

WEBER COUNTY SHERIFF'S OFFICE		POLICY AND PROCEDURES	
SUBJECT: Special Enforcement Circumstances		CHAPTER/SECTION NO.: 45.5,45.6	
EFFECTIVE DATE: 1		REVIEW DATE:	
AMENDS/SUPERSEDES: See attached sheet		APPROVED: <u>**See Master File</u> Sheriff	
STANDARD NUMBER: 61.1.3			

45.5 Discussion

45.5.1 Special circumstances for the purpose of this directive are:

- A. Nonresident violators.
- B. Juvenile violators.
- C. Violations committed by legislators.
- D. Violations committed by diplomats or consular officials.
- E. Violations committed by military personnel.

45.6 Policy

45.6.1 Non-resident violator:

- A. Out-of-state violators should generally be treated the same as residents in traffic law enforcement.
- B. Deputies should also consider the possibility that nonresidents might have committed the violation due to unfamiliarity with the area and the laws.
- C. In the event physical custody is required of a nonresident violator, the violator will be afforded the opportunity to pay a bond personally or through an authorized bail bondsman at the time of booking.

45.6.2 Juvenile violators:

- A. Juvenile violators age 15 years or under, may be referred to Juvenile Court for the offense

committed and should be released to a parent or guardian.

- B. Juveniles age 16 and older, upon apprehension, may be issued a citation and otherwise treated the same as an adult. Should the situation warrant, the person may be taken into physical custody and processed according to juvenile procedure (see Chapter/Section 31.7.1 and 31.7.2).
- C. Accidents involving juveniles will be treated the same as with adults, relative to traffic law enforcement.

45.6.3 Legislature violators

- A. As a rule legislators are subject to the same laws and are required to comply with the traffic statutes as other citizens. However, the Utah Constitution provides that legislators are exempt when responding to, from, or during scheduled sessions of the legislature. deputies should ascertain if the traffic violation was committed in the furtherance of some legislative duty prior to taking any enforcement action.

45.6.4 Diplomat and consular official violators

- A. These individuals are considered guests in our country by the government. As such, they are afforded immunity from prosecution under the general provisions of 22 United States Code 254(d). Also, see Chapter 1 of this manual.
 - 1. Moving traffic violations: When a consular official is stopped for a moving traffic violation, the deputy should verify that the violator possesses the proper credentials, and may exercise discretion based on the nature of the violation, and either let him/her go with a warning of the danger of his/her actions or proceed with issuance of the appropriate citation. Mere issuance of a traffic citation does

not constitute an arrest or detention in the sense referred to above.

2. Driving while under the influence: The primary consideration in this type of incident should be to see that the consular official is not a danger to him/herself or the public. The circumstances determine the following alternatives:
 - a) Take him/her to the station, motel, or to another location where he/she can recover sufficiently to enable him/her to drive safely.
 - b) Call a taxi for him/her.
 - c) Issue him/her a citation for driving under the influence, but do not arrest.
 - d) The consular official should not be handcuffed, subjected to any sobriety tests, or restrained in any manner except for deputy safety. Once the deputy safety issues have been addressed, the consular official will be released.
 - e) If the consular official is involved in a traffic accident which results in injury and/or fatality and is in violation of the law, the deputy will complete the necessary police reports and issue the official an appropriate citation.
 - f) At best, this is a sensitive situation. The consular official should be treated with respect and courtesy. It should be impressed upon the official that the deputy's primary responsibility is to care for the official's safety and the safety of others.

3. Offenses involving family members of a consular official: Family members of a consular official cannot claim immunity. However, special consideration should be given to the nature of this type of case. If the relative is a juvenile, as in all juvenile cases, the subject should be released to the parent consular official.
4. Reporting of incidents to the Sheriff:
 - a) In the event that a consular official or members of his/her family or personal staff should become involved in any actions taken by a member of this department, it is required that the Sheriff or his/her designee, will be immediately furnished with all pertinent information.

45.6.5 Military Violators

- A. The provisions for enforcement of traffic laws pertaining to military personnel are addressed in UCA 41-6-1 et. seq and UCU 39-1-54.
- B. The general rule is that active duty military personnel driving clearly marked military vehicles are exempt from traffic law enforcement. The exception to this policy is military vehicles and drivers must yield to emergency equipment (police/fire) when said equipment is in operation. If a physical arrest is made, the arresting deputy will notify his/her supervisor. The supervisor will notify the liaison deputy of the nearest Armed Forces Investigative Headquarters Division. This does not apply to the issuance of a citation.

45.6.6 Medical personnel violators

- A. In the event an deputy observes a traffic violation committed by a physician en route to an emergency, the following will apply:

1. Upon determining the driver is a physician, the deputy will obtain the identity and intended destination of the physician.
 - a) In the event the emergency is urgent, the physician will not be detained.
 - b) In the event the traffic violation committed was of a serious nature, the deputy will verify the nature of the emergency and physician's identity. The deputy will release the physician and take enforcement action at a later time.
 - c) If, in the deputy's opinion, the violation was of a minor, non-hazardous nature, a verbal warning may suffice.