

When the Police Gets Bored Everyone is in Danger

I represented a man in Alamance County who was charged with Driving While Impaired. He had been stopped at a roadblock by three local policemen. That roadblock was set up because they “didn’t have much to do that night.” I argued under *State v. Rose* and other cases that a roadblock can not be set up just because the police are bored. The police have to have a primary programmatic purpose for setting up a roadblock at that specific location for that particular reason. The policeman testified first that this was “a general crime control roadblock” (which is prohibited by *Indianapolis vs. Edmonds* a U.S. Supreme Court Case). He also testified that they chose this location because it would have more traffic than other locations. Not that there were any particular problems at that location other than speeding. I questioned him as to whether roadblocks were effective at catching speeding violators and he opined that they were not. The judge found that the roadblock was set up improperly and thus the stopping of my client’s vehicle was unconstitutional and dismissed all charges against my client.