



## 2017 VIRGINIA LAW ENFORCEMENT CHALLENGE APPLICATION

Applications are due to [VLEC@vachiefs.org](mailto:VLEC@vachiefs.org) by **Friday, May 5, 2017, by 11:59 PM**

Click here for a copy of the LEC How-To Guide: <http://bit.ly/22aMcCW>

Agency (as it would appear on an award): New Kent County Sheriff's Office

Agency Category: Sheriff 2

Total Number of Sworn Personnel: 35 Total Number of Uniformed Officers on the Street: 18

Submitter(s) (main point of contact for application): Chief Deputy Lee S Bailey

Department: New Kent County Sheriff's Office

Address: P.P. Box 186 City: New Kent State: VA Zip: 23124

Submitter Phone: 804-966-9560 Submitter Email: [LSBailey@newkent-va.us](mailto:LSBailey@newkent-va.us)

Department Head: Sheriff J. J. McLaughlin, Jr. Email: [jjmclaughlinjr@newkent-va.us](mailto:jjmclaughlinjr@newkent-va.us)

### APPLICATION ATTACHMENTS PACKET

#### CHECKLIST

*Each attachment should be no longer or larger than 10 pages and 10 MB.*

NLEC Application (required)	__X__
Speed Awareness Narrative (required)	__X__
Speed Awareness Policies (required)	_ X
Impaired Driving Narrative (required)	__X__
Impaired Driving Policies (required)	__X__
Occupant Protection Narrative (required)	__X__
Occupant Protection Policies (required)	__X__
State/Local Issue Narrative (required)	__X__
State Local Issue Policies (required)	__X__
Special Award Application(s) (1 attachment including narratives and policies for <u>each</u> award) (optional)	____

### SPECIAL AWARD CONSIDERATIONS

Impaired Driving*	__X__
Occupant Protection*	__X__
Speed Awareness*	__X__
Bike/Pedestrian Safety	____
Commercial Motor Vehicle Safety	____
Distracted Driving	__X__
Motorcycle Safety	____
Technology	____
Traffic Incident Management	____
State/Local Issue is Special Award Consideration**	__X__
yes	no
	__Y__
<i>If yes, which one?</i>	
_____	

*\*Your agency is automatically considered for this Special Award upon submission of NLEC application*

*\*\*Cannot be Speed Awareness, Impaired Driving, or Occupant Protection; must be chosen from other Special Awards*

## SUBMISSION DISCLOSURE QUESTIONS

*Please answer the following questions to the best of your ability.*

1. Total roadway crashes in 2014: 375
2. Total roadway crashes in 2015: 519
3. Total roadway crashes in 2016: 457
4. Total fatal crashes in 2014: 8
5. Total fatal crashes in 2015: 8
6. Total fatal crashes in 2016: 5
7. Total injury crashes in 2014: 161
8. Total injury crashes in 2015: 225
9. Total injury crashes in 2016: 106

### IMPAIRED DRIVING

*For guidance on completing your Impaired Driving attachments, please refer to page 5 of the How-To Guide:*

<http://bit.ly/22aMcCW>

1. This agency has a written policy making impaired driving enforcement a priority: yes  no
2. Number of officers who received training in 2016 in impaired driving: 18
3. This agency participates in officer recognition programs for impaired driving detection and apprehension:  
yes  no
4. Number of Impaired Driving Arrests in 2014: 64
5. Number of Impaired Driving Arrests in 2015: 35
6. Number of Impaired Driving Arrests in 2016: 45
7. Total number of fatal and injury crashes related to Impaired Driving in 2016: 22
8. Percentage of fatal and injury crashes related to Impaired Driving in 2016: 4.81 %
9. This agency is allowed to conduct Impaired Driving Checkpoints: yes  no
10. Number of Special Enforcement Efforts in 2016 for Impaired Driving (saturation patrols, checkpoints, etc.): 219
11. Output Statistics: How many DUI citations were issued in target areas?: 23
12. Output Statistics: How many DUI citations were issued during the target times?: 16
13. Output Statistics: How many contacts were made? (total): 1060
14. Output Statistics: How many contacts in target areas?: 800

## OCCUPANT PROTECTION

For guidance on completing your Occupant Protection attachments, please refer to page 6 of the How-To Guide:

<http://bit.ly/22aMcCW>

1. This agency has a written policy making safety belt and child passenger safety enforcement a priority: yes  no
2. This agency has a written policy requiring officer safety belt use: yes  no
3. Does your state have a Primary Seat Belt Enforcement Law?: yes  no
4. Your state's average safety belt use percentage rate in 2016: 79 %
5. Your jurisdiction's safety belt use percentage rate at the beginning of 2016: 86 %
6. Your jurisdiction's safety belt use percentage rate at the end of 2016: 91 %
7. Number of officers who received training in 2016 in occupant protection: 35
8. This agency participates in Saved by the Belt/Air Bag (officer and/or citizen) awards programs: yes  no
9. Number of Seat Belt Citations in 2014: 227
10. Number of Seat Belt Citations in 2015: 122
11. Number of Seat Belt Citations in 2016: 104
12. Number of Child Seat Citations in 2014: 24
13. Number of Child Seat Citations in 2015: 11
14. Number of Child Seat Citations in 2016: 12
15. Number of Special Enforcement Efforts in 2016 for Occupant Protection: 45
16. Output Statistics: How many citations were issued in target areas?: 71
17. Output Statistics: How many citations were issued during the target times?: 50
18. Output Statistics: How many contacts were made? (total): 715
19. Output Statistics: How many contacts were made in target areas?: 505

## SPEED AWARENESS

For guidance on completing your Speed Awareness Submission attachments, please refer to page 8 of the How-To

Guide: <http://bit.ly/22aMcCW>

1. This agency has a written policy making speed enforcement a priority: yes  no
2. Number of officers who received speed-related training in 2016: 25
3. This agency participates in officer recognition programs for speed detection and apprehension: yes  no
4. Number of Speeding Citations in 2014: 1520
5. Number of Speeding Citations in 2015: 1336
6. Number of Speeding Citations in 2016: 1274
7. Total number of 2016 fatal and injury crashes related to speed: 66
8. Percentage of 2016 fatal and injury crashes related to speed: 14.4 %
9. Number of Special Enforcement Efforts in 2016 for Speed: 325
10. Output Statistics: How many citations were issued in target areas?: 894
11. Output Statistics: How many citations were issued during the target times?: 780
12. Output Statistics: How many contacts were made? (total): 1295
13. Output Statistics: How many contacts were made in target areas?: 950

## STATE/LOCAL ISSUE

Your State/Local Issue cannot be Impaired Driving, Occupant Protection, or Speed Awareness. For guidance on completing your State/Local Issue attachments, please refer to page 9 of the How-To Guide: <http://bit.ly/22aMcCW>

1. This agency has a written policy making this issue a priority: yes\_\_\_ no X
2. Number of officers who received training related to this issue in 2016: \_\_17\_\_\_\_\_
3. This agency participates in officer recognition programs for this issue: yes\_\_\_ no\_X\_\_\_
4. Number of citations issued involving this issue in 2014: \_197\_\_\_\_\_
5. Number of citations issued involving this issue in 2015: \_\_37\_\_\_\_\_
6. Number of citations issued involving this issue in 2016: \_\_21\_\_\_\_\_
7. Total number of 2016 fatal and injury crashes related to this issue: \_\_51\_\_\_\_\_
8. Percentage of 2016 fatal and injury crashes related to this issue: \_11.16 %\_\_\_\_\_
9. Number of Special Enforcement Efforts in 2016 for this issue: \_\_5\_\_\_\_\_
10. Output Statistics: How many citations were issued in the target areas?: \_\_21\_\_\_\_\_
11. Output Statistics: How many citations were issued during the target times?: \_21\_\_\_\_\_
12. Output Statistics: How many contacts were made? (total): \_\_25\_\_\_\_\_
13. Output Statistics: How many contacts were made in target areas?: \_\_21\_\_\_\_\_
14. How many special team enforcement details were directed at the State/Local Issue (not routine patrol)?:  
\_ 5\_\_\_\_\_

## **Problem Identification – Impaired Driving**

Based on 2016 data for Impaired Driving related fatal and serious injury crashes Saturday and Sundays between 2100-0300.during the months of April, May and December. We had 1 Fatal Impaired Driving related crash in 2015 and 5 Impaired driving related Serious Injury Crashes in 2015.

Based on the available data from the Virginia Highway Safety Office our efforts targeted the days of the week, time of day, months of year and location that most of our fatal and serious injury crashes were occurring.

The fatal crash occurred on Monday with 50 % of the Serious Injury crashes occurring on Sunday and Thursdays between 2100-0300 during the month of September.

The interstate is primarily patrolled by the Virginia State Police. The 1 Fatal Crash and 4 of the 8 serious injury crashes occurred on the Interstate.

We have determined based on the statistics and data available that most of our fatal crashes are committed by males age 21-35.

The locations of our impaired driving related crashes and Serious Injury Crashes were on I-64, Old Roxbury, Farmers Dr, Holly Fork Rd, Waterside DR, Pocahontas Trail, New Kent Hwy and Old Church Rd,

### **Policy**

**Our policy is attached and Highlighted in Red.**

**The target areas shown above are US Route 60, State Rt. 33, State Rt. 249, Old River Rd, Waterside Dr and Old Church Rd.**

# DIRECTIVE

**To:** ALL SHERIFF'S OFFICE MEMEBERS

**From:** Sheriff J. J. McLaughlin, Jr.

**Date:** January 1, 2016

**Re: Driving Under the Influence, Speed, Occupant Protection and  
Distracted Driving Violations enforcement**

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The following enforcement activities historically have been and continue to be priorities of this office.

**1. Driving under the influence/impaired driving:**

The enforcement of the code of Virginia as it relates to impaired driving shall be a priority of the New Kent County Sheriff's Office in an effort to reduce the number of alcohol related motor vehicle crashes within the county of New Kent and to prevent injuries and save lives.

**2. Speed Enforcement:**

Excessive speed is the second greatest cause of death and injury on the highways of the United State. It shall be a priority of the New Kent County Sheriff's Office to enforce the code of Virginia as it relates to speeding violations. In an effort to reduce the number of motor vehicle crashes and to prevent injuries and save lives.

**3. Occupant Protection:**

The enforcement of the code of Virginia as it relates to occupant protection violations (seat belt and child safety seat laws) shall be a priority of the New Kent County Sheriff's Office. The protection of those travelling the highways of the County of New Kent shall be addressed through education and enforcement.

## **Planning- Impaired Driving**

During 2016 we dedicated our resources on the county roads that had been identified with higher than normal impaired driving crash rates during specific times of day, day of the week and months of the year.

We utilized Impaired Driving grant funding to assign deputies to work the high crash areas. We also used deputies working their regular shifts to target these areas.

Deputies were advised of the target time of the day, day of week by way of memo that we needed them to target the identified areas. The county budget also helped to fund the Saturation Patrols and Checkpoints in the county to assist in the targeted areas during the targeted times.

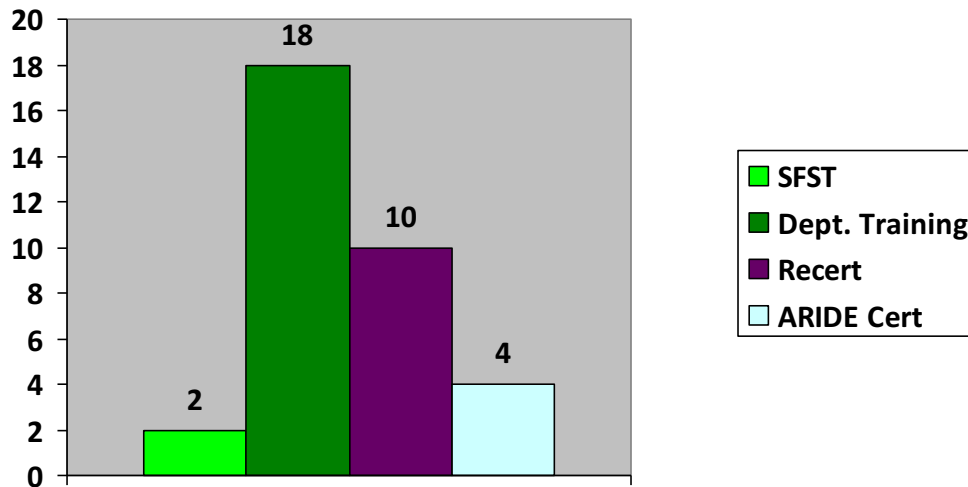
The sheriff's Office has 4 officers assigned to the counties highway safety commission. This commission is made up of citizens, County Officials, Emergency Service personnel and members from Virginia Department of Transportation to include traffic engineers. This commission has reviewed areas with higher than normal crash rates and try to determine if the causative factor in crashes is human error or a traffic engineering issue. The sheriff also serves on the States Highway Safety Committee.

Our Agency participated in the development of the States Strategic Highway Safety Plan. Our agency is following the plan in an attempt to reduce Impaired driving injuries and fatalities.

## **Officer Training-Impaired Driving**

The New Kent County Sheriff's Office is dedicated to traffic safety. 100 % of our patrol deputies have received in house, Law Enforcement academy training relating to Impaired Driving several deputies attended basic SFST training classes at Crater and Hanover Academy. 10 Deputies recertified there intoxilyzer certification.

One of our officers is a Senior SFST instructor and assisted teaching two SFST schools for Crater Criminal Justice Academy and has become the lead instructor for our regional academy. He assists in teaching all new recruits and officers returning for in-service training.



Classes were taught or attended in the following jurisdictions New Kent County, Prince George County, Hanover County.

## **PUBLIC INFORMATION AND EDUCATION- (Impaired Driving)**

The New Kent County Sheriff's Office during the past year has been very involved in many highway safety endeavors relating to prevention, education and enforcement of Impaired Driving Issues.

The following is a summary of some of those activities. Our programs were intended to decrease Impaired Driving Crashes and Underage Drinking and reduce Injury and Fatal Impaired Driving Crashes.

### **🚓 NEW KENT COUNTY FAIR-Impaired Driving**

Members of our department and volunteers passed out several thousand safety brochures relating to Impaired Driving and Underage Drinking and Driving.



## SCHOOL SYSTEM- Impaired Driving

During the last year officers taught segments of the driver's education classes at New Kent High School. We spoke to the entire student body of New Kent High School on the dangers associated with Drinking and Driving and Underage Possession of Alcohol. This was done in April at the Live Smart Event.

We educated students to the dangers of operating a motor vehicle while under the influence. They were also cautioned on the dangers of riding with someone that had been drinking.

## Enforcement Efforts- Impaired Driving

The new Kent County Sheriff's Office utilized an Alcohol Grant from the Virginia Highway Safety Office to help combat Impaired Driving related issues in our county. This was done by Saturation Patrols and Checkpoints.

During 2016 we conducted 219 Saturation Patrols and 12 checkpoints targeting Impaired Driving related issues.

Deputies were given directives outlining specific time frames and days of the week based on data provided by the Highway Safety Office.

We dedicated 1000 hours of enforcement that was funded by the county and 845 hours of enforcement that was funded through a grant from the Virginia Highway Safety Office. A lot of our resources were dedicated in trying to keep problem areas of the past to from increasing.

**Roadways targeted for Enforcement Efforts: Interstate 64, Old Roxbury, Farmers Dr, Holly Fork Rd, Waterside DR, Pocahontas Trail, New Kent Hwy and Old Church Rd.**



Rt. 249 and I64 East 205 Exit Dec 17, 2016

Our agency partnered with the Virginia State Police and performed several Impaired Driving Checkpoints during 2016

### **SATURATION PATROLS/Checking Details- Impaired Driving**

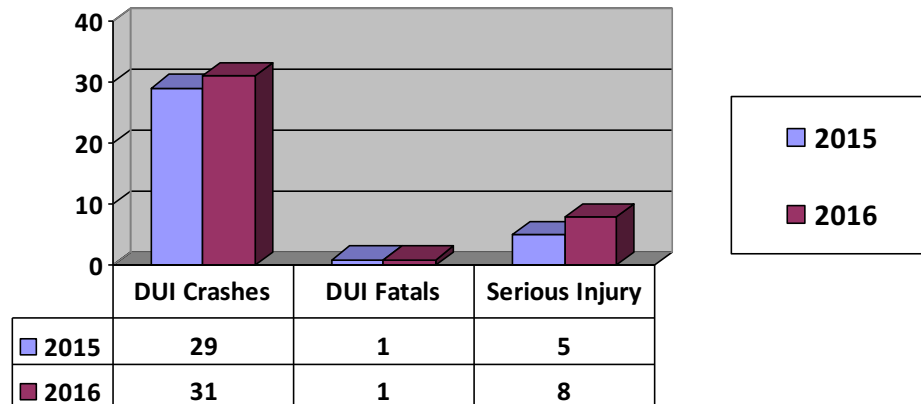
Deputies are offered extra hours to perform concentrated patrols on areas of highway that have been identified as problem areas.

This is due to higher crash averages provided by the state Highway Safety office or traffic related complaints from citizens, county or state officials.

Deputies are directed to concentrate their efforts on Impaired Driving violations during specific times of the day and certain days of the week based on crash data.

We conducted 12 checkpoints targeting Impaired Driving. These were completed in May, July, August and December in conjunction with the “Drive Sober Get Pulled over Campaign”.

## Outcomes from our efforts in Impaired Driving



### 2015-2016 Fatal Impaired driving related crashes and serious injury crashes

In 2016 we had 1 impaired driving fatal crash this was the same as 2015. And we had 8 serious injury crashes this was an increase of 3 from 2015.

The fatal crash occurred on Interstate 64 and 4 of the 8 serious injury crashes occurred on Interstate 64 which we do not primarily patrol it is handled by the Virginia State Police.

During 2016 our crashes occurred between 2100-0300 on Sunday's, Monday's and Thursday's during the months of September and October.

During 2015 they were between 2100-0300 on Saturday and Sunday's during the months of April, May and December.

We will continue to monitor our statistics from in house and the Virginia Highway Safety Office and adjust our enforcement accordingly. (See chart below)

## Recognition Programs

**Lt. J. J. McLaughlin III was recognized at the department's annual meeting on January 20, 2017 he received the departments Impaired Driving Award with 14 DUI Arrests in 2016. (Reduced in size for formatting)**



LAW ENFORCEMENT AWARD RECIPIENTS	
<i>Amelia County Sheriff's Office</i> Deputy Justin E. Wargockak	<i>Powhatan County Sheriff's Office</i> Deputy Phillip Barlett Deputy Rudolf Riquadre
<i>Chesterfield County Police Department</i> Officer Kevin Cruzin Officer First Class Kevin Rollins	<i>Reynolds Community College</i> Sergeant William Judon
<i>Chesterfield County Sheriff's Office</i> Lieutenant Stephen McLeod Deputy Sheriff Karen Reyesoso	<i>Richmond Police Dept. Special Ops.</i> Division-Hit and Run/Crash Team Detective Jonathan S. Nathanson
<i>Colonial Heights Police Department</i> Senior Officer R. L. Simmons	<i>Sussex Sheriff's Department</i> Deputy Malt W. Rawls
<i>Dinwiddie County Sheriff's Office</i> Sergeant David C. Williams	<i>Town of Ashland Police Department</i> Officer Michael Helbig
<i>Emporia Police Department</i> Officer Willie A. Richards	<i>University of Richmond Police Department</i> Officer Renee Walcott
<i>Fort Lee Police</i> Officer Keith Miller	<i>Virginia Commonwealth University Police</i> Officer Benjamin I. Bone
<i>Goosland County Sheriff's Office</i> Deputy Erich Hoepner	<i>Virginia State Police Area 1</i> Master Trooper David A. Lewis
<i>Hanover County Sheriff's Office</i> Deputy Steven W. Tomlinson	<i>Virginia State Police Area 3</i> Trooper Jonathan D. Miles
<i>Henrico County Police Division</i> Officer Enrique A. Santana Officer James P. Gray Officer L. Craig Jones	<i>Virginia State Police Area 4</i> Trooper T. Scott Thompson
<i>New Kent County Sheriff's Office</i> Deputy Wyatt Johnston Lieutenant Joey McLaughlin	<i>Virginia State Police Area 6</i> Trooper S.C. Albert Trooper F.H. Darnold, III
	<i>Virginia State Police Area 8</i> Trooper Benjamin C. Canning

**Lt. Joey McLaughlin, III and Deputy Wyatt Johnston were recognized by Mother Against Drunk Drivers at an awards dinner on October 6, 2016 at the Short Pump Hilton. (Award Recipients)**

(reduced for formatting)

## **Citizen Recognition-**

### **SAVED BY THE BELT AND BAG**

Our agency did not nominate anyone for the Saved by the Belt and Bag Award this Year.

<b>NEW KENT COUNTY SHERIFF'S OFFICE</b>		<b>GENERAL ORDERS</b>	
<b>SUBJECT: TRAFFIC LAW ENFORCEMENT</b>		<b>NUMBER: 2-19</b>	
<b>EFFECTIVE DATE: 04-15</b>		<b>REVIEW DATE: Annually</b>	
<b>AMENDS/SUPERSEDES: 08-12</b>		<b>APPROVED: <u>J. J. McLaughlin, Jr.</u> Sheriff</b>	
<b>V.L.E.P.S.C. STANDARDS: ADM.02.05, OPR.07.01-.06, .08</b>			

**NOTE:**

This rule or regulation is for internal use only, and does not enlarge an officer's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this directive, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial administrative setting.

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**INDEX WORDS:**

<b>DUI</b>	Traffic Checking Details
Enforcement; traffic	Selective Enforcement
Juveniles; traffic violations by	
Radar	
Traffic	
Traffic stops - felony	
Traffic stops - routine	
Virginia Uniform Summons	

**I. POLICY:**

Traffic law enforcement involves all activities or operations, which relate to observing, detecting, and preventing traffic law violations and taking appropriate action under the circumstances. Traffic enforcement not only involves arrests and citations, but also includes warnings to drivers and pedestrians, which help prevent them from committing minor violations. Traffic enforcement may react to observed violations, at accidents, or in response to community concerns, or may be proactive to prevent traffic violations.

However, overzealous enforcement without considering whether the violator is familiar with the legal requirements or without regard for the circumstances surrounding the violation causes disrespect for the law and poor relations between the department and the community. The emphasis of an officer's traffic enforcement is placed on violations that contribute to accidents and that prevent hazards to vehicular and pedestrian traffic.

**II. PURPOSE:**

The purpose of this order is to prescribe procedures for traffic law enforcement, preventive patrol, proactive enforcement, and relationships with motorists, pedestrians, and the courts.

**III. PROCEDURES:**

A. Types of enforcement actions:

1. Warnings:

Officers may issue warnings to a violator whenever a minor traffic infraction is committed in areas where traffic accidents are minimal, or when the act may be due to ignorance of a local ordinance, which may be a unique violation or a violation, of which the driver may not be aware. A properly administered warning can be more effective than any other type of enforcement. For minor traffic violations, professional courtesy may be extended to other law enforcement personnel by issuing oral or written warnings.

2. Virginia Uniform Traffic Summons (UTS):

A UTS should be issued to a violator who jeopardizes the safe and efficient flow of vehicular and pedestrian traffic, including hazardous moving violations or operating unsafe and improperly equipped vehicles.

3. Physical arrest:

Officers will make a physical arrest, in compliance with Virginia Code Section 46.2-937 in the

following circumstances:

- a. Violations of traffic laws pertaining to driving under the influence of alcohol or other intoxicants.
- b. Whenever a felony has been committed involving a vehicle.
- c. When the operator refuses to sign the promise to appear on the traffic summons.
- d. When the officer has reason to believe that the person will not comply with the summons if issued.
- e. If the operator is licensed by a non-reciprocal state, the deputy may arrest.

