

WASHINGTON COUNTY SHERIFF'S OFFICE

**TRAFFIC SAFETY MANUAL
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2-400 TRAFFIC

Rev. 12-19-08

Enforcement of traffic laws is a basic responsibility of the WCSO Patrol Division. All Patrol deputies are encouraged to detect and prevent violations of the traffic laws and to take appropriate action when violations are observed. The primary goal of traffic law enforcement is to achieve voluntary compliance by all motorists and pedestrians and to reduce traffic collisions.

The WCSO Traffic Safety Unit is a specialized work group within the Patrol Division that is dedicated to promoting and improving traffic safety through education, traffic analysis, and selective enforcement. The Traffic Safety Unit may be comprised of units as determined by the Command Staff to include:

- Motor Carrier Team
- Motorcycles
- Traffic Cars
- Traffic Complaint Hotline
- Speed Monitoring Trailer
- Radar Reader Board Volunteers
- Disabled Parking Enforcement Volunteers

Additionally, deputies may participate in other multi-agency teams and specialized assignments as determined by the Command Staff to include:

- Crash Analysis Reconstruction Team (CART)
- Drug Recognition Experts (DRE)
- DUII Saturation Patrols
- Multi-Agency Traffic Team

2-401 TRAFFIC ANALYSIS AND SELECTIVE ENFORCEMENT

Rev. 04-12-11

Selective Enforcement

Selective enforcement is the deployment of resources and equipment to reduce traffic collisions and improve driving behavior in target areas. Selective enforcement techniques may involve deployment of:

- Traffic enforcement personnel at a team or component level
- Deputies with speed measuring equipment
- Speed monitoring trailers for speed monitoring and data collection
- Saturation patrols

Selective enforcement may include personnel or equipment distributed on a tactical, geographic, or temporal (time) basis.

Analyses

To ensure that personnel and equipment are allocated to most effectively meet selective enforcement goals, the Traffic Safety Unit analyzes and shares data collected by the Sheriff's Office, the County Department of Land Use & Transportation, the Oregon State Police, and the Oregon Department of Transportation.

Traffic Collision Analysis

Traffic collision data is provided by the Sheriff's Office Planning & Research Section, the County Department of Land Use & Transportation, and the Oregon Department of Transportation. Data includes the location, time and violation factors in vehicle collisions.

Traffic Enforcement Activity Analysis

In addition to collision data, the Traffic Safety Unit reviews statistics on location, time and type of other traffic enforcement activities in which the agency is engaged.

Based on these analyses, Patrol and Traffic Safety Unit supervisors establish causal factors such as speed or other traffic violations that suggest a selective enforcement program.

Periodic Evaluation of Current Selective Enforcement Efforts

WCSO periodically evaluates the effectiveness of current selective enforcement efforts so that adjustments can be made real-time. Sources for information on traffic enforcement may include police records, citizen complaints, radar survey data, deputy input, and other reliable sources. An annual evaluation of selective traffic law enforcement shall be completed to ascertain the efficiency and effectiveness of the selection enforcement activities. The evaluation shall include:

- An assessment of activities and accomplishments with respect to selective enforcement goals and objectives
- Statistical data concerning citations and related arrests
- Recommendations for improvement

Seasonal Evaluation of Traffic Enforcement Efforts

Data is gathered annually to ensure a representative sample for analyses. It is also reviewed on a seasonal basis for variation in normal patterns that may be caused by changes in traffic conditions brought about by weather, traffic volume, or construction.

Recommendations for Traffic Pattern Corrections

If the analyses outlined above reveal the need for physical improvements to correct recurring traffic issues, the Traffic Safety Unit supervisor will communicate the need for traffic pattern improvements to the appropriate outside agencies. Such agencies routinely include County Department of Land Use and Transportation and the Oregon Department of Transportation.

2-402

TRAFFIC LAW ENFORCEMENT STRATEGIES

Rev. 04-12-11

WCSO Deputies shall take appropriate enforcement action for observed violations. Patrol strategies will be directed by the Traffic Safety Unit supervisor or Patrol shift supervisor(s) to address specific locations or hazards when they are identified. Enforcement techniques utilized in traffic law enforcement include:

Visible Traffic Patrol. An effective deterrent to traffic law violations is visible patrol in a marked WCSO Patrol car. Traffic law enforcement activities may be conducted with a high-profile, preventative approach, as well as with traditional enforcement efforts. Deputies shall drive patrol vehicles in accordance with existing laws and in such a manner as to demonstrate exemplary driving behavior. Visible traffic patrol consists of area, line and directed patrol. Deputies have the option of using area or line patrol at any time during their tour of duty. Deputies may be assigned

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a directed patrol area at any time a supervisor believes a special area needs a greater concentration of traffic enforcement.

Area Patrol. Moving or stationary observation in an area that includes a number of streets or highways.

Line Patrol. Moving or stationary observation on a specific street or highway between two points.

Directed Patrol. Either area or line observation that is specifically directed by supervisory personnel and is based on the number of traffic crashes or enforcement data.

Stationary Patrol. Used to address traffic hazards or directed traffic enforcement goals at a specific location, stationary patrol can be either visible, serving additionally as a deterrent and to maintain a high profile police presence, or covert for enhanced enforcement purposes.

Covert Observation. The traffic enforcement unit is concealed from view of the roadway to the extent that it is not visible to persons using ordinary powers of observation.

Unmarked or Unconventional Vehicles. Unmarked vehicles may be utilized for traffic law enforcement when the hazard or enforcement strategy is best served by a low profile, less observable vehicle and approved by a supervisor. Unmarked vehicles used for traffic enforcement shall be equipped with a police radio, emergency lights, and siren. A patrol division commander must approve any use of an unconventional vehicle.

Roadside Safety Checks. Roadside safety checks or roadblocks used for the purpose of detecting traffic offenses are not authorized and have been declared unconstitutional by the Oregon Supreme Court. Only trained Motor Carrier Officers may perform roadside safety checks of commercial (non-agricultural) vehicles.

2-403 SPEED MEASURING DEVICES

REV. 04-27-16

WCSO deputies may utilize speed measuring devices to enforce the proper flow, movement and speed of vehicular traffic. Deputies will utilize speed enforcement tools in a manner designed to create an appropriate deterrent that will reduce speed violations and traffic collisions.

Equipment Specifications

- Doppler radar, calibrated speedometers and Lidar may be used for speed determination.
- All speed measuring devices shall meet or exceed the specifications of the U.S. Department of Transportation's National Highway Traffic Safety Administration.
- All speed measuring devices utilized by WCSO shall comply with local, state and federal regulations.

Operational Procedures

All speed measuring devices shall be checked for accuracy:

- At the beginning and end of each work shift
- Operators will test all speed measuring devices in accordance to the operators manual supplied by the manufacturer

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- Test to be performed prior to use include (if applicable):
 - Light test of target speed display
 - Internal circuitry testing
 - External testing through proper use of the unit's serialized, certified tuning fork
 - Audio tracking test when the unit is so equipped
 - Proper adjustment of antenna aim and range (front antenna, unless directed by the manufacturer to test front and rear)

All speed measuring devices shall be utilized with proper consideration given to site selection, tracking history and problem identification.

Proper Care and Upkeep

All speed measuring devices shall be maintained in good working order. Any handheld speed measuring device found not to be functioning properly shall be removed from service immediately. An equipment repair tag or email shall be filled out and forwarded through the chain of command to the patrol equipment technician. The patrol equipment technician shall arrange for the repair of all speed measuring units used by WCSO.

Programmed Maintenance and Calibration

The patrol equipment technician shall maintain calibration and maintenance records for each individual speed-measuring device. All records shall be kept in the patrol equipment technician's office. The National Highway and Traffic Safety Administration (NHTSA) and DPSST recommend that each unit be factory calibrated by an authorized technician at least once every three years.

Equipment Location

All handheld speed measuring devices shall be kept in the equipment room when not in use (except those specifically assigned to vehicles or individuals). Deputies may select and sign out any unit available for use during their shift. All speed measuring units shall be returned to the equipment room at the end of each shift. Serialized certified tuning forks shall be assigned to each radar unit and shall remain with that unit.

Speed Reader Boards shall be maintained for use by the Traffic Safety Unit. A designated deputy shall be responsible for the care and maintenance of these units.

Operator Training

All speed measuring device operators shall be trained to properly set up, test, operate, and read the device used. Deputies shall demonstrate proper testing and operational procedures prior to the use of any speed measuring device.

2-410 TRAFFIC STOPS

Deputies may make traffic stops when there is probable cause to believe that a person has committed an infraction or when there is reasonable suspicion that a crime has been committed per ORS 131.615, 153.039 and 810.410. In addition, deputies are prohibited from bias based profiling per WCSO policy 201.

Traffic stops present one of the greatest safety risks to the deputy, the motorist, and the public. A deputy conducting any type of traffic stop shall balance their need for safety against the severity of the violation, the potential for injury to the motorist and the potential for injury to the public. They will also take into regard the possible perceptions or misperceptions of the motorist involved and the public observing the stop.

