

WEBER COUNTY SHERIFF'S OFFICE		POLICY AND PROCEDURES	
SUBJECT: Uniform Traffic Enforcement		CHAPTER/SECTION NO.: 45.8, 45.9, 45.10	
EFFECTIVE DATE: 10/7/03		REVIEW DATE:	
AMENDS/SUPERSEDES: See attached sheet		APPROVED: <u>**See Master File Sheriff</u>	
STANDARD NUMBER: 61.1.5			

45.8 Discussion

- 45.8.1 Tolerances noted in the following policy are to be followed whenever possible. It is recognized that attendant circumstances may change the seriousness of the violation. Therefore, these provision will not preclude the use of good judgement by the deputy in relation to the circumstances and conditions at the time of the violation(s).

45.9 Policy

- 45.9.1 Speed law violations:
- A. The intent of the posted speed limits within Weber County is to place the motorist in the most favorable position possible should a traffic hazard be encountered and to provide safety for residents and others on the streets. The posted speed limit is considered to be a reasonable and prudent speed. In order to establish a conviction for speeding, a deputy must establish one of the following:
 - 1. That the motorist's speed was greater than what was reasonable and prudent under the conditions existing at the time of the violation.
 - 2. That the motorist's speed exceeded the posted limit.

45.9.2 Hazardous violations:

A. Hazardous traffic law violations are defined as those violations of any law affecting the use or protection of streets or highways enacted primarily to regulate safe movement of vehicles and pedestrians. There are two types:

1. Unsafe Behavior - An action or omission which is hazardous even when the vehicle, streets, and highways are in legal or ideal conditions.
2. Unsafe Conditions - Causing or permitting an illegal and/or hazardous condition of a driver, pedestrian, street, or vehicle.
3. It will be the practice to issue a citation or arrest as is applicable for hazardous moving violations and operating unsafe or improperly equipped vehicles.

45.9.3 Driver's License Violations:

- A. Deputies may warn individuals for driving on an expired license, a resident driving on an out-of-state license, or driving without a license on the driver's person.
- B. If a driver is on a suspended or revoked license, the driver should not be allowed to continue driving.
- C. If due to some explanation offered by the driver, the deputy is not certain of the defendant's driving status, a citation should be issued, which will provide the deputy with time to confirm the status of the license. If a deputy discovers the defendant was under denial, revocation, cancellation, or suspension, the summons should be amended to reflect the appropriate charge.

45.9.4 Multiple Violations:

- A. All multiple charges cited should be filed into a common court having jurisdiction over the matter.
- B. When encountering a single driver with multiple violations Deputies will consider the purpose of issuing citations is often educational and not punitive. If that goal can be accomplished with issuance of citations for the primary violation/s and written or verbal warnings for secondary violations then Deputies should utilize the latter alternative whenever practical.
- C. If multiple violations are issued they may be placed on the same citation form.

45.9.5 Equipment Violations:

- A. Equipment violations may be resolved by citation, fix it ticket, written warning, or verbal warning. The deputy must use his/her judgement as to the severity of the vehicle impairment.
- B. If the deputy feels that the vehicle is unsafe to continue driving, he/she should ask the driver to leave the vehicle in a legal parking area and assist him/her in obtaining help with the vehicle or by providing transportation to a safe place.

45.9.6 Other Non-Hazardous Violations:

- A. Non-hazardous violations are minor traffic violations and may be resolved by citation, written or verbal warning, when appropriate.

45.9.7 Violations by Commercial Carriers:

- A. Commercial carriers will be treated the same as the general motoring public and uniform enforcement policies and procedures delineated in this directive are applicable to the commercial carrier.

45.9.8 Enforcement of New Laws or Ordinances:

- A. It will be the policy to issue warnings for a period of sixty (60) days after the date the law or ordinance becomes effective, unless advised by a supervisor or special order to take immediate enforcement action.

45.9.9 DUI Enforcement:

- A. Due to the damage and injury inflicted upon the motoring public by drunken drivers, it is the policy of the office is to endorse strict enforcement of the applicable traffic laws prohibiting the operation of motor vehicle by drivers under the influence of drugs or alcohol. Upon establishing probable cause, the deputy observing the violation shall take enforcement action or cause enforcement action to be taken. The only exceptions to this policy are:

1. Those situations described in "Special Enforcement Circumstances," section 45.5-6.
2. At the direction of the shift supervisor based upon emergency requests for service.
3. Situations in which the deputy is engaged in activity more life-threatening than the drinking/drugged driver.

