

Motorcycle Only Roadblocks



B.O.L.T. Summit
January 2012
Las Vegas, NV

Agenda

- History of Motorcycle Only Roadblocks
- How to Get Involved
 - Gather & disseminate information
 - Work with LEAs & learn their tactics
 - Actively exercising rights with LEOs
- Wrap-Up
- Q&A



History



- MC-only checkpoints (Administrative Roadblocks) began in New York state
- NHTSA established “Motorcycle Law Enforcement Demonstrations Grant” (DTNH22-10-R-00386) in 2010 to help fund local / state LEAs

The National Highway Traffic Safety Administration (NHTSA)...in an effort to study...the applicability of advanced law enforcement activities...to reduce motorcycle crashes and related injuries and fatalities in other jurisdictions throughout the United States. At this time [NHTSA] would like to invite your agency to participate in supporting this Program entitled “Motorcycle Law Enforcement Demonstrations”.

- Expanded to other states, e.g. Georgia, South Carolina, Virginia, Utah
- New York case challenged constitutionality of MC-only roadblocks (lost in Federal court): Wagner et al. v. The County of Schenectady, et al.
- New Hampshire is first state to ban MC-only roadblocks (HB 148, July 2011)
- Various national motorcycle rights organizations are opposed to MC-only roadblocks and are organizing lobbying efforts (e.g. NCOM Legislative Task Force, AIM, BOLT, MRF, ABATE)

What can I do?



Help collect data...

- Write letters and submit requests...follow up on them
- Gather and organize data
- Construct info packets, disseminate information, and gather lessons learned

Get the word out...

- Help spread the word that roadblocks don't reflect the values of the USA
- Get involved in like-minded organizations
- Organize like-minded folks and use their unique skill sets

Be a confronter...channel Paul Revere

- Confronting the Police and/or Government is not for everyone
- Everyone wins when the Government is properly confronted
- Although this role is key, there is a great deal of support needed from the Patriots behind the scenes
- Confrontation can be:
 - passive (e.g. using warning signs or notifications to increase awareness of roadblocks), or
 - active (e.g. deliberate presence at roadblocks with intent to exercise rights)

In the forming of our Country many things were done by many people...and most of these Patriots remained anonymous.

“Them’s fightin’ words...”



Gathering information is the first step:

- Freedom of Information Act (FOIA) requests are a key lever to obtain information
- GuerrillaLawfare.com contains an easy-to-use state-specific FOIA request generator
- General information on funding, number of MC-only roadblocks, and guidelines / regulations governing roadblock execution, as well as restrictions thereon, provide a solid foundation
- Specifics on law enforcement agencies (LEA) involved, number of citations issued / revenue generated, and specific LEOs involved as well as complaints helps build a better knowledge base

TIP: Break the requests into small pieces to increase familiarity of dealing with requests from both sides...this will also eliminate confusion so results are more accurate.

TIP: US Mail is the preferred method for sending FOIA requests. Keep copies of all correspondence for your files.

The written word is a key tool in the fight:

- Information gathered through FOIA requests can be used to compile information packets for those stepping up to confront or protest
- A thorough knowledge of all the laws, rules, regulations, and prohibitions governing MC-only roadblocks is essential in holding LEAs accountable for performing the checkpoints properly
- Build relationships with your elected officials, local LEAs, and other government agency contacts
- Keep these contacts, especially elected officials, apprised of your progress, especially any issues you spot in the roadblock execution
- Disseminate information gathered to like-minded groups and fellow freedom-fighters

TIP: Mingle with and share information to and from the folks involved in protesting DUI roadblocks...and learn from their (often more numerous) experiences.

Here's Your Sign

Warning signs provide an opportunity to “opt out”

- Goal is to increase the ratio of non-consenting riders
- The use of additional warning signs in advance of a roadblock has shown to be a very effective method of reducing roadblock traffic (and therefore revenue)
- Signs should be displayed well in advance of roadblock, allowing ample opt outs for riders via turn-offs or legal u-turns
- Work within the law! Ensure both your signage and your protest comply with all local laws (e.g. staying out of roadway)

TIP: Signage with clear and simple language is most effective.



Know your rights...and hold your ground!

- Record names and badge numbers for all LEO interactions (LEOs are required to provide this information upon request)
- Know details of your state's stop and ID laws
- Have your responses, backed up with your research on laws and cases, prepared in advance in case you are challenged
- Ask to speak to a supervisor
- Make an audio/video recording of your activities, especially any encounters (be sure to know your state's laws on recording)

