

# SOP MANUAL FOR EXTERNAL USE 2017

# BREATH ALCOHOL TESTING

## MOBILE UNIT PROGRAM FORENSIC TESTS FOR ALCOHOL BRANCH



DIVISION OF PUBLIC HEALTH • CHRONIC DISEASE AND INJURY CONTROL SECTION  
DEPARTMENT OF HEALTH AND HUMAN SERVICES • 919-707-5250





**B**REATH  
**A**LCOHOL  
**T**ESTING

**MOBILE UNIT PROGRAM**

**FORENSIC TESTS FOR ALCOHOL BRANCH 2017**



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# DISCLAIMER

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The procedures and guidelines in this manual are for Law Enforcement personnel, School and Public Events Administrators, the Breath Alcohol Testing (BAT) Mobile Unit Program Supervisor and Coordinators who plan to participate in scheduled events that require the utilization of the BAT mobile unit.

Policies of the BAT Mobile Unit Program should not be construed as a creation of higher legal standards of safety or care in an evidentiary sense with respect to third party claims. Violations of any guidelines will only form the basis for administrative sanctions and/or denial of the use of the BAT mobile unit. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting.



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## I. MISSION STATEMENT

The Forensic Tests for Alcohol (FTA) Branch aims to reduce the incidence of impaired driving in North Carolina by providing support and resources to North Carolina law enforcement agencies and the North Carolina court system.

## II. GOALS AND OBJECTIVES

The primary goal of the FTA Branch is to provide the North Carolina court system with reliable and accurate evidence of impairing substances found in persons subject to the Implied Consent Laws of North Carolina. We strive to achieve this goal through several objectives: delivering comprehensive training programs for law enforcement and court personnel; providing reliable, accurate and properly maintained evidential breath alcohol testing instruments; and supporting law enforcement agencies and state prosecutors by furnishing personnel with the expertise necessary to prosecute impaired driving offenses.

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## III. HISTORY AND PURPOSE OF THE BAT MOBILE UNIT PROGRAM

### ■ 1964

The Forensic Tests for Alcohol (FTA) Branch began training law enforcement officers in breath alcohol testing. The FTA Branch serves within the N.C. Division of Public Health, a division of the N.C. Department of Health and Human Services. Since its inception it “has expanded its role by providing additional specialized comprehensive training programs and instrumentation for officers to test impaired drivers.”

### ■ 1993 - 1994

North Carolina implemented an unprecedented Highway Safety Initiative with the purpose to crack down on the impaired driver. By 1994, the North Carolina Governor’s Highway Safety Program (GHSP) launched its “Booze It & Lose It” initiative. It promoted innovative education and an extensive enforcement of Driving While Impaired laws. The FTA Branch supports efforts of the GHSP to conduct sobriety checking stations in all N.C. counties as part of the state’s campaign against impaired driving.

The FTA began planning, designing, and developing North Carolina’s Breath Alcohol Testing (BAT) mobile unit program. In 1994, a grant was awarded to the FTA Branch, by GHSP, for the hiring of BAT Coordinators and the purchase of vehicles and equipment.

### ■ 1996 - TODAY

By 1996, BAT Mobile Unit Program had become fully operational.

Today, the FTA continues to reduce the incidence of impaired driving by providing comprehensive training programs to law enforcement personnel in the detection, apprehension, and prosecution of impaired drivers. It also provides support to the North Carolina court system through documentation of chemical analysis.

Through the FTA’s partnership with the North Carolina Governor’s Highway Safety Program, the BAT Mobile Unit Program maintains a fleet of seven BAT mobile units,

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## ■ 1996 - TODAY (CONT.)

each measuring in various lengths from 30 to 45 feet. An imposing and eye-catching logo of the “Booze It & Lose It” is imprinted on both sides of the vehicle. These vehicles are fully equipped to process an impaired driver on the roadside.

Units are assigned in designated regions throughout North Carolina. The individuals that staff these units are BAT Mobile Coordinators who receive extensive training in evidential breath testing and in the operation of these units. They support and work with law enforcement officers (LEOs) to save time and effort, which would have normally been lost while transporting arrestees from the DWI checking station to the breath testing facility, and then to the magistrate’s office. Each unit can process as many as 25 to 30 impaired drivers at a checking station.

In the last fiscal year, BAT Mobile Coordinators have participated in 272 DWI checking stations. This resulted in the arrest of 500 impaired drivers, 4,470 other traffic violations and 781 criminal charges. On its website, however, the GHSP notes that, “even with its success nearly 9,411 people have lost their lives in alcohol-related crashes in North Carolina since the program’s introduction.” (September 19, 2016)

While it is not possible for BAT mobile units to be everywhere at once, their presence at DWI checking stations is intended to increase the perceived risk of detection and apprehension among impaired drivers. The intention is to make a driver think before they drive impaired, and to consider a better alternative.

In addition to its’ enforcement efforts, the BAT mobile unit is also a public information campaign tool against DWI. BAT Coordinators educate the community on the dangers of impaired driving by participating in educational and safety events at schools, health and safety fairs, military events, and other community gatherings.

Driving while impaired is a 100% preventable crime. The BAT Program’s goal is to create an environment that positively influences a driver’s behavior. The hope is that the FTA Branch and its BAT Program has succeeded in serving the community by detecting, deterring, and apprehending the impaired driver. This, in turn, will prevent alcohol-related crashes, injuries and deaths.

