

WEBER COUNTY SHERIFF'S OFFICE		POLICY AND PROCEDURES	
SUBJECT: Traffic Law Enforcement Practices		CHAPTER/SECTION NO.: 45.11, 45.12	
EFFECTIVE DATE:10/7/03		REVIEW DATE:	
AMENDS/SUPERSEDES: See attached sheet		APPROVED: <u>**See Master File</u> Sheriff	
STANDARD NUMBER: 61.1.6			

45.11 Purpose

- 45.11.1 The majority of traffic law enforcement activity is implemented to provide safe neighborhood and commuter roads for others. To do so, deputies should try to develop voluntary compliance to traffic laws by all drivers when a deputy is not on the street. The goal is twenty-four (24) hour a day compliance without police presence.

45.12 Policy

- 45.12.1 Deputies will respond to provide traffic law enforcement based on:
- A. Accident statistical analysis,
 - B. Citizen complaints of a traffic problem,
 - C. Deputy complaint of a traffic problem, or
 - D. Observation of a traffic problem by the deputy.
- 45.12.2 When a deputy is providing traffic law enforcement, he/she will select a location to monitor traffic which will:
- A. Minimize his/her obstruction to passing motorists, and
 - B. Provide the least distraction to motorists, and
 - C. Provide the deputy with a clear line of sight to the area of observation.

45.12.3 Covert and Overt Traffic Enforcement

- A. Traffic Enforcement shall be conducted fairly and equitably, and is left to the discretion of the deputy to employ methods and means to accomplish this objective.
- B. Overt traffic enforcement serves to deter traffic violations and is recommended as the preferred method of enforcement.
- C. When conducting high visibility patrol, the deputy will select a location that will provide the most visibility of the marked police vehicle to passing motorists.
- D. When appropriate, covert traffic enforcement, such as parking to avoid being seen by motorists, may be used. Such tactics should usually be employed when overt tactics may not or have not resulted, in a consistent reduction in targeted violations.

45.12.4 Patrol Operations: The use of unmarked police vehicles is not authorized for use in traffic enforcement activities in the Patrol Operations Bureau.

45.12.5 Investigations Operations: Deputies in plain clothes assignments such as investigations, and driving unmarked vehicles, should generally not be involved in traffic enforcement activities. This does not preclude investigative deputies from making traffic stops when:

- A. Required as part of a criminal investigation;
- B. a violation occurs in the deputies immediate presence, the traffic stop can be made safely, and the deputy can clearly identify himself/herself as a peace officer;
- C. when assisting other peace officers, or citizens as needed, at an accident scene or other public safety incidents.

45.12.6 Administrative Check Points or Roadside Safety Checks

- A. Administrative Traffic Check Points or Roadside Safety Checks will be authorized, planned and conducted according to UCA 77-23-104.
- B. Administrative Traffic Check Points will only be established and operated upon written authority of a magistrate.
- C. The Sheriff or designated command level officer must submit a signed, written plan to the magistrate including:
 - 1. The location of the checkpoint including geographical and topographical information;
 - 2. The date, time, and duration of the checkpoint;
 - 3. The sequence of traffic to be stopped;
 - 4. The purpose of the checkpoint, including the inspection or inquiry to be conducted;
 - 5. The minimum number of personnel to be employed in operating the checkpoint, including the rank of the deputy/officer in charge at the scene;
 - 6. The configuration and location of signs, barriers, and other means of informing approaching motorists that they must stop and directing them to the place to stop;
 - 7. Any advance notice to the public at large of the establishment of the checkpoint; and
 - 8. The instructions to be given to the enforcement officers operating the checkpoint.

