



## **General Order 62.1 - Traffic Law Enforcement**

**PURPOSE:** Define traffic enforcement action; describe special processing requirements and procedures for certain classes of individuals; describe traffic law enforcement practices; describe what information should be provided to a traffic violator; provide procedure for uniform traffic enforcement policies; define under what conditions and how vehicle emergency equipment is to be used; provide guidelines for the preparation and processing of traffic citations; describe procedures for maintaining accountability of traffic citations; define Deputy/violator's contact; define traffic stops; define procedures for handling motorists with revoked or suspended driving privileges; provide written guidelines for the training and operation of speed measuring devices; provide a written guideline for programs to combat and remove the drinking driver from the streets and highways of Sedgwick County, Kansas; provide guidelines for recognizing, apprehending, and processing a person who has been arrested for an alcohol/drug-related driving offense; define referral of drivers for re-examination and pedestrian and bicycle traffic enforcement; define traffic enforcement of off-road vehicles; and define parking enforcement.

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**DEFINITIONS:**

- A. Alcohol Concentration: The number of grams of alcohol per one-hundred (100) milliliters of blood or per two-hundred ten (210) liters of breath ([K.S.A. 8-1013 a](#)).
- B. Arrest: The taking of a person into custody in order that the person may be forthcoming to answer for the commission of a crime ([K.S.A. 22-2202](#) 4).
- C. B.A.C.: Blood alcohol concentration.
- D. Blood Alcohol Test Kit: A prepackaged container containing a sealed test tube, plastic bag, and paperwork for completing a blood test.
- E. Blood Test: A measured analysis of a submitted blood sample.
- F. Breath Test: A measured analysis of a breath sample to determine alcohol content.
- G. Certified Operator: Any person who has completed the mandatory training on the operation of an approved breath test instrument AND is currently certified by the Kansas Department of Health and Environment to operate the intoxilyzer. Periodic proficiency checks shall be maintained with acceptable results to keep this certification.
- H. Citation: The formal complaint or notice issued to a violator of the traffic laws of the State of Kansas.
- I. Custody: The detainment of a person by virtue of lawful process or authority.
- J. Drug: Any chemical substance that when taken into the human body impairs that person's ability to operate a motor vehicle safely.
- K. D.U.I.: To operate or attempt to operate any vehicle while alcohol concentration in blood or breath is greater than 0.08% or is under the influence of any drug or combination of alcohol and drugs.
- L. Emergency: When it is known that the immediate presence of the deputy is required to protect a person from possible death or serious injury.
- M. M. Emergency Equipment: As defined in this section, refers to equipment as specified in Kansas statutes [8-1720](#), [8-1722](#), and [8-1738](#).
- N. Emergency Mode: A vehicle that is equipped as outlined in section [41.2.11](#) and is using the emergency equipment.

- O. Foreign Diplomats/Consular Officials: Professional representative of a government who conducts relations with another government in the interests of their country.
- P. Implied Consent Advisory: Verbal and written warning given to a D.U.I. suspect prior to a request for evidentiary testing. The implied consent advisory (DC-70) is given to the suspect and its contents read aloud. The procedure for the advisory is outlined on the officer's certification and notice of suspension (DC-27). Both forms are supplied to the Sedgwick County Sheriff's Office by the Kansas Department of Revenue, and their use is authorized by Kansas law ([K.S.A. 8-1001](#)).
- Q. Impound: The physical removal of the driver's vehicle.
- R. Intoxilyzer Log: A record book kept with each intoxilyzer to record test information and the number of tests run on the certified solution. The operator shall complete a line entry into this log each time a vapor sample from the certified solution is drawn out of the simulator. The operator's log entry shall include, but is not limited to: the type of test performed, the defendant's initials, the results of the test, the solution temperature, date and time of the test, location where the test was given, operator's name and department, and reason for administering the test.
- S. Juvenile Traffic Offender: Any person under the age of seventeen (17).
- T. Legislator: Voting member of the Senate or House of Representatives of the State of Kansas, other states, or of the United States.
- U. Marked Patrol Vehicle: A vehicle equipped and marked as specified in sections [41.2.10](#) through [41.2.12](#).
- V. Medical Care Facility: Any hospital, clinic, or doctor's office that provides medical care for any person.
- W. Military Personnel: Members of the U.S. Armed Forces currently on active duty.
- X. Non-Resident Driver: Licensed driver from another state or country.
- Y. Park and Parking: The standing of a vehicle, whether occupied or not, other than temporarily for the purpose of and while actually engaged in loading or unloading property or passengers.
- Z. P.B.T.: Preliminary Breath Test is a pre-arrest evaluation made during the investigation of a possible D.U.I. suspect that provides an indication of alcohol involvement. Preliminary breath tests are intended to supplement other field sobriety evaluations whenever possible. The operator must have received competent training in strict compliance with the manufacturer's operating instructions.
- AA. Radar: An electronic device capable of measuring the speed of a moving object.
- BB. Radar Instructor: Any deputy who has completed the radar instructors' course and is certified to instruct other deputies in the operation of radar.
- CC. Radar Operator: Any deputy who has completed the required training successfully and has been certified to operate the radar, or in the case of a stopwatch, any

deputy authorized to operate the stopwatch when measuring vehicle traffic speed in a marked zone.

