

**I. PURPOSE**

To provide guidelines for use by deputy sheriffs in enforcement of traffic laws.

**II. POLICY**

It is the policy of the Fairfax County Sheriff's Office that traffic related law enforcement in Fairfax County is the primary responsibility of the Fairfax County Police. Deputy Sheriffs may be required to intervene in certain situations in which a Fairfax County Police Officer is not immediately available. At no time will members of this agency enforce traffic laws outside of Fairfax County.

**III. PROCEDURE**

If a deputy driving a Sheriff's Office vehicle properly equipped with emergency equipment as specified in 46.2-1022 of the Code of Virginia, witnesses a traffic violation, the deputy may initiate a traffic stop. Deputies transporting prisoners will not enforce traffic laws. Deputies will not make traffic stops off-duty in personal vehicles.

**A. Before making a vehicle stop**

1. Maintain a reasonable distance between the vehicle and the Sheriff's office vehicle.
2. Locate a safe spot to stop the vehicle.
3. Activate the emergency lights and when necessary, the siren to signal the vehicle to stop.
4. Advise DPSC of the intention to stop the particular vehicle, giving:
  - a. Location of the stop.
  - b. Vehicle's license tag number and/or other description when necessary.

**B. 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. Under ideal conditions, follow these procedures if possible:

1. The deputy will approach from the rear of the violator's car, ensuring that the trunk lid is secure. After looking into the car's rear seat, the deputy will stop behind the trailing edge of the left front door. This position will be maintained if there are only occupants in the front seat of the vehicle. From this position, the deputy 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.
2. In cases where the violator's car has occupants in both the front and rear seats, or the vehicle is of a design that makes observing additional passengers difficult, the deputy may use his/her own discretion and have the driver to exit the vehicle without approaching it. The investigation can then continue at a safe distance from the vehicle, with the deputy positioning him/herself in order to observe the vehicle during the interview with the driver.
3. At night, deputies will exercise caution in selecting an appropriate place for the

traffic stop, signaling the violator (the spotlight will not be used except in what deputies perceive as dangerous situations), and positioning the vehicle. After the stop, the head lights should be on low beam for the safety of the oncoming traffic, and emergency bar lights and emergency flashers in use on the vehicle (as well as during the day).

**C. Types of Enforcement Actions**

Deputy Sheriffs will enforce the Target Program and County Decal ordinances. They may also enforce Aggressive driving regulations. They may utilize any of the following:

1. Warnings- Deputies may issue warnings to a violator at their own discretion.
2. Virginia Uniform Summons (VUS)- A VUS may 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- Deputies will make a physical arrest, in compliance with Virginia Code section 46.2-940 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. Whenever the operator is licensed by a non-reciprocal state.
  - e. When the deputy has reason to believe that the person will not comply with the summons if issued.

**D. Handling Special Cases of Violators**

1. Non-residents- Deputies will consider the use of warnings for non-residents who commit violations. If appropriate, given the type of violation, deputies may arrest non-residents by issuance of a summons, provided the violator's home state is a reciprocal one. If the non-resident desires to post a cash bond or collateral with a magistrate he may do so. If non-residents are from a non-reciprocal state, they must be taken directly to the magistrate.
2. Juveniles- Juvenile traffic offenders are prosecuted in Juvenile and Domestic Relations Court and that should be so noted on the summons. Deputies issuing a traffic summons to a juvenile offender will 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/Families/Consular Officials
  - a. Diplomatic Immunity is granted by the United States Government under provisions of the Vienna Convention on Diplomatic Relations. Generally, these provisions apply to two classes of immunity:

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1. Diplomats and members of their immediate family.
  2. Members of their service staff
- b. The burden is on the diplomat to claim immunity and show valid credentials.
4. Military Personnel- Military personnel who are first passing through the county may be treated as non-residents or, if from this area, as residents. Whenever a military member is arrested and brought before a magistrate, the arresting deputy will ensure that the Military Police authorities are notified. Notification is not necessary if the person is released on a summons or personal recognizance.