9. A statement for the magistrate to sign authorizing the checkpoint.
- D. The magistrate will determine if the plan:
- 1)minimizes the length of time the motorist is delayed;
 - 2)minimizes the intrusion of the inspection or inquiry;
 - 3)minimizes the fear and anxiety the motorist will experience;
 - 4) minimizes the degree of discretion to be exercised by the individual enforcement officers operating the checkpoint; and
 - 5)maximizes the safety of the motorist and enforcement officers.
- E. The primary purpose of an Administrative Traffic Checkpoint must be inspecting, verifying, or detecting:
1. Drivers that may be under the influence of alcohol or drugs;
 2. License plates, registration certificates, insurance certificates, or drivers licenses;
 3. Violations of title 23, Wildlife Resources Code of Utah; or
 4. Other circumstances that are specifically distinguishable by the magistrate from a general interest in crime control.
- F. The plan authorized by the magistrate will be issued to the Sheriff or Chief Deputy and a copy of the plan and authorization will be:
1. Retained in the court file.
 2. Issued to the checkpoint command level deputy/officer participating in the operation of the checkpoint.
 3. Made available for exhibit by the command level deputy/officer to any motorist stopped at the checkpoint, upon request of the motorist; and

4. Any enforcement deputy/officer participating in the operation of the checkpoint shall conform his activities as nearly as practicable to the procedures outlined in the plan.
- G. Administrative Traffic Checkpoints will be staffed with a minimum of two deputies and a supervisor of the rank of Sergeant or higher. The supervisor will:
1. Have the authority to make all decisions regarding the operation of the checkpoint in the field.
 2. Conduct a briefing prior to the checkpoint being established.
 3. Ensure compliance with the plan authorized by the magistrate and Office policies and procedures.
 4. Complete and submit a Traffic Checkpoint initial report.
- H. Reserve deputies, if available, may be used to supplement regular deputies whenever possible.
- I. Sheriff's Office personnel will NOT participate in joint agency checkpoints unless specifically authorized by the Sheriff.
- J. Briefings will be held at a separate location, prior to each checkpoint. The briefing will include a review of pertinent Sheriff's Office policies and procedures, statutes, specific search criteria and procedures as outlined in the plan authorized by the magistrate.

- K. The checkpoint will be established as detailed below:
1. Signs will be placed prior to the checkpoint:
 - a) "Caution" - 1000'
 - b) "No U-Turn" - 500'
 - c) "Stop Ahead" - 150'
 - d) "Stop - Sheriff's Office Traffic Checkpoint" placed at the checkpoint.
 2. All police vehicles will be parked off the roadway at a safe distance, without emergency equipment on.
 3. Checking stations will be established by assigning deputies and located between two flashing barriers.
 4. Cones will be set as needed to facilitate traffic flow and to indicate the end of the checkpoint.
 5. Upon establishment of the checkpoint the supervisor will take a picture of the entire checkpoint.
- L. Contact between deputies and those stopped will be done in a courteous and professional manner. The driver of each stopped vehicle will be requested to produce a driver's license and registration. These will be examined, along with the safety inspection. Deputies will also observe the occupants for signs of intoxication etc.
1. Deputies will observe the vehicle interior for evidence of criminal activity in plain view. Deputies may search the vehicle only as authorized by law. Consent searches may be based on permission of the owner, or the driver, if the owner is not present.
 2. If a search, arrest, or citation is to occur, the vehicle will be directed to

an area out of the checkpoint station. Reports and citations are the responsibility of the arresting deputy and will be referenced to the case number assigned to the supervisor for the checkpoint.

- M. Once the predetermined number of vehicles have been directed into checking stations, ALL incoming traffic will be directed around the checkpoint. Once the checking stations are clear, the next predetermined number of vehicles will be directed into the checking stations. No deviation from the number of vehicles is permitted.
- N. A chase patrol vehicle, with two deputies assigned, will be positioned near the "No U-Turn" sign. Vehicles approaching the checkpoint and making a prohibited U-Turn will be pursued and stopped. The stop will be handled as a traffic violator stop.
- O. Vehicles that fail to stop at the checkpoint after being directed to do so, may be stopped and charged with a class "A" misdemeanor.
- P. Impounds will be made consistent with Sheriff's Office policy 45.41-43.
- Q. No sign notifying motorists of an administrative traffic checkpoint will be displayed unless the checkpoint is being operated under the authority of a magistrate as set forth herein.