- DD. Roadway: That portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder.
- EE. Suspended License: A driver's license that has been suspended by recognized authority (i.e., the state from which it was issued).
- FF. Tuning Fork: An instrument that produces harmonic tones when tapped against another object. Tuning forks are certified and matched to the radar units.
- GG. Unmarked Vehicle: A departmental vehicle that may be equipped with emergency lighting and siren, but is not marked as described in section [41.2.11](#).
- HH. Urine Test Kit: A kit that includes a sample bottle and mailer to be used when obtaining a urine sample for laboratory analysis.
- II. Warning: The verbal direction to a violator explaining the law that was violated, coupled with the possible action that could be taken by the deputy.
- JJ. Warning Citation: A written warning documenting a violation of traffic laws of the State of Kansas, which does not require an appearance in any court.

#### **62.1.1 TRAFFIC ENFORCEMENT ACTION**

- A. It is the policy of the Sedgwick County Sheriff's Office to apply the law equally to all persons, both citizens of Sedgwick County as well as to visitors.
- B. The Sedgwick County Sheriff's Office enforces traffic laws by:
  - 1. Physical arrest;
  - 2. Traffic citation;
  - 3. Verbal warnings; and
  - 4. Written warnings.
- C. Traffic law enforcement helps to reduce automobile accidents and thereby the resulting injuries, fatalities, and damage to property.
  - 1. Warnings should be substituted for arrests or citations when circumstances warrant, especially in the case of inadvertent violations.
- D. The procedures to be followed are:
  - 1. Traffic contacts:
    - a. Violators shall be stopped as soon as possible after a violation is observed and as safety permits. Prior to stopping the suspected violator, the deputy shall call the communications dispatcher with the location, vehicle description, and license tag information.
    - b. The deputy shall greet the violator with a calm and business-like voice, and state the reason for being stopped. The deputy shall request from the

violation a driver's license, insurance information, and if available, vehicle registration.

- c. Appropriate checks (10-27, 10-28, 10-29), may be made utilizing the deputy's M.C.T. However, S.P.I.D.E.R. may be used if necessary.

2. Warnings:

- a. Should the deputy feel that the violation at the time it occurred posed no danger to other persons, and if in the deputy's opinion the violation was an unintentional act or that the citation would serve no educational value, a warning citation may be issued.
- b. The deputy shall inform the violator in a professional and courteous tone of the violation. If the violator is from another state, inform him/her of the laws of the State of Kansas and that this is only a warning that does not require a court appearance. IN NO EVENT WILL THE DEPUTY LECTURE THE VIOLATOR OR DETAIN HIM/HER LONGER THAN IS NECESSARY TO COMPLETE THE REQUIRED CHECKS.

3. Citations:

- a. Should a citation be issued, the citation shall be filled out as completely and accurately as possible. In most cases, the deputy's notes written on the back of the citation are adequate. Should the citation accompany an arrest, the appropriate case shall also be made.
- b. The citation shall be explained to the violator as well as the procedure for taking care of the citation and the phone number of the traffic clerk's office. The violator shall be given a copy of the citation which shall contain the violation, location, date, and time the alleged violation occurred.
- c. In the event the violation is a misdemeanor, the violator must sign the citation. In the case of an infraction, the violator need not sign the citation.

d. Arrests:

- 1. If an arrest is made, the deputy shall ask the violator to exit the vehicle. The deputy should handcuff the violator and conduct a thorough search of the violator. In the event the violator is of a different gender than the deputy, the deputy shall request a deputy of the same gender to perform the frisk. In the event none is available, the deputy shall conduct the search in view of the MVR if practical. Transportation of the arrestee will be as specified in [section 71.1.4](#).
- 2. The vehicle will be parked, removed, or towed as outlined in section [66.1.8](#)
- 3. The violator shall then be transported directly to the county detention facility by the most direct route.

4. Mandatory booking offenses are driving under the influence of alcohol and/or drugs and attempt to evade and elude.

#### **62.1.2 SPECIAL CIRCUMSTANCES**

A. It is the policy of the Sedgwick County Sheriff's Office to enforce the traffic laws of the State of Kansas and to treat every offender of these laws equally.

