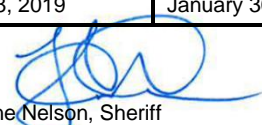




# DESCHUTES COUNTY SHERIFF'S OFFICE

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Attachments:	 L. Shane Nelson, Sheriff		

## I. PURPOSE

Enforcement of traffic laws and ordinances is a basic responsibility of the Deschutes County Sheriff's Office. The primary objective is to achieve voluntary compliance by all motorists and pedestrians and to reduce crashes. The role of the Deschutes County Sheriff's Office is to detect and prevent violations of the traffic laws and to take appropriate action when violations are observed. This is done through a combination of education and enforcement.

## II. POLICY

The Sheriff's Office policy is to educate the public regarding traffic regulations through programs aimed at identifying specific problems, compiling and making public traffic crash and injury statistics, and giving ample notices and warnings of changes in traffic regulations and engineering prior to taking enforcement action.

## III. GENERAL STRATEGY OF TRAFFIC ENFORCEMENT

### A. Goal of Enforcement

The goal of the deputy's enforcement action is to educate the violator in an effort to gain voluntary compliance with the traffic laws and ordinances. Enforcement action does not provide the deputy a privilege to scold, belittle, berate, or otherwise verbally reprimand a traffic violator. The deputy's actions shall demonstrate a professional attitude and serve to improve the relationship between the motoring public and law enforcement officers.

### B. Enforcement Uniformity

Deputies are expected to take enforcement action upon the detection of an illegal and/or potentially hazardous act. Enforcement action may consist of a verbal or written warning, issuance of a Uniform Traffic Citation, or arrest.

## IV. TRAFFIC ANALYSIS AND SELECTIVE ENFORCEMENT

To best achieve the primary goal of traffic law enforcement (voluntary compliance by all motorists and pedestrians and the reduction of crashes), the Sheriff's Office employs a strategy of traffic analysis and selective enforcement.

## **A. Traffic Analysis**

Traffic analysis is a function of the patrol component. The traffic supervisor or his designee shall compile such information concerning traffic crashes and enforcement as may be deemed necessary for the purposes of developing effective traffic enforcement strategies.

## **B. Selective Enforcement**

Selective enforcement is used to address the specific concerns identified through traffic analysis, using directed patrol strategies with both the general patrol shift and units assigned to traffic enforcement.

1. The patrol supervisor establishes component goals in selective traffic enforcement utilizing agency data files, citizen complaints, radar survey data, team and deputy input, and other data. The patrol supervisor may direct the deployment of traffic enforcement personnel to accomplish the goal of directed patrol strategies. Evaluation of selective enforcement activities shall be carried out by the traffic supervisor or his designee.
2. Units assigned to traffic enforcement will report directly to the traffic supervisor who will establish patrol strategies to deal with selective traffic enforcement.

## **V. SPECIFIC TRAFFIC ENFORCEMENT METHODS**

Employees of this agency shall take appropriate enforcement action for observed violations. Patrol strategies will be directed by the shift supervisor to address specific locations and/or hazards when they are identified. Enforcement techniques utilized in traffic law enforcement include:

### **A. Moving or Visible Traffic Patrol**

Moving or visible traffic patrol is used to establish a visible presence in an area or along a route as a means of observing and interdicting identified traffic enforcement problems. Moving patrol allows the deputy to observe a larger area than a stationary patrol, take appropriate enforcement action, and, in turn, be seen by a larger number of drivers which serves as a deterrent function.

### **B. Point or Stationary Patrol**

Point or stationary patrol is used to address traffic hazards or directed traffic enforcement goals at a specific location. Stationary patrol can be either visible, serving additionally as a deterrent and to maintain a high profile deputy presence, or covert for enhanced enforcement purposes.

### **C. Unmarked Vehicles**

Unmarked vehicles are currently not authorized for routine traffic law enforcement use.

### **D. Roadside Safety Checks**

The use of roadside safety checks without probable cause is not authorized.

## **VI. ENFORCEMENT ACTIONS**

The Sheriff's Office recognizes deputy discretion as a fundamental tool in accomplishing the goal of traffic enforcement. The deputy must rely on his training, experience, and common sense in selecting which level of enforcement best complies with agency policy.

