assistance from, other law enforcement agencies must be approved by the District Commander or Watch Commander and comply with any applicable mutual aid agreements.
- K. An After Action Report must be completed at the conclusion of the checking station.
- L. Copies of the Event Operational Guideline and After Action Report should be made available to all officers involved in the checking station for court purposes.

1304.3 ROADBLOCKS

- A. Roadblocks are investigative tools that may be utilized by APD officers. The purpose of a roadblock differs from a checking station in that officers are not looking for compliance with motor vehicle laws. Roadblocks may be used for the following purposes:
 - 1. Distribute literature in an attempt to solve a crime from an active case.
 - 2. In search of a wanted person who may be fleeing the area in a motor vehicle.
 - 3. In search of a missing person who is in immediate danger.
- B. If an officer encounters a situation during a roadblock where an arrestable crime has occurred, the officer has a duty to react appropriately to this crime.
- C. An Event Operational Guideline must be filled out and signed by the District Commander or Watch Commander prior to conducting a roadblock. An After Action Report must be completed at the conclusion of the roadblock.

BY ORDER OF:

A handwritten signature in black ink, appearing to read "David J. Zack". The signature is fluid and cursive, with the first name "David" and last name "Zack" clearly distinguishable.

David Zack
Chief of Police