Roanoke County Police Department
DUI Departmental Policies

The Roanoke County Police Department does have policies specifically related to the expectations of officers when contacting impaired drivers and the next several pages contain the applicable excerpts from written directives concerning impaired drivers.

Type of Directive	Number	Page
GENERAL ORDER	18.2.8	1-22
Subject		Date
TRAFFIC ENFORCEMENT		05/08
Amends	Rescinds	
	18.2.7	

This policy is for Department use only and shall not apply in any criminal or civil proceedings. The Department policy should not be construed as a creation of a higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this directive will be the basis for Department administrative sanctions. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting.

I. PURPOSE

The purpose of this order is to establish operational guidelines so that the enforcement of State laws and County ordinances governing motor vehicles is consistently and fairly applied.

II. POLICY

It is the policy of the Department that officers be guided by principles of reasonableness, consistency, and impartiality in their enforcement of applicable laws. The Department expects officers to utilize sound professional judgement in fulfilling their duties as they relate to traffic enforcement. Officers are reminded that the Department's goal in traffic enforcement is achieving compliance with applicable laws. The Department's expectation relative to traffic enforcement emphasizes a qualitative approach to enforcement and discourages enforcement based solely on quantitative measures.

III. PROCEDURE- GENERAL ADMINISTRATION

A. General Information

1. The immediate aim of traffic related operations will be conformance to applicable statutes through appropriate enforcement techniques.

2. The decision regarding the proper enforcement option (warning, summons, or physical arrest) is at the officer's discretion and should be guided by the total situation considering the seriousness of the offense and any extenuating circumstances.

3. Officers will target as the highest enforcement priority those violations which:

   a. actively endanger life and property and/or

   b. involve reckless disregard of traffic regulations.

4. Violations which the officer deems less flagrant and less likely to endanger the public may be accorded a proportionately lower enforcement priority.

5. Nonhazardous violations may be accorded the lowest enforcement priority.

B. **Enforcement Options**

1. Traffic enforcement will be accomplished in a firm, impartial and courteous manner using one or more of the following courses of action:

   a. verbal warning,
   b. traffic summons (Virginia Uniform Summons),
   c. physical arrest, and/or
   d. administrative action (e.g. Confirmation of Liability Insurance, Medical Review Request).

2. A verbal warning may be appropriate when the violator:

   a. has committed a violation due to ignorance of a unique local ordinance or

   b. has unknowingly or unintentionally committed some other form of violation (i.e. vehicle equipment failure of which the driver was not aware).

3. A traffic summons may be issued, if law permits, to those violators:

   a. who the officer believes will honor the promise to appear in court and

   b. who reside in the states listed as members of the Nonresident Violator Compact.

4. Officers **will** effect the arrest, except as provided in the General Order titled LEGAL PROCESS, of any person in violation of traffic laws pertaining to:

   a. DUI,

   b. hit and run crashes involving personal injury or death, and

   c. driving after having been adjudicated a habitual offender.

5. Officers may also, except as provided in the General Order titled LEGAL PROCESS, effect a physical arrest of any violator who:

   a. resides beyond the judicial limits of the Nonresident Violator Compact, or

   b. fails to give written promise to appear in court except for seat belt violations under COV 46.2-1094, or

c. fails to reasonably identify themselves by providing a name and address.

6. For any moving violation or operator's license violation, the officer is responsible for running DMV Transcripts needed for court.

7. The Commonwealth's Attorney and the General District Court Judges have agreed to require driver transcripts only on moving violations and those violations related to license issues.

8. When facts and circumstances exist to warrant an administrative intervention, officers will utilize the options listed below to resolve any infraction.

   a. **Driver Deficiency Report** - forwarded to DMV for motorists suspected of physical or mental impairments to limit driving privileges and

   b. **Confirmation of Liability Insurance** - a notice requiring the motorist to forward liability insurance information to DMV as a verification process.

C. **Enforcement Qualifiers**

1. Certain situations may alter an officer's options to various traffic violations. These situations include but are not limited to the following conditions.

   a. Nonresidents of the Commonwealth of Virginia violators will be handled the same as residents if from a state participating in the reciprocal agreements. Violators from states NOT participating in reciprocal agreements will be taken before a magistrate on any traffic offense and required to post a bond. The non-reciprocal states are listed within the Magistrates Handbook.

   b. Juveniles violators will be handled in accordance with the provisions found in the General Order titled JUVENILE OPERATIONS.

   c. Legislators, Diplomats and Military Personnel violators will be handled in accordance with the provisions found in the General Order titled LEGAL PROCESS.

D. **Enforcement Guidelines**

1. Driving Under the Influence

When probable cause exists to suspect a person of driving under the influence, the officer is expected to arrest the violator. Specific guidance for these types of violations can be found in the General Order titled DUI AND STATIONARY CHECKPOINTS.

Type of Directive	Number	Page
GENERAL ORDER	18.8.6	1-8
Subject		Date
DUI Enforcement & Stationary Checkpoints		05/08
Amends	Rescinds	
	18.8.5	

This policy is for Department use only and shall not apply in any criminal or civil proceedings. The Department policy should not be construed as a creation of a higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this directive will be the basis for Department administrative sanctions. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting.

I. PURPOSE

The purpose of this order is to establish guidelines for enforcement action relating to driving under the influence of alcohol or drugs.

II. POLICY

It is the policy of the Department to aggressively pursue violations of Driving Under the Influence (DUI) laws through strategic and intensive enforcement activities. These activities encompass the efforts of individual officers as well as the unified efforts of the Department's selective enforcement.

III. PROCEDURE FOR DUI

A. General Information

1. For purposes of this directive, DUI is defined as operating a motor vehicle while under the influence of alcohol or self administered drugs. (DUID - for cases specifically believed to be drug related)

2. Officers assigned to patrol duties and those assigned to the Traffic Unit have the primary responsibility for the enforcement of DUI violations. However, all officers will be responsible for taking appropriate action should they observe a driver suspected of DUI.

3. Officers of the Department will receive entry level and in-service training related to DUI detection and apprehension.

4. The DUI training includes, but is not limited to:

   a. recognition of impaired drivers,
   b. investigation at accident scenes,
   c. use of standard field sobriety tests,
   d. use of preliminary breath testing devices, and
   e. legal and procedural changes involving DUI detection, arrest and processing.