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Traffic stops must be conducted in a safe, consistent, courteous and professional manner in order to minimize the potential for danger and maximize positive community relations. Deputies making traffic stops shall take into consideration such factors as:

- Flow of traffic
- Number of subjects in the vehicle
- Location
- Prior knowledge of the area
- Prior knowledge of the violator
- Level of infraction or crime committed

2-411 RELATIONS WITH VIOLATORS

Rev. 04-12-11

Deputies are responsible for appropriate enforcement action by issuing citations or verbal warnings to traffic violators that favorably alter the motorist's future driving habits. Deputies will strive to make each contact educational and leave the violator with the impression that the deputy has performed a necessary task in a courteous and professional manner.

When contacting a motorist on a traffic stop, deputies should:

- Be alert at all times for the unexpected, but not obviously apprehensive
- Be certain that the observations of the violation were accurate without reservation
- Present and maintain a professional image and demeanor at all times
- Identify themselves
- Address the motorist in a courteous manner
- Inform the motorist of the violation committed
- Obtain a statement from the motorist
- Request the driver's license, vehicle registration and proof of insurance
- Observe the motorist to rule out the possibility of DUII
- Advise the driver and any occupants to remain in the vehicle while returning to check for wants and driving status
- Issue citation(s) and/or verbal warning(s)
- Advise the driver of the scheduled court date, location and appearance time
- Return the driver's license, vehicle registration and proof of insurance
- Preferably, remain behind the violator with emergency lights active to allow time for them to re-enter traffic safely

In most cases, it is advisable to have the type of enforcement action decided prior to the initial contact with the violator. Appropriate enforcement action should be based upon the violator's behavior, not attitude.

2-412 UNKNOWN RISK TRAFFIC STOPS

Rev. 04-12-11

Unknown risk traffic stops can be a traffic stop of any type, investigative or otherwise, where there exists no other reasonably perceived conditions that would give cause for the deputy to use a higher level of physical control, such as the display of a firearm, etc.

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No two traffic stops are exactly alike and the listed procedures are guidelines that should generally be followed. Deputies may modify procedures if necessary, depending on the specific events and facts surrounding the traffic stops.

- The deputy will carefully select the location for the traffic stop and advise dispatch (WCCCA) on the radio as to the location of the stop and vehicle license number.
- Lights will be activated and the siren should be utilized only as necessary.
- Deputies should position their vehicles one to two car lengths behind the violator's vehicle, with one half width offset.
- Deputies will approach the violator with their gun hand free and check for suspicious activity in or around the violator's vehicle, including the trunk, the interior, and passengers.
- While contacting the violator, deputies will take a position close to the vehicle just behind the driver's door and ask for the driver's license, vehicle registration, and proof of insurance.
- Deputies may also contact the driver from the front passenger side of the vehicle if traffic conditions or other officer safety issues exist.
- Deputies will verify that the information is correct by interviewing the violator and explaining the violation. The deputy will have all passengers remain seated in the vehicle.
- While the deputy returns to the patrol vehicle, the deputy should maintain visual contact with the violator and surrounding traffic.
- Deputies shall run the violator for want and driver's status and other information as needed.
- If the deputy writes a citation, the location shall be appropriate for the specific situation. The most important consideration in choosing the location is that the deputy uses a high degree of officer safety. Deputies should proofread the citation prior to re-contacting the violator.
- When re-contacting the violator, the deputy will use the same officer safety rules as outlined above and return the driver's license, vehicle registration, and proof of insurance.
- When returning to the patrol vehicle, deputies will use the same officer precautions outlined above. The deputy will release the violator and leave the immediate area.
- Deputies shall write notes on the citation or in the deputy's notebook regarding the violation and appropriate violator statements.
- Do not leave violator exposed to traffic.

2-413 HIGH RISK TRAFFIC STOPS

Rev. 12-08-17

A traffic stop that requires a higher level of caution while using physical control tactics would be considered a high risk stop. Examples of these include possibly armed and dangerous subjects, stolen vehicles, and vehicles occupied by persons with cautionary warrants.

- Deputies should inform dispatch of the intent to conduct a high risk stop, if possible, and provide the reason and location of the stop.
- Deputies will request backup and specify the number of cars needed. If possible, the primary deputy should trail the suspect vehicle at a safe distance until backup units arrive. However, if action is needed sooner, the primary deputy should initiate the stop. If the vehicle stops, the primary unit should maintain a position of cover until backup units arrive.
- Considerations for the stop include:
 - Stop location should provide enough space for additional vehicles and resources to respond.
 - Final stop location and safe response routes should also be communicated for others.

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- The primary unit should be positioned behind and in line with the suspect vehicle leaving a distance of two to three car lengths. Based on the situation, the deputy will take and maintain a position of cover, such as inside the driver's side door, which affords ballistic protection. The deputy should use a firearm to cover all vehicle occupants and give appropriate commands to vehicle occupants until additional units arrive.
- For safety reasons, at least two deputies should be on scene before occupants are ordered out of the stopped vehicle.
- The first backup unit should position their vehicle to the left of and parallel to the primary unit, leaving enough space to open patrol vehicle doors. This unit should maintain a position of cover on the left side of the vehicle, using the most suitable available firearm.
- Before ordering the occupants from the stopped vehicle, deputies on scene should consider additional safety factors, such as whether to close the oncoming roadway, call for a K9 unit, or the need for ballistic shields, etc.
- Additional backup units will fill in behind the first two patrol vehicles without headlights illuminated and with rear amber hazard lights on for safety. These deputies will join the first two units in their positions of cover, selecting firearms most suitable for the call.
- Once enough personnel are on scene, usually the primary deputy provides directions for the occupants of the vehicles. However, as long as everyone knows their role during the high risk stop, anyone with visual of the suspect vehicle and its occupants may give the commands.
- Deputies will establish control of the suspects using commands similar to:
 - "Everyone – put your hands up."
 - "Interlace your fingers behind your head."
 - "Look straight ahead."
 - "Driver, with your left hand, shut off the car, put the keys in your left hand."
 - "Roll down your window. Place both hands outside."
- When removing suspects from the vehicle, all passengers should exit the driver's side, if possible. Begin with the driver by issuing commands similar to:
 - "Open the door from the outside; get out slowly."
 - "Put your hands in the air. Keep your keys in your hand. Turn in a full circle (deputies should check the waistband for weapons). Face the front of your car."
 - "Warning – if you move or move your hands without instructions, I will presume you are going for a weapon and I will take appropriate action."
 - "Walk backward toward me." (Direct the suspect between the primary and first backup vehicles. Stop the suspect at/or before the front wheel well).
 - "Stop. Kneel. Lay down. Arms out to your side, palms up. Turn your head (away from the arresting deputy). Cross your ankles."
 - Once cuffed, move the suspect to the back of the patrol cars. Pat down the suspect and secure them in the back of a patrol vehicle.

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2-420 TRAFFIC LAW ENFORCEMENT

WCSD deputies strive to achieve voluntary compliance with traffic laws by all motorists and pedestrians by observation, education, detection, and prevention of violations, and by taking appropriate corrective action when violators are observed. Traffic and patrol deputies provide traffic safety education materials to the public.

Both qualitative and quantitative methods are used. Ticket quotas are not authorized by WCSD. Deputies shall take appropriate enforcement action for each violation in a firm, fair, impartial, and courteous manner. Using discretion within the guidelines of written directives, deputies shall determine which of the following enforcement actions to take.

Physical Arrest

Officers may arrest, without a warrant, any person who the officer has probable cause to believe has committed a traffic crime per Oregon Revised Statutes.

Citation

Citations may be issued to violators who jeopardize the safe and efficient flow of vehicular traffic, including moving violations, parking violations, operating unsafe and/or improperly equipped vehicles, and such violations classified as "non-moving" violations as may be appropriate.

Verbal Warning

Verbal warnings may be used at the discretion of the deputy for minor traffic violations. A verbal warning may be appropriate when the violator commits an act due to ignorance of a unique local ordinance, or a violation of which the driver may not be aware. A warning may be issued when, under the totality of the circumstances, the officer believes that a warning will achieve the purpose of future voluntary compliance to traffic codes.

2-421 UNIFORM ENFORCEMENT OF TRAFFIC LAWS

Rev. 04-12-11

In order to establish uniform traffic law enforcement within the discretion vested in each deputy, the following guidelines are provided:

DUII

Deputies shall aggressively enforce the laws relating to Driving Under the Influence of Intoxicants (DUII). If a driver is stopped and probable cause is established to believe that the driver is driving under the influence of drugs or alcohol, the driver shall be taken into custody and processed for DUII. The driver may be released to a responsible person rather than to a detoxification center or the jail, and a citation in lieu of custody may be issued pursuant to policy 1413. See also section 2-431 below.

Driving Privileges Suspended or Revoked

The DMV response will indicate the level of suspension that will be used to determine the appropriate charge. If a person is found driving a motor vehicle during a period of SUSPENSION or REVOCATION they should be cited or arrested as follows:

- **Criminal Driving While Suspended (ORS 811.182)**

If the suspension or revocation is classified as a felony or misdemeanor crime, the person may be cited and released. However, they are traffic crimes and an arrest and booking into the jail may be made when conditions dictate.