B. Handling special categories of violators:

1. Non-residents:

Officers shall consider use of warnings for non-residents who commit minor, non-hazardous violations. Non-residents licensed in reciprocal state will be treated the same as residents. When the offender is licensed in a non-reciprocal state, a physical arrest or arrest on a summons may occur.

2. Juveniles:

Juvenile traffic offenders are prosecuted in Juvenile and Domestic Relations Court and that shall be so noted on the summons. Officers issuing a traffic summons to a juvenile offender shall advise them as to their options regarding prepayment or court appearance and that a parent or guardian must accompany them when they appear before the court.

3. Foreign/diplomats and other consular officials:

Career consular officers of foreign nations are immune from arrest for criminal and traffic offenses unless arrests are ordered by a federal



magistrate. Once identified, consular officials will not be detained unnecessarily. Consular immunity does not normally extend to members of the consular family or employees. The burden is on the diplomat to claim immunity and to display valid credentials.

4. Virginia Governmental Officials:

The lieutenant governor and members of the General Assembly under Title 30-6, Code of Virginia:

During the session of the General Assembly and for five days before and after the session, the Lieutenant Governor, a member of the General Assembly, or the Clerk thereof, and their assistants, shall be privileged from custodial arrest except for treason, a felony, or a breach of the peace.

The issuance of a traffic summonses for a moving traffic offense is allowed, as is a physical arrest in the case of an offense involving a DUI offense.

5. Military personnel:

Military personnel who are first passing through the county may be treated as non-residents or, if from this area, as residents.

C. Information regarding traffic summons:

The Virginia Uniform Traffic Summons will be completed whenever a motorist is to be charged with a motor vehicle violation. Officers shall advise drivers of the following information:

1. court appearance schedule;
2. whether court appearance by the motorist is mandatory;
3. whether the motorist may be allowed to prepay the fine before court and enter a guilty plea;
4. any other information necessary before release of

the motorist.

**IV. UNIFORM ENFORCEMENT POLICIES FOR TRAFFIC LAW VIOLATIONS:**

A. Speed violations:

Shall be a clearly demonstrated speed in court. May depend on location of violation (congested area, downtown, school zone, etc.).

B. Other hazardous violations:

Consider the degree of hazard, place, previous accident history of location, current directed patrol emphasis. Seat belt/child safety seat enforcement is a very important part of this department's duties and shall be addressed on each traffic stop. If the occupants are using proper restraints they should be commended for doing so. If safety devices are not being used it shall be brought to the attention of the driver and occupant(s) with the officer having discretion as to the handling of the situation, as described in section III, paragraph A of this G. O.

C. Equipment violations:

With only annual inspections now required of vehicles, consider issuance of summons for any essential equipment defects.

D. Public carrier/commercial vehicle violations:

Consider congestion, lack of parking, and carrier needs for delivery access. Repetitive violators shall be cited.

E. Other non-hazardous violations:

Consider a warning unless repetitive or flagrant.

F. Multiple violations:

May cite all if deemed necessary, but normally pick the most serious violation and warn on others.

G. Newly-enacted laws and/or regulations:

Normally, a grace period is established during which only warnings will be given. Thereafter, officers shall use discretion. Officers may allow a reasonable period of time, normally:

1. One month before issuing a summons for:
  - a. a violation of a newly enacted traffic law;
  - b. speeding violations in an area, which the speed limit has been reduced.
2. One week after expiration before issuing a summons for:
  - a. expired state license tags;
  - b. expired county license tags;
  - c. expired state inspection stickers.

H. DUI

See VI. of this G. O.

**V. TRAFFIC LAW ENFORCEMENT PRACTICES GENERAL**

- A. Normal traffic enforcement involves patrol by officers who observe and handle traffic violations during the performance of their normal duties.
1. Area patrol involves traffic enforcement within the officer's assigned area of responsibility.
  2. Line patrol involves traffic enforcement with concentration on a particular section of roadway.
  3. Directed patrol instructions can specify enforcement in an area, on a line patrol, or at a specific location, depending on the nature of the hazard/violation.
  4. Stationary observation, either covert or overt, may be used as a technique to make observations about the flow of traffic at a particular location. Deputies are encouraged, when completing reports or doing other activities which will keep them out of

service for a short while, to park their patrol vehicles in a conspicuous location where the mere presence of the vehicle will serve to remind the other drivers of the need for compliance with traffic laws.

B. Objectives of traffic stops:

There are two major objectives of a traffic stop. The attainment of these two objectives depends upon the officer's ability to evaluate the violator's mental and physical condition, and facts concerning the violation. This requires a thorough understanding of human relations and demands flexibility on the part of the deputy. The Deputy shall remain courteous at all times. Enforcement procedures shall minimize conflict, which may develop between the deputy and violator and assist in achieving the two major objectives, which are:

1. to take proper and appropriate enforcement action;
2. to favorably alter the violator's future driving behavior.

C. Traffic violator/officer relations:

1. Followed in all traffic stops:
  - a. Be alert at all items for the unexpected.
  - b. Be **absolutely certain** the observations of the traffic violation were accurate.
  - c. Present a professional image in dress, grooming, language, bearing, and emotional stability.
  - d. Be prepared for the contact by having the necessary equipment and forms, if they are to be used, immediately available.
  - e. Decide on the appropriate enforcement action based upon the violator's driving behavior, not attitude. In most cases, decide on the formal enforcement action before contacting the violator. Exceptions include stopping an

out-of-state driver committing a violation that would not be a violation in his jurisdiction, such as right turn on red light. The deputy may then decide to issue a warning rather than a citation.

2. Before making a vehicle stop:
  - a. Maintain a reasonable distance between the vehicle and the patrol unit.
  - b. Locate a safe spot to stop the vehicle.
  - c. Activate the emergency lights and, when necessary, siren to signal the vehicle to stop.
  - d. Advise the dispatcher of the intention to stop the particular vehicle, giving:
    1. location of the stop;
    2. vehicle's license tag number and/or other description when necessary.
  - e. Deputies shall position the patrol vehicle approximately one-half to one car length behind the violator's vehicle. The patrol vehicle shall be positioned so that it will offer the deputy protection from oncoming traffic. This position shall be two feet outside and to the left of the violator's vehicle. This position provides maximum safety to the violator, the deputy, and all other traffic.
3. Additionally, when stopping a vehicle in which the occupant(s) is (are) deemed to present a hazard to the deputy's safety:
  - a. request a backup unit and calculate the stop so that the backup unit is in the immediate area before the actual stop,
  - b. train the unit's auxiliary lights (spotlight and alley lights) on the occupant(s) of the vehicle when applicable,

- c. when necessary use the unit's public address system to give the occupant(s) of the vehicle instructions.

4. Hazards.

- a. On multi-lane roadways, the deputy shall insure the safety of the violator during the lane changes by gradually changing from lane to lane with the violator until the right side of the roadway is reached.

- b. Should the violator stop abruptly in the wrong lane or in another undesirable location, the deputy shall direct him to move to a safer location. Deputies shall use the public address system to instruct violators to move to a safer location. If the deputy's oral directions and gestures are misunderstood, the deputy shall quickly leave the patrol vehicle and instruct the violator.

5. Approaching the violator.

The following steps in stopping and approaching a traffic violator are intended to provide maximum safety for the deputy, the violator, and other users of the roadway. Varying conditions regarding the engineering of the particular traffic way, the urgency to stop the violator (drinking driver), and the existing volume of traffic may require adjusting or altering the recommended procedure. Under ideal conditions, follow these procedures if possible:

- a. The deputy shall leave the patrol vehicle and be continuously alert for any suspicious movement or actions on the part of the violator or other occupants in the violator's vehicle.

- b. The deputy shall approach from the rear of the violator's car, looking into its rear seat and stop behind the trailing edge of the left front door. This position shall be maintained

if there are only occupants in the front seat of the vehicle. From this position, the officer can communicate with the violator, keeping him in a slightly awkward position and at the same time keep all occupants of the vehicle in view.

- c. In cases where the violator's car has occupants in both the front and rear seats, the deputy shall approach to the leading edge of the left front door, alert for any unusual actions on the part of the occupants and choosing a path so the door cannot be used as a weapon against the deputy. From this position, the deputy can communicate with the violator and keep all occupants in view.
- d. In traffic stops made by two-man patrol vehicles, the passenger deputy shall handle all radio communications, write all notes and messages relayed from the communications center, and during the traffic stop shall leave the vehicle and act as an observer and cover for his fellow deputy. At no time shall the two deputies approach the violator together.
- e. At night, officers shall exercise caution in selecting an appropriate place for the traffic stop, signaling the violator (the spotlight shall not be used except for illumination, in what officers perceive as dangerous situations), and positioning the patrol vehicle. After the stop, the headlights shall be on low beam for the safety of oncoming traffic, and emergency lights and emergency flashers in use on the patrol vehicle (as well as during the day). Deputies operating patrol vehicles equipped with takedown lights may use them if practicable.

6. Communicating with the violator.

In transacting his business with the violator, the officer shall observe the following rules.

- a. Greet the violator courteously with an appropriate title.
- b. Introduce yourself to the violator by rank/title and last name. Also ensuring that they are aware you are a member of this office.
- c. Ask for the violator's driver license and vehicle registration, (may include proof of insurance) and accept only these forms. If the driver offers money, the officer shall refuse the money and advise the driver of the illegality of the offer.
- d. Inform the violator what traffic law he has violated and the intended enforcement action (the violator shall not be kept in suspense).
- e. If the driver has no driver's license, obtain another document of identification. Preferably one with a photo type of ID.
- f. Allow the driver to discuss the violation. Do not argue, berate, belittle, or otherwise orally abuse the violator.
- g. Complete the forms required for the enforcement action taken or exercise an oral warning, if appropriate.
- h. Explain to the violator exactly what he is supposed to do in response to the action taken and how this action will affect him.
- i. If the enforcement action requires a court appearance, make sure the violator knows where and when to appear. Explain any alternatives to the violator, but **do not** predict the actions of the court.
- j. Be alert to any emotional stress exhibited by the driver. If stress is present, the instructions may have to be repeated or the violator may need to calm down before resuming driving.

7. Conducting the transaction.



- a. Return the violator's driver's license, registration, and a copy of the warning, if one is issued.
- b. Release the defendant after he:
  - (1) signs the summons, and
  - (2) receives a copy of the summons.
- c. Assist the violator in safely re-entering the traffic flow.

Do not follow the violator.

D. Stopping a known or suspected felon:

Special procedures shall be used in vehicle stops when the occupants are known to be armed and dangerous. When a vehicle driven by a known or suspected felon is located by a deputy, he or she shall notify the dispatcher immediately of his location and give a thorough description of the vehicle and its occupants. The deputy will keep the suspect vehicle in view and request sufficient assistance in making the stop.

The deputy will keep support units informed of the location and direction of travel to aid their approach with minimal use of emergency equipment. The suspect vehicle will not be stopped unless absolutely necessary until adequate support is available and in position. Circumstances may, however, dictate a one-deputy felony vehicle stop.

The following procedures will be used in effecting the stop:

1. The deputy will plan to stop the suspect vehicle in a location, which presents minimal danger to other citizens.
2. When conditions are appropriate and support units available, the deputy will move into position to the rear of the suspect vehicle.

3. The deputy will signal the violator to stop, using all emergency equipment to warn other traffic.
4. The deputy will stop the violator on the extreme right side of the road.
5. If the violator is known to be armed and dangerous, the deputy will have his weapon easily accessible and ready for immediate use.
6. When the suspect vehicle begins to stop, the deputy will turn off the siren and turn on the public address system.
7. The deputy will park the patrol vehicle so that it provides maximum protection and cover.
8. At night, the deputy shall focus all lights on the interior of the suspect vehicle.
9. The deputy will leave the patrol vehicle quickly but remain behind the door and accessible to the public address system microphone.
10. The deputy making the stop is in command and will direct each occupant, using the public address system, to get out of the vehicle and into the appropriate search position.
  - a. First, once suspects are stopped, the deputy shall order the driver to shut off the motor and drop the keys on the ground outside his door.
  - b. Next, the deputy shall order occupants to place their hands, palms up, on the ceiling of the vehicle.
  - c. The deputy shall then order occupants to exit the vehicle on the driver's side only, one at a time. Occupants will then be ordered to lie face down on the ground.
11. If a public address system is not available, the deputy will give voice commands if they can be heard; if this fails, the deputy will cautiously approach the vehicle, keeping all occupants in

view, to a point where he can be heard.

12. To reduce confusion, the deputy will instruct support deputies, as appropriate, and will be the only deputy to direct the suspects.
13. The support deputies will cover the arresting deputy and remain on the curb side of the vehicle until all occupants are in the search position.
14. Deputies shall exercise extreme caution not to get within each other's line of fire.
15. When all occupants have been removed from the vehicle, the support deputies shall move to cover the arresting deputies while the persons are searched.
16. Arrestees will be searched and handcuffed before transportation.

E. Persons charged with revoked/suspended operator's license:

1. The Virginia Uniform Traffic Summons (UTS) may be issued when a deputy has stopped a vehicle and identified the driver as driving with a revoked or suspended operator's license.
2. A deputy who sees a person driving who is known to be under suspension or revocation may swear out a warrant if not able to stop the violator.
3. Deputies shall issue DMV Notices of Suspension to all suspended or revoked drivers even if that person may have already been notified by other means.

F. Speed enforcement:

Excessive speed is the second greatest cause of death and injury on the American highways. A deputy shall uniformly enforce speed laws within New Kent County. Procedures for the enforcement of laws applying to speed will vary in accordance with the type of equipment used.

1. Pacing:

The deputy shall follow the vehicle being paced at a constant interval for a distance adequate, normally one quarter to one half mile, to obtain a speedometer reading. Speedometers must be calibrated at least every six months and calibration filed with the clerks of the District Courts.

2. Radar:

Radar shall not be used for "filler" or "slack" officer time, but shall be applied where vehicle speed is a hazard to other motorists or pedestrians. The following guidelines govern the use of radar, which will always be operated in compliance with manufacturer's instructions. All deputies must first be certified in the use of radar and all departmental radar units meet current NHTSA standards.

- a. The radar unit must be properly installed in the vehicle and connected to the appropriate power supply.
- b. Operators must thoroughly understand the effective range of the radar unit so observations can support the speed meter readings.
- c. The operator must choose an appropriate location in accordance with the directions of his/her supervisors relative to traffic accident experience in which speed has been identified as a contributing cause. The location must also be conducive to the effective and safe operation of radar.
- d. The radar unit shall be properly tested to insure accuracy in checking speed. The operator must follow the manufacturer's recommended specific methods of checking the unit for accuracy without exception. Any problems with the operation of radar units or apparent malfunction shall be promptly reported to the platoon sergeant.

- e. In court, deputies must establish the following elements of radar speed:
  - (1) the time, place, and location of the vehicle, the identity of the operator, the speed of the vehicle, and the visual and radar speed check; identification of the vehicle;
  - (2) deputy qualifications and training in use of radar; and that the deputy was on duty, in uniform, and displaying his badge of authority;
  - (3) proper operating of radar unit;
  - (4) that the unit was tested for accuracy before use and after use by an approved method;
  - (5) speed limit in the zone in which deputy was operating and where the signs were posted.
- f. The sergeant or designee is responsible for the proper care and upkeep, maintenance, and calibration of radar units, maintenance of records, and that appropriate certificates are filed with the clerks of District and Juvenile Courts.

**VI. DUI ENFORCEMENT PROCEDURES**

**A. General:**

Various courts have interpreted driving under the influence to mean that the ability to operate a motor vehicle is reduced or impaired by the consumption of alcoholic beverages or other drugs. It does imply that the operator of a motor vehicle be in a state of alcoholic or drug-induced stupor or be entirely incapable of exercising physical control of his vehicle. Driving under the influence of intoxicants is an offense generally associated with leisure-time activity. Consequently, most arrests are made during the evening hours or in the early morning hours after taverns close or social gatherings end. Although the intoxicated

driver may be observed any day of the week, weekends and holidays reflect an increase of offenses and arrests.

**B. Laws:**

It is unlawful for any person to drive or operate any motor vehicle, engine, or train while under the influence of alcohol, or while under the influence of any narcotic drug of any nature. The term motor vehicle shall include pedal bicycles with helper motors (Mopeds), while operated on the public highways of this State. A law enforcement officer may arrest without a warrant a person who was involved in a motor vehicle accident

**C. Responsibilities:**

Each deputy shall be alert for suspected DUI offenders, both on patrol and in selective enforcement areas. He/she shall use standardized roadside sobriety tests. In addition, the alco-sensor, if available, shall be offered to each suspected driver.

**D. Intoxalyzer:**

1. The security, care, and maintenance of the Intoxalyzer and all physical evidence obtained from DUI are every deputy's responsibility.
2. The regulations of the Virginia State Department of Forensic Science Laboratory Services state: "The breath test device must be stored in a clean, dry location which is only accessible to an authorized licensee for the purpose of actually administering a breath test, preventative maintenance check, or other official uses."
3. The term licensee shall mean a person holding a valid license from the Virginia State Department of Forensic Science Laboratory Services pursuant to the Code of Virginia.
4. The Intoxalyzer is located at Sheriff's Office.

**E. Sobriety tests:**

1. Deputies shall administer a minimum of three field sobriety tests from the following list. The list names the most commonly administered tests.

a. Gaze nystagmus (only if properly certified). This test may be used as a fourth field test, but should not be used as one of the three tests since the General District Court does not recognize the validity of this test.

b. Walk and turn.

c. One-leg stand.

d. Reciting of alphabet.

e. 10 count.

f. Nose find.

g. Coin lift.

Deputies may employ additional tests.

2. If the operator fails the roadside tests, an alco-sensor shall be requested and offered to the operator, if available (Code Section 18.2-267). The operator may refuse the alco-sensor test, and must be advised of his/her right to refuse.

3. At the deputy's discretion or if the operator fails the alco-sensor test, he/she shall be arrested for driving under the influence and taken before the magistrate.

4. If a deputy suspects that the vehicle operator was driving under the influence of both alcohol and drugs, or drugs alone, he may require the operator to have a blood test performed in addition to testing for alcohol. Blood samples shall be analyzed by the Department of Forensic Science Laboratories for evidence of alcohol and for various illegal, prescription, and over-the-counter drugs.

5. The deputy shall make a full written report of the circumstances of the DUI arrest, formation of probable cause, and witnesses' observations.

**F. Arrest:**

The arresting officer shall:

1. Advise the arrestee that any person, whether or not licensed by Virginia, who operates a motor vehicle in this state gives implied consent to have a sample of his blood or breath taken for a chemical test to determine the alcoholic content of this blood or for the presence of drugs if such person is arrested for violation of 18.2-266 within three (3) hours of the alleged offense.

2. If the arrest occurs as a result of operation of a motor vehicle on private property or the operation of a Moped anywhere, the Implied Consent Law does not apply. This shall not preclude the arresting deputy from attempting to obtain consent from the arrested person to submit to a chemical analysis of his blood or breath. Deputies requesting blood or breath samples under these conditions are conducting a custodial interrogation. Therefore, the arrested subject shall be advised of his Miranda warnings before consent is requested. The officer shall make all reasonable attempts to obtain a blood or breath sample.

a. Miranda is not required before the driver takes sobriety tests, or otherwise before questioning.

3. If the arrestee refuses the available test, advise him that unreasonable refusal of the test constitutes grounds for the revocation of the privilege of operating a motor vehicle in Virginia, and that a separate charge shall be placed to which he will have to answer in General District Court.

4. The arresting officer shall inform the arrestee from a form provided by the Office of the Executive Secretary of the Virginia Supreme Court. The arresting officer shall acknowledge on such form that he/she read the form to the arrestee.

**G. Blood test procedure:**

1. Take the arrested person to a physician, registered professional nurse, graduate laboratory technician or other technician or nurse designated by order of



the Circuit Court acting upon recommendation of a licensed physician, who shall withdraw blood for the purpose of determining its alcohol or drug or both alcohol and drug content. The blood sample shall be placed in vials provided or approved by the Department of Forensic Science.

2. The deputy shall witness the doctor, nurse or technician taking the blood sample and ensure that the blood sample is taken following those procedures which are in compliance with the Code of Virginia. The deputy shall follow the procedures as required by the Division and Virginia code.

a. The vials shall be sealed by the person taking the sample or at his direction. The person sealing the vials shall complete the pre-numbered certificate of blood withdrawal forms and attach one form to each vial. The completed certificate shall show the name of the accused, the name of the person taking the blood sample, the date and time the blood sample was taken and information identifying the arresting or accompanying officer.

b. The vials shall be placed in a container provided by the Division and the container shall be sealed to prevent tampering with the vials. The deputy shall take possession of the container as soon as the vials are placed in the container and sealed and shall promptly transport or mail the container to the Division.

**H. Breath analysis:**

1. Chemical analysis of a person's breath shall be performed by anyone possessing a valid license, issued by the Virginia State Department of Forensic Science Laboratory. This may include the arresting deputy or anyone participating in the arrest. In the event the intoxalyzer machine is inoperable or a licensed operator is not available, this test is deemed not available.

2. The type of equipment and the methods used to perform breath analysis shall be in accordance with the regulations of the Virginia State Department of Forensic Science Laboratory.
3. The testing officer shall issue a certificate of breath alcohol analysis (DGS-24-015) which shall indicate that the test was conducted in accordance with the manufacturers' specifications, the equipment on which the test was conducted has been tested in the last six (6) months and was found to be accurate, the name of the accused, the date, the time the sample was taken from the accused, the alcohol content of the sample, and by whom the sample was examined.
4. The certificate of breath alcohol analysis is a three-copy form. The forms shall be handled as follows:
  - a. White copy, original, shall be given to the magistrate to be forwarded to the General District Court along with the UTS and warrant.
  - b. The second or green copy will be given to the arrested person.
  - c. The third or yellow copy is for department use and is to be forwarded to the Sheriff for filing for a period of one year, after which it may be destroyed.

I. Accident investigation:

Deputies shall also undertake:

1. Identification of witnesses who saw the suspect operating a motor vehicle.
2. Questioning the witness as to the suspect's condition, actions, and statements immediately after the accident.

3. Establishing a time lapse from the time of the accident to the time of arrest.
4. Questioning the witnesses and the suspect as to what, if anything, the suspect ingested between the time of the accident and the deputy's arrival.

#### **VII. SPECIAL TRAFFIC PROBLEMS:**

A. Identification and referral of driver recommended for reexamination to the Department of Motor Vehicles:

During routine traffic law enforcement activities, officers frequently encounter persons whom they suspect of being incompetent, physically or mentally disabled, or having other conditions that might prevent the person from exercising reasonable and ordinary care over a motor vehicle. In all such cases, in addition to whatever enforcement he or she may take, the deputy shall notify the Virginia Department of Motor Vehicles of these findings or suspicions, giving the violator's full name, date of birth, operator license number, and a brief description for the disability noted. A driver deficiency report may be used for this purpose.

B. Pedestrian and bicycle safety:

1. The Sheriff shall review the traffic accident records at least annually to determine what enforcement actions are needed to provide a proactive pedestrian/bicycle safety enforcement program. The Sheriff may recommend enforcement measures to his deputies including steps to:
  - a. reduce or eliminate human environmental factors leading to accidents;
  - b. reduce or eliminate the behavior, decisions and events that lead to the accidents.