B. Procedures

1. A traffic offender with an out-of-state license will be treated in the same manner as a resident offender; further information can be found in section [62.1.1](#).
  - a. Check the license for validity.
  - b. If it is proven that the driver has set up permanent residency ([K.S.A. 8-234 a\(2\)](#)), he/she must have a valid Kansas license after ninety (90) days or be in violation of [K.S.A. 8-234 a](#).
2. Juvenile traffic offenders ages ten (10) to thirteen (13) will not be issued a traffic citation.
3. If the deputy feels that charges should be filed against a traffic offender in this age group, a case should be cut in records.
  - a. A Kansas state offense report (K.S.O.R.) and a juvenile arrest/custody report will also be completed by the deputy.
  - b. The deputy will need to contact the juvenile district attorney's office at the earliest opportunity and consult with them in reference to charges being filed in the juvenile court.
4. Juvenile traffic offenders ages fourteen (14) to seventeen (17) may only be booked into the Juvenile Intake Assessment Center (J.I.A.C.). If adjudicated, these offenders may be booked into the Sedgwick County Detention Facility.
5. Traffic citations will be issued in the normal manner or the district attorney's office will be consulted in lieu of issuing a citation if the more serious traffic charges such as vehicular homicide or involuntary manslaughter are contemplated.
  - a. If a serious traffic offense has occurred, a case will be cut in records. A K.S.O.R. and a juvenile arrest/custody report will be completed by the deputy.
6. In the event the deputy is going to file criminal charges along with the traffic charges, a long form warrant is required and no citation will be issued.
7. [K.S.A. 46-125](#) provides that legislators will not be required to appear in any court proceeding during the legislative session. For this reason, legislators are not to be cited with any traffic citation while the state legislative session is in progress. (See also [section 1.2.1 K.](#))

- a. Deputies stopping legislators should be polite and ask the legislator to use caution.
  - b. The deputy will then notify the on-duty supervisor of the traffic stop and, if unusual circumstances warrant it, generate a case of appropriate classification with the records section.
  - c. If the legislator is involved in a more serious violation or incident, such as a fatal traffic accident or suspected of D.U.I., then that legislator will be detained pending the completion of the incident.
  - d. In the case that a serious crime has been committed as in c above, the deputy's supervisor will be called to the scene. The supervisor will then contact the division commander as soon as possible.
8. Foreign diplomats are immune to the laws of this country, regardless of the incident or circumstances.
- a. In a serious incident, such as a fatal accident, the deputy will call his/her supervisor to the scene. The deputy will obtain as much information as possible such as the names of the people involved, country that they are from, and a description of the vehicle. The supervisor will confirm the validity of the alleged immunity prior to release of the individual.
  - b. The deputy will then release the vehicle and occupants. A case will be cut with the records section and a call to the nearest American Consulate will be made by the division commander advising the consulate of the incident.
9. Members of the military are subject to traffic citations as any other citizen. (For further information refer to section [62.1.1.](#))
- a. If a violation occurs during a military convoy formation in the county, an effort will be made to contact the officer in charge and advise him/her of the incident.
  - b. If a serious incident, injury accident, fatal accident, or D.U.I. occurs, then the deputy will hold the violator, contact the supervisor and the officer in charge of the convoy. If possible, the convoy should be allowed to depart minus the vehicle and driver involved.
  - c. With the occurrence of a serious incident, the deputy will investigate the incident, cite the driver (only military driver's license is required), if necessary, and cut the appropriate case with records.

#### **62.1.3 INFORMATION TO BE PROVIDED TO THE VIOLATOR**

- A. A Sedgwick County sheriff's deputy will provide specific information relating to the charge(s) to any individual issued a traffic citation.
  - 1. Advise the violator of his/her court appearance date.
    - a. Court appearance date is determined by the presiding judge of the 18th Judicial District.

- b. For further information refer to section [62.1.1](#).
- 2. Advise the violator of the amount of fines if assigned.
- 3. Advise the violator that the phone number and address for the clerk of the district court are located on the back of their copy of the citation.
- 4. Advise the violator that if the citation is payable that it can be paid in person or by mail.

#### **62.1.4 ENFORCEMENT POLICIES**

- A. Uniform traffic enforcement supports the ultimate aim of achieving voluntary compliance with traffic laws and regulations. The Sedgwick County Sheriff's Office uniform traffic enforcement policy cannot and will not supplant deputy discretion.
  - 1. In all circumstances, the deputy must decide what enforcement action is proper based upon a combination of training, experience, and common sense.
- B. Sedgwick County Sheriff's Office sworn personnel will take the appropriate traffic enforcement action against traffic violators.
- C. As a guideline for most situations, the following uniform traffic policy should be followed, absent extenuating circumstances, and will be helpful to supplement deputy judgment:
  - 1. Driving under the influence of alcohol or drugs -- Deputies will arrest person(s) operating a motor vehicle under the influence of alcohol and/or drugs.
  - 2. Speed violations -- Warnings or citations will be issued as appropriate, based on the deputy's individual discretion.
  - 3. Other hazardous traffic violations -- Examples include passing a school bus, drag racing, and reckless operation. A citation should be issued.
  - 4. Equipment violations -- There are no provisions for issuing a "fix-it" or "sign-off" citation. Deputies should take this into consideration when determining an appropriate enforcement action.
  - 5. Public carrier/commercial vehicle violations -- Such violations will be enforced, according to the applicable section of the Kansas state statutes.
  - 6. Other non-hazardous violations -- Deputies will use their discretion, experience, and common sense, based on the totality of the circumstances, in helping to determine what type of enforcement action to take.
  - 7. Multiple violations -- It is sometimes necessary to issue multiple citations. For example: A person cited for an infraction may also have a suspended driver's license.
    - a. Sedgwick County sheriff's deputies will not issue multiple citations for quantity purposes as there exists no traffic quota at the Sedgwick County Sheriff's Office.