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- **Infraction Driving While Suspended (ORS 811.175)**

If the suspension is classified as an infraction, the person will be issued a citation.

- **Partial Reinstatement**

Persons who are otherwise suspended or revoked may have a partial reinstatement as provided in Oregon Revised Statutes and the Oregon Vehicle Code. If the person is found driving outside the restrictions of the partial reinstatement, the charge reverts to the original cause for suspension or revocation.

- **Driving After Period of Suspension or Revocation**

A revocation is a termination of the privilege to drive and remains in effect until the person has applied for and received a new license. Even though the person may be beyond the period of revocation, the person remains revoked until a new license is issued, and the appropriate charge would be Driving While Revoked.

Suspensions end at the conclusion of the specified period of suspension, whether or not the person applies for reinstatement. A person driving after the period of suspension without being reinstated is Driving With No Operator's License, a Class B infraction.

Detaining Persons for Failure to Carry and Present a License

Absent other charges, deputies will contact a sergeant and advise of the investigative steps taken to identify drivers detained for Failure to Carry or Present License under ORS 807.570 prior to taking a person into custody and transporting them to jail. If there is no probable cause to believe that the person is not who he or she claims to be after checking or testing the accuracy of the information the detainee provides, the person shall not be further detained. Verification of identity through fingerprints is not a requirement.

Speed Violations

Speed violations shall be enforced by traffic citations or by verbal warnings. Deputies will consider that excessive speed in the operation of motor vehicles presents a real danger to the safety of others and is frequently a causal factor of traffic collisions.

Other Hazardous Violations

Deputies are encouraged to stop any vehicle upon observing a hazardous violation if not en route to an emergency call. These include but are not limited to:

- Disregarding a traffic control device or signal
- Failure to yield to a vehicle and/or pedestrian
- Improper lane changes in high volume traffic
- Careless driving
- Reckless driving

Off-Road Vehicle Violations

The use of off-road vehicles on public roadways is generally prohibited. If an off-road, unlicensed vehicle is operated on a public roadway, enforcement action for registration violations and related traffic offenses may be taken. Use of off-road vehicles and exemptions are covered in ORS Chapter 821.

Equipment Violations

Vehicles must be properly equipped as provided by law to ensure safe use of public roadways. Deputies may stop any vehicle with equipment violation(s), i.e., no mirror, no lights, or for having a

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severely cracked windshield. Deputies have the discretion on whether to issue a citation or verbal warning. In some instances, the operator of a vehicle may be unaware certain equipment has malfunctioned or failed. A verbal warning may be all that is necessary to bring about compliance with the vehicle equipment laws. A driver knowingly operating an improperly equipped vehicle may require more strict enforcement.

Public Carrier or Commercial Vehicle Violations

WCSO Motor Carrier Officers (MCOs) normally handle commercial vehicles and public carrier violations, i.e., weight restrictions, transport documentation, licensing, placarding, etc. If a patrol deputy or Traffic Safety Unit deputy has completed training in commercial vehicle inspections and observes a violation with this type of vehicle, the deputy may issue a citation or verbal warning or request MCO assistance.

MCOs receive advanced training in the enforcement of motor carrier laws and hazardous materials incidents. MCOs perform and record roadside safety inspections of commercial trucks (non-agricultural), check truck weights, and issue warnings or appropriate citations.

MCOs may be called upon by deputies (via supervisor) to assist with traffic crashes involving trucks and/or buses. The MCOs can help determine the cause of the crashes, and assist with related hazardous material incidents.

Other Non-Hazardous Violations

Deputies may stop any vehicle when a registration violation is observed, i.e., expired license plates, no license plates, etc. and issue a citation or verbal warning. Training, experience, and common sense will guide the deputy in selecting the appropriate course of enforcement action.

Multiple Violations

When multiple violations are present, deputies may issue more than one citation to accommodate the charges.

Newly Enacted Laws or Violations

The enforcement guidelines within the text of each new law shall be followed. Deputies must remember the goal is to obtain compliance and discretionary authority exists in the level of enforcement delivered. Generally, a reasonable period of time should be allowed for the general public to become acquainted with new traffic laws or changes to existing laws, i.e., speed limit changes, new turn lanes, etc. Deputies are urged to issue verbal warning, but may write a citation if the traffic violation is hazardous.

Violations Resulting in Traffic Collisions

Deputies may issue a citation or verbal warning for violations that result in traffic collisions. Deputies are encouraged to weigh the seriousness of the incident as well as the violation when considering what enforcement action to take.

Pedestrian and Bicycle Violations

Deputies may contact pedestrians and bicyclists that they observe are in violation of state statutes and issue the appropriate citation or give a verbal warning.

An Oregon Uniform Citation and Complaint (“citation”) may be issued to motorists who jeopardize the safe and efficient flow of vehicular traffic via moving or non-moving violations, parking violations, and operating unsafe and/or improperly equipped vehicles.

When a citation is issued, the deputy will advise the motorist of the specific charge, court date and time, whether court appearance is mandatory, and the court’s location. The officer will also advise the motorist of options for responding to the citation as imprinted on the citation.

Traffic Violations

When a citation is issued for a traffic violation(s), the motorist will be cited to appear in Washington County Justice Court or Circuit Court. Deputies are encouraged to cite motorists into the Justice Court, however, may cite into either court based on the deputy's discretion. If a motorist is cited for violations and crimes associated with the same incident, the violations shall be cited into Circuit Court with the criminal charges.

Violations will be written on an Oregon Uniform Citation and Complaint (UCC). Multiple violations may be listed on a single citation.

Misdemeanor and Felony Traffic Crimes

If a motorist is lodged in the Washington County Jail for a misdemeanor or felony traffic crime, no citation will be issued for that criminal charge; the deputy’s report will suffice.

If a motorist is not lodged in the jail, an Oregon UCC will be issued citing the motorist into Circuit Court. Multiple traffic and non-traffic misdemeanor and felony crimes may be charged on the same citation.

Citations will be issued for associated traffic violations as stated above.

Exception: Pursuant to ORS 133.066, DUUI will be cited separately from any other offenses.

Other Jurisdictions

Motorists may be cited to appear in courts of other jurisdictions within the State of Oregon when offenses are committed outside Washington County. If a citation is issued for a traffic offense committed outside of Washington County the violator will be issued a court appearance in the Circuit Court of the county seat nearest to the occurrence of the violation.

Dismissing Citations

Dismissing citations is a court procedure. Deputies will not ask the court to dismiss a citation without supervisor approval. If a motorist appears in court with proof that a violation has been abated or corrected, the judge may dismiss the citation.

Voiding Citations

Citations that are issued in error may be voided. In the event that an issued citation needs to be voided, the deputy shall:

- Write “VOID” prominently on the front of the citation
- Write a brief explanation on the back of the citation as to why it was voided
- Submit the voided citation to a supervisor for approval
- Notify the person that was issued the citation that it was voided and the reason

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- If appropriate, reissue a correct citation

Voided citations will be filed by WCSO Records.

If a citation has been forwarded to a court and has been issued in error, the deputy shall notify a supervisor. The deputy will then make a written request that the court dismiss the citation. The request shall include the circumstances and reasons for dismissal and must be approved by the deputy's supervisor.

Issuing and Tracking Citation Books

Patrol support staff will store Uniform Citations and Complaints and Uniform Criminal Citations in a secure area until they are issued to individual deputies. Support staff will inventory and issue all citation books by number and date. A sergeant may issue them in the event there is an immediate need after normal business hours.

Borrowed or Loaned Citations

In the event that a deputy loans a citation to another deputy or police officer, the loaning deputy will enter the date and the citation number in their duty notebook.

Citizen Citations

Citizens often observe traffic infractions for which they wish to seek prosecution. If contacted while on patrol, deputies will obtain a statement from the complainant and determine if a violation of the Oregon Vehicle Code has occurred.

The deputy will write a report detailing the alleged violation, date and time of occurrence, location of occurrence, and a complete description of the vehicle and operator. The deputy may also need to interview witnesses and the owner of the vehicle to determine the identity of the driver and obtain any other pertinent information.

If the driver has been identified, the deputy will advise the complainant to contact the Records section, in person, to swear to a citation. If the complainant is unable to identify the driver, the complainant should be advised that the information will be forwarded to the Patrol Division as information.

When contacting a citizen at the Records counter, either Records personnel or another deputy should review the citizen's report. If the driver has been identified and a violation has occurred, the deputy will complete a Uniform Traffic Citation and have a clerk swear the citizen to the accuracy of the facts and obtain the complainant's signature on the citation. Records will forward the citation to Patrol for service.

When serving the citation, the deputy will confirm the identity of the suspect, sign the citation, and assign a court appearance date at least 30 days into the future. The deputy should attempt to obtain a statement from the suspect about the incident and document it in a report.

Non-Residents

Violations committed by non-residents will be handled in the same manner as residents.

Juveniles Traffic Infractions

16 and 17 Years of Age

Infractions committed by juveniles who are 16 or 17 years of age will be cited into either Justice or Circuit Court.