E. Information regarding traffic summons

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

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

F. Uniform Enforcement Policies for Traffic Law Violations

1. Speed violations- Deputies will clearly demonstrate the violator's speed in court. Appropriate speed may depend on location of violation (congested area, school zone, etc.)
2. Other hazardous violations- Consider the degree of hazard, place, previous accident history of location, current directed patrol emphasis.
3. Equipment violations- With only annual inspections now required of vehicles consider issuance of summons for any essential equipment defects.
4. Public carrier/commercial vehicle violations- Our agency will not perform truck inspections. This will be conducted by the Fairfax County Police or the Virginia State Police.
5. Other non-hazardous violations- Consider a warning unless repeat or flagrant.
6. Multiple violations- May cite all if deemed necessary, but normally pick the most serious violation and warn on the others.
7. Newly enacted laws and/or regulations- Normally a grace period established during which only warnings should be given.
8. Off-road vehicles, pedestrian and bicycle violators- Consider a warning unless repeat or flagrant.

G. Persons charged with revoked/suspended operator's license

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1. The Virginia Uniform Summons (VUS) may be issued when a deputy has stopped a vehicle and identified the driver as driving with a revoked or suspended operator's license (Virginia Code 46.2-301).
2. Any 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.

H. Violations resulting in traffic accidents

A Virginia Uniform Summons (VUS) may be issued for violations not listed above but which result in traffic accidents.

I. Driving Under the Influence of Drugs or Alcohol (DUI)

1. 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 on the public highways of this state.
2. A deputy observing driving behavior indicative of driving under the influence shall initiate a traffic stop of that vehicle. The following are some indicators that a driver may be suffering some form of impairment:
  - a. Sitting through a green light;
  - b. Weaving;
  - c. Very slow speed;
  - d. Disregarding stop signs or signals; and/or
  - e. Wide turns.
3. The deputy shall include any such driving behavior description for court testimony on the copy of the Virginia Uniform Summons.
4. The deputy shall administer a minimum of three field sobriety test from the following list:
  - a. Walk and Turn;
  - b. One-leg stand;
  - c. Reciting of the alphabet;
  - d. 10 count; and
  - e. Coin list.
5. If the operator fails the roadside test, an alco-sensor will be offered to the operator, if available (Virginia Code 18.2-267). The operator may refuse the alco-sensor and must be advised of their right to refuse.
6. At the deputy's discretion or if the operator fails the alco-sensor, the operator will be arrested for DUI and taken before the Magistrate.
7. Processing DUI Arrests:
  - a. Provisions and procedures in Virginia Code sections 18.2-266 through 18.2-273 should be applied without regard to the age of any intoxicated driver.
  - b. Every driver arrested for DUI will be advised of the law requiring a blood or breath test to be taken and the penalty for refusal (Implied Consent

Law).

- c. The arresting deputy shall inform the arrestee of the testing method available and explain the legal procedures involved:
  - 1. Breathalyzer- shall be performed by a state certified Breathalyzer Operator.
  - 2. Blood test- Shall be used in suspected DUI or in cases where suspect is unable to perform a breath test.
- d. If a violator does not submit to a chemical test after having been advised of the law, the deputy shall deliver the arrested person before a magistrate who will further advise the violator of the law. If the violator further refuses to take a test, the magistrate will issue a warrant charging refusal.
- e. Applicable ASAP forms will be completed accounting for the incident and indicating the results of any tests that have been administered.

J. Impounding of vehicles

If a vehicle is impounded as a result of an arrest, an inventory of its contents will be conducted and entered on the Vehicle Seizure and Inventory Record (SOP 806, attachment 1). This will be forwarded to the Civil Enforcement Branch.