C. Off-road vehicles (including dirt bikes, snowmobiles and mopeds):

1. Accidents involving off road vehicles that do not occur on a public highway do not require a traffic

accident report, (unless there is injury). If the responding officer finds it convenient, he or she may complete an accident report, State Form FR 300 P, and attach it to the offense report.

2. Any deputy observing an unlicensed off-road vehicle on the highways that cannot be operated legally on public highways shall order it removed, and enforce appropriate laws.
3. Deputies shall enforce compliance with vehicle registration laws as they pertain to off-road vehicles.
4. Deputies shall enforce laws, rules, and regulations concerning the operation of off-road vehicles on public-owned trails, parks, or property.
5. Deputies shall enforce roadway crossing rules and regulations.

#### **VIII. TRAFFIC CHECKING DETAILS:**

##### A. Detail Procedures:

1. The checking detail site shall be approved by an agency supervisor not involved in enforcement actions at the detail, prior to the establishment of the detail.
2. The checking detail shall be in operation not less than thirty (30) minutes (except where unusual circumstances may cause the ceasing of the detail) and no more than four (4) hours.
3. The deputies setting up the checking detail shall be responsible to see that all necessary precautions are taken to afford the highest degree of safety to motorists and deputies.
4. Vehicles will not be stopped on a discretionary basis. All vehicles types, including buses and large trucks, will be checked unless,
  - a. There is a back-up of more than fifteen (15) vehicles, in which case the deputy shall allow all vehicles to pass until the back-up is

cleared., then proceed to check all vehicles.

5. The number of deputies present should be in proportion to the volume of traffic with a minimum of two deputies participating.
6. The patrol vehicles shall be parked to provide protection to the deputies and to be highly visible to approaching motorists. The vehicles shall be positioned to allow for pursuit if necessary.
7. Traffic control measures will be implemented to provide adequate warning to motorists: i.e. use of flares, emergency lights, and portable barricades.
8. A safe pull-off area shall be designated for those vehicles that require additional inspection. This should be out of the general flow of traffic, preferably off of the roadway.
9. All deputies shall be in uniform and shall wear reflective clothing, such as a traffic safety vest. At night, a flashlight with an orange directional cone may be used.
10. When approaching a vehicle, deputies shall scan the interior and occupants for weapons and/or other contraband. Upon determining no hazard exists the deputy shall advise the driver of the purpose of the stop.
11. The motorist shall be requested to present his/her operator's license and registration card.
  - a. If the motorist cannot present the required items, or if equipment or other violations are detected, the motorist shall be directed to the pull-off area for further examination.
12. The initial contact shall be kept to a minimum to reduce unnecessary delay and/or intrusion, however sufficient time should be taken to check the vehicle and occupants(s).

B. Site Determination:

The checking detail site must be chosen from those

included on the New Kent Sheriff's Office Authorized Checkpoint Locations list. This list being authorized by the Sheriff, after his/her review and approval. Deputies may participate with members of the Virginia State Police at a checking detail site established by the Virginia State Police, authorized and approved by their agency. Other law enforcement agencies, which routinely enforce traffic laws, are permitted to participate in checking details established under the authorization of this office and under the direction of the authorized agency supervisor on site.

C. Documentation:

Each checking detail shall be documented using the New Kent Sheriff's Office Authorization for Checking Detail form. This form shall be completed and presented to an agency supervisor for review prior to the establishment of the detail. This shall include the name of the coordinating deputy, the date and starting time of the detail, the site number, and a list of the deputies authorized to assist in the detail. The supervisor shall review the form and if authorizing the detail he/she shall sign the form and include the date and time authorized. Upon the completion of the checking detail the form shall be provided to the custodian of the records to be filed appropriately. This document shall be available for use in court proceedings. Upon request the custodian of the records shall prepare the requested documentation and request it be certified by the Sheriff for presentation.

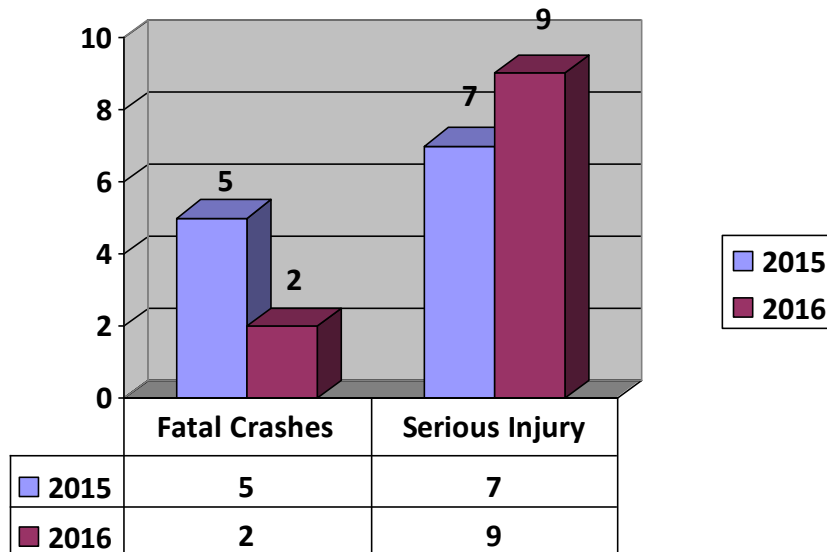
**IX. SELECTIVE ENFORCEMENT:**

Selective enforcement is funded and functions as a traffic enforcement program which is intended to reduce property damage, injuries and deaths associated with traffic crashes in New Kent County. Deputies who participate in these actions are to mark on and off the radio indicating that they are working selective enforcement and shall as policy, call in any and all traffic stops made with the disposition of the call to be recorded by communications as well. Priority shall be given to directed patrols and known areas of concern when participating in this enforcement action.

In the event that while engaged in this enforcement action it becomes obvious that infractions are not being discovered (after checking all directed patrols and areas of concern) after a four (4) hour period the deputy shall cease selective enforcement for the day.

## Problem Identification – Occupant Protection

Based on 2016 data for unrestrained injury and fatal crashes they occurred on Saturday and Monday between 1200-1500 and 2100-0000 during the months of May and October. One Crash occurred on Interstate 64 and one on a county road the interstate is primarily patrolled by the Virginia State Police. Our Unrestrained Fatal crashes **dropped** from 5 in 2015 to 2 in 2016. We did see our unrestrained Serious Injury Crashes increase from 7 in 2015 to 9 in 2016. **5** of the **9** occurred on Interstate 64.



The sheriff's Office has 4 officers assigned to the counties highway safety commission. This commission is made up of citizens, County Officials, Emergency Service personnel and members from Virginia Department of Transportation to include traffic engineers.

This commission has viewed areas with higher than normal crash rates and tries to determine if the causative factor is human error or a traffic engineering issue. We have been instrumental in getting improvements made to roadways where engineering changes have helped reduce the frequency of crashes.

Based on statistics it was determined that our target population for unbelted offenses were White Males between 18-34 driving pickup trucks. This is consistent with our state trends. **Our Agency participated in the Development of the States Strategic Highway Safety Plan and our agency is**



following the plan in an attempt to reduce Unrestrained Fatal and Serious Injury Crashes.

## Policy: See attached Policy and Directive

NEW KENT COUNTY  
SHERIFF'S OFFICE

# DIRECTIVE

**To:** ALL SHERIFF'S OFFICE MEMEBERS

**From:** Sheriff J. J. McLaughlin, Jr.

**Date:** January 1, 2016

**Re: Driving Under the Influence, Speed, Occupant Protection and Distracted Driving Violations enforcement**

The following enforcement activities historically have been and continue to be priorities of this office.

1. **Driving under the influence/impaired driving:**

The enforcement of the code of Virginia as it relates to impaired driving shall be a priority of the New Kent County Sheriff's Office in an effort to reduce the number of alcohol related motor vehicle crashes within the county of New Kent and to prevent injuries and save lives.

2. **Speed Enforcement:**

Excessive speed is the second greatest cause of death and injury on the highways of the United State. It shall be a priority of the New Kent County Sheriff's Office to enforce the code of Virginia as it relates to speeding violations. In an effort to reduce the number of motor vehicle crashes and to prevent injuries and save lives.

3. **Occupant Protection:**

The enforcement of the code of Virginia as it relates to occupant protection violations (seat belt and child safety seat laws) shall be a priority of the New Kent County Sheriff's Office. The protection of those traveling the highways of the County of New Kent shall be addressed through education and enforcement.

## Planning- Occupant Protection

During 2016 we dedicated our resources on the county roads that had been identified with higher than normal crash rates. During the identified time of day, day of week that had been identified with higher crash rates. This data was provided by our state highway safety office.

We utilized Occupant Protection grant funding to assign deputies to work the high crash areas. We also used deputies working their regular shifts to patrol the identified areas during the target times and days of the week.

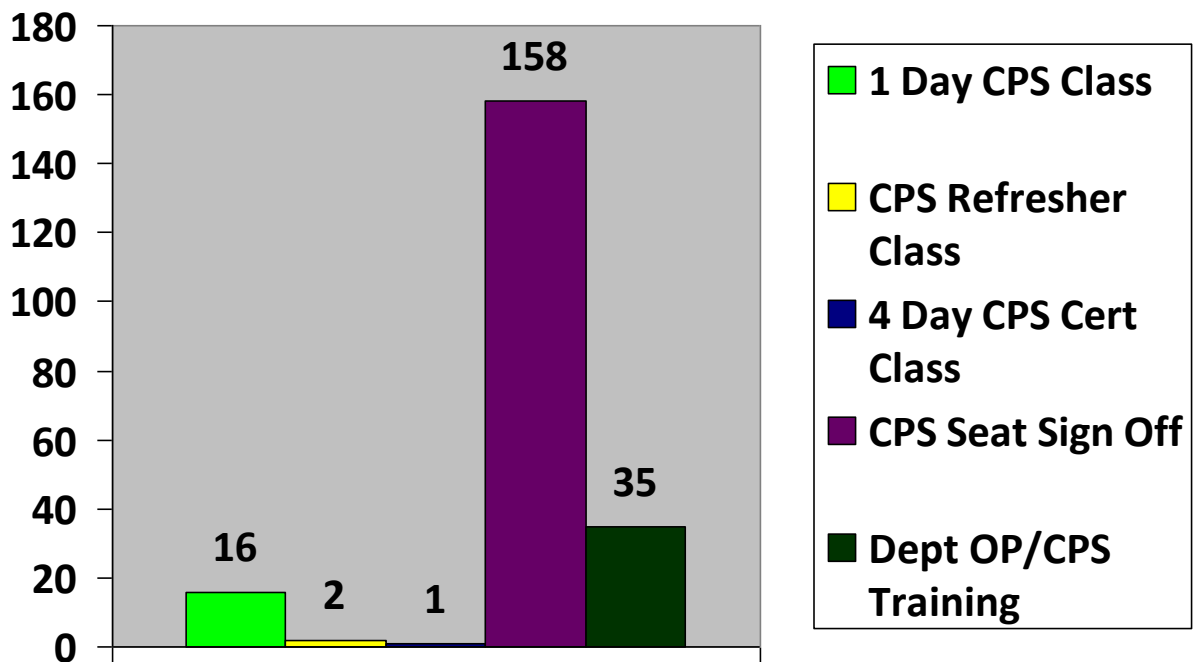
Deputies were advised of the target time of the day, day of the week by way of memo that we needed them to target the identified areas. The county budget also helped to fund some of the Checkpoints and Saturation Patrols in our county to assist in the targeted areas.

Our state has a Secondary Seat Belt Law so this adds to the difficulty in enforcing occupant protection laws. Our County Seat Belt Use rate at the

beginning of 2016 was **86 %** at the end of 2016 it was **91 %** the state avg. is **79 %**.

## Officer Training-Occupant Protection

The New Kent County Sheriff's Office is dedicated to traffic safety. 100 % of our deputies have received in house, Law Enforcement academy training or attended training across the state and nation in advanced or updated training in Occupant Protection and Child Passenger Safety related topics.



Classes were taught or attended in the following jurisdictions New Kent County, City of Richmond, City of Norfolk, City of Williamsburg, James City County, City of Suffolk, City of Alexandria, Chesterfield County, Washington County, City of Petersburg, Town of Ruckersville and Hanover County.

We instructed classes ranging from a 1-day awareness training up to the 4-day National Child Passenger Safety Certification course. 1 Deputy received their initial CPS Certification and 7 Deputies were recertified and attended a CPS refresher Course.

Our Agency also had 5 members take the Below 100 Training during 2016.

## PUBLIC INFORMATION AND EDUCATION

The New Kent County Sheriff's Office during the past year has been very involved in many highway safety endeavors relating to prevention, education and enforcement of occupant protection related issues.

The following is a summary of some of those activities. Our programs were intended to increase seat belt use and the proper installation of child safety seats to include booster seats.

Our agency provided education in occupant protection to all high and middle school students in our county (Approximately 1700 students).



### **Rt. 60 Blitz Media Campaign**

#### **🚓 CAMPAIGN PARTICIPATION- Occupant Protection**

The New Kent County Sheriff's Office participated in the National "Click it or Ticket" campaign in May 2016. Our agency coordinated the Rt. 60 Blitz running from Virginia Beach to the West Virginia Line we had 39 agencies and the State Police participating. We participated in the November 2016 mini mobilization. Our agency placed "Click it or Ticket" Banners and yard signs all throughout the county. We utilized our variable message trailer to help spread the message.

The High and Middle School Resource officer's passed out stickers and literature with the "Click it or Ticket" message on it and placed posters in the middle and high schools with the "Click it or Ticket" Message on it.

### **NEW KENT COUNTY FAIR-Occupant Protection**

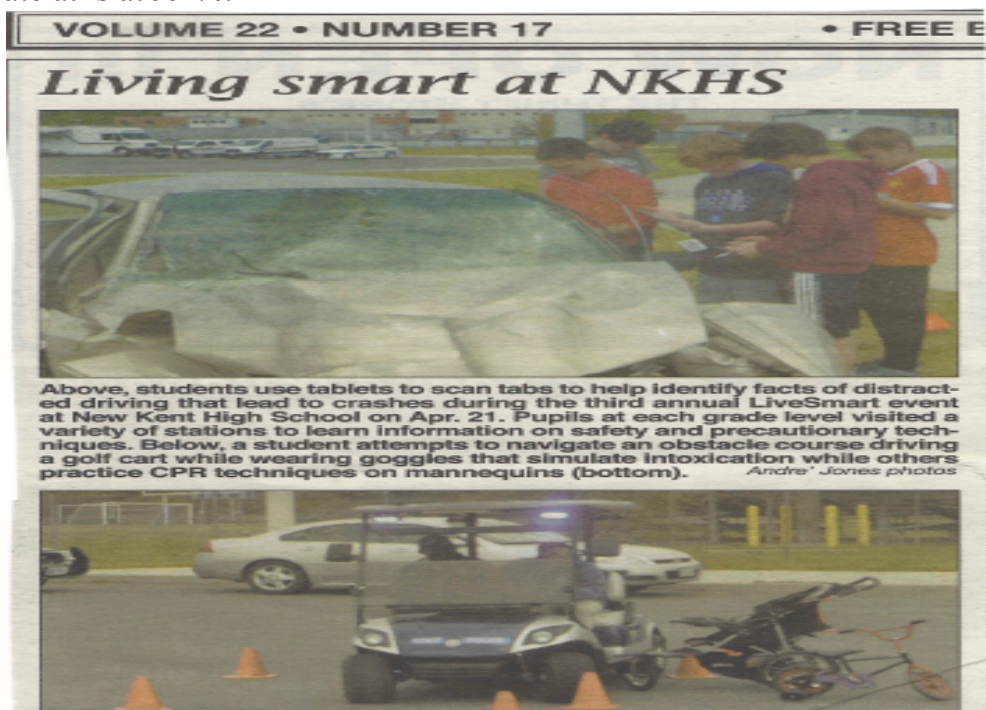
Members of our department and volunteers passed out several thousand safety brochures relating to occupant protection and Child Passenger Safety.

We conducted a free child safety seat check during the fair and checked 3 child safety seats. We have "Vince and Larry" costumes and two volunteers dressed in those and passed out highway safety brochures and Life Savers to those attending the fair advising that Seat Belts are truly Lifesavers.

### **SCHOOL SYSTEM-Occupant Protection**

During the last year officers taught segments of the driver's education classes at New Kent High School. We spoke to the entire student body of New Kent High School and New Kent Middle School regarding the importance of using occupant protection devices and the consequences if they are not used. The dangers of being out of position especially with the newer vehicles that have airbags all throughout the vehicle. How not using the devices adds to more serious injuries and fatalities.

Highway safety posters and brochures were placed in the middle and high school for students to take. We are very fortunate that our high school's seatbelt use rate at is at 99 %.



The high school and NKSO educates the students on Seat Belt Use, Impaired and Distracted Driving at the Live Smart Event held on April 21, 2016.

### CHILD SAFETY SEAT PROGRAM-Occupant Protection

This year members of our agency traveled around the region with our Child Safety Seat Trailer. We participated in seat checks in 5 jurisdictions around the state. We participated in 12 organized safety seat checks. We taught or assisted in the training of 19 classes ranging from a 1-day safety seat awareness training to the 4-day National Child Passenger Safety certification class.

Our department is a permanent fitting station in our state that allows certified technicians to assist parents/caregivers with installing their child safety seats. We will provide this service at their residence, place of employment or at our office.

During the last year our department distributed 20 child safety seats to include boosters and checked 205 safety seats.

Our agency partnered with numerous agencies across the state to educate parents and caregivers on the proper installation of Child Safety Seats.



Seat Check Ft. Lee May 25, 2016 after the event Approximately 75 seats checked.

Some Partner agencies from 2015: State Farm Insurance, AAA, Drive Smart VA, Safe Kids VA, VCU Health System, Virginia State Police, Virginia Highway Safety Office, Virginia Department of Health, Henrico Police, Prince George Police, Ft. Lee PD, Warren County Sheriff's Office.

During 2016 we had 19 certified technicians and 1 Technician Instructor.

### **🚓 MANDATORY SEATBELT USE POLICY- Occupant Protection**

Our department was instrumental in developing a mandatory seatbelt policy at our local high school. This program is still in effect. We are still receiving calls about the operation of the program from other Law Enforcement agencies and schools from across the state and country.

This program received the Governors Award for Highway safety in 2003. This program was not developed in 2016. However, we are still involved with its operation daily with our high school resource officer. The Program was created due to a 48 % seatbelt compliance rate arriving/departing from the school.

We have maintained over a 98.6 % compliance rate since 2003. The outline of the program is as follows if the student driver or any of their passengers are observed not buckled. **First offense** Verbal warning to the driver and it is documented in their student file. **Second Offense** The driver has a letter sent home to their parents and it is documented in their student file. **Third Offense** The driver loses his parking privileges at the school for 1 week. **Fourth Offense** The driver loses his parking privileges for the remainder of the year with no refund of parking fees.

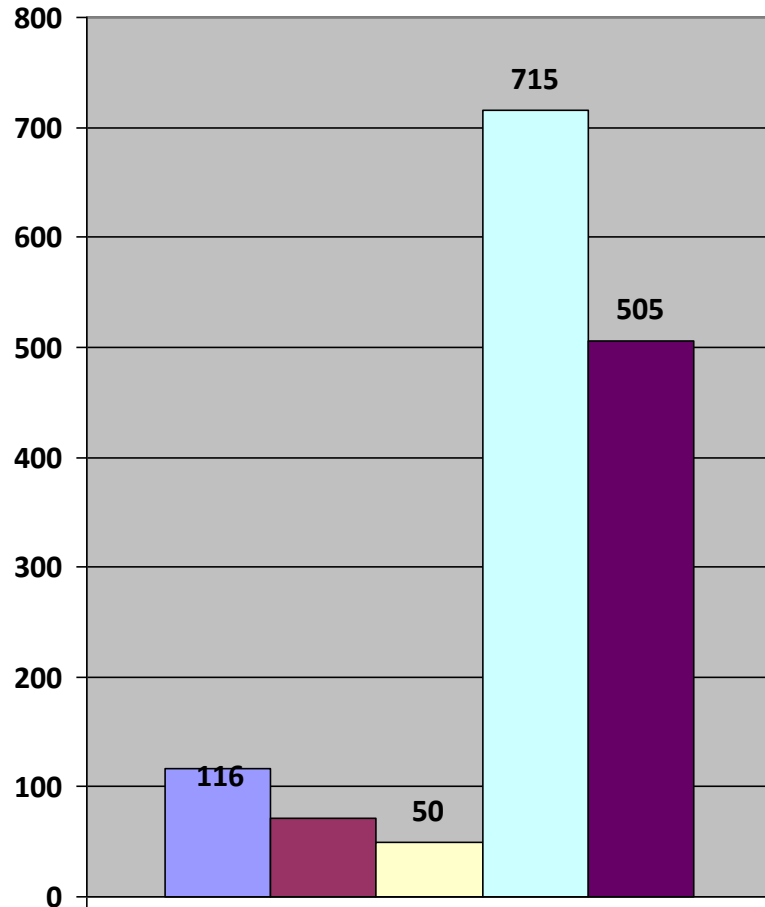
**Our program has received State and National attention we are still sharing the program with other agencies across the United States.**

### **Enforcement Efforts- Occupant Protection**

The new Kent County Sheriff's Office utilized an Occupant Protection Grant from the Virginia Highway Safety Office to help combat non use of occupant protection devices. This was done by roving Saturation Patrols and Check points we conducted 45 Special enforcement zones targeting Occupant Protection issues.

Deputies were given directives outlining specific time frames, days of the week and locations based on data provided by the Highway Safety Office.

We dedicated 150 hours of enforcement that was funded by the county and 131 hours of enforcement that was grant funded.



■ Total Summons	116
■ Target Area Summons	71
■ Target Times	50
■ Total Contacts	715
■ Target Area Contacts	505

**The target areas shown above are Courthouse Rd US Rt. 33, US Rt. 249, US Rt. 60**



## **Rt. 60 Blitz Kickoff**

**Grand total of summons issued county wide 112.**

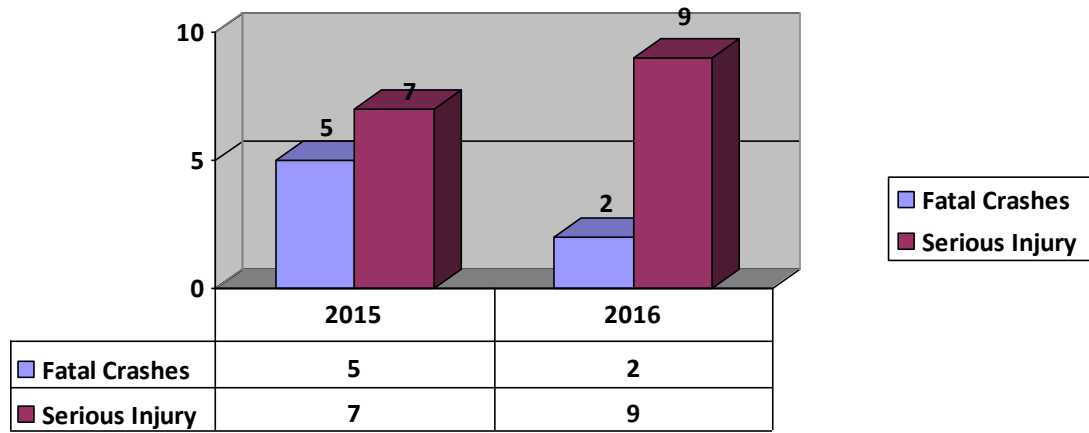
“Click it or Ticket Campaign” Rt. 60 Blitz Kick off at the portable scales on Rt. 60 in Henrico County in conjunction with Henrico County Police, Virginia State Police, Virginia Health Department and Safekids Virginia and Warren County Sheriff’s Office with the Rollover Simulator.