#### **62.1.5 TRAFFIC LAW ENFORCEMENT PRACTICES**

- A. It is the policy of the Sedgwick County Sheriff's Office to utilize marked patrol vehicles for patrol and traffic enforcement.
- B. The Sedgwick County Sheriff's Office shall utilize marked vehicles for patrol visibility and call response. Patrol vehicles may also be used for stationary observation as needed.
  - 1. If while driving an unmarked vehicle a deputy in plain clothes observes an infraction or other violation that requires him/her to make a vehicle stop, the deputy shall follow the same vehicle stop procedures as set forth for marked units.
- C. Traffic enforcement may be undertaken in either a moving or stationary fashion. Marked vehicles shall normally be used in traffic enforcement.
- D. Nothing in this policy shall prohibit the use of unmarked vehicles for traffic enforcement.

#### **62.1.6 USE OF EMERGENCY EQUIPMENT**

- A. The proper use of the emergency equipment as described in section [41.2.9](#) is essential to the safety of the deputy and other motorists. Deputies must always remember to "drive to arrive"; that if the deputy is involved in a traffic accident while en route to a call, the deputy will not only be unable to render aid and assistance, but will require other emergency vehicles be sent to his/her location.
  - 1. When responding in an emergency mode, deputies will use both lights and siren as described in section [41.2.11](#).
  - 2. When responding in an emergency mode, deputies shall operate their vehicles in a reasonable and prudent manner for existing conditions, with due regard for the safety of all persons, and exercise care to avoid colliding with any vehicle, object, or pedestrian.
  - 3. Deputies shall operate their vehicles to conform with the Kansas statutes.
    - a. The number of vehicles involved in a pursuit will be limited to two (2) vehicles, unless otherwise designated by the on-duty supervisor.
  - 4. When operating in emergency mode, if a deputy finds that he/she must pass traffic, the deputy should always attempt to pass on the left side (driver's side).
- B. Except in situations where there are extenuating or mitigating circumstances (such as a pursuit), a deputy, when operating in emergency mode, shall not:
  - 1. Proceed against a traffic control device without first coming to a full and complete stop.
- C. Deputies should keep in mind that when answering a call in emergency mode, other units from the Sedgwick County Sheriff's Office, fire departments, E.M.S., or municipal police departments may also be en route to the same location, also operating in emergency mode. Deputies should use caution and operate with due regard for the safety of all persons.
- D. A deputy is authorized to respond in emergency mode in the following situations:

1. **(R)** When in pursuit of an actual or suspected violator of the law.
2. A call of a law enforcement officer in trouble.
3. A call of an injury accident.
4. Any call that a supervisor authorizes.
  - a. A supervisor may authorize an emergency mode response on any type of call when facts and circumstances warrant the immediate presence of a deputy to protect a person from possible death or serious injury, or accomplishment of the law enforcement mission.

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E. Emergency equipment is also utilized while stopping traffic violators.

1. The overhead emergency lights and deck lights should initially be activated.
  - a. If there is no response from the motorist, the deputy should then activate alternating headlights.
  - b. If there is no response from the motorist, the deputy should then activate siren.
2. The deputy needs to position his/her vehicle so that two (2) to three (3) feet of the patrol vehicle extends beyond the side of the vehicle he/she is stopping, so as to create a "safe" corridor for the deputy to approach the violator.
  - a. Deputy should allow fifteen (15) to twenty (20) feet between the two (2) vehicles.
3. A deputy will not leave a motorist who has been stopped for a traffic violation until the motorist is safely back in the traffic flow.
4. Anytime that a patrol vehicle is parked on or off the roadway for a traffic stop, motorist assist, or to protect an accident or crime scene, it shall be done in a cautious manner with the overhead red/blue lights and deck lights activated.

F. Other emergency equipment described in section [41.2.11](#) includes a public address system, take-down lights, and alley lights.

1. The public address system can be used for felony car stops, to relay orders to the vehicle's occupants, and to direct persons when unusual conditions exist, such as the roadway being temporarily closed or alerting pedestrians of potentially hazardous conditions.
2. The take-down lights should not be used routinely for all traffic stops due to the possibility of temporary blindness of other vehicular traffic on the highway.
  - a. The take-down lights are best utilized when additional lighting would be advantageous to the safety of the deputy or illumination of an accident/crime scene.
  - b. While the take-down lights can give a deputy some concealment due to their intensity, the deputy needs to keep in mind that by stepping in front

of the take-down lights, he/she is now silhouetted and therefore an easy target.