- 1. All vehicles towed at the direction of a deputy sheriff will be towed by a wrecker service under current agreement with Fairfax County. Requests for towing service will be routed through the Department of Public Safety Communications, which is responsible for ensuring response in accordance with the procedures in the current towing agreement as provided in section 82-5-32 of the Fairfax County Code.
  - a. If, at the direction of the arrested operator the vehicle is relinquished to another person the deputy shall record the individuals name, address, description, and location to which the vehicle is to be transported. Statements indicating the license status of the individual taking possession of the vehicle and the level of intoxication (if any) exhibited on an ADC report #108.
  - b. All vehicles towed at the discretion of a deputy shall undergo an inventory of the contents. This inventory will be documented on the Vehicle Seizure and Inventory Record (SOP #806 attachment 1). Vehicles subject to an inventory shall be inventoried prior to leaving the scene and in a manner as to not cause damage to either the vehicle or its contents.
  - c. When the owner of the vehicle is present at the scene of the removal, a copy of the Vehicle Inventory Report shall be given to the owner in person. When the owner is not present and unable to be located prior to the removal, a copy of the Vehicle Inventory Report shall be mailed to such owner within twenty-four hours of the incident. The written notice will be sent first class mail. The approving supervisor is responsible to ensure this procedure is followed.
  - d. In all cases of vehicle removals, DPSC must be notified and provided

with all necessary information. The deputy shall forward all documentation to include a copy of the Vehicle Inventory Report and an ADC Incident Report #108 to the Supervisor, Civil Enforcement Section. The Civil Enforcement Supervisor is responsible for securing and maintaining these records. The deputy shall also retain copies for his/her own records.

2. Vehicles that are abandoned for more than four days on either public or private property, which displays invalid license plates or Virginia inspection sticker without the permission of the property owner is subject to removal as governed by Virginia state code 46.2-1213 and county ordinance 82-5-29.
3. Vehicles that are left unattended for more than ten days either on public or private property without the permission of the property owner is subject to removal as governed by Virginia state code 46.2-1213 and county ordinance 82-5-29.
4. If a deputy in the process of removing a vehicle determines that vehicle is stolen, the deputy will contact DPSC and request the Fairfax County Police respond and assist in the recovery.
5. The Fairfax County Sheriff's Office shall not tow vehicles trespassing on privately own property. The property owner will be advised to follow the appropriate protocol as governed by County ordinance 82-5-32. A non-handicapped operator of a motor vehicle parked in parking spaces reserved for the handicapped at privately owned shopping centers and business offices may be issued a summons as governed by County ordinance 82-5-29.1
6. Whenever any motor vehicle is found on the public streets or public grounds unattended by the owner or operator and constitutes a hazard to traffic or is parked in such a manner as to be in violation of law the vehicle is subject to removal. In addition, a vehicle rendered immobile as the result of adverse weather conditions or other emergencies on any public roadway is also subject to removal.

**K. Traffic Accidents**

The Fairfax County Sheriff's Office does not investigate traffic accidents. The Fairfax County Accident Reconstruction Unit will be notified. If the accident involves one of our own vehicles, the deputy's supervisor will conduct an administrative investigation.

**L. Responding to Accident Scenes**

The highest ranking deputy responding to an accident scene will take command of the scene until the Fairfax County Police or other law enforcement agencies arrive. The following procedures will be followed:

1. Observe the scene for personal injuries and/or dangerous, life threatening conditions.
2. Assist in locating witnesses, recording key accident information (ex. license numbers, names, damage to vehicles) and completing accident forms, if necessary.
3. If a fire hazard or hazardous materials exist at the accident site, the deputy

should notify DPSC to dispatch fire equipment and a hazardous materials unit. Non-combustible flares should also be used.

4. Assist in protecting the accident scene, including preserving evidence, protecting accident victim's belongings, and establishing a safe traffic pattern around the scene. The deputy shall wear a high visibility reflective vest when in the roadway.
5. Any property collected that belongs to accident victims will be turned over to the Fairfax County Police Property Unit and accompanied by a Police property form.

M. Reporting Procedures

All citizen contacts will be documented on forms provided and returned to the Civil Enforcement Branch.

N. Traffic Direction and Control

Deputy Sheriffs may be called upon to assist the County Police in traffic control and direction. This will be conducted in accordance with Virginia Code section 46.2-834.