While directed strategies at the patrol level may target specific types of violations, uniform enforcement policies provide guidelines for consistent enforcement practices.

### **A. Major Traffic Violations**

Major traffic violations are serious offenses, and allow very little leeway in enforcement activities. Refer to "IX Major Traffic Violations" in this policy.

## **B. Hazardous Violations**

Hazardous violations, such as speed racing, careless driving, speed violations, or violations resulting in traffic crashes, are viewed more seriously and generally require a higher level of enforcement action.

## **C. Multiple Violations**

Contacts resulting in multiple violations may be handled with a combination of enforcement actions ranging from verbal warning to full custody arrest. The deputy should choose the enforcement actions based on the goals of public education and in achieving future voluntary compliance.

## **D. Public Carrier/Commercial Vehicle Violations**

Public carriers and commercial vehicles shall be treated in the same manner as other traffic. The deputy shall use the nature of the offense as the basis for the level of enforcement taken, not the type of vehicle.

## **E. Non-Hazardous Violations**

Non-hazardous violations, such as equipment violations, registration or vehicle licensing violations, and applicable off-road offenses, allow a deputy a much wider range of law enforcement options in gaining voluntary compliance. While initial contacts may best be handled with a mere warning, subsequent violations are best addressed with enforcement actions such as citations.

## **F. Pedestrian and Bicycle Violations**

Pedestrian and bicycle violations, while generally viewed less seriously, must be addressed from the standpoint of public safety. Deputy contact aimed at gaining voluntary compliance is an important tool in traffic safety. Citations become appropriate for repeated violations, for those who caused crashes, or those who, by their nature, create a serious safety risk.

## **G. Newly Enacted Laws**

Newly enacted laws may be enforced by verbal or written warnings in lieu of a citation for the benefit of public education, for a specified period of time.

Enforcement actions shall be accomplished in a professional, firm, fair, impartial, and courteous manner, utilizing one of the methods described in the next section, "VII Types of Enforcement".

# **VII. TYPES OF ENFORCEMENT**

## **A. Verbal Warning**

A verbal warning may be appropriate when the violator commits an act due to ignorance of a unique local ordinance or a violation of which the driver may not be aware. A warning may be issued when, under the totality of the circumstances, the deputy believes that a warning will achieve the purpose of future voluntary compliance to traffic codes. Issuance of a verbal warning is always at the discretion of the deputy.

## **B. Written Warning**

A written warning may be appropriate where follow-up actions are required by the violator (e.g., defective equipment or no operator's license on person).

Written warnings are issued at the deputy's discretion.

## **C. Citation**

Citations may be issued to violators who jeopardize the safe and efficient flow of vehicular traffic including moving violations, parking violations, operating unsafe and/or improperly equipped vehicles, and such violations classified as "non-moving" violations as may be appropriate.

1. When a violator is issued a citation, the deputy will inform the violator of the specific charge, the bail amount, court date, whether or not court appearance is mandatory, and the location of the court. The deputy will also inform the violator that options for responding to the violation are imprinted on the citation.

2. To void a citation, the deputy shall print "VOID" on the citation and submit it to the supervisor at the end of the workday. The supervisor shall sign and date the citation and forward all copies of the voided form to the Records Section.
3. Deputies shall not void citation once they are issued. It may occasionally be advantageous and in the interest of justice to dismiss a traffic citation. However, under no circumstances shall it be done without the knowledge and direct permission of the County Attorney, District Attorney or Justice Court Judge.
4. Fix-it citations shall be written separately from any other citation the deputy may issue. The notation, "FIX-IT" shall be made in the OTHER space of the citation in order to clearly distinguish the citation as correctable. A court date and time shall be written on the citation in the event the offender does not fix the violation prior to the court date. The following violations may be considered for a "Fix-it" citation:
  - Failure to display license plate
  - Display expired plate
  - Fail to register
  - Expired registration
  - Fail to carry proof of insurance
  - Operation without required lighting
  - Inadequate mud flaps/fenders
  - Illegal window tint
  - Defective exhaust
  - Defective horn
  - Defective lighting (all types)
  - Fail to maintain seatbelts
  - Studded tires
  - Fail to change address on driver's license and/or registration

#### **D. Physical Arrest**

Deputies may arrest without a warrant any person who the deputy has probable cause to believe has committed a traffic crime per Oregon Revised Statutes.

