

TITLE 150: DEPARTMENT OF PUBLIC SAFETY

**SUBCHAPTER 150-60.1
POLICE ROADBLOCKS AND CHECKPOINTS REGULATIONS**

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Subchapter Authority: 1 CMC § 2507; 9 CMC § 8212.

Subchapter History: Adopted 21 Com. Reg. 16850 (July 23, 1999); Emergency and Proposed 21 Com. Reg. 16635 (Apr. 19, 1999) (effective for 120 days from Apr. 8, 1999).

Commission Comment: PL 1-8, tit. 1, ch. 10, codified as amended at 1 CMC §§ 2501-2507, creates the Department of Public Safety (DPS) within the Commonwealth government, composed of a police force. See 1 CMC § 2501; see also PL 14-25 § 3 (effective Aug. 20, 2004) (amending 1 CMC § 2501). 1 CMC § 2507 directs the Department to adopt rules and regulations regarding activities over which it has jurisdiction.

PL 11-55 (effective Jan. 29, 1999), the “Mandatory Liability Auto Insurance Act,” codified at 9 CMC §§ 8201-8218, mandates minimum motor vehicle liability insurance in the CNMI. 9 CMC § 8212 authorizes DPS to conduct roadblocks and/or checkpoints along the public highways to enforce the act. DPS is directed to promulgate rules and regulations establishing guideline procedures for conducting roadblocks or checkpoints.

Part 001 - General Provisions

§ 150-60.1-001 Purpose

The purpose of the rules and regulations in this subchapter is to provide guidelines for the construction and operation of a police roadblock and or checkpoint for the Commonwealth of the Northern Mariana Islands, Department of Public Safety, in coordination with the Office of the Attorney General, to enforce “The Mandatory Liability Auto Insurance Act” which requires motorists to have the mandatory minimum liability insurance for all motor vehicles in the Commonwealth; and for other purposes.

Modified, 1 CMC § 3806(d).

History: Adopted 21 Com. Reg. 16850 (July 23, 1999); Emergency and Proposed 21 Com. Reg. 16635 (Apr. 19, 1999) (effective for 120 days from Apr. 8, 1999).

§ 150-60.1-005 Objective

DPS’s objective is to effectively identify and cite violators for failure to have in the vehicle’s possession a valid motor vehicle insurance card indicating the required minimum liability insurance or copy of the mandatory minimum liability auto insurance policy for operating a vehicle on the highways of the Commonwealth of the Northern Mariana Islands. The minimum liability coverage for each vehicle shall be: \$15,000 for bodily injury or death of any one person in any one accident; \$30,000 for the bodily injuries or deaths of all persons involved in any one

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accident; and \$15,000 for injury, damage or destruction of property in any one accident.

Modified, 1 CMC § 3806(g).

History: Adopted 21 Com. Reg. 16850 (July 23, 1999); Emergency and Proposed 21 Com. Reg. 16635 (Apr. 19, 1999) (effective for 120 days from Apr. 8, 1999).

Commission Comment: The Commission changed “he” to “the” to correct a manifest error.

Part 100 - Rules and Regulations

§ 150-60.1-101 Implementation

To implement the rules and regulations in this subchapter, the DPS, Traffic Section and the Bureau of Motor Vehicles must:

- (a) Satisfy federal and local legal requirements.
- (b) Conduct roadblocks and or checkpoints with minimum intrusions and motorist inconvenience.
- (c) Assure the safety of the general public as well as law enforcement officers, and BMV staff involved.
- (d) Provide for an objective site selection process based on the location of motorists going to and returning home from work.
- (e) Provide for public information and education to heighten awareness of “The Mandatory Liability Auto Insurance Act.”
- (f) Provide for systematic procedures for data collection on the number of insured and uninsured vehicles and consistency of the roadblock and or checkpoint.
- (g) Officer and staff selection should be based on experience and training. Operational procedures will be covered during briefing prior to each roadblock and or checkpoint.

Modified, 1 CMC § 3806(d), (f), (g).

History: Adopted 21 Com. Reg. 16850 (July 23, 1999); Emergency and Proposed 21 Com. Reg. 16635 (Apr. 19, 1999) (effective for 120 days from Apr. 8, 1999).

Commission Comment: In subsection (e), the Commission inserted an opening quotation mark before “The” and moved the period after “Act” inside of the closing quotation mark. The Commission created the section title.

§ 150-60.1-105 Criteria

Written procedures consistent with existing DPS policies prepared in advance of roadblock and or checkpoint operations must:

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- (a) Be approved by the Commissioner of Public Safety or his/her designee prior to commencement of a roadblock and or checkpoint.
- (b) Specify signs, safety equipment, warning devices, barriers, etc. that will be used, their placement and proper usage at the scene.
- (c) Inspect all vehicles for compliance of the Mandatory Liability Auto Insurance Act.
- (d) Specify dialogue and educational material to be used by checkpoint personnel.
- (e) Provide for the safe and expeditious removal of vehicles to the pre-determined area when further investigation is required.