1. Manual direction and control of traffic may be required under the following circumstances:
  - a. Traffic signal malfunction;
  - b. Intersections are gridlocked or clogged;
  - c. Illegally parked or disabled vehicles are obstructing the flow of traffic.
  - d. Other activities that occur which force a change to or halt the normal flow of traffic.
2. Manual direction of traffic shall be in accordance with Virginia Code section 46.2-1309, which specifies that traffic direction shall be as follows:
  - a. To stop traffic by hand- Stand with shoulders parallel to the moving traffic, raise arms forty-five degrees above the shoulders, with hands extended and palms towards the moving traffic to be stopped.
  - b. To move traffic by hand- Stand with the shoulders parallel to the traffic to be moved. Extend the right arm and hand full length, at shoulder height, towards such traffic, with the fingers extended and the palm down. Bring the hand sharply in the direction that traffic is to be moved. Repeat the movement with the left arm and hand to start traffic from the other direction.
  - c. To stop and start traffic by whistle- Use one long blast to bring moving traffic to a halt, two short blasts to start traffic.
  - d. Emergency stopping of traffic- Use three or more short blasts for all traffic to immediately clear an intersection and stop.
3. Deputies may be called upon to provide assistance to the Fairfax County Police with control of traffic at the scene of fires, accidents, and other hazards.

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4. The main objective of deputies assigned to provide assistance in directing traffic at these scenes is to utilize all means available to protect lives and aid the injured. Other essential duties will be to provide traffic direction to motorists and pedestrians and to insure proper ingress and egress for emergency vehicles.
5. The Sheriff's office may be called upon to provide assistance in traffic control to the Fairfax County Police during extreme situations such as snow storms, flooding, severe storms, fog, ice, smoke, downed power lines, damaged bridges, or any other potential hazard.
6. Temporary traffic control devices may be utilized during special events, when road hazards exist, or in the event of an accident. The following may be used as temporary traffic control devices:
  - a. Wooden or similar barricades;
  - b. Detour signs and other descriptive signs; and
  - c. Traffic cones or flares.
7. All Sheriff's Office personnel shall wear uniforms while engaged in traffic control. Highly visible reflective vests should be worn at all times.

O. Traffic Related Services

Deputies may need to render assistance to motorists in the absence of a police officer. Unless involved in a priority assignment, deputy sheriffs shall provide assistance to a motorist suffering from mechanical failure or other emergency situations.

1. When assisting a motorist in obtaining emergency road service, deputy will:
  - a. Request the service of the citizen's choice via DPSC or;
  - b. Request, via DPSC, the service of the county contract tow truck, if owner's choice of service cannot respond in a timely manner or hazardous or traffic conditions merit immediate removal.
2. When assisting persons stranded on the roadway, a deputy will:
  - a. Serve as a communications link between the motorist and the service facilities.
  - b. Providing adequate warning devices to prevent accidents or any criminal acts.
  - c. Transporting the motorist to a safe place to await arrival of assistance.

P. Emergency Assistance

1. Deputies shall render all practical assistance to users of the highways who are involved in an emergency situation. Deputies will provide assistance by notifying DPSC immediately of the emergency and requesting the appropriate services. After making notification, deputies should assess the situation and take immediate action to prevent further damage to property or loss of life. Factors to be considered are immediate surroundings, traffic conditions, etc.
2. Upon arrival of the Police or Fire Department, the deputy shall relinquish control

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of the situation and continue to provide assistance until the emergency has been resolved.

**Q. Reporting Hazardous Street/Highway Conditions**

When a situation exists that creates a hazard or potential hazard, the deputy identifying the situation will make notification to the proper agency requesting that the situation be corrected in as short a time as possible. The following are situations that should be reported:

1. Traffic lights in need of repair;
2. Large holes in the roadway;
3. Electrical power lines down;
4. Large debris in roadway;
5. Breaks in water, gas, or other utility mains;
6. Snow/ice on roadways;
7. Fire hazards needing immediate attention.

**01/01/00  
DATE APPROVED**

**03/10/99  
EFFECTIVE DATE**

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