3. The alley lights are best used to illuminate fields, alleys, and residential areas during patrol and can also be used to increase visibility at crime scenes and/or accident scenes.

#### **62.1.7 PREPARATION AND PROCESSING OF TRAFFIC CITATIONS**

- A. Traffic citations form the basis for prosecution and ultimate adjudication of traffic offenses, thus it is essential that specific guidelines on their preparation, processing, and distribution be formulated.
- B. The Sedgwick County Sheriff's Office uses a pre-printed uniform traffic citation for violations of traffic infractions and traffic misdemeanors.
  1. All the information necessary for the successful prosecution of a traffic offense is found on the traffic citation; traffic citations will be filled out as completely as possible.
  2. Any time a deputy's statement of facts is longer than what can be contained on the back of the citation, the deputy will generate an appropriate case with records and write out an additional information report and complete a K.S.O.R.
- C. All citations shall be neatly and completely filled out in black ink.
- D. Violators are not required to sign a citation for an infraction and no signature will be requested.
  1. Violators cannot be booked for committing only traffic infractions.
  2. Multiple infractions can be listed on the same citation.
- E. Violators are required to sign a traffic citation when it is issued for a traffic misdemeanor. This ensures receipt of citation and acknowledges the violator's promise to appear in court.
  1. Failure or refusal to sign the citation will require the violator to be arrested and booked into the detention facility.
  2. Multiple misdemeanors can be written on the same citation.
- F. The blue copy of the citation is given to the violator; the remainder of the citation is turned in by the deputy at the end of the watch.
  1. If a case is generated in regards to the traffic citation, the citation will be attached to the appropriate accident or case paperwork.
- G. Once the citation has reached the Patrol Division office, the citation is processed in the following manner:
  1. The citation is first entered into the computer system, and then delivered to the clerk of the district court after the driving record of the violator has been attached.

2. The clerk of the district court assigns a court case number to the citation, and then returns the yellow copy to the Sedgwick County Sheriff's Office records section for filing.
3. The clerk of the district court then places the remaining two (2) copies of the citation into the court file along with the driving record of the violator.

#### **62.1.8 ACCOUNTABILITY FOR TRAFFIC CITATIONS**

- A. All traffic citation books used by the Sedgwick County Sheriff's Office will be stored in the records section until issued.
- B. Citation books will be issued by records personnel only, following these guidelines:
  1. A log book will be maintained by the records section and used whenever a book of citations is issued to a deputy.
  2. The first number and the last number of the traffic tickets in the book will be noted in the log, along with the date of issuance, who issued the book, and the name of the deputy the book was issued to.
  3. The deputy shall inspect the new book for any missing citations.
- C. Lost or stolen traffic citation(s) shall be reported immediately to the watch supervisor with a written report detailing the events surrounding the loss or theft of the traffic citations.
  1. A case will be generated if deemed necessary according to the circumstances.
  2. A notation in the log book will reflect which citations are unaccounted for and the reason the citations are missing.
- D. Voiding traffic citations at the time of issuance shall be handled in the following fashion:
  1. If an error is made while writing a citation or if citations have been damaged due to exposure to rain, snow, etc., the citation may be administratively voided by the issuing deputy.
  2. The deputy shall print "VOID", along with a justification for voiding the citation(s), on all copies. At a minimum, the citation(s) to be voided must also have the date, time, deputy's name and I.D. number, beat of occurrence, and enforcement type filled out.
  3. The voided citation shall be turned in at the end of the deputy's watch.
- E. The policy of the Sedgwick County Sheriff's Office is one of not voiding citations after they have been issued, however, the Sedgwick County Sheriff's Office recognizes that circumstances may arise necessitating the voiding of an issued citation.
  1. A deputy who believes an issued citation should be voided will bring the situation to the attention of the Patrol Division commander, who will then make a decision.
  2. Once a citation has been filed with the court clerk, it cannot be administratively voided.

- F. Common reasons for voiding traffic citation(s) can include, but not be limited to:
1. Citation contains wrong information;
  2. Violation occurred outside legal jurisdiction;
  3. Vehicle parked in a manner contrary to state law, but later found to fall within exceptions noted by statute;
  4. Based on a re-evaluation of the known facts, the deputy believes that a miscarriage of justice would result; or
  5. The deputy is unable to complete the citation because of receiving a priority call, demanding the deputy's immediate response.
- G. An annual audit of citation books shall be conducted by a records supervisor.
1. The purpose of this audit is to account for the location of all citation(s) in the custody of sheriff's department personnel, whether they have been issued to a deputy or not.
  2. A copy of the audit report will be forwarded to the Patrol Division commander.