15 Years of Age and Younger

Infractions committed by juveniles who are 15 years of age or younger will be cited into juvenile court. Deputies will write "juvenile" in the space provided for "Base Fine," and "To Be Notified" in the space provided for "Court Appearance Date, Time and Location."

Juvenile Traffic Crimes

If a deputy arrests a juvenile for a traffic crime, the deputy will complete a Custody Report and contact the Juvenile Department. The Juvenile Department will advise the deputy whether or not to lodge the juvenile. The deputy will make a reasonable attempt to notify the juvenile's parent or guardian prior to the end of the deputy's shift and make note of the outcome in the report.

16 and 17 Years of Age

If the juvenile is 16 or 17 years of age, the juvenile should be transported to an appropriate juvenile booking facility to include fingerprinting and photographing. The juvenile will then be transported to the appropriate juvenile facility. If the juvenile is cited and released, fingerprinting and photographing shall be completed prior to release.

15 Years of Age and Younger

If the juvenile is 15 years of age or younger, the juvenile will not be booked into the Washington County Jail. However, the Intoxilyzer in the Jail could be used if the investigation is for DUII. Other Intoxilyzer facilities may also be used. In either case, fingerprinting and photographing shall be completed. An Oregon Uniform Citation and Complaint will not be issued for any crime.

Legislators

Legislative immunity is governed by the Oregon State Constitution, which privileges legislators from arrest when the Legislative Assembly is in session in all cases except treason, felony, and breach of peace. A report shall be made setting forth all details of the offense, which may be charged by citation upon close of the legislative session. In cases of driving under the influence of intoxicants (DUII), the legislator will be transported to the nearest breath test facility and released after being afforded an opportunity to submit to a breath test. Legislators shall be released to the Oregon State Police or to a person responsible to ensure that the legislator does not drive.

Foreign Diplomats and Consular Officers

Diplomats and certain consular officers are considered guests by the government and as such, are afforded immunity from prosecution under the general provisions of 22 USC 254 D. This immunity may also be afforded to recognized family members of the diplomat or consular officer. Reasonable constraints and detention, however, may be applied in emergency circumstances involving self-defense, public safety, or the prevention of serious criminal acts.

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When a deputy contacts a foreign diplomat, consular officer or recognized family member, the deputy shall verify the diplomatic status and notify a supervisor. In all cases, the deputy will prepare a report and document any actions taken.

There are many classifications of diplomats and consular officers which have different levels of immunity. The attached chart shall be utilized to determine whether or not enforcement action may be taken.

A Uniform Traffic Citation for only a traffic violation(s) may be issued to any diplomat, consular officer or recognized family member.

Military Personnel

Military personnel will be handled in the same manner as residents. Military personnel and their spouses are granted driving privileges as outlined in ORS 807.020.

2-424 PARKING ENFORCEMENT

Rev. 12-19-08

WCSD deputies may enforce parking violations in accordance with the Oregon Revised Statutes. This may be accomplished by verbal warning, warning sticker, citation and/or towing of the vehicle. Wheel locking devices are not used for parking enforcement.

Enforcement action will be taken only on violations upon the public roadways except those involving unauthorized use of a disabled parking space, which are enforceable on public and private property. For roadways owned by homeowner's associations refer to ORS 801.305.

Vehicles illegally parked may be towed pursuant to state statute. In the event that the deputy is unable to locate or contact the driver in the immediate area, a citation may be issued to the registered owner of the vehicle and left on the vehicle. If the vehicle is towed, a non-preference tow will be requested. WCSD will not place a "hold" on vehicles towed for illegal parking. Deputies will notify WCSD Records who will maintain records of all vehicles towed by the Sheriff's Office.

2-425 DRIVERS LICENSE RE-EXAMINATIONS

Through traffic law enforcement and/or traffic collision investigation, deputies may discover drivers who are suspected of incompetency due to physical or mental disability, disease or other condition which might prevent the driver from exercising reasonable and ordinary care over a motor vehicle.

The deputy may submit a request for driver's license re-examination through the Department of Motor Vehicles. This will be completed on the DMV Driver Evaluation Request form.

DMV may require re-evaluation only when there is reason to believe that the driver might not be qualified to hold a license. Deputies will list on the Driver Evaluation Request form specific observations, events and incidents which cause them to question a driver's qualifications.

Deputies have authority under ORS 819.120, ORS 809.720, Washington County Code Chapter 8.16, and ESPD Ordinance 2 (only applies in ESPD district) to tow and impound vehicles, without prior notice, in some circumstances. Court decisions, including *Miranda v. City of Cornelius*, further define the parameters under which we may tow and impound vehicles. WCSO has adopted a more restrictive view of the *Miranda v. Cornelius* decision. Accordingly, deputies are authorized to tow and impound vehicles under the following conditions:

- **To Preserve Evidence.** The vehicle or its contents are evidence of an offense and the deputy reasonably believes towing is necessary to obtain or preserve the evidence. (Deputies must have a warrant or valid warrant exception.)
- **For Legitimate Community Caretaking Purposes.** A deputy may order a vehicle impounded when he or she reasonably believes one of the following conditions exists:
 - The vehicle is jeopardizing or threatening public safety
 - The vehicle is jeopardizing the efficient movement of vehicular traffic
 - The vehicle is creating a hazard to other drivers
 - The vehicle is impeding traffic
 - The deputy can articulate specific facts that demonstrate that the vehicle is a likely target of theft or vandalism, and a supervisor approves the vehicle being impounded to prevent theft or vandalism
- **For special offenses** per ORS 809.720 in exceptional circumstances *with supervisory approval.*

Offense	ORS
Driving Uninsured (see note below)	806.010
Operating without driving privileges or violation of license restrictions	807.010
Infraction Driving While Suspended or Revoked	811.175
Criminal Driving While Suspended or Revoked	811.182
Driving Under the Influence of Intoxicants	813.010

- **As specifically allowed by ESPD Ordinance 2, Section 2.6.**

Additional Considerations for Impoundment

- If the vehicle meets the requirements for impoundment, the deputy should consider whether a licensed driver can respond to the scene to take custody of the vehicle within a reasonable period of time. Deputies will act reasonably given the circumstances, but are never required to wait for a licensed driver.
- If the vehicle is parked on private property belonging to someone other than the driver or registered owner, does that property owner consent to the vehicle remaining? If the answer is yes, then the vehicle will not be impounded unless needed for evidence.
- If the vehicle is parked on private property owned, leased, rented, or is the residence of the driver or registered owner, **DO NOT IMPOUND** the vehicle, unless needed for evidence.
- Deputies **MUST** ensure that persons displaced from a towed vehicle are not left stranded along the roadway. This includes providing a ride to the individual or making telephone calls to arrange safe transportation from the scene of the stop to an area that provides shelter and access to communications.

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- A person shall not be allowed to remove any item or part permanently attached to the vehicle prior to towing. (Permanently attached means wired, bolted, screwed, or welded in place, etc.). Items of personal property that are not permanently attached may be removed.
- Vehicles will not be towed pursuant to ORS 806.012, *Not Carrying Proof of Compliance with Financial Responsibility Requirements*.
- **Exemptions:** ORS 806.020 provides exemptions from the necessity for compliance with financial responsibility under ORS 806.010. Accordingly, the below vehicles are exempt from impoundment pursuant to ORS 809.720:
 - Antique motor vehicle issued permanent registration under ORS 805.010
 - Farm trailer
 - Farm tractor
 - Implement of Husbandry
 - A motor vehicle of special interest that is maintained as a collector's item and is primarily used for exhibitions, parades, club activities and similar uses, and not as primary transportation
 - Snowmobiles, Class I or Class III all-terrain vehicle

A supervisor may approve reasonable exceptions on a case-by-case basis.

Procedures for Impoundment

A deputy towing a vehicle per ORS 819.120 or WCC 8.16, or ESPD Ordinance 2 shall:

- Provide the operator of the vehicle with a Vehicle Tow Information Sheet, when possible
- Make a tow log and LEDS entry by advising Criminal Records staff
- Complete a general offense report before the end of shift detailing the reason for towing and impoundment

Supervisors will ensure reports are checked within a 16-hour time period to ensure vehicle impound reports are approved and timely forwarded electronically to the Criminal Records Office.

2-430 DUUI ENFORCEMENT COUNTERMEASURES

Driver's impaired by alcohol and/or drugs pose a threat to community safety. The goal of Sheriff's Office DUUI enforcement is to deter, detect, investigate, and apprehend alcohol or drug affected drivers to reduce the number of motor vehicle crashes and violations involving impaired drivers. Due to the danger posed by impaired drivers, WCSO will emphasize aggressive enforcement of DUUI related violations.

The WCSO uses various combinations of counter measures in alcohol enforcement.

Deputies receive the NHTSA basic training in the detection of Driving Under the Influence of Intoxicants (DUUI) and Standardized Field Sobriety Testing. This training includes observation techniques to enhance detection and observation of general physical characteristics exhibited by persons who are impaired by alcohol or drugs. Additionally, deputies are encouraged to attend DWI Detection and Standardized Field Sobriety Test (SFST) update training.