May 26, 2016

## **Outcomes from our efforts in Occupant Protection**

In 2016 we had 2 fatal unrestrained crashes **Down** from 5 unrestrained fatal unrestrained crashes in 2015. 1 of our fatal unrestrained fatalities occurred on Interstate 64. Which is primarily patrolled by the Virginia State Police. During 2016 we had 9 unrestrained serious injury crashes that was an **increase** of 2 from 2015. However, **5** of the **9** occurred on Interstate 64. We will continue to monitor our statistics and adjust our enforcement efforts accordingly as we monitor our stats and those from the Virginia Highway Safety Office.





**Of the 9 Serious Injury Crashes 5 occurred on the interstate that is primarily patrolled by the Virginia State Police.**

### **Deputy Recognition Programs- Occupant Protection**



Lt. J. J. McLaughlin, III was recognized at the department's annual meeting on January 20, 2017 he received the departments Occupant Protection award for issuing 38 Seat Belt Summons in 2016.(Size reduced for Formatting)

**Citizen Recognition Program- *Saved by the Belt and Bag- Occupant Protection No nominations this year.***

<b>NEW KENT COUNTY SHERIFF'S OFFICE</b>		<b>GENERAL ORDERS</b>	
<b>SUBJECT: TRAFFIC LAW ENFORCEMENT</b>		<b>NUMBER: 2-19</b>	
<b>EFFECTIVE DATE: 04-15</b>		<b>REVIEW DATE: Annually</b>	
<b>AMENDS/SUPERSEDES: 08-12</b>		<b>APPROVED: <u>J. J. McLaughlin, Jr.</u> Sheriff</b>	
<b>V.L.E.P.S.C. STANDARDS: ADM.02.05, OPR.07.01-.06, .08</b>			

**NOTE:**

This rule or regulation is for internal use only, and does not enlarge an officer's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this directive, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial administrative setting.

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**INDEX WORDS:**

DUI	Traffic Checking Details
Enforcement; traffic	Selective Enforcement
Juveniles; traffic violations by	
Radar	
<b>Traffic</b>	
Traffic stops - felony	
Traffic stops - routine	
Virginia Uniform Summons	

**I. POLICY:**

Traffic law enforcement involves all activities or operations, which relate to observing, detecting, and preventing traffic law violations and taking appropriate action under the circumstances. Traffic enforcement not only involves arrests and citations, but also includes warnings to drivers and pedestrians, which help prevent them from committing minor violations. Traffic enforcement may react to observed violations, at accidents, or in response to community concerns, or may be proactive to prevent traffic violations. However, overzealous enforcement without considering whether

the violator is familiar with the legal requirements or without regard for the circumstances surrounding the violation causes disrespect for the law and poor relations between the department and the community. The emphasis of an officer's traffic enforcement is placed on violations that contribute to accidents and that prevent hazards to vehicular and pedestrian traffic.

## **II. PURPOSE:**

The purpose of this order is to prescribe procedures for traffic law enforcement, preventive patrol, proactive enforcement, and relationships with motorists, pedestrians, and the courts.

## **III. PROCEDURES:**

### **A. Types of enforcement actions:**

#### **1. Warnings:**

Officers may issue warnings to a violator whenever a minor traffic infraction is committed in areas where traffic accidents are minimal, or when the act may be due to ignorance of a local ordinance, which may be a unique violation or a violation, of which the driver may not be aware. A properly administered warning can be more effective than any other type of enforcement. For minor traffic violations, professional courtesy may be extended to other law enforcement personnel by issuing oral or written warnings.

#### **2. Virginia Uniform Traffic Summons (UTS):**

A UTS should be issued to a violator who jeopardizes the safe and efficient flow of vehicular and pedestrian traffic, including hazardous moving violations or operating unsafe and improperly equipped vehicles.

#### **3. Physical arrest:**

Officers will make a physical arrest, in compliance with Virginia Code Section 46.2-937 in the following circumstances:

- a. Violations of traffic laws pertaining to driving under the influence of alcohol or other intoxicants.
- b. Whenever a felony has been committed involving a vehicle.
- c. When the operator refuses to sign the promise to appear on the traffic summons.
- d. When the officer has reason to believe that the person will not comply with the summons if issued.
- e. If the operator is licensed by a non-reciprocal state, the deputy may arrest.

B. Handling special categories of violators:

1. Non-residents:

Officers shall consider use of warnings for non-residents who commit minor, non-hazardous violations. Non-residents licensed in reciprocal state will be treated the same as residents. When the offender is licensed in a non-reciprocal state, a physical arrest or arrest on a summons may occur.

2. Juveniles:

Juvenile traffic offenders are prosecuted in Juvenile and Domestic Relations Court and that shall be so noted on the summons. Officers issuing a traffic summons to a juvenile offender shall advise them as to their options regarding prepayment or court appearance and that a parent or guardian must accompany them when they appear before the court.

3. Foreign/diplomats and other consular officials:

Career consular officers of foreign nations are immune from arrest for criminal and traffic offenses unless arrests are ordered by a federal magistrate. Once identified, consular officials will not be detained unnecessarily. Consular immunity does not normally extend to members of the

consular family or employees. The burden is on the diplomat to claim immunity and to display valid credentials.

4. Virginia Governmental Officials:

The lieutenant governor and members of the General Assembly under **Title 30-6, Code of Virginia:**

During the session of the General Assembly and for five days before and after the session, the Lieutenant Governor, a member of the General Assembly, or the Clerk thereof, and their assistants, shall be privileged from custodial arrest except for treason, a felony, or a breach of the peace.

The issuance of a traffic summonses for a moving traffic offense is allowed, as is a physical arrest in the case of an offense involving a DUI offense.

5. Military personnel:

Military personnel who are first passing through the county may be treated as non-residents or, if from this area, as residents.

C. Information regarding traffic summons:

The Virginia Uniform Traffic Summons will be completed whenever a motorist is to be charged with a motor vehicle violation. Officers shall advise drivers of the following information:

1. court appearance schedule;
2. whether court appearance by the motorist is mandatory;
3. whether the motorist may be allowed to prepay the fine before court and enter a guilty plea;
4. any other information necessary before release of the motorist.

**IV. UNIFORM ENFORCEMENT POLICIES FOR TRAFFIC LAW VIOLATIONS:**

A. Speed violations:

Shall be a clearly demonstrated speed in court. May depend on location of violation (congested area, downtown, school zone, etc.).

B. Other hazardous violations:

Consider the degree of hazard, place, previous accident history of location, current directed patrol emphasis. Seat belt/child safety seat enforcement is a very important part of this department's duties and shall be addressed on each traffic stop. If the occupants are using proper restraints they should be commended for doing so. If safety devices are not being used it shall be brought to the attention of the driver and occupant(s) with the officer having discretion as to the handling of the situation, as described in section III, paragraph A of this G. O.

C. Equipment violations:

With only annual inspections now required of vehicles, consider issuance of summons for any essential equipment defects.

D. Public carrier/commercial vehicle violations:

Consider congestion, lack of parking, and carrier needs for delivery access. Repetitive violators shall be cited.

E. Other non-hazardous violations:

Consider a warning unless repetitive or flagrant.

F. Multiple violations:

May cite all if deemed necessary, but normally pick the most serious violation and warn on others.

G. Newly-enacted laws and/or regulations:

Normally, a grace period is established during which only warnings will be given. Thereafter, officers shall use discretion. Officers may allow a reasonable period of time, normally:

1. One month before issuing a summons for:
  - a. a violation of a newly enacted traffic law;
  - b. speeding violations in an area, which the speed limit has been reduced.
2. One week after expiration before issuing a summons for:
  - a. expired state license tags;
  - b. expired county license tags;
  - c. expired state inspection stickers.

H. DUI

See VI. of this G. O.

**V. TRAFFIC LAW ENFORCEMENT PRACTICES GENERAL**

- A. Normal traffic enforcement involves patrol by officers who observe and handle traffic violations during the performance of their normal duties.
  1. Area patrol involves traffic enforcement within the officer's assigned area of responsibility.
  2. Line patrol involves traffic enforcement with concentration on a particular section of roadway.
  3. Directed patrol instructions can specify enforcement in an area, on a line patrol, or at a specific location, depending on the nature of the hazard/violation.
  4. Stationary observation, either covert or overt, may be used as a technique to make observations about the flow of traffic at a particular location. Deputies are encouraged, when completing reports or doing other activities which will keep them out of service for a short while, to park their patrol vehicles in a conspicuous location where the mere presence of the vehicle will serve to remind the other drivers of the need for compliance with traffic laws.

B. Objectives of traffic stops:

There are two major objectives of a traffic stop. The attainment of these two objectives depends upon the officer's ability to evaluate the violator's mental and physical condition, and facts concerning the violation. This requires a thorough understanding of human relations and demands flexibility on the part of the deputy. The Deputy shall remain courteous at all times. Enforcement procedures shall minimize conflict, which may develop between the deputy and violator and assist in achieving the two major objectives, which are:

1. to take proper and appropriate enforcement action;
2. to favorably alter the violator's future driving behavior.

C. Traffic violator/officer relations:

1. Followed in all traffic stops:
  - a. Be alert at all items for the unexpected.
  - b. Be **absolutely certain** the observations of the traffic violation were accurate.
  - c. Present a professional image in dress, grooming, language, bearing, and emotional stability.
  - d. Be prepared for the contact by having the necessary equipment and forms, if they are to be used, immediately available.
  - e. Decide on the appropriate enforcement action based upon the violator's driving behavior, not attitude. In most cases, decide on the formal enforcement action before contacting the violator. Exceptions include stopping an out-of-state driver committing a violation that would not be a violation in his jurisdiction, such as right turn on red light. The deputy may then decide to issue a warning rather than a citation.
2. Before making a vehicle stop:



- a. Maintain a reasonable distance between the vehicle and the patrol unit.
  - b. Locate a safe spot to stop the vehicle.
  - c. Activate the emergency lights and, when necessary, siren to signal the vehicle to stop.
  - d. Advise the dispatcher of the intention to stop the particular vehicle, giving:
    1. location of the stop;
    2. vehicle's license tag number and/or other description when necessary.
  - e. Deputies shall position the patrol vehicle approximately one-half to one car length behind the violator's vehicle. The patrol vehicle shall be positioned so that it will offer the deputy protection from oncoming traffic. This position shall be two feet outside and to the left of the violator's vehicle. This position provides maximum safety to the violator, the deputy, and all other traffic.
3. Additionally, when stopping a vehicle in which the occupant(s) is (are) deemed to present a hazard to the deputy's safety:
    - a. request a backup unit and calculate the stop so that the backup unit is in the immediate area before the actual stop,
    - b. train the unit's auxiliary lights (spotlight and alley lights) on the occupant(s) of the vehicle when applicable,
    - c. when necessary use the unit's public address system to give the occupant(s) of the vehicle instructions.
  4. Hazards.
    - a. On multi-lane roadways, the deputy shall

insure the safety of the violator during the lane changes by gradually changing from lane to lane with the violator until the right side of the roadway is reached.

- b. Should the violator stop abruptly in the wrong lane or in another undesirable location, the deputy shall direct him to move to a safer location. Deputies shall use the public address system to instruct violators to move to a safer location. If the deputy's oral directions and gestures are misunderstood, the deputy shall quickly leave the patrol vehicle and instruct the violator.

5. Approaching the violator.

The following steps in stopping and approaching a traffic violator are intended to provide maximum safety for the deputy, the violator, and other users of the roadway. Varying conditions regarding the engineering of the particular traffic way, the urgency to stop the violator (drinking driver), and the existing volume of traffic may require adjusting or altering the recommended procedure. Under ideal conditions, follow these procedures if possible:

- a. The deputy shall leave the patrol vehicle and be continuously alert for any suspicious movement or actions on the part of the violator or other occupants in the violator's vehicle.
- b. The deputy shall approach from the rear of the violator's car, looking into its rear seat and stop behind the trailing edge of the left front door. This position shall be maintained if there are only occupants in the front seat of the vehicle. From this position, the officer can communicate with the violator, keeping him in a slightly awkward position and at the same time keep all occupants of the vehicle in view.
- c. In cases where the violator's car has occupants in both the front and rear seats,

the deputy shall approach to the leading edge of the left front door, alert for any unusual actions on the part of the occupants and choosing a path so the door cannot be used as a weapon against the deputy. From this position, the deputy can communicate with the violator and keep all occupants in view.

- d. In traffic stops made by two-man patrol vehicles, the passenger deputy shall handle all radio communications, write all notes and messages relayed from the communications center, and during the traffic stop shall leave the vehicle and act as an observer and cover for his fellow deputy. At no time shall the two deputies approach the violator together.
- e. At night, officers shall exercise caution in selecting an appropriate place for the traffic stop, signaling the violator (the spotlight shall not be used except for illumination, in what officers perceive as dangerous situations), and positioning the patrol vehicle. After the stop, the headlights shall be on low beam for the safety of oncoming traffic, and emergency lights and emergency flashers in use on the patrol vehicle (as well as during the day). Deputies operating patrol vehicles equipped with takedown lights may use them if practicable.

6. Communicating with the violator.

In transacting his business with the violator, the officer shall observe the following rules.

- a. Greet the violator courteously with an appropriate title.
- b. Introduce yourself to the violator by rank/title and last name. Also ensuring that they are aware you are a member of this office.
- c. Ask for the violator's driver license and vehicle registration, (may include proof of

insurance) and accept only these forms. If the driver offers money, the officer shall refuse the money and advise the driver of the illegality of the offer.

- d. Inform the violator what traffic law he has violated and the intended enforcement action (the violator shall not be kept in suspense).
- e. If the driver has no driver's license, obtain another document of identification. Preferably one with a photo type of ID.
- f. Allow the driver to discuss the violation. Do not argue, berate, belittle, or otherwise orally abuse the violator.
- g. Complete the forms required for the enforcement action taken or exercise an oral warning, if appropriate.
- h. Explain to the violator exactly what he is supposed to do in response to the action taken and how this action will affect him.
- i. If the enforcement action requires a court appearance, make sure the violator knows where and when to appear. Explain any alternatives to the violator, but **do not** predict the actions of the court.
- j. Be alert to any emotional stress exhibited by the driver. If stress is present, the instructions may have to be repeated or the violator may need to calm down before resuming driving.

7. Conducting the transaction.

- a. Return the violator's driver's license, registration, and a copy of the warning, if one is issued.
- b. Release the defendant after he:
  - (1) signs the summons, and
  - (2) receives a copy of the summons.

- c. Assist the violator in safely re-entering the traffic flow.

Do not follow the violator.

D. Stopping a known or suspected felon:

Special procedures shall be used in vehicle stops when the occupants are known to be armed and dangerous. When a vehicle driven by a known or suspected felon is located by a deputy, he or she shall notify the dispatcher immediately of his location and give a thorough description of the vehicle and its occupants. The deputy will keep the suspect vehicle in view and request sufficient assistance in making the stop.

The deputy will keep support units informed of the location and direction of travel to aid their approach with minimal use of emergency equipment. The suspect vehicle will not be stopped unless absolutely necessary until adequate support is available and in position. Circumstances may, however, dictate a one-deputy felony vehicle stop.

The following procedures will be used in effecting the stop:

1. The deputy will plan to stop the suspect vehicle in a location, which presents minimal danger to other citizens.
2. When conditions are appropriate and support units available, the deputy will move into position to the rear of the suspect vehicle.
3. The deputy will signal the violator to stop, using all emergency equipment to warn other traffic.
4. The deputy will stop the violator on the extreme right side of the road.
5. If the violator is known to be armed and dangerous, the deputy will have his weapon easily accessible and ready for immediate use.
6. When the suspect vehicle begins to stop, the deputy will turn off the siren and turn on the public

address system.

7. The deputy will park the patrol vehicle so that it provides maximum protection and cover.
8. At night, the deputy shall focus all lights on the interior of the suspect vehicle.
9. The deputy will leave the patrol vehicle quickly but remain behind the door and accessible to the public address system microphone.
10. The deputy making the stop is in command and will direct each occupant, using the public address system, to get out of the vehicle and into the appropriate search position.
  - a. First, once suspects are stopped, the deputy shall order the driver to shut off the motor and drop the keys on the ground outside his door.
  - b. Next, the deputy shall order occupants to place their hands, palms up, on the ceiling of the vehicle.
  - c. The deputy shall then order occupants to exit the vehicle on the driver's side only, one at a time. Occupants will then be ordered to lie face down on the ground.
11. If a public address system is not available, the deputy will give voice commands if they can be heard; if this fails, the deputy will cautiously approach the vehicle, keeping all occupants in view, to a point where he can be heard.
12. To reduce confusion, the deputy will instruct support deputies, as appropriate, and will be the only deputy to direct the suspects.
13. The support deputies will cover the arresting deputy and remain on the curb side of the vehicle until all occupants are in the search position.
14. Deputies shall exercise extreme caution not to get within each other's line of fire.

15. When all occupants have been removed from the vehicle, the support deputies shall move to cover the arresting deputies while the persons are searched.
16. Arrestees will be searched and handcuffed before transportation.

E. Persons charged with revoked/suspended operator's license:

1. The Virginia Uniform Traffic Summons (UTS) may be issued when a deputy has stopped a vehicle and identified the driver as driving with a revoked or suspended operator's license.
2. A deputy who sees a person driving who is known to be under suspension or revocation may swear out a warrant if not able to stop the violator.
3. Deputies shall issue DMV Notices of Suspension to all suspended or revoked drivers even if that person may have already been notified by other means.

F. Speed enforcement:

Excessive speed is the second greatest cause of death and injury on the American highways. A deputy shall uniformly enforce speed laws within New Kent County. Procedures for the enforcement of laws applying to speed will vary in accordance with the type of equipment used.

1. Pacing:

The deputy shall follow the vehicle being paced at a constant interval for a distance adequate, normally one quarter to one half mile, to obtain a speedometer reading. Speedometers must be calibrated at least every six months and calibration filed with the clerks of the District Courts.

2. Radar:

Radar shall not be used for "filler" or "slack" officer time, but shall be applied where vehicle speed is a hazard to other motorists or pedestrians. The following guidelines govern the

use of radar, which will always be operated in compliance with manufacturer's instructions. All deputies must first be certified in the use of radar and all departmental radar units meet current NHTSA standards.

- a. The radar unit must be properly installed in the vehicle and connected to the appropriate power supply.
- b. Operators must thoroughly understand the effective range of the radar unit so observations can support the speed meter readings.
- c. The operator must choose an appropriate location in accordance with the directions of his/her supervisors relative to traffic accident experience in which speed has been identified as a contributing cause. The location must also be conducive to the effective and safe operation of radar.
- d. The radar unit shall be properly tested to insure accuracy in checking speed. The operator must follow the manufacturer's recommended specific methods of checking the unit for accuracy without exception. Any problems with the operation of radar units or apparent malfunction shall be promptly reported to the platoon sergeant.
- e. In court, deputies must establish the following elements of radar speed:
  - (1) the time, place, and location of the vehicle, the identity of the operator, the speed of the vehicle, and the visual and radar speed check; identification of the vehicle;
  - (2) deputy qualifications and training in use of radar; and that the deputy was on duty, in uniform, and displaying his badge of authority;
  - (3) proper operating of radar unit;



(4) that the unit was tested for accuracy before use and after use by an approved method;

(5) speed limit in the zone in which deputy was operating and where the signs were posted.

f. The sergeant or designee is responsible for the proper care and upkeep, maintenance, and calibration of radar units, maintenance of records, and that appropriate certificates are filed with the clerks of District and Juvenile Courts.

## **VI. DUI ENFORCEMENT PROCEDURES**

### **A. General:**

Various courts have interpreted driving under the influence to mean that the ability to operate a motor vehicle is reduced or impaired by the consumption of alcoholic beverages or other drugs. It does imply that the operator of a motor vehicle be in a state of alcoholic or drug-induced stupor or be entirely incapable of exercising physical control of his vehicle. Driving under the influence of intoxicants is an offense generally associated with leisure-time activity. Consequently, most arrests are made during the evening hours or in the early morning hours after taverns close or social gatherings end. Although the intoxicated driver may be observed any day of the week, weekends and holidays reflect an increase of offenses and arrests.

### **B. Laws:**

It is unlawful for any person to drive or operate any motor vehicle, engine, or train while under the influence of alcohol, or while under the influence of any narcotic drug of any nature. The term motor vehicle shall include pedal bicycles with helper motors (Mopeds), while operated on the public highways of this State. A law enforcement officer may arrest without a warrant a person who was involved in a motor vehicle accident

### **C. Responsibilities:**

Each deputy shall be alert for suspected DUI offenders, both on patrol and in selective enforcement areas. He/she shall use standardized roadside sobriety tests. In addition, the alco-sensor, if available, shall be offered to each suspected driver.

D. Intoxalyzer:

1. The security, care, and maintenance of the Intoxalyzer and all physical evidence obtained from DUI are every deputy's responsibility.
2. The regulations of the Virginia State Department of Forensic Science Laboratory Services state: "The breath test device must be stored in a clean, dry location which is only accessible to an authorized licensee for the purpose of actually administering a breath test, preventative maintenance check, or other official uses."
3. The term licensee shall mean a person holding a valid license from the Virginia State Department of Forensic Science Laboratory Services pursuant to the Code of Virginia.
4. The Intoxalyzer is located at Sheriff's Office.

E. Sobriety tests:

1. Deputies shall administer a minimum of three field sobriety tests from the following list. The list names the most commonly administered tests.
  - a. Gaze nystagmus (only if properly certified). This test may be used as a fourth field test, but should not be used as one of the three tests since the General District Court does not recognize the validity of this test.
  - b. Walk and turn.
  - c. One-leg stand.
  - d. Reciting of alphabet.
  - e. 10 count.
  - f. Nose find.
  - g. Coin lift.

Deputies may employ additional tests.

2. If the operator fails the roadside tests, an alco-sensor shall be requested and offered to the operator, if available (Code Section 18.2-267). The operator may refuse the alco-sensor test, and must be advised of his/her right to refuse.
3. At the deputy's discretion or if the operator fails the alco-sensor test, he/she shall be arrested for driving under the influence and taken before the magistrate.
4. If a deputy suspects that the vehicle operator was driving under the influence of both alcohol and drugs, or drugs alone, he may require the operator to have a blood test performed in addition to testing for alcohol. Blood samples shall be analyzed by the Department of Forensic Science Laboratories for evidence of alcohol and for various illegal, prescription, and over-the-counter drugs.
5. The deputy shall make a full written report of the circumstances of the DUI arrest, formation of probable cause, and witnesses' observations.

F. Arrest:

The arresting officer shall:

1. Advise the arrestee that any person, whether or not licensed by Virginia, who operates a motor vehicle in this state gives implied consent to have a sample of his blood or breath taken for a chemical test to determine the alcoholic content of this blood or for the presence of drugs if such person is arrested for violation of 18.2-266 within three (3)hours of the alleged offense.
2. If the arrest occurs as a result of operation of a motor vehicle on private property or the operation of a Moped anywhere, the Implied Consent Law does not apply. This shall not preclude the arresting deputy from attempting to obtain consent from the arrested person to submit to a chemical analysis of his blood or breath. Deputies requesting blood or breath samples under these conditions are

conducting a custodial interrogation. Therefore, the arrested subject shall be advised of his Miranda warnings before consent is requested. The officer shall make all reasonable attempts to obtain a blood or breath sample.