45.9.10 Pedestrian and bicycle safety

- A. The enforcement of traffic laws pertaining to pedestrians and bicycles necessitates broad discretion from individual deputies.
- B. Pedestrian traffic
 1. Prior to any substantial increase in the enforcement effort directed toward pedestrian traffic, public information and education should be conducted by the department. This is particularly true

in those areas where pedestrian laws have received minimal attention.

C. Bicycle traffic

1. A bicycle is defined as a vehicle under Utah law. Besides the laws which are unique to bicycles, bicyclists are required to follow the same rules of the road as motor vehicles.
2. In those areas where congestion and the frequency of traffic accident experience involving bicycles has been predominant, those laws pertaining to the proper operation of bicycles should be strictly enforced.
3. Deputies should be less tolerant with adult offenders who should be aware of the hazards inherent in the unsafe operation of bicycles. Deputies should be more lenient in the enforcement of the law and more instructive in their responses to youthful offenders, who may not be fully aware of their responsibility in the safe operation of bicycles.

45.9.11 Off-Road Vehicles

- A. The operation of off-road vehicles on County streets or private property without permission, constitute an enforcement problem for the Sheriff's Office. As many of these violations involve juvenile offenders, the deputy must be aware of section 45.4.3, which delineates traffic law enforcement procedures for the juvenile offenders.
- B. Off-road vehicles may include, but not be limited to, dirt bikes, all-terrain vehicles, motorcycles, four-wheel drive vehicles, dune buggys, go peds (motorized skateboards), and snowmobiles.
- C. Deputies shall take the required enforcement action toward violators per appropriate

County and Utah traffic statutes regarding rules of the road, licensing, and equipment. deputies shall pay particular attention to noise violations, trespass violations, and damage to property violations. Additional off-road violations are specifically addressed in Utah Traffic Code 41-22-10.

- D. Deputies stopping juveniles under the age of sixteen (16) shall attempt to contact a parent or guardian to arrange for the juvenile to be picked up at the violation site. The deputy may impound the vehicle according to sections 45.46-48.
- E. Vehicles stopped for violations within the city parks or trails, where access is prohibited, should be cited for the appropriate city or state statute and subject to the impound policy section 45.46-48. deputies shall attempt to contact parents or guardians of any juvenile under the age of sixteen (16).
- F. Accidents involving off-road vehicles will be investigated as per sections 45.26, 45.27 and 45.28.
 - 1. Laws prohibiting the operation of off-road vehicles on public roadways, including vehicle registration laws, should be enforced.

45.9.12 Enforcement action - traffic accidents

- A. Investigations at accident scenes will normally result in detecting evidence necessary to support the issuance of a citation or physical arrest. Upon determination of a violation of traffic law or ordinance, the deputy will take appropriate enforcement action.
- B. Deputies may elect to not issue citations at accident scenes due to the violator leaving the scene due to injury or additional investigation being needed. Deputies will complete the appropriate citation when the

investigation has been completed.

- C. Criminal traffic citations issued through investigation will be forwarded by the records section to the appropriate prosecutor's office.

45.10 **Procedure**

45.10.1 Driving privileges suspended or revoked

- A. Whenever any deputy contacts a traffic violator for driving while his/her license is suspended, revoked, or driving with an expired license (more than 3 months), the deputy will follow the below procedure unless circumstances would dictate another alternative approved by the supervisor.
 - 1. If the vehicle is legally parked, the violator should be given the opportunity to secure the vehicle and sign a *hold harmless agreement* releasing the Office from responsibility for the vehicle if the deputy does not impound it.
 - 2. If the vehicle is on the roadway, the deputy shall take reasonable steps to move the vehicle to the closest parking space available. This should only be done with the permission of the driver. A *hold harmless agreement* should be signed by the driver.
 - 3. In any situation, a licensed driver with the owner's permission, may operate the vehicle to a safe location.
 - 4. The violator will not be allowed to drive the vehicle.
- B. The above listed conditions are to be utilized in lieu of impoundment. If the above procedures cannot be utilized, then the vehicle shall be impounded in accordance with section 45.46-48.

- C. If, in the deputy's judgement, the vehicle will not be safely parked in that location or that the driver is likely to return to the vehicle and drive, the deputy should consider impounding the vehicle for safe keeping.