## IV. RESPONSIBILITY AND ACCOUNTABILITY

### BAT COORDINATOR

- Ensures that breath testing instruments in the BAT mobile unit shall be used for Implied Consent Offenses to include Aircraft and Watercraft
- Ensures that all necessary forms, breath testing supplies, and evidential breath testing units are available and functional
- Responsible for informing checking station personnel that,
  1. the cellular phone on the vehicle is only for calling witnesses and attorneys (G.S. 20-16.2(a)(6))
  2. all DWI subjects and witnesses will be searched prior to entering the vehicle
  3. drivers charged with DWI that are unruly or pose a danger to themselves or others should be transported to a local breath testing facility
  4. any other pertinent information not covered in the briefing by the officer-in-charge (OIC)
- Signs out any equipment, and that equipment should be checked back in to the BAT mobile unit by the Coordinator upon completion
- Hand-delivers all Preventive Maintenance Records for the breath testing instruments to the OIC. This documentation should be maintained by the agency that sponsored the checking station, and be accessible to law enforcement officers for court purposes

### CHEMICAL ANALYST

- Authorized to perform chemical analyses of breath, following current rules and regulations

### AGENCY'S POINT-OF-CONTACT (POC) AND OFFICER-IN-CHARGE (OIC)

- Submits application for use of the BAT mobile event and receives confirmation or denial of reservation
- Responsible for assigning a Chemical Analyst to administer the breath test, and for assigning a finger-printing specialist
- Serves as the leader of the DWI or BWI checking station event

## V. APPLICATION AND RESERVATION OF THE BAT MOBILE UNIT



Download and complete a copy of the appropriate application form from the Governor's Highway Safety Program website. It is on the right side of the page under the heading, BAT MOBILE APPLICATION: <https://connect.ncdot.gov/municipalities/Law-Enforcement/Pages/Law-Enforcement-Reporting.aspx>



Submit the BAT application via email to:  
[Batprogram@dhhs.nc.gov](mailto:Batprogram@dhhs.nc.gov)  
30 days prior to the event.



### DWI and BWI Events

Submit a DWI Checking Station Plan or a BWI Action Plan, one week prior to the event.



### Education Events

Submit a brief description of the educational event with the BAT application.

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## VI. IMPORTANT CONSIDERATIONS WHEN APPLYING TO USE THE BAT MOBILE UNIT

1. Applicants must be 21 years of age to reserve the BAT mobile unit.
2. Sample copies of all BAT application forms, DWI Checking Station Plan and BWI Action Plans may be accessed through the Appendices of this manual or through the Governor's Highway Safety Program website.
3. If electronic means are unavailable, applications may also be mailed to the Forensic Tests for Alcohol Branch at 1922 Mail Service Center, Raleigh, North Carolina 27699-1922. ATTN: BAT Mobile Unit Coordinator.
4. Event applications that are not confirmed (by the requesting agency) with a DWI Checking Station plan or BWI Action Plan will not be considered for scheduling and the reservation may be cancelled.
5. Contact all law enforcement agencies in the county, and surrounding counties, for their participation. The number of officers will be a factor in determining the location.
6. The DWI Checking Station Plan should specify any change in location in which the BAT mobile unit is to be utilized, and be submitted prior to the scheduled DWI Checking station as an amended DWI Checking Station Plan. Failure to do so may result in the cancellation of the reservation for any future scheduled events with your agency.
7. For educational events, the application should include the number of anticipated attendees for the event, and specify its goals and objectives as part of the prerequisite brief description of the event (see flowchart in previous page).

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8. All applications received by the Forensic Tests for Alcohol Branch are reviewed to determine availability of the BAT mobile unit. Due to the high volume of requests, applicants need to specify a second or third priority date on the application. This is in the event that the BAT mobile unit may not be available on the preferred date.
  9. The Forensic Tests for Alcohol Branch shall exhaust all possible resources to accommodate requests for use of the BAT mobile unit. It also reserves the right to cancel the use of the BAT mobile unit for any scheduled event. In any event, the POC on the application will receive confirmation by email.
  10. There is no cost for the use of the BAT mobile unit except for damage incurred through misuse, negligence or failure to return equipment to the vehicle.
  11. The BAT mobile unit will arrive at the designated venue in a timely manner prior to a scheduled event.
  12. If unforeseen circumstances dictate the unavailability of the BAT mobile unit (such as an equipment breakdown, a critical enforcement emergency, etc.), the contact person on the application will be notified immediately.
  13. A BAT Coordinator accompanies the vehicle, provides expertise and experience in the operation of the vehicle.
  14. The BAT Mobile Unit Program Supervisor may be contacted for more information at the main number, (919) 707-5250, during business hours.

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## VII. CANCELLATION NOTICE

If the OIC or the POC of the requesting agency wishes to cancel a reservation of the BAT mobile unit, he/she must contact the BAT Coordinator listed in the confirmation letter, as soon as possible.