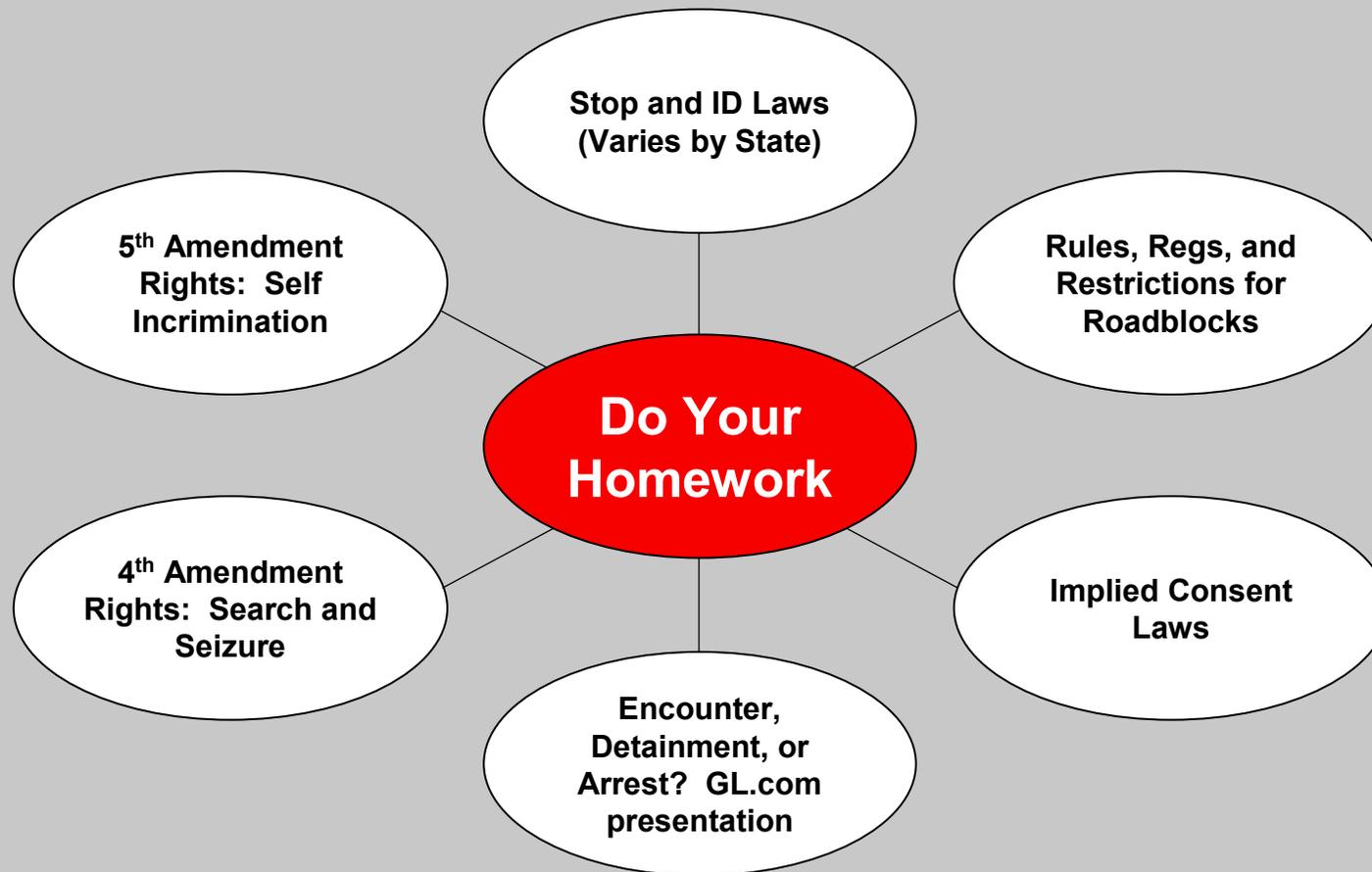
TIP: A search on YouTube will uncover tons of videos showing these tactics at DUI roadblocks.

So you want an encounter?



- You may find you wish to take a more active role by exercising non-consent at a roadblock. In the beginning, you may be going at it alone...this level of activism is an individual choice, and each person must be comfortable with it for themselves.
- Don't exceed your skill set...stick to what you feel safe with.
- Develop a cordial relationship with the LEO and make sure you're always standing on solid legal ground.
- It may be difficult the first few times to *fully* assert your rights. Do not let this deter or frustrate you! You are still recording the encounter and it will still be a good learning experience for both you and others. Frustrating yourself into shackles doesn't help anyone.
- RECORD EVERYTHING! An audio and a video recording are good, and serve to back each other up in case of technical mishaps. These recordings will be your study guide for the next time. This is also your "back-up" if you're going it alone.
- Take notes when your memory is fresh. Record names and badge numbers of anyone you deal with, as well as any items of non-compliance.
- Use of words such as discrimination, profiling, and prejudice are ineffective as tools, because not everyone working the roadblock is motivated by those themes. Words such as these tend to draw a line that prevents progress in discussions and potential training with LEO.

Before Rubber Meets Road



TIP: *Ensure you and your motorcycle are legal before hitting the road!*

Ready...Set...GO!



The Encounter

Basic Questions

- “Good afternoon, can I have your name and badge number?”
- “I do not wish to answer any questions and do not consent to any searches.”
- “I want to be free to go. Can I go?”
- “Am I being detained?”
- “Am I suspected of a crime?” If so, “What crime?”
- “I request my attorney be contacted and present prior to any more questions.”

The “Safety Check”

- “I wish to exercise my privilege against self-incrimination.”
- “I do not consent to any searches or to being seized as a person, am I free to go?”
- “I am in a lane of travel, where is the safe waiting area for me to witness this search that I have not consented to?”

Guerrilla Lawfare can not be held responsible for rogue LEOs!

Continuous Review



A process of continuous review allows for constant learning and improvement.

Activism doesn't stop with the encounter....

Activism continues to have an impact through the sharing of experiences and lessons learned with others, improving techniques, and taking corrective actions where differences between the planned and actual results occurred.

Share and learn in the forum at www.GuerrillaLawfare.com



Putting It All Together



The letter-writers, organizers, and those with their boots on the street are ALL necessary pieces of the puzzle.

No role is more important than any other, because it takes people of many different skill sets working together to accomplish true and lasting change.

“WE the People of the United States”



Were your rights violated?



If you consented to answer questions, participated in an inspection at the roadblock, or consented to a search of your person or your bike...

YOUR RIGHTS WERE NOT VIOLATED.

Consent prevents you from showing *harm*, a basic requirement for a lawsuit.



Q&A



More Resources



- GuerrillaLawfare.com
- [DUI Checkpoint Protests \(YouTube\)](#)
- Repealitorfeelit.com

