

	<b>LANE COUNTY SHERIFF'S OFFICE POLICY</b>	Number: <b>G.O. 9.02</b>
		Issue Date: March 21, 2005
		Revision Date: July 8, 2014
<b>CHAPTER:</b> Traffic Operations		Related Policy: G.O. 9.01 (Traffic Safety Team), G.O. 9.03 (Issuance of Multiple UTCs), G.O. 9.08 (Vehicle Tow/Impound)
<b>SUBJECT: DWS/DUII Enforcement</b>		Related Laws: ORS 813.010 (DUII), ORS 811.175 (DWS), ORS 811.182, ORE Laws 1989, Chapter 891, 809

**POLICY:** Traffic Safety in the Sheriff's Office has a primary mission of attempting to reduce injury and fatal traffic collisions on Lane County rural roadways through the enforcement of traffic laws.

**RULE:** None

**PROCEDURE:**

I. Driving While Suspended (DWS)

- A. DWS is either a traffic violation, a traffic crime (class A misdemeanor), or a felony (class C felony), depending upon the reason for suspension.
  - 1. DWS is a felony, if suspension is for:
    - a. Habitual traffic offender
    - b. Manslaughter or criminally negligent homicide resulting from operation of a motor vehicle
    - c. Commission of felony involving use of a motor vehicle
    - d. Hit-and-run involving physical injury
    - e. Reckless driving
    - f. Fleeing or attempting to elude
    - g. Driving under the influence of intoxicants (4<sup>th</sup> conviction)
  - 2. DWS is a traffic crime if suspension is for incidents such as "refuse to take breath tests," recklessly endangering, etc.
  - 3. DWS is a traffic violation if suspension is for "fail to furnish proof," etc. This should be a citation only. A custody report is not required.
  - 4. Dispatch will advise whether a driving suspension is a violation, misdemeanor, or felony. The information will be provided by DMV print out.

- B. A Uniform Traffic Citation and Complaint shall be issued in the case of a DWS violation, misdemeanor or felony, whether or not the person is taken into custody.
- C. The District Attorney's Office requires the following information on all DWS misdemeanor and felony reports:
  - 1. Did the person know about the suspension?
  - 2. If not, has the person moved from the address indicated on the driver's license, and when?
  - 3. If a move was made, was DMV notified?
  - 4. Whether or not the person had a license in possession and the indicated address. If the person was taken into custody, this information shall be indicated on the Custody Report. Otherwise, an Incident Report shall be filed.
  - 5. If a suspended driver is in possession of a driver's license, such license shall be confiscated, a receipt issued, and the license shall be submitted with the report, with instructions to return the license to DMV.
  - 6. If it is a felony or misdemeanor suspension, a PC Affidavit is required.

II. Driving Under the Influence of Intoxicants (DUII)

- A. DUII is a traffic crime (class A misdemeanor).
- B. All DUII arrests shall include a Uniform Traffic Citation, a Custody Report, PC Affidavit, and a Drinking Driver Investigation Report.
- C. Refer to G.O. 1.09 and 1.10 Alternatives to Incarceration.