- a. Miranda is not required before the driver takes sobriety tests, or otherwise before questioning.
3. If the arrestee refuses the available test, advise him that unreasonable refusal of the test constitutes grounds for the revocation of the privilege of operating a motor vehicle in Virginia, and that a separate charge shall be placed to which he will have to answer in General District Court.
4. The arresting officer shall inform the arrestee from a form provided by the Office of the Executive Secretary of the Virginia Supreme Court. The arresting officer shall acknowledge on such form that he/she read the form to the arrestee.

G. Blood test procedure:

1. Take the arrested person to a physician, registered professional nurse, graduate laboratory technician or other technician or nurse designated by order of the Circuit Court acting upon recommendation of a licensed physician, who shall withdraw blood for the purpose of determining its alcohol or drug or both alcohol and drug content. The blood sample shall be placed in vials provided or approved by the Department of Forensic Science.
2. The deputy shall witness the doctor, nurse or technician taking the blood sample and ensure that the blood sample is taken following those procedures which are in compliance with the Code of Virginia. The deputy shall follow the procedures as required by the Division and Virginia code.
  - a. The vials shall be sealed by the person taking the sample or at his direction. The person sealing the vials shall complete the pre-numbered certificate of blood withdrawal forms and attach one form to each vial. The

completed certificate shall show the name of the accused, the name of the person taking the blood sample, the date and time the blood sample was taken and information identifying the arresting or accompanying officer.

- b. The vials shall be placed in a container provided by the Division and the container shall be sealed to prevent tampering with the vials. The deputy shall take possession of the container as soon as the vials are placed in the container and sealed and shall promptly transport or mail the container to the Division.

H. Breath analysis:

1. Chemical analysis of a person's breath shall be performed by anyone possessing a valid license, issued by the Virginia State Department of Forensic Science Laboratory. This may include the arresting deputy or anyone participating in the arrest. In the event the intoxalyzer machine is inoperable or a licensed operator is not available, this test is deemed not available.
2. The type of equipment and the methods used to perform breath analysis shall be in accordance with the regulations of the Virginia State Department of Forensic Science Laboratory.
3. The testing officer shall issue a certificate of breath alcohol analysis (DGS-24-015) which shall indicate that the test was conducted in accordance with the manufacturers' specifications, the equipment on which the test was conducted has been tested in the last six (6) months and was found to be accurate, the name of the accused, the date, the time the sample was taken from the accused, the alcohol content of the sample, and by whom the sample was examined.
4. The certificate of breath alcohol analysis is a three-copy form. The forms shall be handled as follows:

- a. White copy, original, shall be given to the magistrate to be forwarded to the General District Court along with the UTS and warrant.
- b. The second or green copy will be given to the arrested person.
- c. The third or yellow copy is for department use and is to be forwarded to the Sheriff for filing for a period of one year, after which it may be destroyed.

I. Accident investigation:

Deputies shall also undertake:

1. Identification of witnesses who saw the suspect operating a motor vehicle.
2. Questioning the witness as to the suspect's condition, actions, and statements immediately after the accident.
3. Establishing a time lapse from the time of the accident to the time of arrest.
4. Questioning the witnesses and the suspect as to what, if anything, the suspect ingested between the time of the accident and the deputy's arrival.

**VII. SPECIAL TRAFFIC PROBLEMS:**

A. Identification and referral of driver recommended for reexamination to the Department of Motor Vehicles:

During routine traffic law enforcement activities, officers frequently encounter persons whom they suspect of being incompetent, physically or mentally disabled, or having other conditions that might prevent the person from exercising reasonable and ordinary care over a motor vehicle. In all such cases, in addition to whatever enforcement he or she may take, the deputy shall notify the Virginia Department of Motor Vehicles of these

findings or suspicions, giving the violator's full name, date of birth, operator license number, and a brief description for the disability noted. A driver deficiency report may be used for this purpose.

B. Pedestrian and bicycle safety:

1. The Sheriff shall review the traffic accident records at least annually to determine what enforcement actions are needed to provide a proactive pedestrian/bicycle safety enforcement program. The Sheriff may recommend enforcement measures to his deputies including steps to:
  - a. reduce or eliminate human environmental factors leading to accidents;
  - b. reduce or eliminate the behavior, decisions and events that lead to the accidents.

C. Off-road vehicles (including dirt bikes, snowmobiles and mopeds):

1. Accidents involving off road vehicles that do not occur on a public highway do not require a traffic accident report, (unless there is injury). If the responding officer finds it convenient, he or she may complete an accident report, State Form FR 300 P, and attach it to the offense report.
2. Any deputy observing an unlicensed off-road vehicle on the highways that cannot be operated legally on public highways shall order it removed, and enforce appropriate laws.
3. Deputies shall enforce compliance with vehicle registration laws as they pertain to off-road vehicles.
4. Deputies shall enforce laws, rules, and regulations concerning the operation of off-road vehicles on public-owned trails, parks, or property.
5. Deputies shall enforce roadway crossing rules and regulations.

**VIII. TRAFFIC CHECKING DETAILS:**

A. Detail Procedures:

1. The checking detail site shall be approved by an agency supervisor not involved in enforcement actions at the detail, prior to the establishment of the detail.
2. The checking detail shall be in operation not less than thirty (30) minutes (except where unusual circumstances may cause the ceasing of the detail) and no more than four (4) hours.
3. The deputies setting up the checking detail shall be responsible to see that all necessary precautions are taken to afford the highest degree of safety to motorists and deputies.
4. Vehicles will not be stopped on a discretionary basis. All vehicles types, including buses and large trucks, will be checked unless,
  - a. There is a back-up of more than fifteen (15) vehicles, in which case the deputy shall allow all vehicles to pass until the back-up is cleared., then proceed to check all vehicles.
5. The number of deputies present should be in proportion to the volume of traffic with a minimum of two deputies participating.
6. The patrol vehicles shall be parked to provide protection to the deputies and to be highly visible to approaching motorists. The vehicles shall be positioned to allow for pursuit if necessary.
7. Traffic control measures will be implemented to provide adequate warning to motorists: i.e. use of flares, emergency lights, and portable barricades.
8. A safe pull-off area shall be designated for those vehicles that require additional inspection. This should be out of the general flow of traffic, preferably off of the roadway.
9. All deputies shall be in uniform and shall wear reflective clothing, such as a traffic safety vest. At night, a flashlight with an orange directional cone



may be used.

10. When approaching a vehicle, deputies shall scan the interior and occupants for weapons and/or other contraband. Upon determining no hazard exists the deputy shall advise the driver of the purpose of the stop.
11. The motorist shall be requested to present his/her operator's license and registration card.
  - a. If the motorist cannot present the required items, or if equipment or other violations are detected, the motorist shall be directed to the pull-off area for further examination.
12. The initial contact shall be kept to a minimum to reduce unnecessary delay and/or intrusion, however sufficient time should be taken to check the vehicle and occupants(s).

#### B. Site Determination:

The checking detail site must be chosen from those included on the New Kent Sheriff's Office Authorized Checkpoint Locations list. This list being authorized by the Sheriff, after his/her review and approval. Deputies may participate with members of the Virginia State Police at a checking detail site established by the Virginia State Police, authorized and approved by their agency. Other law enforcement agencies, which routinely enforce traffic laws, are permitted to participate in checking details established under the authorization of this office and under the direction of the authorized agency supervisor on site.

#### C. Documentation:

Each checking detail shall be documented using the New Kent Sheriff's Office Authorization for Checking Detail form. This form shall be completed and presented to an agency supervisor for review prior to the establishment of the detail. This shall include the name of the coordinating deputy, the date and starting time of the detail, the site number, and a list of the deputies authorized to assist in the detail. The supervisor shall review the form and if authorizing the detail he/she shall sign the form and include the date and time

authorized. Upon the completion of the checking detail the form shall be provided to the custodian of the records to be filed appropriately. This document shall be available for use in court proceedings. Upon request the custodian of the records shall prepare the requested documentation and request it be certified by the Sheriff for presentation.

**IX. SELECTIVE ENFORCEMENT:**

Selective enforcement is funded and functions as a traffic enforcement program which is intended to reduce property damage, injuries and deaths associated with traffic crashes in New Kent County. Deputies who participate in these actions are to mark on and off the radio indicating that they are working selective enforcement and shall as policy, call in any and all traffic stops made with the disposition of the call to be recorded by communications as well. Priority shall be given to directed patrols and known areas of concern when participating in this enforcement action. In the event that while engaged in this enforcement action it becomes obvious that infractions are not being discovered (after checking all directed patrols and areas of concern) after a four (4) hour period the deputy shall cease selective enforcement for the day.

<b>NEW KENT COUNTY SHERIFF'S OFFICE</b>		<b>GENERAL ORDERS</b>	
<b>SUBJECT: OPERATION OF POLICE VEHICLES</b>		<b>NUMBER: 2-9</b>	
<b>EFFECTIVE DATE: 06-11</b>		<b>REVIEW DATE: Annually</b>	
<b>AMENDS/SUPERSEDES: 08-06</b>		<b>APPROVED: <u>J. J. McLaughlin, Jr.</u> Sheriff</b>	
<b>V.L.E.P.S.C. STANDARDS: OPR.01.01 -.04,01.09</b>			

**NOTE:**

This rule or regulation is for internal use only, and does not enlarge an officer's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this directive, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial administrative setting.

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**INDEX WORDS:**

Abandoning pursuit  
 Dispatchers' responsibilities (regarding emergency driving)  
 Driving rules  
 Emergency driving  
 Inspections (of vehicles)  
 Justification of pursuits  
 Police vehicles; operation of  
 Pursuit  
 Roadblocks  
 Rules governing operation of police vehicles  
 Rules of pursuit  
 Unmarked police vehicles  
 Vehicle response codes

**I. POLICY:**

All personnel operating department vehicles shall exercise due regard for the safety of all persons. No task, call, or incident justifies disregard of public safety.

Further, the public expects its law enforcement officers to demonstrate exemplary driving behavior. All department personnel who operate police vehicles will comply with safe driving procedures outlined herein with particular attention to responding to calls for service or engaging in pursuits. Emergency warning devices shall be minimally used consistent with both legal requirements and the safety of the public and police personnel.

**II. PURPOSE:**

To establish procedures governing the operation of law enforcement vehicles, with special attention to emergencies and pursuits.

**III. DEFINITIONS:**

A. Normal or routine driving:

That driving which dictates vehicle speed consistent with the normal flow of traffic, obedience to vehicle laws and posted signs, adherence to commonly understood "rules of the road," and courtesy.

B. Pursuit driving:

That driving concerned with the pursuit and apprehension of a violator or violators in a motor vehicle, consistent with the provisions of Virginia Code Section 46.2-920. Pursuits are conducted using emergency equipment.

C. Emergency driving:

That driving in response to a life threatening or other serious incident (based on available information), which requires emergency equipment in operation. Code Sections 46.2-829 and 46.2-920 govern emergency responses.

D. Emergency equipment:

Flickering, blinking, or alternating emergency lights and a siren, whistle or air horn designed to give intermittent signals automatically.

**IV. PROCEDURES FOR ALL RESPONSES:**

A. General:

1. All departmental vehicles shall be driven safely and properly in full compliance with all traffic laws and regulations. Police vehicles are conspicuous symbols of authority on the streets and the actions of deputies are observed by many and deputies must set an example of good driving behavior and habits.
2. Under certain emergencies as defined below, the Code of Virginia authorizes disregard of traffic regulations; however, both the operator and the department are not released from civil liability for failure to use reasonable care in such operation. Improper driving can cost each police driver, personally, civil damages while inflicting harm or injury to the driver, other law enforcement personnel, other citizens or causing property damage, and damaging the image of the department and law enforcement generally.

B. Routine operation:

In case of accident or damage to any police vehicle, the driver shall immediately request the on-call supervisor to conduct an investigation, which shall be reported immediately on a state\county accident investigation form. The Sheriff shall review all such reports and take appropriate action, to include coordination with the county attorney.

1. Vehicles used in routine or general patrol service shall be conspicuously marked. This shall include emergency lights, decals as approved by the Sheriff, a siren and a radio that provides for constant radio communications. Conspicuous marking increases safety, serves as a warning to potential violators, and provides citizens with a feeling of security.
2. Unmarked cars shall not routinely be used in pursuits, but may be used for patrol. They may be used to stop vehicles provided they are equipped with a radio providing constant communications, a siren and dash, windshield or grille-mounted emergency lights and may have headlight flashers.

3. Standard lighting equipment on marked vehicles includes hazard lights, spotlights and alley (side) lights, bar or deck mounted emergency lights. Hazardous warning lights may be used at any time the police vehicle is parked where other moving vehicles may be endangered. Alley lights and spotlights may be used when the vehicle is stationary or moving at speeds not to exceed 15 miles per hour and shall not be used in a manner which will blind or interfere with the vision of operators of other approaching vehicles (Code of Virginia, Section 46.2-1029).
4. Seat belts and shoulder straps shall be worn by all personnel or ride-alongs during the vehicle's operation. Prisoners shall be strapped in with seat belts whenever possible. The only exception is:
  - a. At approach to any scene of an incident or service call where the deputy believes a rapid departure from the vehicle may be required; the deputy may release the seat belt. Seat belts shall, however, be worn any time the vehicle is being operated under emergency conditions.

C. Inspection:

1. Deputies are responsible to routinely check the cleanliness, fluid levels (oil, brake fluid, gas), and general operability of the equipment of their assigned vehicles, to include checking all emergency equipment, lights, siren and radio operation.
2. Deputies shall examine their vehicles at the beginning and end of their shifts for damage. Deputies shall report any damage immediately to their corporal, sergeant or other supervisor.
3. Deputies shall examine their vehicles at the beginning and end of their shifts to search for evidence, contraband, or property discarded by prisoners or others.
4. Deputies who discover a police vehicle in need of extensive repairs shall immediately inform the

maintenance officer.

5. If, in the opinion of the Sheriff, vehicle damage resulted from abuse or neglect caused by a deputy, disciplinary action may result.

D. Driving rules:

1. Circumstances permitting, the driver must check the safety features of his vehicle before commencing operation. The check shall include (but not be limited to) all lights, brakes, siren, horn, and steering.
2. No driver shall modify, remove, de-activate, or otherwise tamper with the vehicle safety belts, emission control device, or any part of the vehicle, which affects its operation.
3. During periods of inclement weather when police vehicles cannot be washed regularly, the driver must assure that headlight and taillight lenses are kept clean, insofar as circumstances permit.
4. No deputy or employee shall operate any police vehicle, which he or she believes to be unsafe.
5. The driver shall carefully observe the surrounding conditions before turning or backing any vehicle.
6. A police vehicle shall not be left unattended with its engine in operation.
7. The driver must recognize the variable factors of weather, road surface conditions, road contour, and traffic congestion, all of which directly affect the safe operation of any motor vehicle, and shall govern the operation of the vehicle accordingly.
8. The nature of certain crimes-in-progress may call for the use of the siren to be discontinued upon close approach to the location of the occurrence, and although such action is permitted by authority of this order, police vehicle operations under these conditions require extreme caution and traffic laws must be complied with prior to the discontinuance of the use of the siren.

9. Emergency driving to the scene of a motor vehicle accident is permissible ONLY when an emergency exists, or when specific information indicates that conditions at the scene require the immediate presence of a deputy.
10. Upon approaching a controlled intersection or other location where there is great possibility of collision, the driver who is responding under emergency conditions shall reduce the speed of his vehicle and control it to avoid collision with another vehicle or pedestrian, stopping completely, if necessary, before entering and traversing the intersection. When faced with a red traffic signal, the deputy shall stop his vehicle and assure by careful observation that the way is clear before proceeding through the intersection.
11. Regardless of the seriousness of the situation to which he is responding, and excepting circumstances that are clearly beyond his control, the operator of a police vehicle shall be held accountable for the manner in which he operates his vehicle.
12. At the scene of a crime, a motor vehicle crash, or other police incident, a police vehicle shall be parked in such a manner so as not to create an obstacle or hazard to other traffic. The emergency lights and four-way flashing lights may be used to warn other drivers approaching the location.
13. The driver shall lower one front door window far enough to hear other sirens and traffic warning signals.
14. Operators of police vehicles must bear in mind that traffic regulations requiring other vehicles to yield the right of way to any emergency vehicle do not relieve the emergency vehicle operator from the duty to drive with due regard for the safety of all persons using the highways, nor shall they protect the driver from the consequences of an arbitrary exercise of such right of way (State Code 46.2-290).

**V. PROCEDURES FOR EMERGENCY DRIVING:**



A. General:

1. No fixed rule can apply to every circumstance that may arise governing emergency driving. Although a deputy may receive information that leads him to respond to a call with emergency lights and siren activated, in the majority of such cases a deputy discovers, upon arrival, that an emergency response was not justified. The Sheriff's Office does require that the deputies be ever mindful of their responsibilities to the general public with respect to their driving. This shall be inclusive of the normal and emergency driving functions of law enforcement. Every deputy shall operate the Sheriff's Office vehicles with due regard for the health, safety and welfare of the public and with the utmost concern for the safety of all. This concern is paramount in the overall operation of emergency vehicles.
2. The final sentence in Code Section 46.2-920 reminds the officer that "Nothing in this section shall be construed to release the operator of any such vehicle from civil liability for failure to use reasonable care in such operation." Recognizing that protection of human life is paramount; the responding deputy must remember that his objective is to get to the location of the occurrence as soon as possible--safely--without danger to himself or to others.

B. Response codes:

1. Calls for service are classified as Code 2 or 3 depending on circumstances. (response codes may be assigned, upgraded or down graded by a supervisor) The Codes are defined as follows:
  - a. Code 3: Units responding to Code 3 calls as the primary and back-up units shall respond rapidly to the location of the emergency by most direct means, using all emergency warning devices with a paramount consideration for the safety of the public and the assigned deputies
  - b. Code 2: Units responding to Code 2 calls

shall respond to the location without delay by the most direct route, complying with all traffic regulations and shall not use emergency warning devices.

2. Dispatcher assignments:

The dispatcher shall immediately dispatch information regarding those calls for law enforcement services, which indicate a felony in progress or where the violator is armed, and all other requests alleging an implied or immediate threat to the safety of a person. Based upon the facts and information provided, the deputy shall assess the situation and shall have the ability and authority to determine and use the proper response code.

Examples of Code 3 calls (not all inclusive) are:

1. law enforcement officer (or station) needs urgent help;
2. burglary in progress;
3. robbery in progress;
4. person with deadly weapon;
5. serious injury accident;
6. riot or large disturbance with fighting or injuries or damages occurring.

3. Upon receipt of a request for law enforcement service, which necessitates the dispatch of a deputy, the dispatcher receiving the request shall determine and provide sufficient facts to allow the deputy to set the proper priority of the response.

- a. The dispatcher shall obtain information about:
  - (1) whether the perpetrator is still on the scene, or armed;
  - (2) condition of the victim;

- (3) a hostage situation;
  - (4) direction and method of travel of any fleeing suspects;
  - (5) description of any fleeing vehicles.
- b. When sufficient information concerning a request for service has been obtained, the dispatcher shall assign the complaint to a deputy. Any doubt as to the character of the request shall be resolved in the presumption that an emergency exists and the responding deputy may at their discretion respond Code 3 to the assigned call.
- c. Deputy's response to call.
- (1) Upon arrival at the scene of a call, the responding deputy shall rapidly evaluate the situation and determine whether additional units are still needed or whether other units responding Code 3 can be slowed or canceled.
  - (2) All units responding to robbery- and burglary-in-progress calls, before coming within hearing distance, shall discontinue the use of the siren and at that time fully comply with all traffic laws. Before coming within sight of the location, deputies shall discontinue the use of the emergency warning lights.
  - (3) In situations requiring silent response, e.g., alarm response and prowler calls, deputies shall respond as rapidly as possible, obeying all traffic laws and signs.
4. Officer-initiated response.

When, in the opinion of the deputy, an emergency is imminent or exists, or that activation of emergency warning devices is necessary to protect life or render the necessary law enforcement services, the

Sheriff's Office authorizes an emergency response.

Examples include:

- a. At the scene of any incident where the use of emergency lights constitutes a necessary warning for the safety of life (such as scenes of fires, accidents or disasters).
- b. As a visual signal to attract the attention of motorists stopped for traffic violations, or to warn motorists of imminent dangers.
- c. Responding to a call, where the deputy has previous or receives additional information, which, would cause the deputy to feel that there exists a degree of imminent danger and these facts necessitate a Code 3 response.
- d. Where because of location, distance to be traveled, or traffic conditions, the deputy determines that emergency operating conditions are essential in order to provide an appropriate police response.
- e. In response to an officer's emergency request for assistance.

## **VI. PROCEDURES FOR PURSUITS:**

### **A. Deputy responsibilities:**

The deputy who undertakes a pursuit does so at his or her discretion taking into consideration the factors listed below. The deputy's primary responsibility in a pursuit is the safe operation of the vehicle. The deputy shall notify the dispatcher of the pursuit, direction of travel, nature of offense, description of the pursued vehicle, and location.

### **B. Supervisor's responsibilities:**

1. The patrol supervisor or another supervisor in his/her

absence shall monitor the pursuit by ensuring compliance with the agency policy, directing officers to join or abandon the pursuit, redesignating primary and support pursuing vehicles, if necessary, approving or directing pursuit tactics and terminating the pursuit.

2. The supervisor shall monitor the pursuit and may respond to the location of the stopped suspect. The supervisor may end the pursuit at anytime that he/she feels the circumstances warrant.
3. No more then two agency vehicles may pursue a fleeing suspect without the specific authorization of the supervisor. In authorizing additional vehicles to pursue the supervisor shall consider the following;
  - a. The nature of the offense.
  - b. The number of suspects.
  - c. The number of officers currently participating as primary or support vehicles.
  - d. Any injuries or property damage already sustained as a result of the pursuit.
  - e. Any other clear, articulated facts that would justify the assignment of additional agency vehicles.
4. After the incident, the supervisor shall critique the pursuit with all of the officers involved and the direct participants shall submit an incident\informational report.
5. The supervisor at the time of the pursuit was initiated will retain authority over the agency's pursuing officers for the duration of the pursuit.
6. The supervisor may direct the use of tire-deflation devices, as appropriate.

C. Back-up responsibilities:

The first back-up unit to respond shall assist the primary deputy in making the arrest. He or she shall also assume the responsibility of updating the dispatcher with the location and direction of travel of all vehicles involved, thereby allowing the primary deputy to focus attention on the pursuit driving.

D. Dispatcher responsibilities:

1. Advise all other units of the pursuit and the information given by the pursuing officer. Assist in directing back-up units to strategic locations.
2. Order the Sheriff's radio cleared of all but emergency traffic.
3. Contact patrol supervisor or another supervisor, in the absence of the patrol supervisor to make aware of the situation. Maintain contact and assure that all details about the situation are passed on accurately.
4. Alert all other nearby law enforcement agencies of the pursuit and information given by pursuing officer when continuing beyond the county limits.
5. Query DMV, VCIN, and NCIC for license data and any warrants.

E. Justification for pursuit:

A deputy may pursue a vehicle only when he has probable cause to believe the violator has committed or is attempting to commit a serious felony (a felony involving the use or threatened use of violence) or when the necessity of immediate apprehension in case of a misdemeanor outweighs the level of danger created by the pursuit (e.g., DUI, reckless driving).