## **VIII. SPEED MEASURING DEVICES**

All speed measuring devices utilized by the Sheriff's Office shall comply with local, state, and federal regulations. Doppler radar, laser speed measuring devices and calibrated speedometers may be used for speed determination. All equipment shall meet or exceed the specifications of the U.S. Department of Transportation's National Highway Traffic Safety Administration.

### **A. Equipment Testing Required**

The equipment shall be tested at least twice per shift; once at the beginning of each work shift and at the end of each work shift. The deputy should log the results of these tests for purposes of later testimony, if necessary.

### **B. Tests to be Performed**

The tests performed shall be a light test of target speed display, internal circuitry testing, external testing through proper use of the unit's serialized, certified tuning fork, audio tracking test when the unit is so equipped, and proper adjustment of antenna aim and range.

### **C. Care and Upkeep**

All speed measuring devices shall be maintained in good working order. Any unit found to be functioning improperly shall be removed from service immediately. An equipment repair form shall be filled out and forwarded to the Automotive Supervisor. The Automotive Supervisor shall arrange for the repair of all units used by the agency.

### **D. Programmed Maintenance and Calibration**

The Automotive Supervisor or his designee shall maintain calibration and maintenance records for each individual unit. All records shall be kept in the Automotive Supervisor's equipment files.

### **E. Equipment Location**

1. *Deployment.* The Automotive Supervisor or his designee shall assign units to patrol vehicles. These units shall remain in the assigned vehicle unless otherwise authorized. All other units shall be kept in the sergeant's office when not in use. Deputies may check out any unit available for use during their shift.
2. *Tracking.* Serialized, certified tuning forks shall be assigned to each radar unit. The tuning fork shall remain with the assigned radar unit.
3. *Care and Maintenance.* The Automotive Supervisor shall be responsible for the care and maintenance of the speed monitoring radar vehicles and/or trailers.

### **F. Operator Training**

All operators shall be certified through a documented operation course by a Department of Public Safety Standards and Training certified instructor. At a minimum, they will be trained to properly set up, test, operate, and read the device used. Deputies shall demonstrate proper testing and operational procedures prior to the use and set up of any speed-measuring device before receiving authorization to use it.

## **IX. MAJOR TRAFFIC VIOLATIONS**

Major traffic violations include driving while under the influence of intoxicants, reckless driving, driving while suspended or revoked (with exceptions), failure to perform the duties of a driver involved in a motor vehicle crash (hit and run), and fleeing or attempting to elude a police officer. Major traffic offenses are by their nature serious traffic crimes. Consequently, deputy's options in which enforcement action to pursue are more restrictive. Verbal or written warnings are not, under usual circumstances, appropriate responses to major traffic violations.

### **A. Driving a Motor Vehicle While Under the Influence of Intoxicants**

The goal of the Sheriff's Office regarding DUII enforcement is to detect, investigate, and apprehend alcohol and/or drug affected drivers to reduce the number of crashes and violations involving intoxicated drivers.

Due to the danger posed by intoxicant-impaired drivers, the Sheriff's Office will emphasize the enforcement of DUII related violations. Analysis of complaints, times, locations and crashes related to DUII incidents will be used to develop directed patrol strategies so that patrol resources may best be utilized. Saturation patrols may be employed to supplement routine agency efforts.

Effectively responding to a DUII incident involves four separate phases:

1. *Vehicle Operation:* Observe the vehicle in operation and note any initial clues of a possible DUII violation.
  - In the event the vehicle is not observed moving, (stalled, involved in a crash, blocking a roadway, passed out driver), the deputy must use independent means to develop reasonable suspicion.
2. *Driver Contact:* Approach, observe, and interview the driver.
3. *Pre-arrest Screening:* Whenever possible, the deputy should obtain the voluntary consent of the driver to evaluate the extent, if any, of his or her impairment due to intoxicants.

4. *Arrest and Booking:* All DUII arrestees should be lodged at the County Correctional Facility unless otherwise specifically approved by the watch commander.