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## VIII. EQUIPMENT AVAILABLE ON THE BAT MOBILE UNIT



Magistrate Office



Evidential Breath Alcohol  
Testing Instruments



Traffic Cones



Office Work Stations with  
Computer and Printer



DWI Checking Station Signs



Finger Printing Equipment



Cellphones

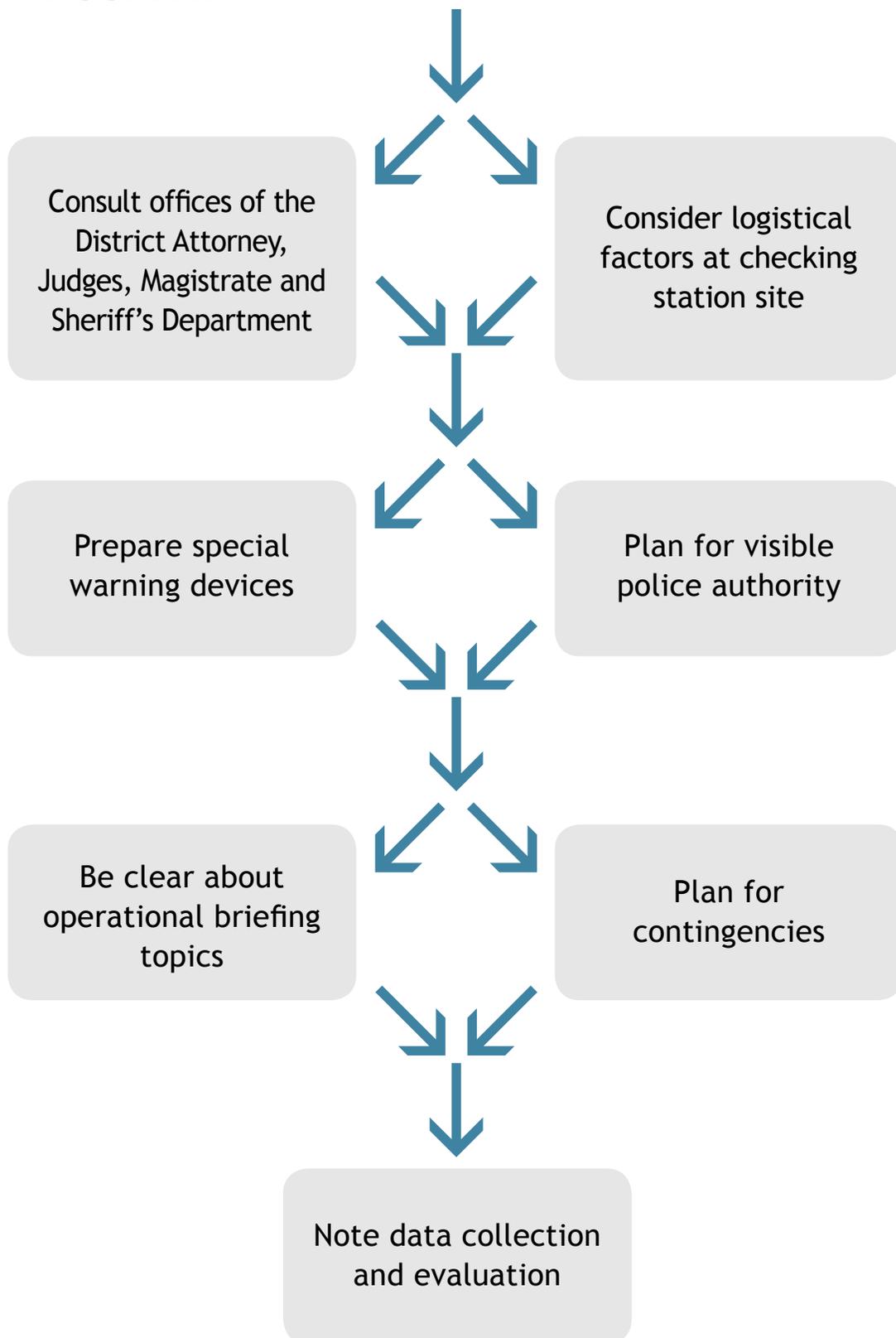


Drug Recognition Expert  
Evaluation Room (in largest BATs)



Defibrillator

# IX-A. PLANNING FOR AN EFFECTIVE CHECKING STATION PROGRAM



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## IX-B. GUIDE TO AN EFFECTIVE DWI CHECKING STATION PROGRAM

The purpose of a DWI checking station is to maximize the deterrent effect and increase the perceived risk of apprehension to motorists who would operate a vehicle while impaired by alcohol or drugs. A Department should have an ongoing program to deter impaired driving. The following are suggestions for establishing an effective checking station program.

### 1. When developing a checking station program or planning a checking station, agencies may want to consult with the following.

#### A. Local District Attorney's Office

- i. To assist with legal policies and mandated requirements
- ii. To provide help in setting up protocol, standards or guidelines for checking stations
- iii. To invite District Attorney office personnel to view checking station in operation

#### B. Judges

- i. To assist in what standards are expected to successfully prosecute your DWI case

#### C. Magistrate's

- i. The Magistrates office should be contacted by the hosting agency to be present on the BAT mobile unit at the checking station. The host agency also advises the magistrate of the date and time of the scheduled DWI checking station. This will ensure that a magistrate will be on duty to allow officers to remain at the checking station instead of having to transport arrestees to be processed at a separate facility.

#### D. The Sheriff's Department may be contacted to arrange for the transportation of persons arraigned to the jail.

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## 2. Checking Station Site Selection

The location for the checking station should take into account the likelihood of detecting impaired drivers, traffic conditions, the number of law enforcement officers available, the number of vehicles to be stopped, and the convenience of the motoring public.

- A. **Sight and stopping distances:** Vehicles should be able to safely stop prior to the checking station based on the posted speed limit and the fact that there may be a line of cars. Avoid curves, hills or other obstructions.
- B. **Two or four-lane roadway:** Consider whether the plan should require traffic to be stopped in one or both directions. The number of officers will determine this action.
- C. **Wide shoulder or parking area:** An area to park the BAT mobile unit and patrol cars.
- D. **Intersecting streets:** Limit intersecting streets to reduce the ability of motorists to avoid the checking station.
- E. **Surrounding area at the checkpoint:** Consider whether stores will be open and the number of homes in the area. It is preferable to minimize inconveniencing persons at their residential homes.
- F. **Location of apprehension vehicles:** Law enforcement vehicles facing in both directions should be able to safely pursue a vehicle that makes a turn prior to the checking station or, passes through it without stopping.
- G. **Location in relation to the jail:** Transporting prisoners to the jail will reduce personnel available at the checking station. Consider the use of transport vans in such cases.
- H. **Check out the location:** Inspect the location to determine traffic flow and other potential issues. Consider the time frame and day/s of the week.
- I. **Consider jurisdiction of assisting law enforcement agencies:** Determine if the location of the checking station is outside the jurisdiction of participating agencies. Then, determine if Mutual Aid Agreements are in effect.

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- J. **Determine a location for the checking station briefing:** It is preferable that a briefing be given at a distance that is not far from the checking station site. The briefing may be delivered at a parking lot near the checking station.