#### **62.1.9 DEPUTY/VIOLATOR CONTACT**

- A. The policy of the Sedgwick County Sheriff's Office is to attempt to alter a violator's driving habits through the proper enforcement of traffic laws while minimizing conflict between the driver and the deputy.
- B. The Sedgwick County Sheriff's Office has two (2) goals to achieve when deputies make traffic stops:
1. Take the appropriate enforcement action; and
  2. Favorably alter the violator's future driving habits.
- C. To achieve these goals requires a thorough understanding of human relations and demands flexibility on the part of the deputy. Frequently, traffic violators view being stopped as a traumatic experience. Deputies should be aware of these possible feelings and should strive to make each violator contact educational and leave the violator with the understanding that the deputy has performed a necessary task in a professional and courteous fashion.
- D. The following procedures are recommended to minimize conflict that may develop between the deputy and the violator and assist in the achievement of the two (2) goals:
1. Present a professional image in dress, grooming, language, and bearing.
  2. Decide on the appropriate action based on the nature and seriousness of the violation and not the violator's attitude. Any enforcement decision should be based on the totality of the circumstances including the nature and seriousness of the violation and any documented driving history of similar violations.
  3. Greet the violator with the appropriate title and in a courteous manner.

4. Inform the violator what traffic offenses he/she has committed and the intended enforcement action.
  5. Allow the violator to discuss the violation if he/she wants to. However, do not let yourself become involved in a long protracted discussion about the violation. **DO NOT ARGUE, BERATE, BELITTLE, OR OTHERWISE VERBALLY ABUSE THE VIOLATOR.**
  6. Make sure the violator knows where and when to appear if the enforcement action requires a court appearance. The deputy may explain any alternatives to the violator but should NOT predict the outcome of any possible court decisions.
  7. The deputy should be alert for any emotional stress exhibited by the violator. If stress is detected, the instruction concerning the enforcement action may have to be repeated to the violator or the violator may need time to calm down before resuming driving.
  8. Return the violator's driver's license and a copy of the citation (if any) and any other property belonging to the violator.
  9. Explain the proceedings in a professional, businesslike manner and then conclude the discussion.
  10. Assist the violator in safely returning to the traffic flow.
- E. Further information on deputy/violator contact may be found in sections [62.1.1](#) through [62.1.4](#) and section [62.1.10](#).

#### **62.1.10 TRAFFIC STOPS**

- A. Making traffic stops is one of the more dangerous functions that deputies perform.
- B. Deputies will make traffic stops for a variety of reasons:
1. To warn or aid motorists;
  2. To identify suspicious persons; and
  3. To detain or apprehend criminal suspects.
- C. Regardless of the reason for the traffic stop, deputies should remember that every traffic stop poses some degree of danger, whether it is from the actions of occupants of the vehicle, the actions of other traffic, or the actions of pedestrians on or near the roadway.
- D. Deputies should preplan vehicle stops on every occasion. Deputies are not able to predict the actions taken by the operator and occupants of a vehicle, but they should be aware of the risks involved and plan their course of action. Traffic stops, by their nature, are very fluid and have the potential to change drastically. Not every traffic stop may be conducted the exact same way. The following guidelines should be followed when making vehicle stops:
1. Unknown risk vehicle stop -- A stop for traffic violations including infractions, suspected misdemeanor violations, suspected D.U.I., and reasonable suspicion

stops where there is no information that would lead the deputy to believe that the occupants pose any immediate threat to their safety or the safety of others.:

- a. Choose the location of the stop carefully. Curves, hilltops, and intersections should be avoided. A good stop location provides for good cover should it become necessary and provides maximum visibility for other motorists.
- b. Advise the communications dispatcher of the car stop in the following order: location, tag number, vehicle description, and then any other pertinent information. This information should be given to the communications dispatcher before the car stop is initiated.
- c. Activate emergency lights, then siren as needed to signal the driver you want him/her to stop. The deputy may, in addition to activating emergency lights, use the wigwag headlights and/or spotlight in order to obtain the motorist's attention. The deputy should be mindful that any additional lighting has the potential to blind other oncoming motorists.
- d. Position the patrol car fifteen (15) to twenty (20) feet behind stopped vehicle and offset to the left of the stopped vehicle approximately three (3) feet
- e. At night, the deputy may use the spotlight and take-down lights for increased visibility inside the stopped vehicle.
- f. Should the violator attempt to get out of the vehicle, order him/her to remain in the vehicle. If the driver refuses to remain in the vehicle, the deputy should direct the violator to a position out of the way of traffic to contact the driver. The deputy should also evaluate the necessity for a back-up deputy, and request a back-up deputy as soon as the need arises.
- g. When approaching a vehicle, watch occupant(s), check for altered license plates, check trunk to see that it is closed, and observe the interior of the vehicle for weapons and hidden passengers. At night, deputies should refrain from passing between the lights of the patrol vehicle as they approach the violator's vehicle position. At times, the deputy may call the driver from the car.
- h. The deputy should keep a constant view of the violator's and occupant(s) hands. Before any request is made, the deputy should use common sense and conduct a threat assessment of the occupants of the vehicle. Request a back-up deputy if needed. It is preferable to have the violator reach outside the car to present any documents. The deputy should accept the driver's license and other documents offered by the violator with his/her non-gun hand.
- i. While at the violator's door, the deputy should stand beside the vehicle and to the rear of the driver, being observant of any passengers. The deputy should use appropriate caution prior to passing any rear seat passenger of the vehicle.