If the deputy reasonably believes that drugs are involved, the deputy should request a Drug Recognition Expert to conduct further examinations, and request that the suspect consent to furnishing a urine sample for testing by the Oregon State Police Crime Laboratory. In the event of a felony DUII, if the suspect does not consent to furnishing a urine sample, the deputy shall apply for a search warrant.

#### **B. Reckless Driving**

Reckless Driving is a Class A misdemeanor and is defined as “recklessly drives a vehicle upon a highway or other premises described in this section in a manner that endangers the safety of persons or property.” The deputy should weigh the seriousness of the offense and danger posed by the incident when making a determination of whether to cite to appear, book and release, or lodge an offender under this statute.

#### **C. Driving While Suspended or Revoked**

*Driving a Motor Vehicle during a Period of Suspension or Revocation:* If a person is found driving a motor vehicle during a period of Suspension or Revocation, he should be cited or arrested. Whether to cite or to lodge for criminal driving while suspended will be left to the deputy’s discretion.

#### **D. Hit and Run**

*Failure to Perform the Duties of a Driver Involved in a Motor Vehicle Crash:* Refer to [Policy 5.16 Motor Vehicle Crash Investigation](#).

#### **E. Attempt to Elude**

*Fleeing or Attempting to Elude a Police Officer:* Refer to [Policy 5.10 Vehicle Pursuit](#).

## **X. DUII ENFORCEMENT PROGRAM**

Driving Under the Influence of Intoxicants incidents are targeted by the Sheriff’s Office to attain its goals of traffic safety and to fulfill requirements of Oregon Revised Statutes that law enforcement agencies notify the Oregon Liquor Control Commission of alcohol related automobile crashes that meet specific criteria.

#### **A. Alcohol Related Crashes**

The Sheriff’s Office shall notify the O.L.C.C. on an Alcohol Related Crash Report form of the name of the alleged provider of alcoholic liquor if:

- The operator has consumed alcoholic liquor.
- The provider of the alcoholic liquor is alleged to be a licensee or permittee of the commission or an identified social host.

## **XI. SPECIAL TRAFFIC ENFORCEMENT PROCEDURES**

#### **A. Traffic Infractions by Physicians and Other Persons Enroute to an Emergency**

In the event a deputy observes a traffic infraction committed by a physician or other person enroute to an emergency, the following procedures shall be followed:

1. Upon determining that the driver is enroute to an alleged or reported emergency, the deputy will obtain the identity and intended destination of the driver.
2. If the emergency is extreme, the driver will secure his vehicle and be provided transportation by the deputy. In no case will the deputy "escort" another vehicle by preceding that vehicle with emergency equipment activated.
3. In the event the emergency is not extreme but is urgent, the driver will not be detained but shall be advised to proceed in a safe and prudent manner.

4. The deputy may take whatever enforcement actions are necessary after the emergency situation no longer exists.

#### **B. Non-Residents**

Violations committed by non-residents will be handled in the same manner as residents.

#### **C. Juveniles**

Violations committed by juveniles will be handled in the same manner as adults, except those 16 years of age and older will be cited into either Justice Court or Circuit Court. Juveniles not yet 16 years of age will be cited into Juvenile Court, with parents name, address, and phone number.

#### **D. Legislators**

Legislative immunity is governed by the Oregon State Constitution, which privileges legislators from arrest when the Legislative Assembly is in session in all cases except treason, felony, and breach of peace. A report shall be made setting forth all details of the offense, which may be charged by citation upon close of the legislative session. In cases of Driving Under the Influence of Intoxicants, the legislator will be transported to the nearest breath test facility and released after being afforded an opportunity to submit to a breath test. Legislators shall be released to the Oregon State Police or to a person responsible to ensure that the legislator does not drive.

#### **E. Diplomatic and Consular Immunity**

Diplomatic Agents and their family members are immune from both traffic citations and criminal arrests. Consular Officials enjoy some immunity; they can be charged by a court for misdemeanor charges but only taken into custody on felony warrants. Both diplomats and/or Consulates must assert that they have immunity and they must possess and present to you official United States Department of State Identification Cards. The cards will have all pertinent information such as a photograph, date of birth, title and their mission. On the reverse side of the identification card should be information specific to their level of immunity as well as telephone numbers of the State Department wherein their validity can be verified by law enforcement personnel.