### 3. Special Warning Devices

- A. Special warning signs to advise of upcoming checking station (including advance-warning signs that advise motorists, why they are being stopped)
- B. Safety flares and traffic cones
- C. Permanent or portable lighting
  - i. Contact local Department of Transportation for aid with traffic control
- D. Marked patrol vehicles with lights activated

### 4. Visible Police Authority

- A. No threat to the public by obvious police presence
- B. Shows the legitimate reason for traffic checking station
- C. OIC is responsible for overall operation of the checking station and contingency plan
- D. Checking station should be staffed with enough personnel to ensure safety

### 5. Operational Briefing Topics

- A. Purpose and operation should be clear and concise (Checking station OIC)
- B. Questions should be standard for all drivers
- C. Explain the goals of the roadside sobriety checking station
- D. Explain the checking station site

- E. Stress the need for safety for both officers and motorists
- F. Identify OIC of checking station
- G. Discuss the placement of personnel and traffic control devices
- H. Develop and establish a systematic approach to stopping vehicles
- I. Verify that all participating officers can explain the purpose of the checking station (A uniform statement should be used)
- J. Officers should observe the occupants of every vehicle to ensure that they are properly using required safety restraints, and child safety seats
- K. Instruct officers to engage drivers and observe them for indicators such as the odor of alcohol or other drugs, bloodshot eyes, fumbling fingers, slurred speech, admission of drinking or drug use, abusive language and/or inconsistent responses
- L. If a motorist appears to avoid a checking station, law enforcement officers may stop and investigate in accordance with NC GS 20-16.3A and departmental policy
- M. If a vehicle is to be moved, it should be done by a uniformed officer

## 6. Contingency Planning

- A. Document all deviations and unusual events from the checking station plan
- B. Provide in detail, alternative plans for deviations

**7. Data Collection and Evaluation:** The checking station OIC may wish to analyze the data collected during the checking station to help establish future checking stations.

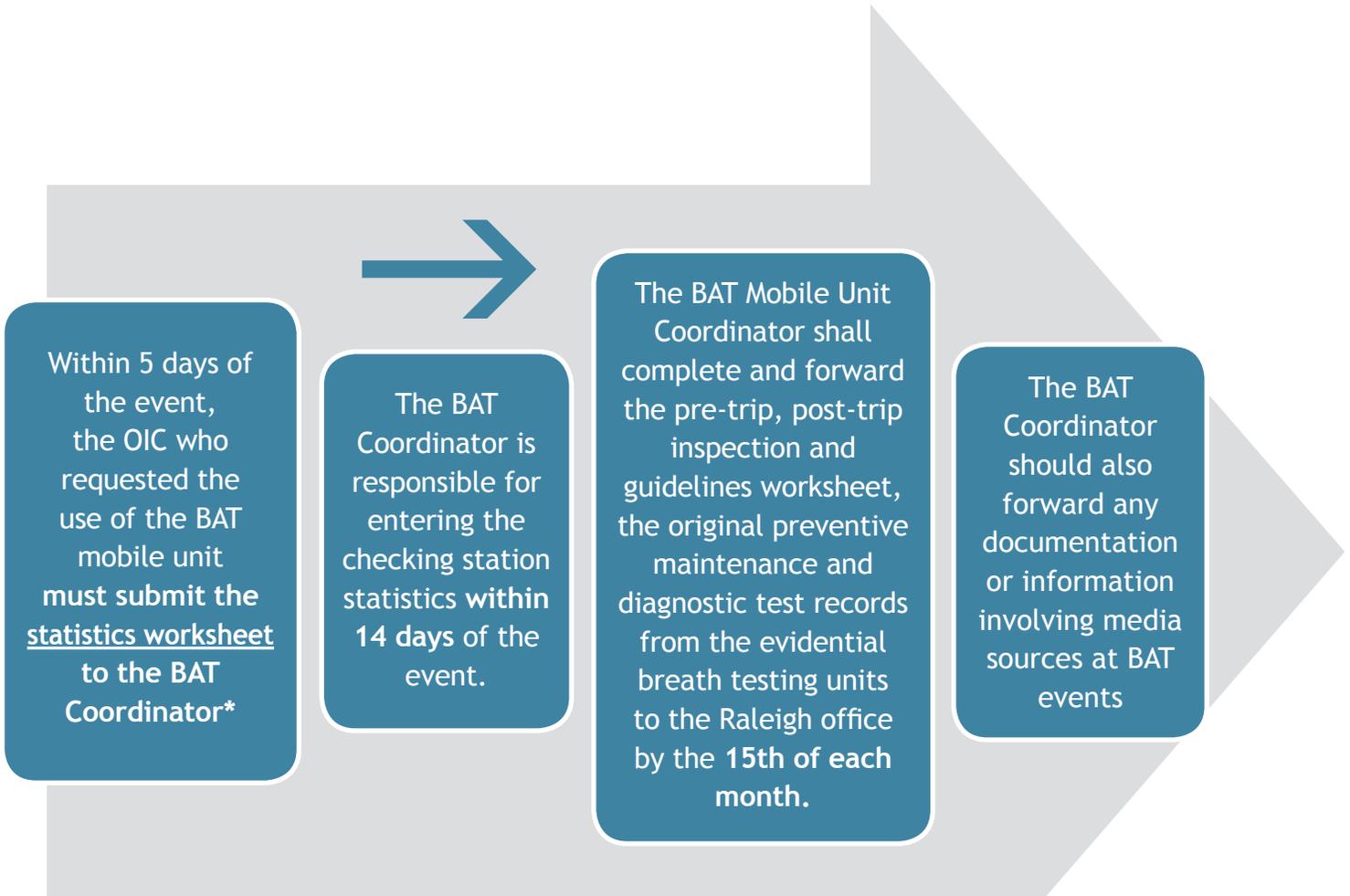
## X. GUIDELINE FOR VISITORS TO THE BAT MOBILE UNIT

During an on-going DWI Checking station or similar BAT event, impromptu visitors including media personnel may express an interest in entering the BAT mobile unit.