Considerations in engaging in pursuit

1. Deputies shall not operate a vehicle at a rate of speed that may cause loss of control. The department expects a deputy to end the pursuit whenever the risks to his or her own safety, or the safety of others, outweighs the danger to the community if the suspect is not apprehended.
2. The decision to begin, responsibility for continuing, and the choice of method of pursuit rests primarily, if not solely, with the individual deputy(s) involved. In deciding, he or she is faced with a dilemma because, although the law does

not prevent the deputy from using emergency speeds while engaged in pursuit, it does hold him or her criminally and civilly responsible. Therefore, deputies must exercise sound judgment and carefully consider the seriousness of the offense, the possible consequences, and the safety of citizens.

Such considerations include:

- a. Does the seriousness of the crime warrant a chase at unsafe speed?
  - b. What is the possibility of apprehension?
  - c. Will the pursuit take place on residential streets, a business district or freeway?
  - d. When a deputy begins pursuit of a fleeing vehicle, he or she must remember that citizens using public highways do not expect their travel to be interrupted by a high-speed chase or to become involved in an accident as a consequence. Children playing on the side of the street are likely to be drawn towards a police car with the siren and emergency light operating, rather than cautioned away from it.
  - e. Street and traffic conditions.
  - f. The weather conditions.
  - g. Road conditions and lighting (visibility).
  - h. Balancing the pursuit's danger to the public against allowing suspect to escape.
3. Intersections are a particular source of danger. Deputies, when approaching an intersection where signal lights or stop signs control the flow of traffic, shall:
- a. decelerate and be prepared to apply the brakes.
  - b. enter the intersection only when safe, when all other vehicles are aware of the deputy's presence, and at a reduced speed.

- c. Resume pursuit speed only when safe. When using emergency lights, siren, and headlamps, the deputy is requesting the right of way and DOES NOT ABSOLUTELY HAVE the right to run a red traffic light or stop sign.

F. Rules of pursuits:

1. Deputies shall not ram, bump, or collide with a fleeing vehicle in an attempt to force them off the road or into an obstacle without supervisory authority.
2. Pursuits shall normally be limited to two police vehicles, a primary and a secondary. The lead vehicle should be a marked vehicle. An unmarked or oversize vehicle (SUV type) should yield the lead to the marked patrol vehicle as soon as possible. Unmarked and oversize vehicles should break from the pursuit as soon as a marked vehicle is available and in position to take its place and the disengaging of the unit from the pursuit does not jeopardize the safety of the other deputies or the public. Other police vehicles shall not leave their assignments to join the pursuit. Additional units may participate but only under order by the senior deputy on duty or a supervisor.
3. After notification, a supervisor can assess the situation and make a determination if the Stinger Spike System should be deployed in conjunction with proper planning strategies and communication.
4. Deputies shall not fire their weapons from a moving police vehicle. Deputies may only fire weapons at a vehicle under conditions described in GO 2-6, Paragraphs V. A.3 and VI.C.
5. Whenever the pursuit extends off roadway, as when the fleeing vehicle leaves the roadway and proceeds cross-country, the pursuing deputy(s) must carefully consider whether or not the seriousness of the offense outweighs the risk to his safety and the potential damage to the police vehicle or private property. When the risks of pursuit exceed the need to capture the offender, THE DEPUTY MUST



DISCONTINUE PURSUIT.

6. Should the person(s) attempting to avoid apprehension stop the fleeing vehicle and proceed on foot, the deputy shall stop, give his or her location, and continue efforts to apprehend on foot. The back-up car, or second police vehicle, shall be dispatched in close proximity to offer assistance.
7. A supervisor may direct that the pursuit be ended. If the pursuing deputy receives such an order to stop the pursuit, he or she shall do so immediately and acknowledge the order. Also, the pursuing deputy(s) must end the pursuit if at any time during the course of the pursuit he loses extended sight of the fleeing vehicle.
8. Only in the case of suspected fleeing felons whose escape poses a danger to life may deputies set up a stationary roadblock. The decision to erect a stationary roadblock shall only be made by the Sheriff or, in his absence, the Chief Deputy or Captain. A decision to erect a stationary roadblock is a decision to use deadly force (the provisions of GO 2-6 apply.) The decision to erect a stationary roadblock must consider:
  - a. the safety of officers;
  - b. the risk of physical injury to the occupants of the pursued vehicle;
  - c. the protection of citizens and their property.

A stationary roadblock must be clearly visible at a distance sufficient to enable approaching vehicles to stop safely. The officer in charge of the roadblock shall notify the dispatcher of its precise location. The Sheriff's Office stresses that stationary roadblocks constitute a last resort in stopping a fleeing violent felon.

9. Pursuits of misdemeanants shall not proceed beyond the Virginia State line. A pursuit of suspected felons may extend beyond the state line, but the pursuit shall be relinquished as soon as possible to police personnel of the entered state.

10. Deputies, when accompanied by civilian passengers, shall not participate in prolonged pursuits. If a civilian is in the police vehicle at the beginning of a pursuit, that deputy shall turn the pursuit over to another deputy as soon as possible, and/or deposit the civilian at an appropriate, safe location.
11. When two vehicles are involved in pursuit, each unit shall maintain a safe distance especially when passing through intersections. Each unit involved in the pursuit shall use a different siren-sound selection.
12. In case of pursuit, should the violator enter a one-way street against the flow of traffic, or enter a major highway or interstate freeway by proceeding along an exit ramp, the pursuing deputy shall not follow the violator but instead transmit via radio detailed observations about the suspect vehicle's location, speed, and direction of travel.

G. Out-of-jurisdiction pursuits:

1. Pursuits beyond the local jurisdiction require the direct approval of the supervisor and, if approved, shall be conducted in accordance with this order. The dispatcher shall notify the appropriate jurisdiction of the pursuit and request assistance.
  - a. Officers shall review Virginia Code section 19.2-76, concerning arrests outside the jurisdiction where the offense is charged and section 19.2-77, concerning pursuits and arrests anywhere within Virginia. Deputies are authorized to pursue a suspect and apprehend the suspect wherever he/she is found within Virginia.
2. Once the pursuit has entered another jurisdiction, if officers from that jurisdiction enter the pursuit, department officers shall cease their emergency driving (unless circumstances require their continued pursuit), turn off emergency equipment, and follow the pursuit while observing all posted speed limits and traffic control devices.

3. If officers from another jurisdiction pursue a suspect into ours, agency officers shall enter the pursuit **only** if the other agency specifically requests assistance **and** this agency's supervisor approves our participation. Any non-pursuit assistance, including apprehension of a stopped suspect, may be provided as circumstances dictate.
4. When the fleeing suspect is apprehended in another jurisdiction, the pursuing deputy may take custody of the arrested person and return to the jurisdiction in which the original violation occurred. The deputy shall then appear with the suspect, before the judicial officer serving that jurisdiction in an effort to obtain a warrant. (Virginia Code 19.2-76 and 77)
5. When the fleeing suspect is apprehended within the county, the deputy shall take the arrested person before the magistrate serving New Kent County. The supervisor shall confer with the other jurisdiction to determine which jurisdiction shall maintain custody of the suspect based upon the seriousness of the charges and the likelihood of release by respective magistrate.

#### **VII. ABANDONING PURSUIT:**

This general order has noted the necessity for a pursuing deputy to continuously evaluate the risks and goal of a pursuit. Under some conditions, abandoning a pursuit may prove the most intelligent decision the deputy can make.

Deputies may discontinue pursuit under the following circumstances:

- A. If, in the opinion of the pursuing deputy or supervisor, the pursuit creates a clear and unreasonable danger to the officers and other motorists or pedestrians that outweighs the need for immediate apprehension.
- B. The suspects have been identified and can be apprehended later.
- C. The prevailing traffic, roadway, and environmental conditions render pursuit futile.

- D. The pursued vehicle outdistanced the deputy, or its location is not known.
- E. The pursuing deputy knows, or is reasonably certain that the fleeing vehicle is operated by a juvenile and the offense constitutes a misdemeanor or non-violent felony (the pursuit may stimulate the juvenile to recklessly disregard public safety).

Discontinuing a pursuit does not mean that the deputy cannot follow the vehicle at a safe speed, or remain in the area ready to resume the pursuit if the opportunity presents and circumstances warrant. **NO DEPUTY CAN BE DISCIPLINED FOR DISCONTINUING A PURSUIT.**

- 1. Deputies shall review Code sections 46.2-829 and 46.2-920 regularly concerning civil liability of officers who pursue recklessly.

Once the pursuit has ended, the initiating deputy, as well as any other deputy involved, shall file a written report, submitted to the Chief Deputy for his/her review. This report shall be written at the end of shift or as soon as possible thereafter. The Chief Deputy shall review the reports and pass any recommendations on to the Sheriff.

#### **VIII. OPERATORS OF COUNTY OWNED VEHICLES.**

- A. Any employee operating a county owned vehicle shall possess and maintain a valid Virginia operator's license.
- B. County owned vehicles are to be used for official business only. Any other use is not authorized.
- C. Deputies shall park assigned vehicles at their residences.
- D. Employees violating provisions of this section may lose their privilege to take vehicles home.
- E. All procedures and policies that govern vehicle use shall apply to off-duty personnel as if they were on duty.

- F. The operation of off-duty vehicles shall be limited to New Kent County deputies/employees.
  - 1. Off duty use of a vehicle shall be limited to:
    - a. Transportation to and from the Sheriff's Office.
    - b. Court
    - c. Vehicle maintenance and cleaning
    - d. Uniform care and haircuts
    - e. to and from approved health club or gym
    - f. Transportation to training classes
    - g. Transportation to a Sheriff's Office approved event.
    - h. To conduct business out of the county with supervisor's approval.
- G. Unattended vehicles shall be locked at all times. If the vehicle is left in a public place while riding with another deputy, it should be left at a bank or public building to provide exposure.
- H. The operator shall not transport anyone in a patrol vehicle other than:
  - 1. Sheriff's Office employees or pre-approved ride-alongs.
  - 2. Law enforcement officers assigned to New Kent County.
  - 3. Persons arrested or under investigation.
  - 4. Persons engaged in pre-approved functions requiring the attendance of an employee.
  - 5. Persons requiring transportation as the result of an emergency.
  - 6. Other instances as approved by the Sheriff, Chief Deputy or supervisor.
- I. Employees with take home vehicles shall always maintain vehicles according to the owner's manual supplied with the vehicle.

- J. No equipment or accessories except that which is issued may be installed in vehicles without the prior approval of the Sheriff, Chief Deputy or their designee.
- K. Employees involved in an accident shall immediately notify the supervisor and Sheriff.
  - 1. The filing of all legal documentation and reports shall be the responsibility of the operator.
  - 2. If the accident is the result of employee negligence, the employee may at the discretion of the Sheriff be required to pay the deductible portion of the insurance or a portion thereof. The Sheriff may base his/her decision on a number of factors to possibly include the deputy's time in service without an avoidable accident, the overall amount of damage to the vehicle and the circumstances of the incident.
  - 3. If a department vehicle is involved in an accident out of the state, the operator shall call that state's Highway Patrol or State Police to investigate.
- L. Deputies using county vehicles off-duty, must have an agency approved firearm on their person or available in the vehicle during the course of the vehicle usage. The deputy must monitor the radio and be available to respond to emergency calls if needed.

**IX. PROHIBITED PRACTICES**

- A. Sheriff's vehicles shall not be used at any time for the purchase or transportation of alcoholic beverages or after the operator has consumed alcoholic beverages.
- B. Operators shall use good judgement at all times. Violations of statute or ordinances or operating in a manner to bring discredit to the Office are prohibited.

## Problem Identification – Speed

Based on 2016 data for our Speed related Crashes, Serious injury and fatalities crashes they occurred primarily on Monday's and Friday's. The crashes occurred between 2100-0300 hours during the months of September and October. We had 3 Fatal Speed related crashes and 14 Speed related Serious Injury Crashes in 2016.

We determined roadways with a higher rate of speeding complaints and speed related crashes and injuries. We determined these to be New Kent Highway, US Route 60, Courthouse Rd. Pocahontas Trail and Interstate 64 (I-64) is patrolled mainly by the Virginia State Police. All 3 Fatal Crashes occurred on the Interstate System and 8 of the 14 serious injury crashes occurred on the Interstate which is primarily patrolled by the Virginia State Police.

Based on the available data from the Virginia Highway Safety Office and our local data. Our efforts targeted the days of the week and hours of the day with the highest number of speed related injuries and fatalities.

The sheriff's Office has 4 officers assigned to the counties highway safety commission. This commission is made up of citizens, County Officials, Emergency Service personnel and members from Virginia Department of Transportation to include traffic engineers.

This commission has reviewed areas with higher than normal crash rates and tries to determine if the causative factor is human error or a traffic engineering issue.

Our office participated on the panel with the Virginia Highway Safety Office to help set the goals for the Strategic Highway Safety plan as it pertains to speeding related incidents. We dedicated our resources to help achieve those recommended goals of reducing speed related injuries and fatalities.

**Policy: Our Speed policy is attached to include a Directive from Sheriff McLaughlin making Speed Enforcement a Priority. It is highlighted in (Green)**

F. Speed enforcement:

Excessive speed is the second greatest cause of death and injury on the American highways. A deputy shall uniformly enforce speed laws within New Kent County. Procedures for the enforcement of laws applying to speed will vary in accordance with the type of equipment used.

1. Pacing:

The deputy shall follow the vehicle being paced at a constant interval for a distance adequate, normally one quarter to one half mile, to obtain a speedometer reading. Speedometers must be calibrated at least every six months and calibration filed with the clerks of the District Courts.

2. Radar:

Radar shall not be used for "filler" or "slack" officer time, but shall be applied where vehicle speed is a hazard to other motorists or pedestrians. The following guidelines govern the use of radar, which will always be operated in compliance with manufacturer's instructions. All deputies must first be certified in the use of radar and all departmental radar units meet current NHTSA standards.

a. The radar unit must be properly installed in the vehicle and connected to the appropriate power supply.

b. Operators must thoroughly understand the effective range of the radar unit so observations can support the speed meter readings.



# DIRECTIVE

**To:** ALL SHERIFF'S OFFICE MEMEBERS

**From:** Sheriff J. J. McLaughlin, Jr.

**Date:** January 1, 2016

**Re: Driving Under the Influence, Speed, Occupant Protection and  
Distracted Driving Violations enforcement**

The following enforcement activities historically have been and continue to be priorities of this office.

1. Driving under the Influence/Impaired driving:

The enforcement of the code of Virginia as it relates to impaired driving shall be a priority of the New Kent County Sheriff's Office in an effort to reduce the number of alcohol related motor vehicle crashes within the county of New Kent and to prevent injuries and save lives.

2. Speed Enforcement:

Excessive speed is the second greatest cause of death and injury on the highways of the United States. It shall be a priority of the New Kent County Sheriff's Office to enforce the code of Virginia as it relates to speeding violations. In an effort to reduce the number of motor vehicle crashes and to prevent injuries and save lives.

3. Occupant Protection:

The enforcement of the code of Virginia as it relates to occupant protection violations (seat belt and child safety seat laws) shall be a priority of the New Kent County Sheriff's Office. The protection of those travelling the highways of the County of New Kent shall be addressed through education and enforcement.

## Planning- Speed

During 2016 we dedicated our resources on the county roads that had been identified with higher than normal crash rates during specific times of day, days of the week that had been identified by the County and the State Highway Safety Office. They were identified as I-64, Old Roxbury, Farmers Dr, Holly Fork Rd, Waterside DR, Pocahontas Trail, New Kent Hwy and Old Church Rd,

We utilized Speed grant funding to assign deputies to work the high crash and complaint areas. We used deputies working their regular shifts to patrol the identified areas with an emphasis on speed related offenses.

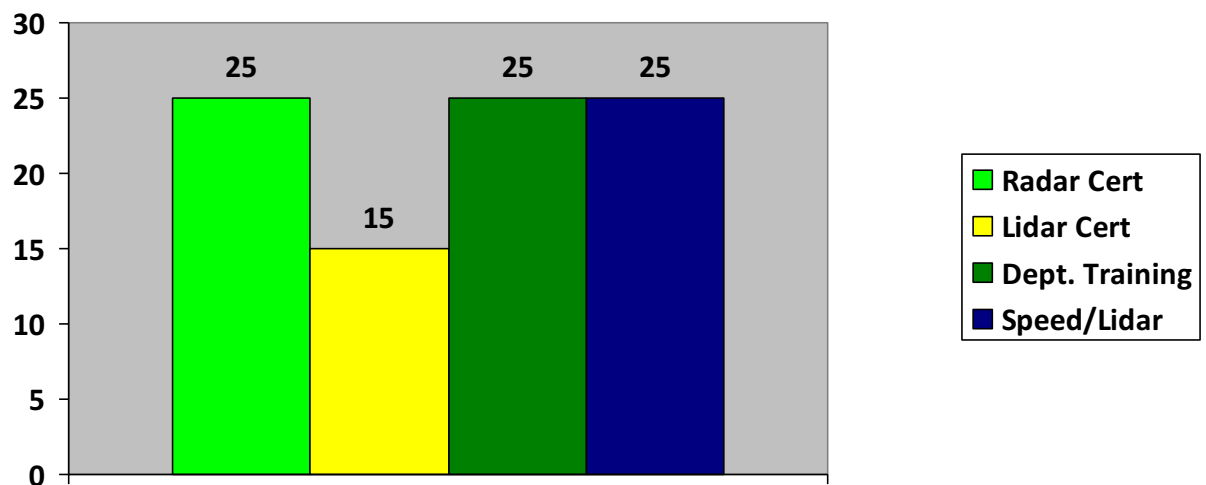
Deputies were advised of the target locations, times of the day, days of the week by way of memo that we wanted them to target the identified areas. The county budget funded Saturation Patrols to assist in the targeted areas. We planned several high visibility Preventive patrols on roadways with a higher reports of crashes or speed related complaints.

We conducted 325 saturation Patrols during the targeted times and days of the week.

Our agency participated in the development of the state's Strategic Highway Safety plan and is working to achieve the goals set forth in the plan.

## Officer Training-Speed

The New Kent County Sheriff's Office is dedicated to traffic safety. 100 % of our Patrol deputies and seven of our non-patrol officers have received in house, Law Enforcement academy training relating to speed measurement devices.



Classes were taught or attended in the following jurisdictions New Kent County, Prince George County and Hanover County.

Two officer's received Radar and Lidar certification while attending the Basic Police Academy. We also have two in-house Speed Measurement Instructors. All agency personnel received in-service training in 2016. We currently have 15 trained on Lidar.

## **PUBLIC INFORMATION AND EDUCATION- (SPEED)**

The New Kent County Sheriff's Office during the past year has been very involved in many highway safety endeavors relating to prevention, education and enforcement of speed related issues.

The following is a summary of some of those activities. Our programs were intended to decrease speed related injury and fatal crashes.

### **NEW KENT COUNTY FAIR- Speed**

Members of our department and volunteers passed out several hundred safety brochures relating to Speed related injury crashes and the significance in the outcome of crashes when speed is involved. That the crashes are more severe the higher the speeds. Brochures were available at our booth and given out by Vince and Larry the "Crash Test Dummies".

### **SCHOOL SYSTEM-Speed**

During the last year officers taught segments of the driver's education classes at New Kent High School. We spoke to the entire student body of New Kent High School on the dangers associated with Speed related crashes and how the higher the speed the more severe the crashes are and despite all of the safety equipment in the vehicle your chances of surviving the crash diminish with high speeds.

We conducted a "Live Smart Event" at the high school that covered the most recognized dangers of operating a motor vehicle speeding. And the combined dangers of Speed, Alcohol and Distracted Driving and the consequences of not using Seat Belts.

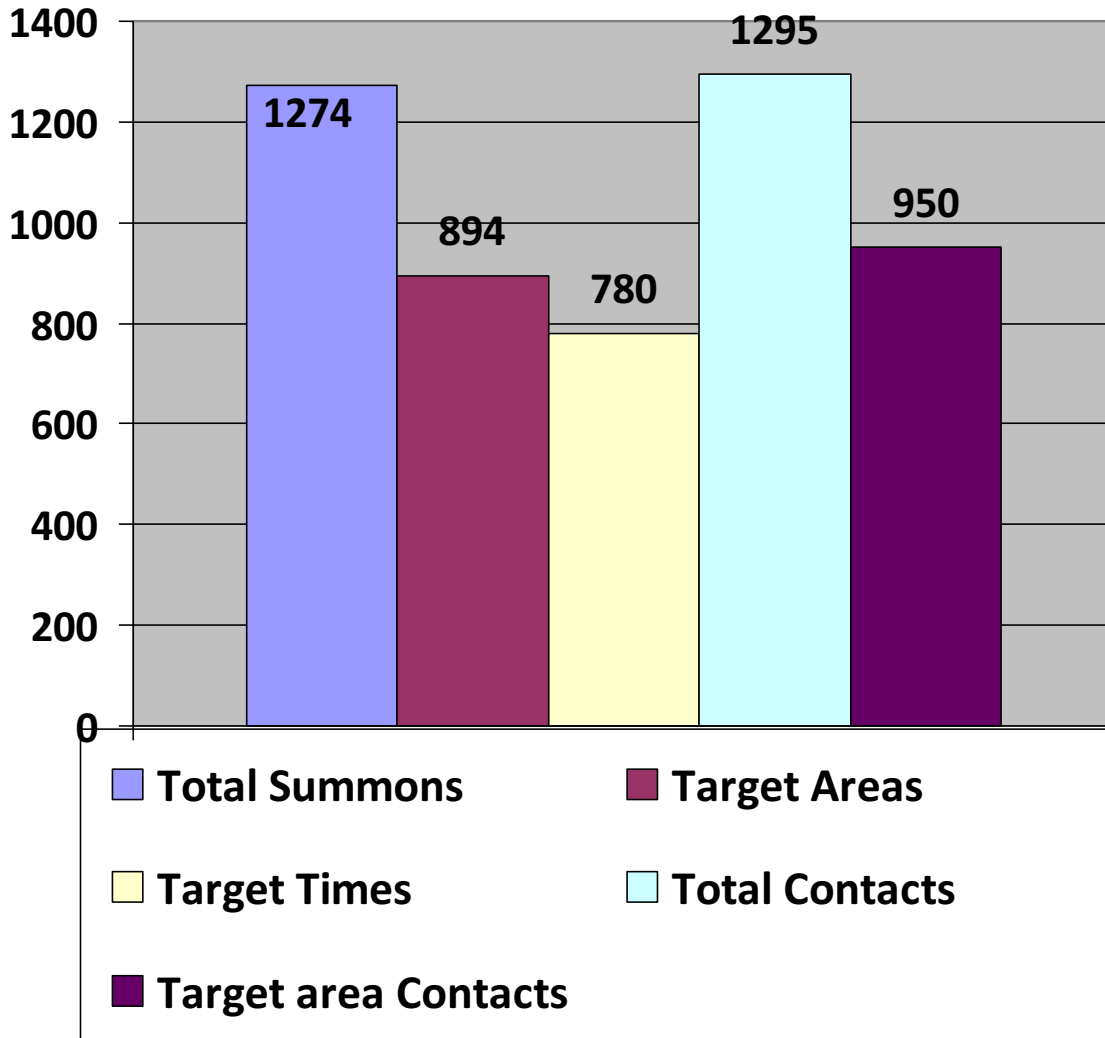
### **Enforcement Efforts- Speed**

The new Kent County Sheriff's Office utilized a Speed Grant from the Virginia Highway Safety Office to help combat speed related issues in

our county. This was done by Saturation Patrols. During 2016 we conducted 325 Saturation Patrols targeting Speed related issues.