- j. Continue to observe the occupants of the stopped vehicle while returning to the patrol vehicle and while conducting any records checks or writing of citations inside or outside the patrol vehicle.
- k. During any re-approach of the violator vehicle, the deputy should follow similar procedures listed in this section. The deputy should finish his/her contact with the violator, issue any verbal warnings or citation, and return any documentation obtained from the violator prior to concluding the traffic stop..
- l. The deputy should assist the stopped vehicle re-enter traffic using rear facing lights on the patrol vehicle and then transition back into the lane of traffic.
- m. The responsibility of the cover deputy in an unknown-risk car stop will be:
  - 1. Park behind the primary patrol vehicle
  - 2. Take up a position that provides some form of cover and provides observation of the primary deputy.
  - 3. Assist the primary deputy in controlling the situation by providing surveillance of other occupants while the primary deputy interacts with the violator/occupants.
- 2. High-risk vehicle stops --Vehicle stops made on vehicles known or believed to contain criminal suspects, where weapons are known or suspected to be present in the vehicle. When information has indicated that an occupant of the vehicle may be wanted on a violent felony warrant, or when the deputy reasonably believes the tactics are necessary to complete the enforcement action safely for all involved.
  - a. Choose stop location carefully, Consider roadway features, the presence of pedestrians, populated buildings, and opportunities for positions of cover for back-up units.
  - b. Advise the communications dispatcher of the felony traffic stop in the following order: location, tag number, vehicle description, and then any other pertinent information. This information should be given to the communications dispatcher before the car stop is initiated.
  - c. Wait until the back-up deputy is in position before initiating the stop.
  - d. If the suspect vehicle stops prior to any back-up deputy(s) arrival, the deputy should exit their patrol vehicle, take a position that provides the most cover and observation of the suspect vehicle, and issue verbal commands to the occupants of the suspect vehicle to remain in the car. The deputy should wait for back-up deputy(s) to arrive prior to proceeding any further.
  - e. When possible, a primary unit should be identified, and the primary unit should assign responsibilities to other responding back-up deputies.



- f. The responsibilities of the deputy(s) in a high-risk stop include;
1. Primary Deputy – The primary deputy is responsible for radio traffic with the communications dispatcher. The primary deputy is also responsible for verbal commands issued over the public address system to the occupants in the suspect vehicle. The primary deputy will coordinate all of their commands with other deputy(s) assisting with the stop..
  2. Search-and-arrest deputy – The search-and-arrest deputy is responsible for securing and searching suspect(s) as they are brought back to the patrol vehicle(s) on command from the primary deputy. The search-and-arrest deputy is also responsible for ascertaining intelligence information from arrested suspect(s) concerning number of weapons, if any, and if there are any hidden passengers in the vehicle. The search-and-arrest deputy, if needed, will obtain handcuffs from the primary deputy and any other deputy(s) assisting with the stop
  3. Back-up deputy(s) -- Back-up deputy(s) will assume available positions around patrol vehicle(s) involved with the stop as well as other positions of cover. Back-up deputy(s) will be responsible for providing cover on the suspect vehicle. Back-up deputy(s) may be assigned additional weapon responsibilities such as shotgun, patrol carbine, and if qualified a beanbag shooter.
- h. Position the primary patrol vehicle forty to sixty (40-60) feet directly behind the stopped vehicle.
- i. Additional vehicle placement in a high-risk stop include:
1. The first back-up deputy will park their patrol vehicle parallel to and approximately twelve (12) feet, if possible, to the left of the initiating unit.
  2. Terrain will dictate the positioning of the second back-up deputy. If possible, the second back-up deputy will park their patrol vehicle parallel to and approximately twelve (12) feet to the right of the initiating unit. If the terrain will not allow access to the right of the initiating unit, the second back-up deputy will park their patrol vehicle behind the initiating unit to assist in blocking traffic approaching the stop.

3. Any additional back-up deputy(s) will park their patrol vehicles either further behind the primary unit or at a considerable distance in front of the stop location to prevent traffic from entering the stop location. When possible, the headlights on any patrol vehicle parked behind the primary unit should be turned off to reduce any backlighting.
- j. Establish control of the suspect(s) and vehicle by issuing verbal commands. The use of the public address system would be advisable in some situations.
- k. Give clear, concise directions to the occupant(s) of the suspect vehicle to direct them to exit the vehicle one at a time, beginning with the driver.