However, for the safety of all person(s) concerned, visitors and media personnel will NOT be allowed inside the BAT mobile unit unless authorized by the BAT Mobile Unit Coordinator.



# XI. POST EVENTS' REQUIREMENTS



\*Failure to comply with FTA policies may result in the cancellation of future use of the BAT mobile unit

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## APPENDIX: FORMS

**FORENSIC TESTS FOR ALCOHOL BRANCH  
DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**APPLICATION FOR BREATH ALCOHOL TESTING MOBILE UNIT**

**DWI CHECKING STATION**

To reserve the Breath Alcohol Testing (BAT) mobile unit, complete the application below and forward via e-mail to: [Batprogram@dhhs.nc.gov](mailto:Batprogram@dhhs.nc.gov)

Please indicate preferred alternative date(s) in the event that the BAT mobile unit is unavailable for the date requested.

**PLEASE TYPE OR PRINT**

Application Date	Requesting Agency		Address	
Contact Person	Job Title		City & County	
Office Phone	Cell Phone	Email Address of Contact Person		
Date of Event	Time of Event	Alternative Date (if any)	Alternative Date (if any)	
Address/Location of Checking Station (use TBD if to be determined)				
Date & Time of Briefing		Location of Briefing		Number of Officers
Participating Agencies				

**Important: To cancel a request for the BAT mobile unit, please call the BAT Coordinator listed on the Forensic Tests for Alcohol's confirmation letter as soon as possible.**

FOR FTA USE ONLY	
FTA Personnel:	BAT Coordinator
Date Received:	

**FORENSIC TESTS FOR ALCOHOL BRANCH  
DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**APPLICATION FOR BREATH ALCOHOL TESTING MOBILE UNIT**

**BWI CHECKING STATION**

To reserve the Breath Alcohol Testing (BAT) mobile unit, complete the application below and forward via e-mail to: [Batprogram@dhhs.nc.gov](mailto:Batprogram@dhhs.nc.gov)

Please indicate preferred alternative date(s) in the event that the BAT mobile unit is unavailable for the date requested.

**PLEASE TYPE OR PRINT**

Application Date	Requesting Agency		Address	
Contact Person	Job Title		City & County	
Office Phone	Cell Phone	Email Address of Contact Person		
Date of Event	Time of Event	Alternative Date (if any)	Alternative Date (if any)	
Address/Location of Checking Station (use TBD if to be determined)				
Date & Time of Briefing		Location of Briefing		Number of Officers
Participating Agencies				

**Important: To cancel a request for the BAT mobile unit, please call the BAT Coordinator listed on the Forensic Tests for Alcohol's confirmation letter as soon as possible.**

FOR FTA USE ONLY	
FTA Personnel:	BAT Coordinator
Date Received:	

**FORENSIC TESTS FOR ALCOHOL BRANCH  
DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**APPLICATION FOR BREATH ALCOHOL TESTING MOBILE UNIT**

**EDUCATIONAL/SAFETY EVENT**

To reserve the Breath Alcohol Testing (BAT) mobile unit, complete the application below and forward via e-mail to: [Batprogram@dhhs.nc.gov](mailto:Batprogram@dhhs.nc.gov)

Please indicate preferred alternative date(s) in the event that the BAT mobile unit is unavailable for the date requested.

**PLEASE TYPE OR PRINT**

Application Date	Requesting Agency		Address	
Contact Person		Job Title	City & County	
Office Phone	Cell Phone	Email Address of Contact Person		
Date of Event	Time of Event	Alternative Date (if any)	Alternative Date (if any)	
Description of Event				
Event Location/Address			Number of Attendees	
Participating Agencies/Law Enforcement (if any)			Number of Officers	

**Important: To cancel a request for the BAT mobile unit, please call the BAT Coordinator listed on the Forensic Tests for Alcohol's confirmation letter as soon as possible.**

FOR FTA USE ONLY	
FTA Personnel:	BAT Coordinator
Date Received:	

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## DWI Checking Station Plan Form

-MEMORANDUM--

TO:

FROM:

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:       am  pm

## 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:        am pm        day of

To:            am pm        day of

## 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]**

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## 5. Checking Station 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:

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 articulable suspicion that an occupant of a vehicle has violated a provision of the Motor Vehicle Code, or any other law, may detain the person suspected of the violation for further investigation 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. Prisoner transport will be handled by:

A magistrate will be available at the checking station  yes  no.

**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) Repealed by Session Laws 2006-253, s. 4, effective December 1, 2006, and applicable to offenses committed on or after that date.

(2) 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. 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.

(a1) A pattern designated by a law enforcement agency pursuant to subsection (a) of this section shall not be based on a particular vehicle type, except that the pattern may designate any type of commercial motor vehicle as defined in G.S. 20-4.01(3d). The provisions of this

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subsection shall apply to this Chapter only and are not to be construed to restrict any other type of checking station or roadblock which is lawful and meets the requirements of subsection (c) of this section.

(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 checking stations should be random or statistically indicated, and agencies shall avoid placing checking station 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. (1983, c. 435, s. 22; 2006-253, s. 4; 2011-216, s. 1.)

**BAT MOBILE UNIT REPORTING FORM – BAT FORM-01**

Forensic Tests for Alcohol Branch  
1922 Mail Service Center, Raleigh, NC 27699-1922  
(919) 707-5250

BAT Coordinator:  
Coordinator Email:

Event Date:  
Coordinator Phone:

**Agency Information**

(Please complete all information and return, email, or fax to your BAT Mobile Unit Coordinator.)