Deputies were given directives outlining specific time frames and days of the week based on data provided by the Highway Safety Office.

We dedicated approximately 1100 hours of enforcement that was funded by the county and 250 hours of grant funded enforcement from the Virginia Highway Safety Office.

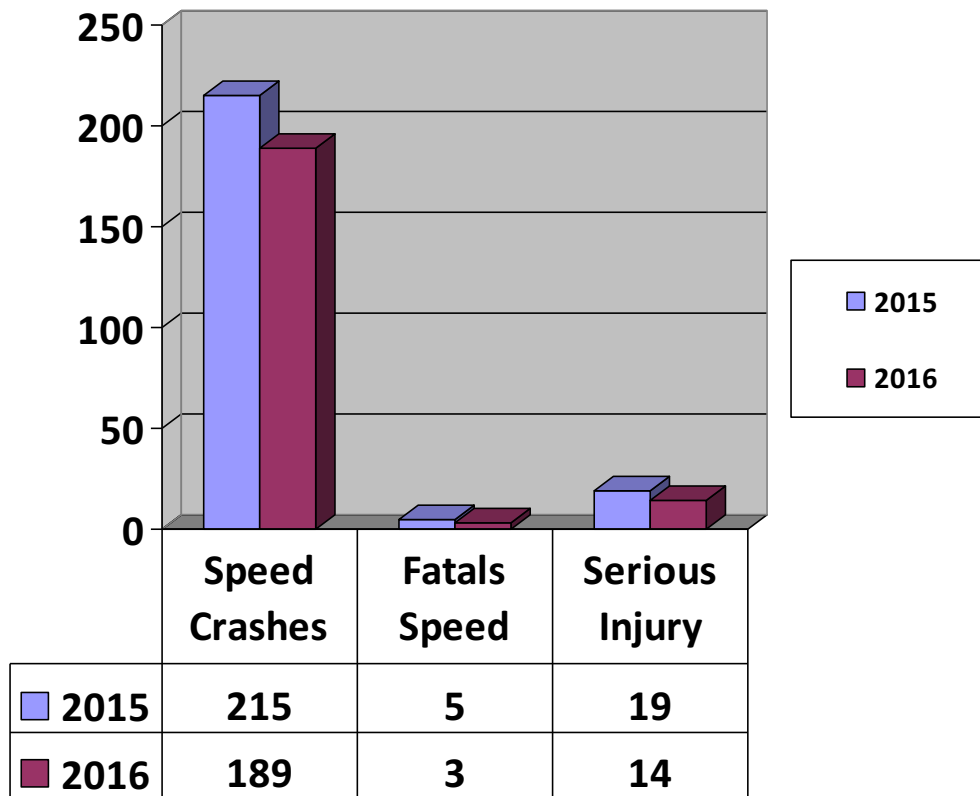


The target areas shown above are US Routes 60, 33 and State Route 249 and 155.

Grand total of Speed summons issued county wide 1274.

## Outcomes from our efforts in Speed Enforcement

During 2016 our days of the week changed to Monday and Friday compared to Saturday and Sunday in 2015. Our 2015 timeframes were 0000-0300, 1200-1800 and in 2016 they are occurred 1500-2100 and 0000-0300.



During 2016 we had a total of 189 speed related crashes this was **down** from 215 in 2015. We had 3 fatal crashes **down** from 5 in 2015. We had 14 serious speed related injury crashes **down** from 19 in 2015. All 3 fatal crashes and 8 of the serious injury crashes occurred on interstate 64 which is primarily patrolled by the Virginia State Police.

We will continue to monitor our statistics and adjust our enforcement efforts to coincide with the collected Data and dedicate our resources during those target times, days and months.

## Recognition Programs

Deputy Butch Gay was recognized at the department's annual meeting on January 20, 2017 he received the departments Speed Enforcement Award with 263 summonses in 2016.



**Copy of Award presented to Deputy Gay  
reduced in size for formatting**

**Saved by the Belt and Bag Award**

Our agency had no nominations this year.

<b>NEW KENT COUNTY SHERIFF'S OFFICE</b>		<b>GENERAL ORDERS</b>	
<b>SUBJECT: TRAFFIC LAW ENFORCEMENT</b>		<b>NUMBER: 2-19</b>	
<b>EFFECTIVE DATE: 04-15</b>		<b>REVIEW DATE: Annually</b>	
<b>AMENDS/SUPERSEDES: 08-12</b>		<b>APPROVED: <u>J. J. McLaughlin, Jr.</u> Sheriff</b>	
<b>V.L.E.P.S.C. STANDARDS: ADM.02.05, OPR.07.01-.06, .08</b>			

**NOTE:**

This rule or regulation is for internal use only, and does not enlarge an officer's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this directive, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial administrative setting.

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**INDEX WORDS:**

DUI	Traffic Checking Details
Enforcement; traffic	Selective Enforcement
Juveniles; traffic violations by	
<b>Radar</b>	
Traffic	
Traffic stops - felony	
Traffic stops - routine	
Virginia Uniform Summons	

**I. POLICY:**

Traffic law enforcement involves all activities or operations, which relate to observing, detecting, and preventing traffic law violations and taking appropriate action under the circumstances. Traffic enforcement not only involves arrests and citations, but also includes warnings to drivers and pedestrians, which help prevent them from committing minor violations. Traffic enforcement may react to observed violations, at accidents, or in response to community concerns, or may be proactive to prevent traffic violations. However, overzealous enforcement without considering whether

the violator is familiar with the legal requirements or without regard for the circumstances surrounding the violation causes disrespect for the law and poor relations between the department and the community. The emphasis of an officer's traffic enforcement is placed on violations that contribute to accidents and that prevent hazards to vehicular and pedestrian traffic.

## **II. PURPOSE:**

The purpose of this order is to prescribe procedures for traffic law enforcement, preventive patrol, proactive enforcement, and relationships with motorists, pedestrians, and the courts.

## **III. PROCEDURES:**

### **A. Types of enforcement actions:**

#### **1. Warnings:**

Officers may issue warnings to a violator whenever a minor traffic infraction is committed in areas where traffic accidents are minimal, or when the act may be due to ignorance of a local ordinance, which may be a unique violation or a violation, of which the driver may not be aware. A properly administered warning can be more effective than any other type of enforcement. For minor traffic violations, professional courtesy may be extended to other law enforcement personnel by issuing oral or written warnings.

#### **2. Virginia Uniform Traffic Summons (UTS):**

A UTS should be issued to a violator who jeopardizes the safe and efficient flow of vehicular and pedestrian traffic, including hazardous moving violations or operating unsafe and improperly equipped vehicles.

#### **3. Physical arrest:**

Officers will make a physical arrest, in compliance with Virginia Code Section 46.2-937 in the following circumstances:



- a. Violations of traffic laws pertaining to driving under the influence of alcohol or other intoxicants.
- b. Whenever a felony has been committed involving a vehicle.
- c. When the operator refuses to sign the promise to appear on the traffic summons.
- d. When the officer has reason to believe that the person will not comply with the summons if issued.
- e. If the operator is licensed by a non-reciprocal state, the deputy may arrest.

B. Handling special categories of violators:

1. Non-residents:

Officers shall consider use of warnings for non-residents who commit minor, non-hazardous violations. Non-residents licensed in reciprocal state will be treated the same as residents. When the offender is licensed in a non-reciprocal state, a physical arrest or arrest on a summons may occur.

2. Juveniles:

Juvenile traffic offenders are prosecuted in Juvenile and Domestic Relations Court and that shall be so noted on the summons. Officers issuing a traffic summons to a juvenile offender shall advise them as to their options regarding prepayment or court appearance and that a parent or guardian must accompany them when they appear before the court.

3. Foreign/diplomats and other consular officials:

Career consular officers of foreign nations are immune from arrest for criminal and traffic offenses unless arrests are ordered by a federal magistrate. Once identified, consular officials will not be detained unnecessarily. Consular immunity does not normally extend to members of the

consular family or employees. The burden is on the diplomat to claim immunity and to display valid credentials.

4. Virginia Governmental Officials:

The lieutenant governor and members of the General Assembly under **Title 30-6, Code of Virginia:**

During the session of the General Assembly and for five days before and after the session, the Lieutenant Governor, a member of the General Assembly, or the Clerk thereof, and their assistants, shall be privileged from custodial arrest except for treason, a felony, or a breach of the peace.

The issuance of a traffic summonses for a moving traffic offense is allowed, as is a physical arrest in the case of an offense involving a DUI offense.

5. Military personnel:

Military personnel who are first passing through the county may be treated as non-residents or, if from this area, as residents.

C. Information regarding traffic summons:

The Virginia Uniform Traffic Summons will be completed whenever a motorist is to be charged with a motor vehicle violation. Officers shall advise drivers of the following information:

1. court appearance schedule;
2. whether court appearance by the motorist is mandatory;
3. whether the motorist may be allowed to prepay the fine before court and enter a guilty plea;
4. any other information necessary before release of the motorist.

**IV. UNIFORM ENFORCEMENT POLICIES FOR TRAFFIC LAW VIOLATIONS:**

A. Speed violations:

Shall be a clearly demonstrated speed in court. May depend on location of violation (congested area, downtown, school zone, etc.).

B. Other hazardous violations:

Consider the degree of hazard, place, previous accident history of location, current directed patrol emphasis. Seat belt/child safety seat enforcement is a very important part of this department's duties and shall be addressed on each traffic stop. If the occupants are using proper restraints they should be commended for doing so. If safety devices are not being used it shall be brought to the attention of the driver and occupant(s) with the officer having discretion as to the handling of the situation, as described in section III, paragraph A of this G. O.

C. Equipment violations:

With only annual inspections now required of vehicles, consider issuance of summons for any essential equipment defects.

D. Public carrier/commercial vehicle violations:

Consider congestion, lack of parking, and carrier needs for delivery access. Repetitive violators shall be cited.

E. Other non-hazardous violations:

Consider a warning unless repetitive or flagrant.

F. Multiple violations:

May cite all if deemed necessary, but normally pick the most serious violation and warn on others.

G. Newly-enacted laws and/or regulations:

Normally, a grace period is established during which only warnings will be given. Thereafter, officers shall use discretion. Officers may allow a reasonable period of time, normally:

1. One month before issuing a summons for:
  - a. a violation of a newly enacted traffic law;
  - b. speeding violations in an area, which the speed limit has been reduced.
2. One week after expiration before issuing a summons for:
  - a. expired state license tags;
  - b. expired county license tags;
  - c. expired state inspection stickers.

H. DUI

See VI. of this G. O.

**V. TRAFFIC LAW ENFORCEMENT PRACTICES GENERAL**

- A. Normal traffic enforcement involves patrol by officers who observe and handle traffic violations during the performance of their normal duties.
1. Area patrol involves traffic enforcement within the officer's assigned area of responsibility.
  2. Line patrol involves traffic enforcement with concentration on a particular section of roadway.
  3. Directed patrol instructions can specify enforcement in an area, on a line patrol, or at a specific location, depending on the nature of the hazard/violation.
  4. Stationary observation, either covert or overt, may be used as a technique to make observations about the flow of traffic at a particular location. Deputies are encouraged, when completing reports or doing other activities which will keep them out of service for a short while, to park their patrol vehicles in a conspicuous location where the mere presence of the vehicle will serve to remind the other drivers of the need for compliance with traffic laws.

B. Objectives of traffic stops:

There are two major objectives of a traffic stop. The attainment of these two objectives depends upon the officer's ability to evaluate the violator's mental and physical condition, and facts concerning the violation. This requires a thorough understanding of human relations and demands flexibility on the part of the deputy. The Deputy shall remain courteous at all times. Enforcement procedures shall minimize conflict, which may develop between the deputy and violator and assist in achieving the two major objectives, which are:

1. to take proper and appropriate enforcement action;
2. to favorably alter the violator's future driving behavior.

C. Traffic violator/officer relations:

1. Followed in all traffic stops:
  - a. Be alert at all items for the unexpected.
  - b. Be **absolutely certain** the observations of the traffic violation were accurate.
  - c. Present a professional image in dress, grooming, language, bearing, and emotional stability.
  - d. Be prepared for the contact by having the necessary equipment and forms, if they are to be used, immediately available.
  - e. Decide on the appropriate enforcement action based upon the violator's driving behavior, not attitude. In most cases, decide on the formal enforcement action before contacting the violator. Exceptions include stopping an out-of-state driver committing a violation that would not be a violation in his jurisdiction, such as right turn on red light. The deputy may then decide to issue a warning rather than a citation.
2. Before making a vehicle stop:

- a. Maintain a reasonable distance between the vehicle and the patrol unit.
  - b. Locate a safe spot to stop the vehicle.
  - c. Activate the emergency lights and, when necessary, siren to signal the vehicle to stop.
  - d. Advise the dispatcher of the intention to stop the particular vehicle, giving:
    1. location of the stop;
    2. vehicle's license tag number and/or other description when necessary.
  - e. Deputies shall position the patrol vehicle approximately one-half to one car length behind the violator's vehicle. The patrol vehicle shall be positioned so that it will offer the deputy protection from oncoming traffic. This position shall be two feet outside and to the left of the violator's vehicle. This position provides maximum safety to the violator, the deputy, and all other traffic.
3. Additionally, when stopping a vehicle in which the occupant(s) is (are) deemed to present a hazard to the deputy's safety:
    - a. request a backup unit and calculate the stop so that the backup unit is in the immediate area before the actual stop,
    - b. train the unit's auxiliary lights (spotlight and alley lights) on the occupant(s) of the vehicle when applicable,
    - c. when necessary use the unit's public address system to give the occupant(s) of the vehicle instructions.
  4. Hazards.
    - a. On multi-lane roadways, the deputy shall

insure the safety of the violator during the lane changes by gradually changing from lane to lane with the violator until the right side of the roadway is reached.

- b. Should the violator stop abruptly in the wrong lane or in another undesirable location, the deputy shall direct him to move to a safer location. Deputies shall use the public address system to instruct violators to move to a safer location. If the deputy's oral directions and gestures are misunderstood, the deputy shall quickly leave the patrol vehicle and instruct the violator.

5. Approaching the violator.

The following steps in stopping and approaching a traffic violator are intended to provide maximum safety for the deputy, the violator, and other users of the roadway. Varying conditions regarding the engineering of the particular traffic way, the urgency to stop the violator (drinking driver), and the existing volume of traffic may require adjusting or altering the recommended procedure. Under ideal conditions, follow these procedures if possible:

- a. The deputy shall leave the patrol vehicle and be continuously alert for any suspicious movement or actions on the part of the violator or other occupants in the violator's vehicle.
- b. The deputy shall approach from the rear of the violator's car, looking into its rear seat and stop behind the trailing edge of the left front door. This position shall be maintained if there are only occupants in the front seat of the vehicle. From this position, the officer can communicate with the violator, keeping him in a slightly awkward position and at the same time keep all occupants of the vehicle in view.
- c. In cases where the violator's car has occupants in both the front and rear seats,

the deputy shall approach to the leading edge of the left front door, alert for any unusual actions on the part of the occupants and choosing a path so the door cannot be used as a weapon against the deputy. From this position, the deputy can communicate with the violator and keep all occupants in view.

- d. In traffic stops made by two-man patrol vehicles, the passenger deputy shall handle all radio communications, write all notes and messages relayed from the communications center, and during the traffic stop shall leave the vehicle and act as an observer and cover for his fellow deputy. At no time shall the two deputies approach the violator together.
- e. At night, officers shall exercise caution in selecting an appropriate place for the traffic stop, signaling the violator (the spotlight shall not be used except for illumination, in what officers perceive as dangerous situations), and positioning the patrol vehicle. After the stop, the headlights shall be on low beam for the safety of oncoming traffic, and emergency lights and emergency flashers in use on the patrol vehicle (as well as during the day). Deputies operating patrol vehicles equipped with takedown lights may use them if practicable.

6. Communicating with the violator.

In transacting his business with the violator, the officer shall observe the following rules.

- a. Greet the violator courteously with an appropriate title.
- b. Introduce yourself to the violator by rank/title and last name. Also ensuring that they are aware you are a member of this office.
- c. Ask for the violator's driver license and vehicle registration, (may include proof of



insurance) and accept only these forms. If the driver offers money, the officer shall refuse the money and advise the driver of the illegality of the offer.

- d. Inform the violator what traffic law he has violated and the intended enforcement action (the violator shall not be kept in suspense).
- e. If the driver has no driver's license, obtain another document of identification. Preferably one with a photo type of ID.
- f. Allow the driver to discuss the violation. Do not argue, berate, belittle, or otherwise orally abuse the violator.
- g. Complete the forms required for the enforcement action taken or exercise an oral warning, if appropriate.
- h. Explain to the violator exactly what he is supposed to do in response to the action taken and how this action will affect him.
- i. If the enforcement action requires a court appearance, make sure the violator knows where and when to appear. Explain any alternatives to the violator, but **do not** predict the actions of the court.
- j. Be alert to any emotional stress exhibited by the driver. If stress is present, the instructions may have to be repeated or the violator may need to calm down before resuming driving.

7. Conducting the transaction.

- a. Return the violator's driver's license, registration, and a copy of the warning, if one is issued.
- b. Release the defendant after he:
  - (1) signs the summons, and
  - (2) receives a copy of the summons.

- c. Assist the violator in safely re-entering the traffic flow.

Do not follow the violator.

D. Stopping a known or suspected felon:

Special procedures shall be used in vehicle stops when the occupants are known to be armed and dangerous. When a vehicle driven by a known or suspected felon is located by a deputy, he or she shall notify the dispatcher immediately of his location and give a thorough description of the vehicle and its occupants. The deputy will keep the suspect vehicle in view and request sufficient assistance in making the stop.

The deputy will keep support units informed of the location and direction of travel to aid their approach with minimal use of emergency equipment. The suspect vehicle will not be stopped unless absolutely necessary until adequate support is available and in position. Circumstances may, however, dictate a one-deputy felony vehicle stop.

The following procedures will be used in effecting the stop:

1. The deputy will plan to stop the suspect vehicle in a location, which presents minimal danger to other citizens.
2. When conditions are appropriate and support units available, the deputy will move into position to the rear of the suspect vehicle.
3. The deputy will signal the violator to stop, using all emergency equipment to warn other traffic.
4. The deputy will stop the violator on the extreme right side of the road.
5. If the violator is known to be armed and dangerous, the deputy will have his weapon easily accessible and ready for immediate use.
6. When the suspect vehicle begins to stop, the deputy will turn off the siren and turn on the public

address system.

7. The deputy will park the patrol vehicle so that it provides maximum protection and cover.
8. At night, the deputy shall focus all lights on the interior of the suspect vehicle.
9. The deputy will leave the patrol vehicle quickly but remain behind the door and accessible to the public address system microphone.
10. The deputy making the stop is in command and will direct each occupant, using the public address system, to get out of the vehicle and into the appropriate search position.
  - a. First, once suspects are stopped, the deputy shall order the driver to shut off the motor and drop the keys on the ground outside his door.
  - b. Next, the deputy shall order occupants to place their hands, palms up, on the ceiling of the vehicle.
  - c. The deputy shall then order occupants to exit the vehicle on the driver's side only, one at a time. Occupants will then be ordered to lie face down on the ground.
11. If a public address system is not available, the deputy will give voice commands if they can be heard; if this fails, the deputy will cautiously approach the vehicle, keeping all occupants in view, to a point where he can be heard.
12. To reduce confusion, the deputy will instruct support deputies, as appropriate, and will be the only deputy to direct the suspects.
13. The support deputies will cover the arresting deputy and remain on the curb side of the vehicle until all occupants are in the search position.
14. Deputies shall exercise extreme caution not to get within each other's line of fire.

15. When all occupants have been removed from the vehicle, the support deputies shall move to cover the arresting deputies while the persons are searched.
16. Arrestees will be searched and handcuffed before transportation.

E. Persons charged with revoked/suspended operator's license:

1. The Virginia Uniform Traffic Summons (UTS) may be issued when a deputy has stopped a vehicle and identified the driver as driving with a revoked or suspended operator's license.
2. A deputy who sees a person driving who is known to be under suspension or revocation may swear out a warrant if not able to stop the violator.
3. Deputies shall issue DMV Notices of Suspension to all suspended or revoked drivers even if that person may have already been notified by other means.

F. Speed enforcement:

Excessive speed is the second greatest cause of death and injury on the American highways. A deputy shall uniformly enforce speed laws within New Kent County. Procedures for the enforcement of laws applying to speed will vary in accordance with the type of equipment used.

1. Pacing:

The deputy shall follow the vehicle being paced at a constant interval for a distance adequate, normally one quarter to one half mile, to obtain a speedometer reading. Speedometers must be calibrated at least every six months and calibration filed with the clerks of the District Courts.

2. Radar:

Radar shall not be used for "filler" or "slack" officer time, but shall be applied where vehicle speed is a hazard to other motorists or pedestrians. The following guidelines govern the

use of radar, which will always be operated in compliance with manufacturer's instructions. All deputies must first be certified in the use of radar and all departmental radar units meet current NHTSA standards.

a. The radar unit must be properly installed in the vehicle and connected to the appropriate power supply.

b. Operators must thoroughly understand the effective range of the radar unit so observations can support the speed meter readings.

c. The operator must choose an appropriate location in accordance with the directions of his/her supervisors relative to traffic accident experience in which speed has been identified as a contributing cause. The location must also be conducive to the effective and safe operation of radar.

d. The radar unit shall be properly tested to insure accuracy in checking speed. The operator must follow the manufacturer's recommended specific methods of checking the unit for accuracy without exception. Any problems with the operation of radar units or apparent malfunction shall be promptly reported to the platoon sergeant.

e. In court, deputies must establish the following elements of radar speed:

(1) the time, place, and location of the vehicle, the identity of the operator, the speed of the vehicle, and the visual and radar speed check; identification of the vehicle;

(2) deputy qualifications and training in use of radar; and that the deputy was on duty, in uniform, and displaying his badge of authority;

(3) proper operating of radar unit;

(4) that the unit was tested for accuracy before use and after use by an approved method;

(5) speed limit in the zone in which deputy was operating and where the signs were posted.

f. The sergeant or designee is responsible for the proper care and upkeep, maintenance, and calibration of radar units, maintenance of records, and that appropriate certificates are filed with the clerks of District and Juvenile Courts.

## VI. DUI ENFORCEMENT PROCEDURES

### A. General:

Various courts have interpreted driving under the influence to mean that the ability to operate a motor vehicle is reduced or impaired by the consumption of alcoholic beverages or other drugs. It does imply that the operator of a motor vehicle be in a state of alcoholic or drug-induced stupor or be entirely incapable of exercising physical control of his vehicle. Driving under the influence of intoxicants is an offense generally associated with leisure-time activity. Consequently, most arrests are made during the evening hours or in the early morning hours after taverns close or social gatherings end. Although the intoxicated driver may be observed any day of the week, weekends and holidays reflect an increase of offenses and arrests.

### B. Laws:

It is unlawful for any person to drive or operate any motor vehicle, engine, or train while under the influence of alcohol, or while under the influence of any narcotic drug of any nature. The term motor vehicle shall include pedal bicycles with helper motors (Mopeds), while operated on the public highways of this State. A law enforcement officer may arrest without a warrant a person who was involved in a motor vehicle accident

### C. Responsibilities:

Each deputy shall be alert for suspected DUI offenders, both on patrol and in selective enforcement areas. He/she shall use standardized roadside sobriety tests. In addition, the alco-sensor, if available, shall be offered to each suspected driver.