History: Adopted 21 Com. Reg. 16850 (July 23, 1999);

Emergency and Proposed 21 Com. Reg. 16635 (Apr. 19, 1999) (effective for 120 days from Apr. 8, 1999).

§ 150-60.1-110 Roadblock and Checkpoint Procedures

The following procedures shall be followed for the construction and operation of all roadblocks and or checkpoints conducted by the Department and the Bureau of Motor Vehicles after approval of the Commissioner of Public Safety or his/her designee:

- (a) All roadblocks and or checkpoints shall be under the control of the Traffic Section of the Police Division and coordinated between other sections of the Department including the Bureau of Motor Vehicles, Patrol Section, Criminal Investigation Bureau, and the Public Information Officer.
- (b) Locations for roadblock and or checkpoint operations shall be predetermined.
- (c) Selected locations must permit the safe flow of traffic through the roadblock or checkpoint taking into consideration the following:
 - (1) The posted speed limit at the area, traffic volume and visibility.
 - (2) Ensure adequate space for the “safety zone” area available to pull the vehicle off the travel portion of the roadway.
- (d) Location selected should have maximum visibility from each direction. Sufficient illumination should be provided. If permanent lighting is not available, then ensure portable lighting (i.e. flood lights) are provided.
- (e) Roadblocks and or checkpoints will be announced.
 - (1) The Department of Public Safety, in coordination of the Attorney General’s Office, is authorized by law to conduct such roadblocks and or checkpoints under 9 CMC § 8113. The public information officer will release information to the media of the upcoming roadblock or checkpoint.
 - (2) The press release shall take into consideration the following:

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- (i) That the roadblocks or checkpoints are for public information and education purposes.
- (ii) The Department shall encourage media interest in the roadblocks and or checkpoints program to enhance public perception of aggressive enforcement, to heighten the deterrent effect, and to assure the protection of the public's rights.
- (iii) The Department will provide advance notification of the roadblock or checkpoint to other public agencies expected to be impacted such as Public Works, Commonwealth Health Center, (CHC), the Attorney General's Office, etc.

(f)(1) At least six sworn police officers with marked police vehicles and motorcycles will be required to work the roadblock or checkpoint operation at each designated roadblock or checkpoint area, with staff from the Bureau of Motor Vehicles assisting. The officers shall be provided with on-scene supervision by at least a sergeant or designee. This is to ensure safe and efficient operation of the roadblock and or checkpoint with all personnel involved in the inspection of vehicles if they are in compliance with "The Mandatory Liability Auto Insurance Act" requiring motorists to have in the vehicle's possession a valid motor vehicle insurance card indicating the required minimum liability insurance coverage or copy of the motor vehicle insurance policy with the minimum liability insurance coverage for operating a vehicle on the highways of the Commonwealth of the Northern Mariana Islands.

(2) Safety methods and warning devices shall include, but are not limited to:

- (i) Warning signs placed in advance of the roadblock or checkpoint.
- (ii) Flares, fuses, or similar devices.
- (iii) Traffic safety cones.
- (iv) Road barriers with reflectors.
- (v) Permanent/portable lighting.
- (vi) Police patrol equipment with emergency red and blue lights with accompanying sirens.

(3) The above described devices shall be situated in such a manner as to promote the safety of the officers working the roadblock or checkpoint and of the motorists that are the subject of the roadblock or checkpoint. The safety cones and traffic flares will be placed alternately to create a "safety zone." An instruction for a violator to proceed to the safety zone will be for a violation which requires further investigation.

(g) Two marked police vehicles shall be used to signify the beginning and the end of the roadblock or checkpoint, leaving a gap of at least one hundred feet between the marked police vehicles so that vehicles stopped during the operation can be safely contained in the area of investigation. This "safety zone" is described in the above subsection. The marked police vehicle shall have emergency lights and flasher on during the entire operation.

(h) Vehicles stopped at any roadblock or checkpoint shall have its vehicle registration card stamped with the BMV stamp that they have been through the roadblock or checkpoint to avoid duplication of work. The following will indicate on the stamped registration:

- (1) "Y" means Yes, the vehicle is insured and is in compliance with the Mandatory Liability Auto Insurance Act.
- (2) "N" means No, the vehicle is not in compliance with the Mandatory Liability Auto Insurance Act.
- (3) "I" means Informed, the vehicle operator was informed of the Mandatory Liability Auto Insurance Act if uninformed of the act, and the next time he gets stopped and has yet to purchase

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the required liability insurance for the vehicle, will get cited for failure to do so as required under this act.

(i)(1) All vehicles except U.S. and CNMI government vehicles going through the roadblock and or checkpoint will be checked for compliance of the Mandatory Liability Auto Insurance Act. CNMI government vehicles are those vehicles that are owned or leased by the CNMI government for official government purposes.