Name: \_\_\_\_\_ Checking Station Location: \_\_\_\_\_  
Agency: \_\_\_\_\_ City & County: \_\_\_\_\_  
Phone: \_\_\_\_\_ Email address: \_\_\_\_\_

**Checking Station & Patrols**

Number of Checking Stations:  
Number of Saturation & Random Patrols:  
**Total Checking Stations & Patrols:**

**Driving While Impaired**

Under 21 years of Age Charges:  
DWI Charges (0.08 or more):  
DWI (Drug) & DRE Evaluations:  
Refusals:

**Total DWI Charges:**

**Occupant Restraint**

Safety Belt Violations:  
Child Passenger Safety Violations:  
**Total Occupant Restraint Charges:**

**Other Traffic Violations**

DWLR:  
NOL:  
Open Container:  
Other Traffic Violations Not Listed:  
**Total Other Traffic Violations:**

**Criminal Violations**

Misdemeanor Drug Violations:  
Felony Drug Violations:  
Other Misdemeanor Violations:  
Other Felony Violations:  
**Total Criminal Violations:**

**Total Traffic & Criminal Violations:**

**Other (Do not count as part of Statistics)**

Stolen Vehicles Recovered:  
Fugitives Apprehended:  
Firearms confiscated:

**BAT Mobile Unit Checking Station Comments:**

Number of Law Enforcement Officers:

Magistrate at Checking Station:

Media at Checking Station:

Transport van available:

Preventive Maintenance files given to:

Participating Agencies:

- 1)
- 2)
- 3)
- 4)
- 5)
- 6)
- 7)
- 8)
- 9)
- 10)

## GUIDE for ADVANCE SIGN PLACEMENT at DWI CHECKING STATIONS

The information contained in this guide for checking station sign placement is taken from the manual on **UNIFORM TRAFFIC CONTROL DEVICES**, 2001 edition and are for guidance purposes only and should be applied using common sense and good judgement.

- I. Specifications for DWI checking station signs are as follows:
  - (a) It is recommended that the checking station signs are orange and the lettering is printed in black. **(Orange is used as the background color and black is used as a message on orange signs)**.
  - (b) All of your checking station signs should have a fully reflectorized background or be illuminated for better visibility at night.
  - (c) It is recommended that all checking station signs and related warning signs be a minimum of **36" x 36"** in order to be more visible. The Forensic Tests for Alcohol Branch **BAT Mobile Unit** uses **48" x 48"** signs to cover all types of checking station conditions. Most agencies could use the **36" x 36"** signs as they fit easily in the trunk of a patrol car.
  - (d) When you set up checking station signs and other warning signs you should space them at the proper distances apart to provide adequate time for the driver to perceive, identify, decide, and perform any necessary maneuver.

**The following table is a guide to advance sign placement at DWI checking stations where the driver will likely be required to stop. The distances shown are for roadways that are level. If 48" x 48" signs are used you may reduce the distances below by 75 feet between the signs.**

**Posted or 85 percentile speed MPH                      Number of feet between signs to stop**

**20 MPH** = no suggested minimum distance. Location depends on conditions at site.  
**25 MPH** = no suggested minimum distance. Location depends on conditions at site.  
**30 MPH**=====100 feet between signs=====  
**35 MPH**=====150 feet between signs=====  
**40 MPH**=====225 feet between signs=====  
**45 MPH**=====300 feet between signs=====  
**50 MPH**=====375 feet between signs=====  
**55 MPH**=====450 feet between signs=====  
**60 MPH**=====550 feet between signs=====  
**65 MPH**=====650 feet between signs=====

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## **(SAMPLE) BWI Enforcement Action Plan Form**

**Location:** Blue Waters Island, Duck Creek (Sky Dive Lake), Raleigh, NC.

Property owned by the Winning Energy Power Inc.

**Date:** July 4, 2016

### **PURPOSE**

As indicated by the Division of Law Enforcement Mission and Vision statements, wildlife law enforcement officers seek to ensure the safety of the boating public through “proactive law enforcement” and “through a variety of law enforcement methods.” During the course of a boating season wildlife law enforcement officers take a multifaceted approach to achieve this mission, which includes: boating education programs, media and public awareness, pre-launch boat safety checks, boat inspections, high visibility patrol, search and rescue, and through partnerships and special operations. The following Action Plan describes in detail a Special Detail that is directly tied to the two critical elements of our Mission which is “promoting safe, responsible boating and providing public safety” on one of the largest and most busy bodies of water in North Carolina.

### **BACKGROUND**

Blue Waters Island is well known as a gathering place for recreational boaters on Sky Dive Lake. It is a challenge for uniformed Law Enforcement Officers to detect impaired boat operators and other illegal activity. A majority of this illegal activity is occurring when the Law Enforcement Officers leave the area. Visual inspection of Blue Waters Island shows a concentration of alcoholic beverage containers, more so than other places on the lake. There is a long history of various criminal activity concentrated at this location including but not limited to Boating While Impaired, use of controlled substances, littering, underage drinking, and reckless boating.

### **GOALS**

Detect and decrease recreational boaters operating while impaired and other illegal activities in the area of Blue Waters Island (Duck Creek) of Sky Dive Lake.

