

 <b>Kinston Police Department</b>	<b><u>POLICY: Roadblocks &amp; Checkpoints</u></b>						<b><u>POLICY #:</u></b>  <b>500-4</b>
	<b><u>NCLEA Standards: 6.13;</u></b>						
	<b><u>CALEA Standards:</u></b>						
	<b><u>NCLM Standards:</u></b>						<b><u>Effective Date:</u></b> <b>07-01-2019</b>
<input type="checkbox"/> New <input checked="" type="checkbox"/> Revised	<b>Revision Dates:</b>	01/01/21	05/05/25				
Approval: Chief of Police							

## I. PURPOSE & SCOPE

The purpose of this policy is to establish guidelines for roadblocks and checkpoints.

## II. DEFINITIONS

- A. Checkpoint: A Chapter 20 checkpoint is defined as procedures in which law enforcement officers restrict traffic flow in a designated, specific location so they can check drivers for signs Chapter 20 violations.
- B. Roadblock: A roadblock is a temporary installation, set up to control or block traffic along a road

## III. POLICY

- A. The Kinston Police Department may use stationary roadblocks as an enforcement tool in situations to include routine traffic checks, DWI checkpoints (outlined below), information checkpoints and to locate and apprehend suspects that may be attempting to escape by means of a vehicle. (**NCLEA 6.13**)
  - 1. The use of roadblocks during motor vehicle pursuits without specific authorization from on-duty supervisor is prohibited. Officers should refer to the Department Policy and Procedures for procedures relative to the use of tire deflating devices such as “stop sticks” as a means for stopping a fleeing vehicle.
  - 2. The following additional guidelines govern the use of roadblocks by law enforcement personnel.
    - a. The use of moving or rolling roadblocks is prohibited without a supervisor’s approval.
    - b. Officers shall not establish a stationary roadblock in such a manner that provides a physical barrier across the entire width of the roadway.
    - c. Roadblocks shall be preplanned when possible.

- d. The decision to establish a roadblock should be based on several factors such as the number of officers available, the equipment needed, and the need for the roadblock when measured against the potential danger posed to public safety.
  - e. A suitable location for the roadblock should be chosen, taking into account the terrain and natural or manmade obstructions such as hills, curves, bridges, tunnels, etc. Every effort should be made to provide reasonable warning for approaching vehicles. The use of “blind roadblocks” is prohibited.
  - f. Roadblocks shall be implemented and removed only on the authority of a supervisor.
  - g. Only marked vehicles with all emergency equipment operating maybe utilized for roadblocks.
- B. Officers may conduct checkpoints to determine compliance with the provisions of G.S. 20-16.3A as long as the checkpoint or roadblock is established and operated in accordance with the provisions of the United States Constitution and the Constitution of North Carolina.
- 1. Conducting a checkpoint for the purpose of determining compliance with General Statutes Chapter 20, motor vehicle violations, the plan, at a minimum, must include the following:
    - a. Designate, in advance, the pattern both for stopping vehicles and for requesting drivers that are stopped to produce driver’s license and/or registration.
    - b. Operate under the policy that every vehicle will be stopped and checked, except emergency response vehicles, for licenses and registration.
    - c. The pattern may include contingency provisions for altering the pattern if traffic conditions are different from those anticipated. The officer in charge of the checkpoint will have the authority to change the designated pattern based on conditions.
    - d. Advise the public that an authorized checkpoint is being operated by having, at minimum, one marked law enforcement vehicle with its blue lights in operation during the conduction of the checkpoint.
  - 2. An officer, who determines that there is reasonable suspicion that an occupant has violated any provision of the law, may detain the driver to further investigate in accordance with the law. If, during the course of the vehicle stop, the officer determines that the driver had previously consumed alcohol or has an open container of alcohol, the officer may request that the driver submit to an alcohol screening test pursuant to G.S. 20-16.3. The officer conducting the test shall consider the results of any alcohol screening test, or the driver’s refusal, in determining if there is reasonable suspicion to investigate further.

UNDER NO CIRCUMSTANCES WILL AN IMPAIRED DRIVER BE ALLOWED TO MOVE HIS OR HER VEHICLE FROM THE HIGHWAY/STREET. THE VEHICLE WILL BE MOVED FOR THE DRIVER BY A LAW ENFORCEMENT OFFICER, OR A CAPABLE PERSON AUTHORIZED BY THE DRIVER.

3. Checkpoints will be randomly or statistically placed to avoid repeatedly placing checkpoints in the same location or proximity.
4. Checkpoints must be conducted with a minimum of two officers.
5. The checkpoint may be terminated by the officer in charge (does not need to be a supervisor).
6. A Checkpoint Information Form must be completed and returned to the on-duty supervisor who will submit to the Patrol Division Major, who will submit to the Governor's Highway Safety Program.
7. If the checkpoint consists of officers from two or more agencies, a written Checkpoint Plan must be completed along with a diagram of the location marking the placement of:
  - a. a vehicle with blue lights operating;
  - b. where vehicles are being stopped;
  - c. where vehicles are being pulled off of the roadway for further investigation;
  - d. the chase vehicle; and,
  - e. any traffic signs that may be used to warn drivers that a checkpoint is ahead.
8. **This plan serves as evidence if a felony pursuit or civil liability should arise.**