Analysis of complaints, times and locations, and traffic crashes related to DUUI incidents may be used to develop directed patrol strategies so that patrol resources may best be utilized.

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Deputies continually strive to educate the driving public reference laws concerning driving under the influence or impairment of alcohol or drugs and solicit public assistance when appropriate.

Saturation patrols may be employed at times and locations to supplement routine department efforts.

2-431 DUII INVESTIGATIONS AND ARRESTS

Effectively investigating a DUII involves four separate phases:

Vehicle in Motion

Observe the vehicle in operation and note any initial clues of the crime of DUII. Deputies must have either reasonable suspicion that a crime has or is about to be committed; or must have probable cause that a traffic violation has been committed in order to stop the vehicle to conduct further investigation to determine if the driver is impaired.

In the event the vehicle is not observed moving (stalled, involved in a traffic crash, blocking a roadway, passed out driver), the deputy must use independent means to develop reasonable suspicion.

The deputy is not committed to arresting the driver for DUII based on the initial observation, but should concentrate on gathering all relevant evidence which may suggest impairment.

Personal Contact

Deputies should approach, observe, and interview the driver and note any evidence of impairment. This may include face to face contact, conversation, and overall assessment of the driver's condition.

During the initial contact with the driver, the deputy should evaluate the driver's physical condition to determine if probable cause exists to conduct field sobriety tests. The Oregon Supreme Court has ruled that field sobriety tests are a search. This does not preclude a deputy from seeking initial consent of the driver to perform field sobriety tests, but in most cases, probable cause will be present.

Areas of concern may include, but are not limited to: odor of alcoholic beverages or controlled substances and/or "cover up" odors, speech patterns, demeanor, ability to follow directions, coordination, and general appearance.

Pre-Arrest Screening

Whenever possible, the deputy should obtain the voluntary consent of the driver to evaluate the extent, if any, of his or her impairment due to intoxicants. The evaluation process consists of:

- Field interview questions relevant to the DUII investigation may include inquiries into the physical and educational background of the subject, mechanical condition of the vehicle, and recent events leading up to the contact. The Oregon State Police Intoxication Influence Interview Report may be used for this purpose.
- Field Sobriety Tests are utilized to assist in establishing the extent to which a driver may be affected by intoxicants. The Washington County Sheriff's Office shall use the Standardized Field Sobriety Tests approved by the Oregon State Police and listed in the Oregon Administrative Rules.

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Arrest and Booking

If the deputy determines that the driver is DUII, the deputy shall advise the suspect that they are under arrest for Driving Under the Influence of Intoxicants. The suspect shall be taken into custody, their person, belongings, and vehicle shall be inventoried pursuant to policy, and transported to a police facility with Intoxilyzer capabilities where a breath test can be administered. The vehicle may be towed pursuant to section 2-426.

The deputy shall comply with the current requirements of the implied consent law as set forth on the Implied Consent Form. Prior to administering the Intoxilyzer test, the deputy will read verbatim the "Rights and Consequences (Inform Arrested Driver)" section of the Implied Consent form.

A breath test to determine the level of alcohol in the suspect's system shall be conducted whenever possible, using a trained and certified operator, and a certified and calibrated machine. The test will be conducted using the approved and furnished checklist. Following the Intoxilyzer test, the deputy will personally deliver (hand to hand) copies of the completed Implied Consent forms, Oregon Uniform Traffic Citation and Complaint(s), and the driver's copy of the Intoxilyzer Evidence Test Card.

If the result of the Intoxilyzer test is below .08%, or below .04% for commercial vehicle stops, the deputy shall immediately contact a supervisor and review existing probable cause.

If the officer reasonably believes that drugs are involved, the officer should consider requesting a Drug Recognition Expert to conduct further examinations, and request that the suspect consent to furnishing a urine sample for testing by the Oregon State Police Crime Laboratory. If the subject refuses to consent to a urine test, the arresting deputy should read Section II of the Implied Consent form and follow the guidelines outlined by the form. See also section 2-432 below.

At a minimum, the deputy shall submit with each DUII arrest: the Incident/Custody report, the DUII Supplemental report, Implied Consent form, breath analysis machine checklist and results card, and appropriate citations.

If a person is to be released at the conclusion of the booking process, the release must be to a sober, responsible adult. Juvenile arrestees who are not lodged at a juvenile facility must be released to a parent or legal guardian unless authorized otherwise by the Juvenile Department.

2-432 DRUG RECOGNITION EXPERTS (DRE)

Rev. 02-27-12

Drug Recognition Experts (DRE) may be utilized to assist deputies who have arrested subjects for DUII and appear to be under the influence of a drug or drugs other than alcohol, or under the combined influence of drugs and alcohol. DREs receive training and certification from the Oregon State Police.

Arresting Deputy Procedures

- When a DUII arrest is made and the blood alcohol content of the submitted breath sample from the arrested person is less than .08%, the deputy shall immediately notify a supervisor.

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- If the deputy reasonably believes that drugs are involved, the deputy should request a DRE to conduct further evaluations.
- With supervisory approval, a DRE will be called out to conduct a DRE evaluation.
- Prior to a DRE being called out, the arresting deputy should ask the arrested subject if they would participate in a DRE evaluation.
- All deputies that have been through the Drugs that Impair Driving Course are qualified to request a urine sample. The deputy must reasonably believe that the level of the arrested person's impairment is inconsistent with the blood alcohol level and that the person is under the influence of a drug other than alcohol, or in combination with alcohol.
- The arresting deputy or DRE shall ask the subject for consent to seize a urine sample and have the subject sign a written consent form. If the subject refuses consent, the qualified deputy shall read the applicable Implied Consent Rights and Consequences sections and request that the arrested person submit a urine sample pursuant to Oregon Implied Consent.
- The qualified arresting deputy should consult with the DRE about the collection of a urine sample prior to the DRE's arrival.
- The arresting deputy will be required, in most cases, to remain with the DRE throughout the evaluation, as the DRE will not assume custody of the arrested subject.

DRE Procedures

- DREs will utilize the systematic standardized twelve (12) step drug recognition and classification evaluation.
- If the DRE determines that the arrested subject's impairment is inconsistent with the blood alcohol content and is likely due to the arrested person ingesting a drug or drugs other than (or in combination with)] alcohol, the DRE will note their findings in the DRE report.
- The DRE will classify the category of drug or drugs causing the impairment.
- If the DRE determines that the impairment is due to a medical cause, the arresting deputy will arrange for prompt medical attention.
- If the DRE determines that the person is not impaired at the time of the evaluation, the on-duty supervisor should be consulted.
- It is not the intention of the DRE to say that the arrested subject was not impaired at the time of arrest; however, the DRE must base their opinion on the arrested subject's level of impairment at the time of the DRE evaluation.

Examples of drugs that are likely to cause roadside impairment, but little or no impairment at the time of the DRE evaluation are inhalants. In this instance, a urine sample may provide the best evidence and thus the arresting deputy should take the sample as soon as possible when the arrested subject appears to be "sobering-up" quickly.

2-440 TRAFFIC COLLISIONS

Rev. 12-08-17

The Sheriff's Office has primary jurisdiction for investigating and reporting traffic collisions that occur on public roadways and premises open to the public in unincorporated Washington County. Crashes are considered to have occurred on a public highway or premises open to the public if:

- The event originated on a public highway or premises open to the public
- Any portion of the event occurred on a public highway or premises open to the public

Oregon State Police has primary jurisdiction for traffic collisions that occur on state highways outside the Urban Growth Boundary in Washington County. Municipal police departments have primary jurisdiction for traffic collisions that occur within the incorporated limits of their cities. Deputies may assist other agencies as deemed necessary by a supervisor.

Deputies will respond, provide emergency services, investigate, record short-lived evidence and complete a report for traffic collisions that occur in unincorporated areas (or when requested to support OSP or a city police department) to crashes involving:

- Death of any person
- Injury requiring ambulance transport
- Hit and run
- DUII
- Reckless Driving
- An attempt to elude a police officer
- A government owned vehicle is involved
- Public property is damaged
- Any collision that a deputy or a supervisor believes warrants a response, investigation and report

In compliance with ORS 810.460, deputies will complete an Oregon Police Traffic Crash Report. They will also submit a Police Truck/Bus Crash Supplemental report if required. Both reports must be submitted to the Oregon Department of Transportation within 10 days for crashes occurring on a highway or premises open to the public that involve:

- Death of any person involved in the crash, ORS 811.720 (1)
- Injury requiring ambulance transport, ORS 811.720 (1)
- Any person's property or vehicle damaged with a value over \$1,500, [MAI] ORS 811.720 (2)
- Vehicles requiring towing due to crash damage, ORS 811.720 (2)(d)
- Hit and Run that meets the reporting requirements of ORS 810.460
- Hazardous materials

Hit and Run crashes that occur on a public highway or premises open to the public are a crime regardless of the damage amount and always require the deputy to submit a criminal report and an Oregon Police Traffic Crash Report if the crash meets the requirements listed in ORS 810.460.