## PREFERRED INVESTIGATION ACTION

Based on the reasons discussed above, Officers and Investigators with the NCWRC Division of Law Enforcement believe that the following type of investigative action is necessary to effectively identify, charge, and successfully prosecute individuals involved in operating motorboats and vessels on the waters of Sky Dive Lake while under the influence of an impairing substance. The operation's success will be accomplished with cooperation and partnerships of the North Carolina Wildlife Resources Commission-Law Enforcement Division and the North Carolina Alcohol Law Enforcement. The local sheriff's departments will not be involved in this operation and should not be made aware of this operation at any time. This will provide the opportunity for our partners in law enforcement to focus on all state crimes and or violations observed including but not limited to alcohol related offenses. This investigation will promote safe and responsible boating and provide the public an increased level of safety by taking a proactive approach to impaired operation and other violations through the highest level of professional law enforcement. This will be accomplished by inserting covert officers into the high volume party areas in and around Duck Creek and the party areas of Blue Waters Island. There will be uniformed patrol officers in marked patrol boats in the area of Duck Creek and the main channel of Sky Dive Lake. Blue Waters Island is located in Wake County and has for years provided an area that operators raft their boats together by tying together in numbers. Officers assigned to this area are constantly bombarded with complaints from the public regarding the gross amount of impairing substances consumed or introduced into the body prior to leaving these party spots while operating a motor vessel. In addition, many of these boat operators make their way to a boat ramp and load their vessels onto a trailer, then proceed to drive on the roadways of North Carolina. Due to the use of electronic communication pinpointing officers' locations and the sheer volume of individuals involved in the abuse of impairing substances, it makes it hard for uniformed officers to apprehend and prevent impaired individuals from operating vessels. Implementing this operation through the use of the following steps can help prevent this gross negligence:

- Implement a civilian vessel provided by the SIU and operated by covert officers.
- The vessel being used will be occupied by members of the SIU.
- Covert officers will befriend individuals making use of the area while observing and documenting violations occurring in the area. Violations will be documented by use of electronic communication as well as covert and overt media capturing devices.
- Covert officers will most likely encounter spirituous liquor and illicit drug use. This information will be relayed to the ALE Agent involved in the operation. All violations arising from Chapter 18B and Chapter 90 will be the responsibility and enforced by the ALE Agent. Officers that does

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not have an ALE Agent onboard their patrol boat and encounters Chapter 18B and Chapter 90 violations will call for the ALE Agent via radio communication. If the ALE Agent is busy and cannot respond then it will be the responsible of the officer to deal with the violations.

- Violations observed by covert officers will be relayed to Sgt. Sharum located Duck Creek VIA SMS text messaging. Sgt. Sharum will be at a designated location to observe Blue Waters Island. Sgt. Sharum will communicate the information received by the SIU to the officers on the patrol boats by cell phone or radio. This operation will operate on D6-WRC Direct. If this radio communication fails to work communication will be made to all patrol boats and officers via phone to notify to operate on D6-Comm for the remainder of the operation. Sgt. Sharum will be observing Blue Waters Island with the use of binoculars and spotting scopes. They will be able to observe a different angle of Blue Waters Island. This will ultimately assist SIU with which motorboats/vessels/operators to stop. The information provided to Sgt. Sharum shall include as much description as possible of the operator(s) and motorboat(s) to include but not limited to: vessel numbers, color, make, and year of the vessel; number of occupants; clothing being worn; and direction of travel. In return Sgt. Sharum should pass these details along to the officers in the patrol boats.

- At no time during the operation shall it be divulged to the public that covert officers are occupying the party areas. No other agency other than \_\_\_ and \_\_\_ shall be made aware of this operation. This is solely due to the safety of officers involved as well as to maintain the integrity of future operations that are alike in nature.

- While working in a covert capacity, officers understand that this area is inherently different that routine uniformed patrol due to unforeseen circumstances that might arise. Although not all problems that could arise will be listed through this action plan, each circumstance that is encountered by officers working this detail will be approached with the highest level of integrity and professionalism.

**PHASE ONE** - Undercover officers will launch from \_\_\_\_\_ Access Area (7777 Salisbury NC 28146) by \_\_\_ hrs. and travel by boat and arrive at Blue Waters t Island by \_\_\_ hrs. Undercover officers will begin to intermingle with the public and begin observing violations. Uniformed Officers with trucks and patrol boats will meet for a briefing at 555 Faith Rd, Salisbury NC 28146 at \_\_\_ hrs. Officer Jones will give the briefing at \_\_\_\_\_ hrs. All officers involved in operation except \_\_\_ will attend the briefing. Officer Jones will make contact with the \_\_\_ before the briefing to relay any specific information from the \_\_\_ to the field officers. After the briefing all patrol boats will be launched from 222 Jump Rd. Officers will then take patrol trucks without boat trailers from 222 Jump Rd to \_\_\_\_\_ Access Area and park beside the BAT Mobile. Officers in patrol boats will pick up officers that transport trucks to the \_\_\_\_\_ Access Area.

The patrol trucks parked at the \_\_\_\_\_ Access Area will be used for transport to the magistrate's office in Salisbury. All patrol boat units, SIU, and Sgt. Sharum should be in assigned location by \_\_\_ hrs. Uniformed officers will patrol boating as they normally would on any other weekend. The officers in the patrol boats will work in the area of Duck Creek and the Main Channel of Sky Dive Lake closest to Duck Creek. The uniformed officers will not patrol boating in the area of Blue Waters Island where they can be seen by boaters on Blue Waters Island unless directed to stop a motorboat by Sgt. Sharum. The detail will start at \_\_\_ hrs. and run till \_\_\_ hrs. All officers that are available will meet at \_\_\_\_\_ Creek Access Area for a debriefing at \_\_\_ hrs.

**PHASE TWO** – Observe, identify and document violations encountered. Gather secure and document evidence obtained through covert activity. Build trust among subjects to gain their confidence while holding to the standards of the upmost professionalism while operating in a covert capacity.

**Scouting Assignments: (Subject to Change)**

306/106

**Patrol Boat Assignments: (Subject to Change)**

316/

326/

336 (Patrol Boat) to be used if we have additional officers.

