

**CHAPEL HILL POLICE DEPARTMENT**  
**IMPAIRED DRIVING CHECKPOINT PLAN**

LOCATION: \_\_\_\_\_

DATE(S): \_\_\_\_\_

APPROXIMATE STARTING TIME: \_\_\_\_\_

APPROXIMATE ENDING TIME: \_\_\_\_\_

This checkpoint plan attempts to conform with the requirements of N.C.G.S. 20-16.3A

**1. LOCATION(S)**

A. The selection of each checkpoint location has been made in advance and has taken into account the following:

- Traffic conditions.
- Number of vehicles to be stopped.
- Convenience of the motoring public.
- Safety for officers and the public.
- The likelihood of detecting impaired drivers.

B. The location of each checkpoint is a highway or public vehicular area; thus each driver, in accordance with N.C.G.S. 20-16.2, is subject to the implied consent provisions of Chapter 20 of the North Carolina General Statutes. The location of each checkpoint includes the following characteristics:

- A highway or public vehicular area including a straight section of roadway at least 200 feet long that can serve as a checking area.
- A center turn-lane, or a side street, or a parking lot into which vehicles may move and remain.
- Adequate lighting by streetlights or portable lighting.

**2. TIME**

Selection of checkpoint times is based on the likelihood of detecting impaired drivers. Traffic conditions during these times should be steady and the number of assigned officers should be sufficient so that the motoring public will not be significantly inconvenienced.

**3. STOPPING VEHICLES**

A. Definitions:

- The term "perimeters of the checkpoint" is defined as "the area within which drivers may become aware of the [checkpoint's] presence by observation of any sign marking or giving notice of the checkpoint." (State v. Foreman, NC Supreme Court, 2000).
- The term "checking area" is defined as a straight section of roadway, 200 feet in length, within which vehicles (except for those which turn off within the perimeters and are stopped outside the perimeters) are checked.

B. During the operation of the checkpoint all vehicles entering the perimeters, including any vehicle "that turns off the highway within the perimeters of the checkpoint," (State v. Foreman, Chief Justice Frye concurring) will be stopped

and checked with no officer deviating from this pattern without direction of the checkpoint supervisor.

- C. A 200-ft. section of roadway, constituting the checking area, will be marked off and two orange and white traffic barrels will be placed at the beginning and end of the marked area. The orange and white barrels will serve as markers for the checking area.
- D. In the event that traffic is heavier than expected and backs up out of the checking area, the supervisor will stop all checking for the lane that is backed up. All vehicles which are both within the checking area and in the lane that is backed up, and for which checks have not yet been initiated, will be allowed to proceed without checking. The first vehicle beyond the checking area will be the next vehicle checked.
- E. The checkpoint supervisor will stop checking in one direction when or if manpower drops to one-half of the original number.
- F. If the checking is stopped for any reason, the supervisor will note the time and reason for the stoppage.
- G. The supervisor may elect to close the checking station if the following conditions exist:
  - Traffic heavier than expected.
  - Traffic lighter than expected.
  - Loss of manpower (more than one-half of original).
  - Bad weather.
  - Unexpected emergency conditions.
  - Heavy call load.
  - Unexpectedly low numbers of offenses detected.
  - Loss of resources.

#### **4. PATTERN FOR REQUESTING ALCOHOL SCREENING TESTS**

All officers will request the driver's license from each driver. During this time the officer will engage the driver in conversation and look for signs of impairment that may include the odor of alcohol, bloodshot eyes, the condition of the driver's clothing, and the driver's mannerisms. If the officer detects signs of impairment, he/she may request the driver to undergo further observation and or tests within or outside of the vehicle. If the officer forms a reasonable and articulable suspicion that the driver has committed an implied consent offense, the officer may request the driver to submit to an alcohol-screening test.

#### **5. MARKING OF THE PERIMETERS AND THE CHECKING AREA**

The checkpoint is marked with at least:

- 2 signs labeled IMPAIRED DRIVING CHECKPOINT
- 2 cones
- 2 marked patrol cars with overhead lights activated.
- 4 orange and white traffic barrels.

#### **6. VIOLATIONS OTHER THAN IMPLIED CONSENT**

- A. The checkpoint is designed to detect violations of N.C. Implied Consent Laws. However, officers may issue a citation or may arrest for any violations of law if the situation warrants.
- B. Drivers who are being cited or cannot produce a driver's license should be pulled out of line to avoid delaying other motorists.

**7. OTHER REQUIREMENTS**

- A. All officers directly stopping vehicles must attend a briefing prior to the operation.
- B. All officers will be familiar with North Carolina laws and regulations relating to implied consent offenses and alcohol screening.
- C. All officers directly stopping vehicles at the checking station will be in uniform but may be assisted by plainclothes officers during the operation.
- D. All officer will have the following equipment:
  - approved reflective traffic vest.
  - flashlight.
  - citation book
  - all departmentally required equipment.

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SUPERVISOR IN CHARGE OF CHECKING STATION