#### **F. Military Personnel**

Military personnel will be handled in the same manner as residents.

#### **G. Re-examination Recommendations**

Deputies may contact drivers showing signs or symptoms of conditions such as physical or mental incompetence, disease, or other disability which may prevent the person from safely operating a motor vehicle. The deputy should attempt to establish and document the nature of the disability, and if warranted, report the driver to the Oregon Department of Motor Vehicles using the "Request for Driver's License Examination" form.

## **XII. PARKING ENFORCEMENT**

### **A. General**

The Sheriff's Office will enforce existing state and local parking regulations. Priority enforcement action will generally be initiated on:

- Illegal parking
- Complaints received
- Where a traffic hazard exists
- Unauthorized use of a Disabled Parking Space

## **B. Jurisdiction**

Enforcement action will be taken only on violations upon the public streets, County owned parking lots and private parking lots involving unauthorized use of a disabled parking space.

## **C. Enforcement Actions**

Enforcement of parking violations may be handled in any of three manners:

1. Written warnings;
2. Verbal warnings; or
3. Uniform Traffic Citation (for unauthorized use of a disabled parking space).

## **D. Tows Pursuant to Parking Violations**

Vehicles illegally parked may be towed pursuant to state statute. A citation will be issued to the vehicle and an attempt made to contact the owner if time allows prior to requesting a non-preference tow.

## **E. Fines**

The Circuit and Justice Courts will handle collection of parking fines.

# **XIII. ENFORCEMENT ACTION IN OTHER JURISDICTIONS**

All sworn deputies may enforce the traffic or criminal laws of this state throughout all 36 counties of Oregon. The circumstances surrounding any exercise of authority shall be reported in a timely manner to the law enforcement agency with primary jurisdiction.

All deputies exercising authority outside the county are subject to supervisory control and limitations of this agency. By agreement with another agency, supervision may be temporarily delegated to another agency with responsibility for a task force.

Any liability that arises out of exercise of police authority in another jurisdiction is the responsibility of the agency employing the involved deputy, unless the deputy is acting under the direction and supervision of another agency.

All of the privileges and immunities from liability, exemption from laws, ordinances, and rules, all pensions, relief, disability, workers compensation insurance, and other benefits which apply to the activity of deputies inside the agency's jurisdiction also apply when performing law enforcement duties elsewhere.

# **XIV. TRAFFIC ENGINEERING, CARE-TAKING AND ASSISTANCE ON ROADWAYS**

Deputies, by virtue of their care-taking duties and responsibilities, may take action either directly through delegation, or by information sharing and planning to keep the roadways within the jurisdiction of the county as safe and efficient as possible.

## **A. Traffic Engineering**

The County Engineer is responsible for matters of traffic engineering and control on county roads. Deputies may act as an information channel for the community and as an observer to notify the County Engineer of potentially hazardous situations.

1. If a matter of concern in traffic engineering is brought to the attention of a deputy by a citizen, the deputy should direct that citizen to the County Engineer's Department, since direct communication can best facilitate the flow of information.
2. If a deputy observes a condition or hazard involving traffic engineering, he should direct his concern, through the chain of command, to the County Engineer's Office or State Highway Division according to jurisdiction.



3. The Sheriff's Office utilizes an internal records system for storage of traffic and crash related data. These statistics may be utilized by the County Engineer's Office in traffic engineering.

#### **B. Use of Reflective Vests**

When a deputy is dealing with vehicular traffic outside of his patrol vehicle, a potential hazard exists to the deputy. In such situations, deputies shall wear reflective vests in compliance with Oregon O.S.H.A. Rules and Oregon Administrative Rules, Chapter 437-003-134(7).

1. The reflective vest will be available to all sworn deputies, reserves, cadets, and auxiliaries who are exposed to vehicular traffic. The vests will be maintained in each vehicle.
2. To provide uniformity, consistency, and to meet O.A.R. requirements, only reflective vests approved and issued by the agency will be authorized for duty.
3. The reflective vests shall be worn anytime a deputy, reserve, or cadet is directing traffic, working a crash scene, or otherwise exposed to vehicular traffic.
4. Exceptions to wearing the reflective vest include, but are not limited to, traffic stops or hostile circumstances where officer safety is an issue, e.g., an armed and dangerous suspect is in the immediate area or a deputy renders immediate aid at a crash scene.

