

	LANE COUNTY SHERIFF'S OFFICE POLICY	Number: G.O. 9.11
		Issue Date: September 8, 2022
		Revision Date:
CHAPTER: Traffic		
SUBJECT: Traffic Stops		Related Laws: ORS 811

POLICY: Enforcement of traffic laws and ordinances is a basic responsibility of the department. The primary objectives are to achieve voluntary compliance with the law by all motorists, bicyclists, and pedestrians and to reduce accidents. Our role is to detect and prevent violations of traffic laws and to take appropriate action when violations are observed. This is done through a combination of education and enforcement.

RULE: The goal of your action is to educate the violator in an effort to obtain voluntary compliance with traffic laws and ordinances. Your actions should demonstrate a professional attitude and serve as well to improve the relationship between members of the public and law enforcement officers. You should not scold, belittle, or berate a traffic violator.

PROCEDURE:

I. Action Taken

- A. The action you take - a verbal warning, issuance of a citation, or a custody arrest - will depend on such factors as the nature and seriousness of the violation, intent of the violator, and the level of hazard created. You are expected to use your training, experience, and common sense in selecting an appropriate enforcement option that is consistent with department policy.
 - 1. 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 circumstances, you believe the warning will achieve the purpose of future voluntary compliance with traffic laws.
 - 2. You would normally issue a citation if the operator's action (or lack of action) is deliberate, excessive, negligent, or hazardous. Barring extenuating circumstances, you will normally issue a citation if the violation has resulted in an accident that you investigate. (For accident investigation criteria, refer G.O. 9.10 – Traffic Collision Reporting.)
- B. Traffic Crimes: Traffic crimes are, by their nature, serious offenses and allow very little leeway in enforcement activities. Normally a citation should be issued (or an arrest made, when consistent with other department policies) anytime the

offense occurs in your presence or when you have probable cause to believe the offense has been committed.

II. Violations

- A. Hazardous violations: Hazardous violations (e.g., speed racing, careless driving, significant speed violations, violations resulting in traffic accidents) are viewed more seriously and generally should be handled through formal enforcement action (e.g., traffic citation).
- B. Non-hazardous violations: Non-hazardous violations (e.g., equipment violations, vehicle licensing violations) allow an officer a much wider range of enforcement options to gain compliance. Initial contacts may best be handled with a verbal warning, while subsequent contacts may be best addressed with formal enforcement action.
- C. Pedestrian and bicycle violations: Pedestrian and bicycle violations need to be addressed from the standpoint of public safety. Citations become appropriate for repeated violations, for those that created accidents, or for those that by their nature create a serious safety risk.
- D. Newly-enacted laws: Newly-enacted laws, or changes in traffic controls, should normally be enforced by verbal warnings rather than traffic citations for the first 30 days.

III. Special Enforcement Situations

- A. Persons enroute to emergency situations,

If you observe a traffic infraction committed by a physician or other person enroute to an alleged emergency:

- 1. Obtain the identity and intended destination of the violator.
- 2. If the emergency is extreme, you may transport the person to the location of the emergency. If the person is suffering from a medical emergency, consider requesting EMS. We will not escort a person in another vehicle utilizing our emergency equipment.
- 3. If the emergency is not extreme but is urgent, do not detain the violator, but advise him/her to proceed in a safe, legal, and prudent manner.
- 4. Take whatever enforcement action is appropriate after the emergency situation no longer exists.

IV. Driver's License Re-Examination Recommendations

If you contact a licensed driver showing signs or symptoms of conditions which may prevent the person from safely operating a motor vehicle (e.g., physical or mental incompetence, disease), report the driver to the Department of Motor Vehicles using the "Request for Driver's License Examination" form.

V. Driving While Suspended

- A. DWS is either a traffic violation, a traffic crime (class A misdemeanor), or a felony (class C felony), depending upon the reason for suspension. DWS is a felony, if suspension is for: a. Habitual traffic offender b. Manslaughter or criminally negligent homicide resulting from operation of a motor vehicle c. Commission of felony involving use of a motor vehicle d. Hit-and-run involving physical injury e. Reckless driving f. Fleeing or attempting to elude g. Driving under the influence of intoxicants (3rd conviction within 10 years)
- B. DWS is a traffic crime if suspension is for incidents such as "refuse to take breath tests," recklessly endangering, etc. DWS is a traffic violation if suspension is for "fail to furnish proof," etc. This should be a citation only. A custody report is not required. Dispatch will advise whether a driving suspension is a violation, misdemeanor, or felony. The information will be provided by DMV print out.

VI. Issue Citation for Most Serious Violation

- A. When a deputy observes a driver commit more than one violation during a single act of driving, the deputy may issue a citation for the most serious violation observed. For example, if the violations were exceeding the maximum speed limit and an improper lane usage. An option would be to cite the individual for the violation of exceeding the maximum speed limit. The deputy may issue a warning for the other violation or attach a memo to the citation to be forwarded to the judge to describe the other violations observed. The courts have uniformly agreed that they appreciate learning of these additional details surrounding the offenses cited for.
- B. In the case of a major traffic offense arrest, (such as DUII Reckless Driving, or Attempt to Elude) such individual violations as fail to yield or excessive speed, may be included in the basic major charge and reflected in the report.
- C. In the case of numerous equipment violations, the deputy may issue one citation for the most serious violation and issue a warning for the other equipment violations.

VII. Situation When Multiple Citations are Justified

- A. Multiple major traffic offenses may be charged when applicable, and elements of the offenses do not clearly overlap. For instance, a driver could conceivably be charged with DUII, DWS, Hit and Run, and Attempting to Elude.
- B. In addition to a major offense or moving traffic violation, nonmoving or equipment violations may be evident, such as: 1. No driver's license 2. Failure to display proof of insurance 3. Inadequate muffler system C. In these cases, an additional citation may be issued for the unrelated offense. The deputy should, however, especially with the case of minor equipment violations, consider the use of a warning as an alternative.

VIII. Driving Under the Influence of Intoxicants (DUII)

DUII is a traffic crime (class A misdemeanor). All DUII arrests shall include a Uniform Traffic Citation, a Custody Report, PC Affidavit, and all the necessary forms associated to the DUII investigation. Refer to G.O. 1.09 and 1.10 Alternatives to Incarceration