D. Intoxalyzer:

1. The security, care, and maintenance of the Intoxalyzer and all physical evidence obtained from DUI are every deputy's responsibility.
2. The regulations of the Virginia State Department of Forensic Science Laboratory Services state: "The breath test device must be stored in a clean, dry location which is only accessible to an authorized licensee for the purpose of actually administering a breath test, preventative maintenance check, or other official uses."
3. The term licensee shall mean a person holding a valid license from the Virginia State Department of Forensic Science Laboratory Services pursuant to the Code of Virginia.
4. The Intoxalyzer is located at Sheriff's Office.

E. Sobriety tests:

1. Deputies shall administer a minimum of three field sobriety tests from the following list. The list names the most commonly administered tests.
  - a. Gaze nystagmus (only if properly certified). This test may be used as a fourth field test, but should not be used as one of the three tests since the General District Court does not recognize the validity of this test.
  - b. Walk and turn.
  - c. One-leg stand.
  - d. Reciting of alphabet.
  - e. 10 count.
  - f. Nose find.
  - g. Coin lift.

Deputies may employ additional tests.

2. If the operator fails the roadside tests, an alco-sensor shall be requested and offered to the operator, if available (Code Section 18.2-267). The operator may refuse the alco-sensor test, and must be advised of his/her right to refuse.
3. At the deputy's discretion or if the operator fails the alco-sensor test, he/she shall be arrested for driving under the influence and taken before the magistrate.
4. If a deputy suspects that the vehicle operator was driving under the influence of both alcohol and drugs, or drugs alone, he may require the operator to have a blood test performed in addition to testing for alcohol. Blood samples shall be analyzed by the Department of Forensic Science Laboratories for evidence of alcohol and for various illegal, prescription, and over-the-counter drugs.
5. The deputy shall make a full written report of the circumstances of the DUI arrest, formation of probable cause, and witnesses' observations.

F. Arrest:

The arresting officer shall:

1. Advise the arrestee that any person, whether or not licensed by Virginia, who operates a motor vehicle in this state gives implied consent to have a sample of his blood or breath taken for a chemical test to determine the alcoholic content of this blood or for the presence of drugs if such person is arrested for violation of 18.2-266 within three (3)hours of the alleged offense.
2. If the arrest occurs as a result of operation of a motor vehicle on private property or the operation of a Moped anywhere, the Implied Consent Law does not apply. This shall not preclude the arresting deputy from attempting to obtain consent from the arrested person to submit to a chemical analysis of his blood or breath. Deputies requesting blood or breath samples under these conditions are



conducting a custodial interrogation. Therefore, the arrested subject shall be advised of his Miranda warnings before consent is requested. The officer shall make all reasonable attempts to obtain a blood or breath sample.

- a. Miranda is not required before the driver takes sobriety tests, or otherwise before questioning.
3. If the arrestee refuses the available test, advise him that unreasonable refusal of the test constitutes grounds for the revocation of the privilege of operating a motor vehicle in Virginia, and that a separate charge shall be placed to which he will have to answer in General District Court.
4. The arresting officer shall inform the arrestee from a form provided by the Office of the Executive Secretary of the Virginia Supreme Court. The arresting officer shall acknowledge on such form that he/she read the form to the arrestee.

G. Blood test procedure:

1. Take the arrested person to a physician, registered professional nurse, graduate laboratory technician or other technician or nurse designated by order of the Circuit Court acting upon recommendation of a licensed physician, who shall withdraw blood for the purpose of determining its alcohol or drug or both alcohol and drug content. The blood sample shall be placed in vials provided or approved by the Department of Forensic Science.
2. The deputy shall witness the doctor, nurse or technician taking the blood sample and ensure that the blood sample is taken following those procedures which are in compliance with the Code of Virginia. The deputy shall follow the procedures as required by the Division and Virginia code.
  - a. The vials shall be sealed by the person taking the sample or at his direction. The person sealing the vials shall complete the pre-numbered certificate of blood withdrawal forms and attach one form to each vial. The

completed certificate shall show the name of the accused, the name of the person taking the blood sample, the date and time the blood sample was taken and information identifying the arresting or accompanying officer.

- b. The vials shall be placed in a container provided by the Division and the container shall be sealed to prevent tampering with the vials. The deputy shall take possession of the container as soon as the vials are placed in the container and sealed and shall promptly transport or mail the container to the Division.

H. Breath analysis:

1. Chemical analysis of a person's breath shall be performed by anyone possessing a valid license, issued by the Virginia State Department of Forensic Science Laboratory. This may include the arresting deputy or anyone participating in the arrest. In the event the intoxalyzer machine is inoperable or a licensed operator is not available, this test is deemed not available.
2. The type of equipment and the methods used to perform breath analysis shall be in accordance with the regulations of the Virginia State Department of Forensic Science Laboratory.
3. The testing officer shall issue a certificate of breath alcohol analysis (DGS-24-015) which shall indicate that the test was conducted in accordance with the manufacturers' specifications, the equipment on which the test was conducted has been tested in the last six (6) months and was found to be accurate, the name of the accused, the date, the time the sample was taken from the accused, the alcohol content of the sample, and by whom the sample was examined.
4. The certificate of breath alcohol analysis is a three-copy form. The forms shall be handled as follows:

- a. White copy, original, shall be given to the magistrate to be forwarded to the General District Court along with the UTS and warrant.
- b. The second or green copy will be given to the arrested person.
- c. The third or yellow copy is for department use and is to be forwarded to the Sheriff for filing for a period of one year, after which it may be destroyed.

I. Accident investigation:

Deputies shall also undertake:

1. Identification of witnesses who saw the suspect operating a motor vehicle.
2. Questioning the witness as to the suspect's condition, actions, and statements immediately after the accident.
3. Establishing a time lapse from the time of the accident to the time of arrest.
4. Questioning the witnesses and the suspect as to what, if anything, the suspect ingested between the time of the accident and the deputy's arrival.

**VII. SPECIAL TRAFFIC PROBLEMS:**

A. Identification and referral of driver recommended for reexamination to the Department of Motor Vehicles:

During routine traffic law enforcement activities, officers frequently encounter persons whom they suspect of being incompetent, physically or mentally disabled, or having other conditions that might prevent the person from exercising reasonable and ordinary care over a motor vehicle. In all such cases, in addition to whatever enforcement he or she may take, the deputy shall notify the Virginia Department of Motor Vehicles of these

findings or suspicions, giving the violator's full name, date of birth, operator license number, and a brief description for the disability noted. A driver deficiency report may be used for this purpose.

B. Pedestrian and bicycle safety:

1. The Sheriff shall review the traffic accident records at least annually to determine what enforcement actions are needed to provide a proactive pedestrian/bicycle safety enforcement program. The Sheriff may recommend enforcement measures to his deputies including steps to:
  - a. reduce or eliminate human environmental factors leading to accidents;
  - b. reduce or eliminate the behavior, decisions and events that lead to the accidents.

C. Off-road vehicles (including dirt bikes, snowmobiles and mopeds):

1. Accidents involving off road vehicles that do not occur on a public highway do not require a traffic accident report, (unless there is injury). If the responding officer finds it convenient, he or she may complete an accident report, State Form FR 300 P, and attach it to the offense report.
2. Any deputy observing an unlicensed off-road vehicle on the highways that cannot be operated legally on public highways shall order it removed, and enforce appropriate laws.
3. Deputies shall enforce compliance with vehicle registration laws as they pertain to off-road vehicles.
4. Deputies shall enforce laws, rules, and regulations concerning the operation of off-road vehicles on public-owned trails, parks, or property.
5. Deputies shall enforce roadway crossing rules and regulations.

**VIII. TRAFFIC CHECKING DETAILS:**

A. Detail Procedures:

1. The checking detail site shall be approved by an agency supervisor not involved in enforcement actions at the detail, prior to the establishment of the detail.
2. The checking detail shall be in operation not less than thirty (30) minutes (except where unusual circumstances may cause the ceasing of the detail) and no more than four (4) hours.
3. The deputies setting up the checking detail shall be responsible to see that all necessary precautions are taken to afford the highest degree of safety to motorists and deputies.
4. Vehicles will not be stopped on a discretionary basis. All vehicles types, including buses and large trucks, will be checked unless,
  - a. There is a back-up of more than fifteen (15) vehicles, in which case the deputy shall allow all vehicles to pass until the back-up is cleared., then proceed to check all vehicles.
5. The number of deputies present should be in proportion to the volume of traffic with a minimum of two deputies participating.
6. The patrol vehicles shall be parked to provide protection to the deputies and to be highly visible to approaching motorists. The vehicles shall be positioned to allow for pursuit if necessary.
7. Traffic control measures will be implemented to provide adequate warning to motorists: i.e. use of flares, emergency lights, and portable barricades.
8. A safe pull-off area shall be designated for those vehicles that require additional inspection. This should be out of the general flow of traffic, preferably off of the roadway.
9. All deputies shall be in uniform and shall wear reflective clothing, such as a traffic safety vest. At night, a flashlight with an orange directional cone

may be used.

10. When approaching a vehicle, deputies shall scan the interior and occupants for weapons and/or other contraband. Upon determining no hazard exists the deputy shall advise the driver of the purpose of the stop.
11. The motorist shall be requested to present his/her operator's license and registration card.
  - a. If the motorist cannot present the required items, or if equipment or other violations are detected, the motorist shall be directed to the pull-off area for further examination.
12. The initial contact shall be kept to a minimum to reduce unnecessary delay and/or intrusion, however sufficient time should be taken to check the vehicle and occupants(s).

#### B. Site Determination:

The checking detail site must be chosen from those included on the New Kent Sheriff's Office Authorized Checkpoint Locations list. This list being authorized by the Sheriff, after his/her review and approval. Deputies may participate with members of the Virginia State Police at a checking detail site established by the Virginia State Police, authorized and approved by their agency. Other law enforcement agencies, which routinely enforce traffic laws, are permitted to participate in checking details established under the authorization of this office and under the direction of the authorized agency supervisor on site.

#### C. Documentation:

Each checking detail shall be documented using the New Kent Sheriff's Office Authorization for Checking Detail form. This form shall be completed and presented to an agency supervisor for review prior to the establishment of the detail. This shall include the name of the coordinating deputy, the date and starting time of the detail, the site number, and a list of the deputies authorized to assist in the detail. The supervisor shall review the form and if authorizing the detail he/she shall sign the form and include the date and time

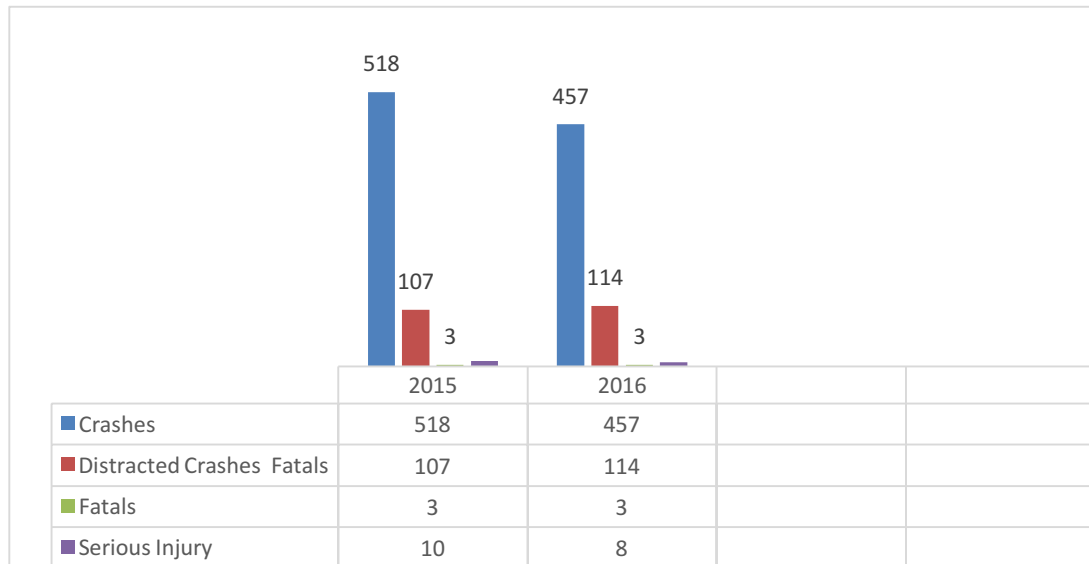
authorized. Upon the completion of the checking detail the form shall be provided to the custodian of the records to be filed appropriately. This document shall be available for use in court proceedings. Upon request the custodian of the records shall prepare the requested documentation and request it be certified by the Sheriff for presentation.

**IX. SELECTIVE ENFORCEMENT:**

Selective enforcement is funded and functions as a traffic enforcement program which is intended to reduce property damage, injuries and deaths associated with traffic crashes in New Kent County. Deputies who participate in these actions are to mark on and off the radio indicating that they are working selective enforcement and shall as policy, call in any and all traffic stops made with the disposition of the call to be recorded by communications as well. Priority shall be given to directed patrols and known areas of concern when participating in this enforcement action. In the event that while engaged in this enforcement action it becomes obvious that infractions are not being discovered (after checking all directed patrols and areas of concern) after a four (4) hour period the deputy shall cease selective enforcement for the day.

# Problem Identification-Distracted Driving

The New Kent County Sheriff's Office partnered with Drive Smart Virginia in 2013 to conduct the Pilot Commercial Motor Vehicle Distracted Driving Campaign in the country targeting CMV driver's texting or talking on a handheld device. During 2016 our office continued with these efforts on a much smaller scale. We are aware that Distracted Driving has become a major safety issue for those travelling on our highways in passenger cars and Commercial Motor Vehicles. With this being a newer traffic safety issue highlighted over the past few years. And with no current Federal Funding available to the state our agency feels that it is a priority for our agency to educate and enforce the distracted driving laws with local funding.



The data we have received from the Virginia Highway Safety Office showed Distracted Driving as the causative factor of 114 crashes, 3 fatal crashes and 8 Serious Injury Crashes. 2 of the 3 fatal crashes and 5 of the 8 serious injury crashes occurred on Interstate 64 which is primarily patrolled by the Virginia State Police. 3 of the Distracted Driving crashes and 1 of the fatal crashes occurred on the county roadways.



Distracted Driving has become a Priority for NHTSA. Statistics show that 2.41 % of our Fatal and Serious Injury Crashes and 24.95 % of our total crashes were the result of Distracted Driving.

80% of traffic crashes & 65 % of near misses involved a distracted driving incident within 3 seconds of the crash. (VTTI)

Transportation and material moving occupations had the highest number of workplace fatalities in Virginia last year (CFOI)

1,200 injury crashes & 15 deaths each day are due to a distracted driver. (NHTSA)

Every 4 days, an employee dies in a work-related crash. (DOL)

## **Policy**

**We currently do not have a policy**

## **Planning – Distracted Driving**

The New Kent Sheriff's Office will be using its dedicated motor carrier enforcement officers to spot offenders and issue summons for violations."Our officers will be looking for any truck or bus driver reaching for, holding or dialing multiple buttons on their mobile phones while traveling on the roadways in New Kent County. This year we have added our patrol officer to this effort and have expanded the program to include the drivers of passenger vehicles. The officers have patrolled the target roadways of Interstate 64, Pocahontas Trail and Eltham Rd.

We have used stationary officers on New Kent Highway. The other roadways are extremely hard to patrol for these types of offenses due to the roadway design smaller 2 lane highways with limited pull offs.

We used 3 unmarked SUV Police vehicles and unmarked vehicles to

conduct these enforcement efforts. For safety reasons almost all of our Distracted Driving Campaigns are done by two officers so the driver can focus on driving and the passenger can look for violations. This way we are not distracted while doing the enforcement and therefore a danger on the highway.

### **Training-Distracted Driving**

Chief Deputy Bailey conducted training with all CMV personnel participating in this enforcement and covered the Federal Law Sections that the violations fell under and what usage of the device met the guidelines to be a violation. Distracted Driving laws and enforcement were also discussed with patrol deputies involved in this enforcement effort to include passenger vehicle enforcement.

We discussed what information would be requested from each driver and the educational material that would be provided to them.

8 members from our patrol division participated in the Distracted Driving Training.

We had 1 Deputy attend the Drive Smart Virginia Distracted Driving Conference in Newport News VA and Chief Deputy Bailey was a presenter at this conference on September 29, 2016

### **Public Information and Education-Distracted Driving**

The New Kent Sheriff's Office used its dedicated motor carrier enforcement officers to spot offenders and issue violations."Our officers will be looking for any truck or bus driver reaching for, holding

or dialing multiple buttons on their mobile phones while traveling on Interstate 64 in New Kent County. Over 6300 large trucks travel this route on a daily basis on their way to the ports and we want to make sure we are keeping our highways safe." We have rolled this effort into our patrol division to not only enforce the Distracted Driving Laws on the Commercial Motor Vehicle Operators but also passenger vehicle operators that are texting while driving. Talking on a hand held device is not a violation of Law in Virginia. The sample brochures were provided to Commercial Motor vehicle drivers and other brochures were given to passenger car drivers on the dangers associated with Distracted Driving.

April 2016 Chief Deputy Lee Bailey presented at Drive Smart's Distracted Driving Summit in Newport News, VA

**New Kent County Fair-** Members of our office provided information and brochures to citizens regarding the Dangers associated with Distracted Driving.



**Sample of Brochures, Handouts and Magnets used by our agency throughout 2016**

**New Kent County High School- The New Kent County Sheriff's Office, Virginia State Police, AAA and Drive Smart Virginia participated in**

a Live Smart Event at New Kent High School on April 21, 2016 this event addressed the Dangers of Distracted Driving with approximately 950 students. Drive Smart had a Distracted Driving Simulator on site and the state police had a golf cart training vehicle. Several other tasks for the students to try showing how the distraction affects their driving. To Include Impaired Driving and Occupant Protection.



April 21, 2016 Live Smart Event New Kent High School  
Distracted Driving Simulator.



New Kent High School Live Smart Event April 21, 2016

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### *Living smart at NKHS*



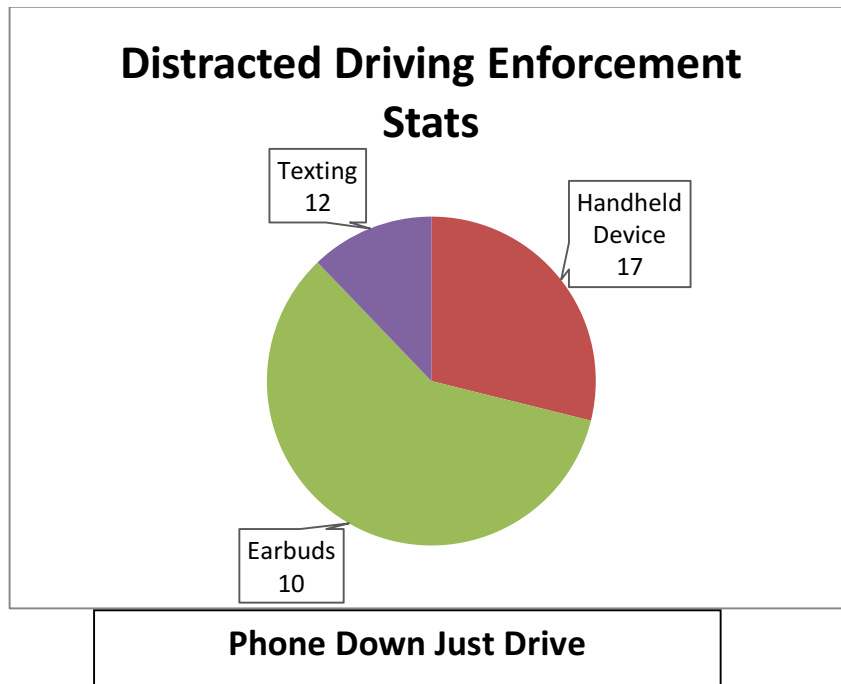
Above, students use tablets to scan tabs to help identify facts of distracted driving that lead to crashes during the third annual LiveSmart event at New Kent High School on Apr. 21. Pupils at each grade level visited a variety of stations to learn information on safety and precautionary techniques. Below, a student attempts to navigate an obstacle course driving a golf cart while wearing goggles that simulate intoxication while others practice CPR techniques on mannequins (bottom). *Andre Jones photos*



Live Smart Event focuses on Distracted Driving, Impaired Driving and Occupant Protection April 21, 2016 New Kent High School

## Enforcement- Distracted Driving

During the Phone Down Just Drive Campaign we had the following statistics. (See chart below)



### Statistics from our CMV Enforcement Campaigns

We made 85 traffic stops and issued 39 summonses for Distracted Driving Texting, Using Headphones or using a handheld device in a Commercial Motor Vehicle.

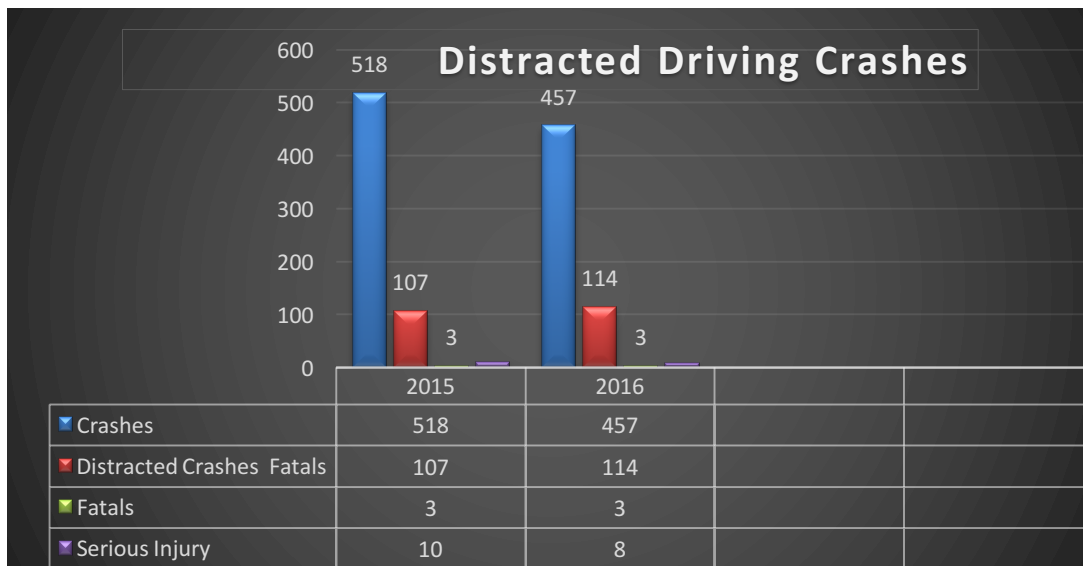
When the funding stopped for this program we continued our efforts through funding provided by the county. We have adapted the program to target passenger vehicle drivers that are texting and in violation of Virginia's Current texting Law which is very difficult to enforce.

Our goal is to reduce and eventually eliminate these preventable Distracted Driving Crashes.

## Program Outcomes-Distracted Driving

The outcomes for our efforts are as follows.  
 In comparing 2015 to 2016 data as more education and emphasis is being placed on the seriousness of Distracted Driving we are receiving better data.

	<u>2015</u>	<u>2016</u>		
Fatal Distracted Driving Crashes	3	*3		*2 occurred on I-64
Serious Injury Distracted Driving	10	*8		*4 occurred on I-64



Interstate 64 is primarily patrolled by the Virginia State Police. We are working on efforts for 2016 to reduce the number of Distracted Driving incidents in New Kent County. Unfortunately there is no State Funding to help combat these issues due to the way Virginia’s Texting law is written.

Deputy Recognition: None at this time for this category