#### **C. Traffic Control**

Traffic control and direction are critical for the safe and effective use of the roadways. Deputies must be trained and capable of responding to a wide variety of hazardous circumstances resulting from the disruption of the normal flow of traffic.

1. Deputies shall receive standardized training in traffic control and direction to ensure uniform hand and arm signals are employed at the scene of roadway hazards.
2. Traffic cones and flares are provided in each patrol unit for use as temporary traffic control devices. Cones and/or flares are used to divert, channel, stop, or otherwise direct and control traffic, and to serve as a warning to approaching motorists.
3. Traffic control during adverse weather conditions requires the deputy to plan for the possibilities of longer stopping distances required, coupled with limited visibility. Full use should be made of reflective vests, flashlights equipped as traffic wands, flares and cones to alert approaching motorists to the hazard. Temporary traffic control devices should be placed as a warning at a distance sufficient to serve as notice to approaching motorists of the hazard.

#### **D. Roadway Hazards**

Deputies encountering roadway conditions which may constitute a hazard to persons and/or property may utilize a variety of resources to effectively address the situation, including, but not limited to:

1. *Power or Transmission Lines Across Roadway:* Block the roadway, establish control over traffic and pedestrian flow, and notify appropriate power or transmission provider.
2. *Damaged or Flooded Roadways:* Block the roadway and establish control over traffic and pedestrian flow, notify County Road Department or State Highway Department, according to jurisdiction.
3. *Missing, Damaged, or Inoperable Traffic Control Devices:* Maintain safe roadway conditions, direct traffic as needed, notify County Road Department or State Highway Department, according to jurisdiction. Malfunctions in traffic control devices requiring the manual operation of the devices should be immediately reported to the County Engineer's Office or State Highway Division who will be expected to repair or replace the device or stay on scene.
4. *Debris:* Control traffic and remove the debris from the roadway. Summon additional assistance or tow vehicle if it is too large or hazardous to move by yourself.
5. *Abandoned Vehicles:* If a vehicle is parked or abandoned in such a way as to constitute a hazard, it may be immediately towed pursuant to state law, utilizing agency towed vehicle regulations.

6. *Hazardous Materials Spill:* Any time a hazardous material spill is suspected, control and evacuate the area, and limit entry to properly trained and equipped personnel only, as per current Haz-Mat training.

#### **E. Roadway Assistance**

Law enforcement personnel are regularly approached by persons needing general assistance or directions. Additionally, persons stranded along the roadway may be subjected to substantial danger or concern depending upon weather, traffic flow, and roadway conditions, or, in some instances, be in need of immediate emergency assistance. Deputies should, therefore, be aware of a responsibility to insure the safety of the roadway.

1. Directions and general assistance: In responding to requests for information, directions or other forms of general assistance, the deputy should respond courteously and politely, remaining constantly alert to deputy and citizen safety concerns. (See G.)
2. Stranded motorists requiring help may be transported to a location of safety or assistance if such action is deemed necessary by the deputy. Assistance may be provided in the form of communications with a tow company or other persons (if that action will reasonably safeguard the person or property), or in pushing a stranded vehicle from the roadway. Minor assistance with mechanical problems may be effected if such assistance does not attach unreasonable liability to the County.
3. Emergency assistance in hazardous roadway situations should be handled with respect to the elements surrounding the situation and with due regard to deputy and citizen safety.

#### **F. Escorts**

Sheriff's Office vehicles shall not be used for emergency escorts unless specifically approved by a supervisor.

Routine, non-emergency escorts for such functions as authorized parades, funerals, oversized, unusual or hazardous loads, or dignitaries may be authorized by the patrol supervisor or his designee.

#### **G. Courtesy Transports**

Due to adverse weather conditions and the rural areas patrolled, courtesy transports may be necessary. While these transports are encouraged, officer safety and caution are of utmost importance to this agency. It may not be necessary to search all citizens prior to providing them a ride, however, deputies should not hesitate to conduct pat down searches whenever they are suspicious based on training and experience. Should the deputy request the citizen submit to a search and they refuse, the deputy may choose not to provide transport.