If a driver or passenger is transported to a hospital by ambulance, a presumption will be made that there is an injury.

Non-injury crashes that do not meet reporting requirements under ORS 811.720 do not require the deputy to file a report with the Oregon Department of Transportation. In these cases, deputies will assist the parties with information exchange and encourage them to document any damage.

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Deputies may take enforcement action, if appropriate. Issuance of a citation alone does not automatically require the completion of a crash report.

In the event of extreme emergency roadway conditions, such as a severe snow or ice storm, a supervisor may suspend or alter deputy responses to traffic collisions.

ORS related to Traffic Crash Reporting:

810.460 – Officer's accident report

811.700 – Fail to perform the duties of a driver when property is damaged

811.705 – Fail to perform the duties of a driver to injured persons

811.720 – When accident must be reported to ODOT

811.725 – Driver failure to report accident to ODOT

811.745 – When accident must be reported to police officer or law enforcement agency

2-442 TRAFFIC COLLISION SCENE RESPONSIBILITY

Dispatch (WCCCA) shall designate the primary deputy to respond to a traffic collision scene. This deputy shall be considered "in charge" and shall be responsible for the conduct and reporting of the investigation until completed, or until relieved by a supervisor.

The first arriving deputy or deputies at a traffic collision scene are responsible for the following:

Hazard Evaluation

Evaluating the scene for fire or hazardous materials that may jeopardize others including emergency personnel.

Deputies arriving at a traffic collision where a fire or fire hazard exists shall request fire or rescue assistance. Deputies may use patrol issued fire extinguishers if they can do so safely and it is appropriate to the nature of the fire. Deputies will take steps to secure the fire hazard area and to protect lives and property including restricting access to the area, detouring traffic, or moving property at risk.

Deputies arriving at a traffic collision involving a vehicle suspected of containing hazardous materials shall immediately request fire or rescue assistance and shall cordon off the area. Deputies should attempt to identify the type of vehicle involved and attempt to identify the nature of the material by looking for the vehicle's Hazardous Materials Placard. The U.S. Department of Transportation Emergency Response Guidebook should be used to determine and establish a safe perimeter. Deputies shall at no time take any action which exposes them or another person to contact with the hazardous materials. Deputies at the scene shall ensure that only properly trained and equipped personnel attempt to enter the contaminated area or the area where hazardous materials may be.

First Aid

Deputies arriving at a traffic collision with injuries shall provide basic first aid and emergency life support based on their level of training until relieved by fire or rescue personnel or by more qualified emergency personnel.

Resources

Deputies must determine the need for and request additional resources or personnel. This may include fire, rescue and law enforcement resources. Examples include additional ambulances, additional fire or rescue units, additional patrol deputies, CART, or motor carrier officers.

Scene Protection

Deputies must ensure that the collision scene is protected. This is to ensure that all emergency personnel are protected and allowed to work safe from traffic and free from bystanders. The deputy should also consider the potential for the collision scene to be declared a crime scene.

Traffic Pattern

Deputies should establish a safe traffic pattern around the scene to protect emergency personnel and assist other motorists in an attempt to minimize traffic congestion.

Investigation

In the course of investigating a traffic collision, deputies shall identify, collect, record and preserve information and evidence, in support of any potential enforcement action or traffic management.

The following information should be considered for inclusion in a report:

- Identifying and obtaining statements from drivers, passengers and witnesses.
- Documenting injuries to drivers and/or passengers.
- An examination of the roadway, fixtures, and the environment.
- Damage to vehicles or structures.
- Measurements for a diagram of the scene.
- Photographs and/or video tape of the scene and vehicles in fatal or serious collisions, or other collision investigations where such documentation is deemed appropriate by the investigating deputy.

Personal Property

Deputies shall ensure the safety and integrity of property belonging to victims at traffic collision scenes as much as possible. Fire/Rescue personnel often will ensure that wallets and/or purses belonging to victims are transported with the victim to a hospital. Deputies recovering valuables at traffic collision scenes shall inventory such property following proper evidence handling procedures for safe keeping. In the event that the deputy is unable to return property to its owner or other responsible person, the property may be secured in Property Evidence at WCSO for safe keeping.

Restoring Normal Traffic Flow

Deputies shall make every effort to expedite the removal of vehicles and debris from the roadway when the on-scene investigation is complete.

2-443 TRAFFIC COLLISION FOLLOW-UP INVESTIGATION

Whenever possible, the investigating deputy shall conduct follow-up investigation as necessary for completion of the collision investigation. However, when that is not possible, the deputy shall ensure that the case is submitted and otherwise assigned at the discretion of a supervisor.

This follow-up investigation may include, but is not limited to:

- Obtaining and recording additional driver, passenger, or witness statements.
- Collecting data, information and/or evidence that is not at the collision scene.
- Processing evidence or sending evidence to the Oregon State Police Crime Lab or other appropriate facility for processing.

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- Preparing all reports necessary to record the investigation, evidence and parties involved, and to support any prosecution arising from the collision.
- Issuing citations or making arrests.
- Investigating deputies may request the use of special equipment or technical personnel in the course of the on-scene or follow-up investigation. Requests will be made through an on duty supervisor and shall include the nature of the special equipment or personnel needed, and an explanation or the necessary use of that resource.
- In the event that a reconstruction of the collision is needed, the deputy will contact the on-duty supervisor who will in turn contact the on-call CART supervisor. If CART responds to the collision, CART may assume all follow-up responsibilities.

2-444 TRAFFIC COLLISIONS INVOLVING DUII

REV. 02-27-12

Traffic Collision Involving DUII with No Injuries

Deputies who investigate a non-injury traffic collision involving a DUII driver will:

- Develop probable cause and arrest if appropriate
- Perform 15 minute observation period (remember to include one extra minute)
- Read verbatim the required Implied Consent form section
- Complete Intoxilyzer Checklist
- Administer the breath test

If the Intoxilyzer result is .08% or higher:

- Complete Implied Consent form including applicable suspensions per the DO7
- Seize Oregon driver's license
- Issue citation(s)
- Hand copies of Implied Consent form and Intoxilyzer evidence card to driver
- Lodge or cite-in-lieu

If the Intoxilyzer result is less than .08%, the deputy will contact a supervisor and consider a DRE evaluation. If the driver is impaired by substances other than alcohol, or a combination of alcohol and controlled substances, deputies who have been trained in "Drugs that Impair Driving" will:

- Read verbatim the Implied Consent form section II (a)-(b)
- Request a urine sample from the driver
- Issue citation(s)
- Complete Implied Consent form including applicable suspensions per the DO7
- Hand copies of Implied Consent form and Intoxilyzer evidence card to the driver
- Lodge or cite-in-lieu

Collisions with Only DUII Driver Injured

Deputies who investigate a traffic collision where only a DUII driver is injured and is in a medical facility receiving treatment for injuries sustained in a traffic collision will:

- Develop probable cause and arrest if appropriate
- Read verbatim the required Implied Consent form section
- Request a blood sample under Implied Consent

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If the driver consents to a blood draw:

- Ensure that a qualified medical doctor, registered nurse, or technician complete the DMV Technician Certification form
- Take blood sample as evidence
- Do not seize Oregon driver's license
- Do not give Implied Consent forms to driver
- When blood sample results are returned from the OSP Crime Lab, staple results and a copy of the DMV Technician Certification form to the Implied Consent Blood Test Failure. WCSO Records will forward the forms to DMV

If the driver refuses a blood draw:

- Complete the Implied Consent form including applicable suspensions per the DO7
- Seize Oregon driver's license
- Hand copies of the Implied Consent form to the driver

Collisions Involving Injuries to Other Than DUI Driver

Deputies who investigate a traffic collision involving a DUI driver that results in minor injuries ("physical injury" as defined by ORS 161.015) to another person will pursue an Assault investigation in conjunction with the DUI investigation. Deputies should consider the impairment as the reckless element of the Assault charge. Several aspects of the investigation may need to take place simultaneously and deputies should coordinate the necessary resources.

If the driver is at a medical facility:

- Develop probable cause for DUI
- Determine the extent of injury to the victim(s)
- Contact a supervisor
- Do not arrest for DUI
- Interview the DUI driver and conduct SFSTs, if applicable
- Interview victim(s), other passengers, and witnesses
- **Do not** complete or read the Implied Consent form
- If the hospital determines a BAC for medical purposes, the BAC information can be used as evidence of impairment
- Request consent from the driver for blood and urine samples
- Complete a written consent form if driver consents
- If the driver refuses consent for blood, a command blood draw may be taken, if done in a timely manner
- If the driver refuses consent for urine and there is probable cause of drug impairment, a urine sample may be commanded
- Ensure that an MD/RN/Tech. completes the DMV Technician Certification form
- Take blood and/or urine samples as evidence
- If a medical/hospital blood draw was taken, document who drew the blood, how it is labeled, where the blood will be stored and advise the hospital to hold the sample(s), then notify CART supervisor within 24 hours
- Consult with a supervisor and/or the on-call DDA and determine whether to lodge or cite-in-lieu for Assault IV, DUI and other applicable charges
- Complete an Oregon Police Traffic Crash Report

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If the driver is **NOT** at a medical facility, transport the DUII driver to a medical facility and follow the steps outlined above.