(2) It is mandated that roadblock and or checkpoint operations will be ceased when the ranking officer at the scene sees that traffic starts to pile up excessively. Operations will not be conducted during peak traffic hours (rush hours) unless it is necessary for an on-going search of a fugitive. Any deviation from the pre-determined guidelines must be documented with the reason for the deviation, (i.e. traffic backing up, intermittent inclement weather).

(j) All approaches to vehicles and occupants of subject vehicles shall be made by sworn uniformed police personnel during checkpoint operations. An officer making the approach shall be at all times courteous and conform to departmental policy.

(k) During the course of the roadblock and or checkpoint operation, all necessary efforts shall be made for Traffic Section personnel to handle the investigation, and issuance of citations for non-compliance of “The Mandatory Liability Auto Insurance Act.” Depending on the work load and manpower, traffic personnel will not be limited to the above described cases. Relevant cases shall be handled by respective personnel as described in subsection (a). For example, it is recommended that Criminal Investigation Bureau Officers investigate cases involving weapons in plain view, stolen vehicles, and any criminal offenses that are determined during the course of the roadblock and or checkpoint, and likewise for Traffic Section Officers to handle the investigation and arrest procedures for all drunk driving and/or drug impaired cases that are determined during the course of the roadblock and or checkpoint as well.

(l) The duration of a roadblock or checkpoint operation should be no longer than two hours. The law requires that all motor vehicles being operated on the highways of the Commonwealth must be insured with at least the minimum liability requirement of \$15,000, \$30,000, \$15,000. Traffic flow should be allowed to run smoothly. All stops should be conducted with courtesy, professionalism and handled expeditiously as possible to avoid public inconvenience.

Modified, 1 CMC § 3806(d), (e), (f), (g).

History: Adopted 21 Com. Reg. 16850 (July 23, 1999); Emergency and Proposed 21 Com. Reg. 16635 (Apr. 19, 1999) (effective for 120 days from Apr. 8, 1999).

Commission Comment: The original paragraphs of subsections (e), (f), and (i) were not designated. The Commission designated subsections (e)(1) and (e)(2), (f)(1) through (f)(3), and (i)(1) and (i)(2).

In subsection (f)(2)(ii), the Commission corrected the spelling of “fuses.” In subsection (f)(3), the Commission moved the period after “zone” inside of the closing quotation mark and changed “require” to “requires” to correct manifest errors. In subsection (k), the Commission moved the period after “Act” inside of the closing quotation mark. The Commission inserted commas after the words “effect” in subsection (e)(2)(ii) and “vehicles” in subsection (k) pursuant to 1 CMC § 3806(g).

§ 150-60.1-115 Evaluation

The following systematic method of data collection will be incorporated to ensure standardization and consistency of the roadblock or checkpoint requirement:

- (a) An after action report must be prepared and submitted by the checkpoint operation officer-in-charge upon completion of each operation. The report shall include but is not limited to the following:
 - (1) Time, date, and location of the operation.
 - (2) Duration of length of time it took to complete the operation.
 - (3) Weather condition.
 - (4) Number of vehicles passing through the roadblock or checkpoint.
 - (5) Average time delay to motorists.
 - (6) Number of citations and list of violations committed for non-compliance of “The Mandatory Liability Auto Insurance Act.”
 - (7) Number and type of arrest conducted other than for violations of The Mandatory Liability Auto Insurance Act.
 - (8) Unusual incidents.
 - (9) Listing of citations issued, including names and charges of all other charges.
- (b) A copy of the report must be submitted to the officer-in-charge of BMV for record purpose.

Modified, 1 CMC § 3806(f), (g).

History: Adopted 21 Com. Reg. 16850 (July 23, 1999); Emergency and Proposed 21 Com. Reg. 16635 (Apr. 19, 1999) (effective for 120 days from Apr. 8, 1999).

Commission Comment: In subsection (a)(6), the Commission moved the period after “Act” inside of the closing quotation mark. The Commission inserted a comma after the word “date” in subsection (a)(1) pursuant to 1 CMC § 3806(g).

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- (a) The assigned officer-in-charge of the roadblock or checkpoint operation in conjunction with BMV shall coordinate with respective units/sections involved at least two weeks in advance.
- (b) The assigned officer-in-charge shall thoroughly brief and provide all pertinent information to roadblock or checkpoint operation personnel prior to each operation.
- (c) Upon completion of a roadblock or checkpoint operation, the officer-in-charge shall debrief the operation personnel and ensure the proper storage and maintenance of all equipment and vehicles used during the operation.

Modified, 1 CMC § 3806(e), (f).

History: Adopted 21 Com. Reg. 16850 (July 23, 1999); Emergency and Proposed 21 Com. Reg. 16635 (Apr. 19, 1999) (effective for 120 days from Apr. 8, 1999).

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