346/ALE Agent Tom Hanks

**PHASE THREE-** Uniformed officers will make vessel stops and take action that is reasonable and necessary. Uniformed officers that receive information of a motorboat/vessel/operator needing to be stopped from the \_\_\_ or Sgt. Sharum shall administer seated battery of field sobriety test to determine if the operator is impaired. If the operator refuses to cooperate and does not complete the seated battery of SFST's the officer should arrest suspect for Operating While Impaired. The reasonable suspicion and probable cause of operating while impaired is coming from the \_\_\_ or Sgt. Sharum. They will be available to testify in court. This is even if the officer does not see appreciably impairment of the suspect. All suspects charged with OWI should be physically arrested. Subjects that have been physically arrested will be transported by water to \_\_\_\_\_ Access Area, then to the BAT Mobile located at the access area for a chemical analysis of their breath. As a secondary option the uniformed officer may transport the suspect by vehicle to Salisbury Police Department-130 E Liberty St. Salisbury in the case the BAT Mobile is not available. After the chemical analysis of their breath is administered the uniformed officer will transport the suspect to the Wake County Magistrate's Office at \_\_\_\_\_ Salisbury NC 28144

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(704-797-3130). If necessary, transport to Novant Health Rowan Medical Center- 612 Mocksville Avenue Salisbury NC 28144 (704-210-5000) for a blood draw.

### **EQUIPMENT AND EXPENSES**

All Area 3 Officers will have a blood test kit and OWI Rights in their patrol bag on their patrol boat. There should be minimal expenses incurred by \_\_\_\_ as marked and unmarked patrol vehicles and marked patrol boats will be used by uniformed \_\_\_\_ officers. There will also be covert vehicles, covert boats, and supplies provided and maintained by \_\_\_\_\_. All fuel will be purchased using issued Go-gas cards.

### **PRECAUTIONARY MEASURES**

In the event there is no one aboard a vessel that can safely operate it to shore, passengers will be given several options.

- A uniformed officer may operate the vessel until it is safe ashore
- A cell phone may be offered to call a friend that may be able to bring a sober operator to their vessel
- Other uniformed officers in the area may need to assist the arresting officer

### **OTHER CONTACTS:**

**ALE Agent Tom Hanks-** (919-418-9975)

**Rowan Co Communication Center:** (704-216-8501)

**Hospital:** Novant Health Rowan Medical Center- 612 Mocksville Avenue, Salisbury NC 28144 (704-210-5000)

**Fire Department:** 9000 Bringle Ferry Rd, Salisbury, NC 28146

**EMS Base:** 270 St. Matthews Church Rd, Salisbury

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## Sample Letter of Confirmation (Educational Event)

July 21, 2016

Dear Officer XXX:

Thank you for your interest in utilizing the Breath Alcohol Testing (BAT) Mobile Unit for your Highway Safety/Educational Event. This is to confirm that the BAT Mobile Unit is scheduled for your event on: **August 2, 2016**.

For any changes or cancellation, please contact **(BAT COORDINATOR) at (XXX-XXX-XXXX)** or email at **(XXX@dhhs.nc.gov)**. Please leave a voice mail and we will return your call and/or email in a timely manner.

We appreciate your support and the opportunity to serve your organization in the effort to remove the impaired driver from our streets and highways. If we can be of any further assistance, please do not hesitate to call us.

Sincerely,

XXXXXX  
Supervisor  
BAT Mobile Unit Program  
Forensic Tests for Alcohol Branch

## Sample Letter of Confirmation (BWI Enforcement or DWI Checking Station)

July 21, 2016

Dear Officer XXX:

Thank you for your interest in utilizing the Breath Alcohol Testing (BAT) mobile unit. This is to confirm the presence of the BAT mobile unit at your Driving While Impaired (DWI) Checking station event on **August 27, 2016**.

Please send a copy of your BWI Action Plan (or DWI Checking Station Plan) at least one week *prior* to this event. Failure to comply with this requirement will result in the cancellation of the use of the BAT Mobile unit. Also, you may find it helpful to review the information that has been sent to you on the use of the BAT mobile unit.

For any changes or cancellation, please contact **(BAT COORDINATOR)** at **(XXX-XXX-XXXX)** or email at **(XXX@dhhs.nc.gov)**. Please leave a voice mail and we will return your call and/or email in a timely manner.

We appreciate your support and the opportunity to serve your organization in the effort to remove the impaired driver from our streets and highways. If we can be of any further assistance, please do not hesitate to call us.

Sincerely,

XXXXX  
Supervisor  
BAT Mobile Unit Program  
Forensic Tests for Alcohol Branch

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## Sample Letter of Denial (Educational Event)

March 1, 2016

Dear Officer XXX:

We appreciate your interest in utilizing the Breath Alcohol Testing (BAT) mobile unit for your Highway Safety/Educational Event. Unfortunately, the BAT mobile unit will not be available for your educational event on **April 16, 2016** due to a conflict in schedule.

If you wish to schedule the BAT mobile unit in the future, please feel free to contact your regional BAT Coordinator (**BAT COORDINATOR's name**) at (**XXX-XXX-XXXX**) or email at (**XXX@dhhs.nc.gov**). Please leave a voice mail and we will return your call and/or email in a timely manner.

If we can be of any further assistance to you, please do not hesitate to call us.

Sincerely,

XXXXXX  
Supervisor  
BAT Mobile Unit Program  
Forensic Tests for Alcohol Branch

## Sample Letter of Denial (DWI Checking Station)

March 1, 2016

Dear Officer XXX:

We appreciate your interest in utilizing the Breath Alcohol Testing (BAT) mobile unit for your Highway Safety/Educational Event. Unfortunately, the BAT mobile unit will not be available for your DWI Enforcement Event on **April 16, 2016** due to a conflict in schedule.

If you wish to schedule the BAT mobile unit in the future, please feel free to contact your regional BAT Coordinator (**BAT COORDINATOR's name**) at (**XXX-XXX-XXXX**) or email at (**XXX@dhhs.nc.gov**). Please leave a voice mail and we will return your call and/or email in a timely manner.

If we can be of any further assistance to you, please do not hesitate to call us.

Sincerely,

XXXXXX  
Supervisor  
BAT Mobile Unit Program  
Forensic Tests for Alcohol Branch





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