Collisions with Serious Injuries or Death to Other than DUII Driver

Deputies who investigate a traffic collision involving a DUII driver that results in a fatality or serious injury ("serious physical injury" as defined by ORS 161.015) to another person will treat the crash scene as a crime scene and work to preserve all evidence, including evidence that is exigent in nature related to the crimes of Manslaughter and/or Felony Assault. Deputies should consider the impairment as the reckless element of the Manslaughter and/or Assault charge. Several aspects of the investigation may need to take place simultaneously and deputies should coordinate the necessary resources while activating CART to assume control of the investigation.

- Immediately notify a patrol supervisor who will in turn notify the CART supervisor
- Follow the investigation procedures outlined above in "**Collisions Involving Injuries to Other than the Driver,**" remembering this is a felony criminal investigation
- Collect initial blood and or urine under consent or exigency
- Interview driver, when possible, to obtain a 24 hour history leading up to the crash
- Maintain contact with the suspect and wait for direction from CART supervisor or investigators
- The primary deputy will complete an Oregon Police Crash Report

2-445

CRASH ANALYSIS RECONSTRUCTION TEAM

REV. 02-27-12

The Crash Analysis Reconstruction Team (CART) is a multi-agency team of specially trained law enforcement officers from police agencies within Washington County, to include WCSO.

WCSO CART members are appointed by the patrol commander. They will be trained to the technician level or as a reconstructionist with training in the areas of:

- Speed Analysis
- Roadway Evidence Interpretation
- Vehicle Dynamics
- Occupant Kinematics
- Airbag Data Retrieval
- Seatbelt Examination
- Lamp Analysis
- Scene Surveying
- Computer-Aided Drawing

The primary mission of CART is to document, investigate, and/or reconstruct major traffic collisions.

CART should be called out to investigate the following incidents:

- All fatal crashes.
- Any traffic collision resulting in, or that will likely result in, prosecution for Manslaughter I or II, Criminally Negligent Homicide, Assault I, II or III.
- Any serious injury crash resulting from a pursuit or involving a publicly owned vehicle.

CART may also be activated by special request of a supervisor of a member agency or the District Attorney.

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CART should be utilized to diagram major crime scenes including shootings, homicides, and officer-involved shootings.

In the event of a crash or incident that falls within the guidelines for a CART activation, the originating agency on-scene supervisor will utilize the following procedure:

- Contact the on-call CART supervisor and apprise of the available details. Dispatch (WCCCA) will maintain a listing of the CART supervisors and contact numbers.
- Based on the information provided, the CART supervisor will determine if CART will be activated.
- The originating agency on-scene supervisor and the CART supervisor shall establish immediate communication to assure a thorough and coordinated investigation.

Prior to the arrival of CART, it will be the responsibility of the originating agency to:

- Secure, maintain and preserve the scene and maintain security throughout the CART on-scene investigation.
- Take early photographs and document any short-lived evidence.
- Locate and identify all persons involved, including drivers, passengers and witnesses.
- If applicable, contact the Medical Examiner.
- Conduct preliminary interviews of the suspect. If intoxicants are involved and probable cause exists, obtain blood and/or urine samples.
- Conduct preliminary interviews of victims and determine the extent of injuries.

Additional originating agency responsibilities:

- Press release and media contact if needed.
- Complete the DMV Oregon Police Traffic Crash Report.

CART will be responsible for the following:

- Contacting the District Attorney's Office.
- Complete the investigation and any subsequent follow-up in all collision related incidents. This would include: background history of suspect and victims, interviews of suspects, victims and witnesses, and if applicable, attend any autopsy.
- Collection of evidence to include: photographs, video, diagram, vehicle inspections, evidence marking and collection for reconstruction data, and seizing of any relevant on-scene evidence, to include involved vehicles when necessary.
- Complete the reconstruction of the scene.
- Present the case for review to the District Attorney's Office and/or filing of criminal charges.

2-450 TRAFFIC DIRECTION AND CONTROL

WCSO performs traffic direction and control, where necessary, to ensure the safe and efficient movement of vehicles and pedestrians. Traffic direction and control are primary functions of patrol deputies.

2-451 TRAFFIC DIRECTION AND CONTROL PROCEDURES

Collision Scene Traffic Control

A primary objective of deputies at a traffic collision scene is the restoration of normal traffic flow in a safe and timely manner. Deputies shall restore normal traffic flow at a traffic collision scene as soon as possible with consideration to safety and investigative needs.

Deputies arriving at the scene of a traffic collision should assess traffic control issues, pedestrian, fixture, building and environmental hazards, and potential evidentiary needs with this objective in mind.

Deputies should consider the use of special equipment (flares, traffic cones, barricades) or positioning of emergency vehicles to create a safe traffic pattern and to protect people and property at a crash scene. Flares should be used during hours or in lighting conditions where headlights are required. Safe traffic patterns may include detours around the collision scene.

Deputies are responsible for the safety of person (including passing motorists) and property at traffic collision scenes where modified traffic patterns have been established.

Manual Traffic Direction Signals

Deputies assigned to provide traffic control shall utilize the following traffic control signals and gestures:

Hand Signals

- **Stop:** The basic hand signal to stop is an upraised hand at the end of an extended arm raised at or above shoulder level. The palm of the hand clearly faces the approaching driver for whom the signal is intended.
- **Start:** The hand signal for a stopped vehicle to start moving begins with the deputy extending an arm, at shoulder level, toward the stopped vehicle (pointing) and waving the car onward by bending the arm at the elbow and drawing the hand towards the chest.
- **Left Turn:** Once it is safe for the motorist to complete the turn, opposing traffic should be stopped using the standard stop signal. The deputy then motions to the turning vehicle with a starting signal and points in the direction that the driver intends to go.
- **Right Turn:** Right turning requires little traffic direction unless the turning movement is crossing a heavily traveled crosswalk or has to merge into heavy vehicular traffic. Natural gaps are best used for turning vehicles.

Whistle Signals

- **Stop:** one long blast
- **Start:** two short blasts
- **Emergency Stop:** three or more short blasts

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Flashlight Signals

- A flashlight may be used to halt traffic. To stop traffic, slowly swing the flashlight across the path of oncoming traffic. The beam from the flashlight should strike the pavement as an elongated spot of light. After the driver has stopped, hand signals may be given in the usual manner with the vehicle's headlights providing illumination.

Fire Scenes

Deputies assigned to traffic direction and control at fire scenes are responsible for assuring that roadways in the area are accessible to all emergency vehicles. Deputies may close roads as necessary to facilitate the expeditious response of emergency vehicles. Deputies assigned to traffic control at fire scenes shall continue traffic control until the conclusion of the incident or until properly relieved by another deputy or released from traffic control duties by a supervisor.

Adverse Road and Weather Conditions

When the safe efficient flow of traffic is jeopardized by adverse road and/or weather conditions, deputies shall provide traffic direction and control. Deputies shall request that dispatch (WCCCA) notify the appropriate agencies to correct the condition.

Manual Operation of Traffic Control Devices

Depending on jurisdiction, deputies will contact the Washington County Department of Land Use and Transportation or the Oregon Department of Transportation for manual operation of Traffic Control Devices when necessary.

Use of Temporary Traffic Control Devices

During emergencies and special events, deputies may use temporary traffic control devices, such as reversible or temporary signs, moveable barriers, etc. The temporary traffic control devices shall be deployed at the direction/approval of a supervisor. Deputies placing temporary traffic control devices shall be responsible for their removal.

Required Safety Vest or Clothing

All deputies providing traffic direction or control and those who are on scene investigating traffic collisions shall wear a reflective vest and/or reflective clothing as the outermost clothing to enhance officer safety and driver recognition and response. All deputies will be issued reflective safety vests.

2-452 ESCORTS

Emergency Escort of Vehicles:

Generally, WCSO deputies shall not provide emergency escorts of vehicles.

Emergency vehicles, particularly ambulances, will not be escorted by deputies except under extreme circumstances. Exceptions could include escorting an emergency vehicle to an unfamiliar location or when the emergency equipment on the vehicle needing to be escorted is malfunctioning.

Civilian vehicles will not receive emergency escorts. In a medical emergency, deputies will render appropriate aid and/or summon an ambulance and Fire/Rescue units.

WCSO deputies will not initiate emergency escorts of vehicles without first receiving approval by a supervisor and notifying dispatch (WCCCA).

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Scheduled Escorts

Requests for non-emergency scheduled law enforcement escort services, such as parades, dignitary escorts, or funeral escorts, will be forwarded for consideration to the patrol commander (or designee). Only those deputies trained in providing escorts shall provide dignitary or funeral escorts.

Generally, WCSO deputies will not provide escorts for oversized vehicles and those carrying unusual or hazardous loads. Requests for permits for oversized or hazardous load vehicles will be forwarded to the Department of Land Use and Transportation or the Oregon Department of Transportation. The Department of Land Use and Transportation and/or the Oregon Department of Transportation may establish procedures for ensuring the adequacy of private escort services.

2-453 TRANSPORTATION SYSTEM PLANNING

The patrol commander (or designee) may appoint staff to represent the Sheriff's Office at any criminal justice coordinating council or local or regional transportation system management planning committees within Washington County.

2-454 TRAFFIC ENGINEERING ACTIVITIES

The Department of Land Use and Transportation (DLUT) and/or the Oregon Department of Transportation (ODOT) are responsible for matters of traffic engineering and control. Deputies may act as an information channel for the community and as an observer to notify DLUT or ODOT of potentially hazardous situations.

- If a traffic engineering concern is brought to the attention of a deputy by a citizen, the deputy should direct that citizen to either DLUT or ODOT.
- If a deputy observes a condition or hazard involving traffic engineering, the deputy should direct their concern, through the patrol commander (or designee) to DLUT or ODOT.

WCSO utilizes an internal records system for storage of traffic and collision data. These statistics may be utilized by DLUT or ODOT.

2-460 TRAFFIC ANCILLARY SERVICES

2-461 MOTORIST ASSISTS

Stranded Motorists

Deputies shall respond to calls for motorist assists and stop whenever possible to render aid to those who are stranded or otherwise in need of assistance.

Deputies may assist with minor repairs, tire changing, obtaining fuel, etc., but should not get involved to the point that would prevent them from responding to an emergency call.

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Deputies providing transportation to stranded motorists, taking them home, to service stations, or to a telephone, shall advise dispatch of their destination.

If the disabled vehicle is creating a traffic hazard, the deputy will stop and provide traffic control until the hazard is alleviated or the deputy is relieved.

Deputies shall request a tow truck for a stranded motorist upon request of the motorist.

- If the motorist has a preference for a tow company, the preferred company will be called by Dispatch.
- If there is no tow company preference, Dispatch will contact a non-preference tow company.

WCSO patrol vehicles are not equipped with push bumpers and are not authorized to push another vehicle.

Deputies shall not assist motorists with gaining entry into locked vehicles except in emergency situations, such as a risk to life. Motorists will be referred to use either a tow company or locksmith.

Emergency Assistance

The first deputy on scene of an emergency situation on or near a public roadway shall notify Dispatch of the situation and request needed aid or medical assistance. The deputy shall provide necessary assistance (e.g. first aid, fire extinguisher, etc.) until relieved by appropriate personnel.

2-462 HAZARDOUS ROADWAY CONDITIONS

Roadway and roadside hazards are contributing factors in many traffic collisions. In an effort to mitigate these factors, deputies may be called upon to report and/or correct hazardous conditions.

Hazardous roadway and/or environmental conditions include:

- Defects in the roadway (holes, ruts, or dangerous shoulders).
- Lack of, or defects in, roadway safety features (center and roadside striping and reflectors) or improper, damaged, destroyed or visually obstructed traffic control and information signs.
- Lack of traffic control and information signs (curve and hill warnings, stop and yield signs, speed limit signs, street and highway identification signs).
- Lack of mechanical traffic control devices or improperly located or malfunctioning traffic control devices.
- Lack of roadway lighting systems or defective systems.
- Natural or human-caused obstructions (fallen trees and rocks, litter, debris, parts of vehicles, broken water mains and electrical wires).
- Ice or heavy snow accumulations on roadway surfaces.
- Fire and/or smoke in areas adjacent to the roadway.
- Vehicles parked or abandoned on or near the roadway that constitute a hazard.

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Roadside hazards refer to all physical features of the roadside environment which are such that a vehicle leaving the road surface for any reason, even momentarily, can present hazards that could result in injury or damaged property. Roadside hazards would include:

- Rigid, non-yielding supports for traffic control devices and lights, or the non-performance of safety installations (i.e., breakaway sign supports that fail to function properly).
- Improperly engineered guard rails.
- Unshielded bridge railings that may not be able to retain an impacting vehicle and redirect it parallel to the roadway, thereby minimizing damage to the vehicle and danger to traffic below the bridge.
- Bridge abutments and other hazardous fixed objects built off the roadway, and into which the vehicle might crash with high injury probability.
- Utility poles, trees, ditches, steep banks, culverts, rock formations, and other fixed objects and features of the roadside environment into which a vehicle might crash instead of being able to come to a stop in a clear distance.

When a hazard is identified and, in the deputy's opinion, such hazard requires immediate correction, the deputy will immediately inform dispatch (WCCCA) of the situation and identify the assistance or special equipment required. The deputy will protect the scene and bystanders, and direct traffic or take other action deemed necessary to correct the situation.

When a hazard is detected that represents a potential crash situation but the threat of such is not imminent, the deputy will advise dispatch. If the deputy can correct the situation, the deputy will take appropriate action. Dispatch will notify DLUT or ODOT or other proper authority to correct the hazard when necessary.

2-463

ABANDONED OR HAZARDOUS VEHICLES

REV. 12-19-08

If a vehicle is parked or abandoned on a public roadway in such a way as to constitute a hazard, it may be towed pursuant to state law, utilizing department towed vehicle regulations. An attempt to contact the owner shall be made prior to towing whenever possible.

2-464

TRAFFIC SAFETY EDUCATIONAL MATERIALS

WCSO maintains the goal of achieving voluntary compliance with traffic laws and regulations by educating citizens through traffic safety educational materials. These materials enhance enforcement efforts by increasing public awareness and understanding of traffic safety programs. Traffic safety educational materials are prominently displayed in citizen contact areas of WCSO as well as provided at community events.

APPROVED on December 8, 2017.

Kelly Jones
West Patrol Commander

John Koch
East Patrol Commander



DIPLOMATIC AND CONSULAR PRIVILEGES AND IMMUNITIES FROM CRIMINAL JURISDICTION LAW ENFORCEMENT ASPECTS SUMMARY

Category	Arrested or Detained?	Enter Residence Subject to Ordinary Procedures?	Issued Traffic Citation?	Subpoenaed as Witness?	Prosecuted?	Recognized Family Member?	
International Organizations	International Organization Staff ³	Yes	Yes	Yes	No—for official acts. Yes, in all other cases.	Official acts immunity. Consult Dept. of State.	No immunity or inviolability.
	Diplomatic-Level Staff of Missions to International Organizations	No ¹	No	Yes	No	No	Same as sponsor (full immunity and inviolability).
	Support Staff of Missions to International Organizations	Yes	Yes	Yes	No—for official acts. Yes, in all other cases.	Official acts immunity. Consult Dept. of State.	No immunity or inviolability.
Diplomatic	Diplomatic Agent	No ¹	No	Yes	No	No	Same as sponsor (full immunity and inviolability).
	Member of Administrative and Technical Staff	No ¹	No	Yes	No	No	Same as sponsor (full immunity and inviolability).
	Service Staff ²	Yes	Yes	Yes	Yes	Official acts immunity. Consult Dept. of State.	No immunity or inviolability.
Consular	Career Consular Officers ²	No, except in the case of a felony and pursuant to a warrant.	Yes ⁴	Yes	No—for official acts. Testimony may not be compelled in any case.	Official acts immunity. Consult Dept. of State.	No immunity or inviolability.
	Honorary Consular Officers	Yes	Yes	Yes	No—for official acts. Yes, in all other cases.	Official acts immunity. Consult Dept. of State.	No immunity or inviolability.
	Consular Employees ²	Yes	Yes	Yes	No—for official acts. Yes, in all other cases.	Official acts immunity. Consult Dept. of State.	No immunity or inviolability.
TECRO/TECO	TECRO Designated Employee	No	No	Yes	No	No	Immunity from criminal jurisdiction, arrest, and detention.
	TECO Head/Deputy Head	No, except in the case of a felony and pursuant to a warrant.	Yes	Yes	No—for official acts. Yes, in all other cases.	Official acts immunity. Consult AIT.	No immunity or inviolability.
	TECO Designated Employee	Yes	Yes	Yes	No—for official acts. Yes, in all other cases.	Official acts immunity. Consult AIT.	No immunity or inviolability.

¹ Reasonable constraints, however, may be applied in emergency circumstances involving self-defense, public safety, or the prevention of serious criminal acts.

² This table presents general rules. The employees of certain foreign countries may enjoy **higher** levels of privileges and immunities on the basis of special bilateral agreements.

³ A small number of senior officers are entitled to be treated identically to "diplomatic agents."

⁴ Note that consular residences are sometimes located within the official consular premises. In such cases, **only** the official office space is protected from police entry.

Diplomatic Security Command Center

Direct questions or inquiries to the Diplomatic Security Command Center.

Call: 571-345-3146
Toll free: 1-866-217-2089

Available 24 hours daily

Consular Notification

Assistance with consular notification procedures following the arrest or detention of a foreign national.

Business hours: 202-485-7703
After-hours: 202-647-1512
Email: consnot@state.gov

Immunity Issues

Contact the Office of Protocol: Diplomatic Affairs

Business hours: 202-647-1727
After-hours: 571-345-3146
Toll-free: 1-866-217-2089
Fax Number: 202-647-4080

Revised May 2015