#### **62.1.11 PROCEDURES FOR HANDLING MOTORISTS WITH REVOKED OR SUSPENDED DRIVING PRIVILEGES**

- A. When a deputy stops the driver of a motor vehicle and it is discovered that the driver is operating the vehicle while his/her driving privileges have been canceled, suspended, or revoked, the following procedures shall be followed:
  1. The deputy shall check to verify if the driver has a current/valid driver's license issued either by the State of Kansas or in the event of an out-of-state motorist, his/her home state.
  2. Should the check reveal that the driver's driving privileges have been suspended, revoked or cancelled, the deputy shall, take the person into custody and book him/her into the Sedgwick County Detention Facility or issue a citation as specified by statute.
  3. If the driver is then arrested, the driver shall be taken to the Sedgwick County Detention Facility by the most direct and expedient route so as not to delay the arrestee from making release arrangements as soon as is practical.
  4. The vehicle will be parked, removed, or towed as outlined in section [66.1.8](#)
  5. Determination as to whether or not the driver will be arrested shall be based on the totality of the circumstances, using deputy discretion.

#### **62.1.12 SPEED-MEASURING DEVICES**

- A. It is the policy of the Sedgwick County Sheriff's Office to utilize traffic radar, lidar, and stopwatches to enforce the speed laws of the State of Kansas and to decrease accident fatalities and injuries due to excessive speed, as well as to promote energy conservation, in a manner to assure fair and equitable treatment of a motorist.
- B. Operator training and certification requirements are as follows:
  1. Certification requirements for Sheriff's deputies operating Doppler radar and lidar shall consist of the following:

a. Successful completion of an eight (8) hour intensive traffic radar course that includes instructions on the following topics:

1. Theory of operation;
2. Court rulings and decisions;
3. Sedgwick County Sheriff's policy pertaining to radar and lidar operation including certification requirements;
4. How to set up, test, and read the unit;
5. Violator contacts;
6. Citation writing;
7. Courtroom testimony; and
8. Passing a written examination on radar and lidar principle and operation.

2. Upon completion of the above requirements, the deputy shall then complete sixteen (16) hours of radar and eight (8) hours of lidar field training that shall include:

- a. Practical experience on mounting, testing, and operating traffic radar and lidar;
- b. Practical experience in determining radar and lidar indicated speeds of target vehicles and identifying the correct target vehicle;
- c. Practical experience in speed estimation of a target vehicle;
- d. Demonstration of competency of traffic radar and lidar operation; and
- e. Demonstration of competency in the interpretation of the Doppler radar audio as related to target speed determination.
- f. Upon successful completion of the above requirements, the sheriff's office shall issue a radar operator's certificate. The certificate shall not exceed ninety (90) days from date of written test.
- g. Each certified deputy shall undergo an eight - (8) hour orientation on each different model radar before using that new model.

C. Operational procedures for the department are as follows:

1. Deputies shall set up and check the calibration of the radar at the beginning and at the end of each duty watch by performing each of the following checks:

- a. Lamp test;
- b. Internal calibration check;
- c. Tuning fork check; and
- d. Comparison with the patrol vehicle speedometer.

2. Deputies shall check the calibration of the lidar by performing the following checks:
  - . Light and internal calibration check;
  - a. Distance check (100 feet);
  - b. Site test.
3. Patrol deputies who have been assigned a radar unit shall utilize the radar for traffic enforcement when not actively involved with other duties.
4. Patrol deputies shall perform selective enforcement at such problem areas as school zones, industries, locations that have a high frequency of traffic accidents due to excess speed, and locations assigned by a supervisor.

D. Equipment care and upkeep will be handled in the following manner:

1. Radars are assigned to individual deputies to be kept in their vehicles. This prevents damage and wear from the radar being installed and removed from vehicles two (2) or three (3) times daily. This also keeps all the pieces from a particular radar with that unit.
2. The deputy will report any problems with the radar or lidar, including calibration errors, to the supervisor and that radar will be withdrawn from service until the unit can be repaired by an authorized service technician.

E. Maintenance, service, and calibration records will be kept in the following manner:

1. Any radar or lidar withdrawn from service for any problem will be sent to an authorized facility for repair by certified technicians.
2. All calibration records and maintenance logs, as well as the certification papers, are kept at the Patrol Division office. Copies may be obtained for court use and by subpoena. The calibration and maintenance logs are filed by radar serial number.

#### **62.1.13 D.U.I. COUNTERMEASURE PROGRAMS**

A. The deputies of the Sedgwick County Sheriff's Office shall aggressively enforce the D.U.I. laws when contact is made with impaired drivers.

B. Analysis

1. Accident analysis will be performed by the Patrol Division. This division shall review all traffic accidents with regard to whether the accidents are alcohol-related. Accidents that have been determined to be alcohol-related shall be classified as to location, time, and other factors for use in assigning field units for selective enforcement at a later date.
  - a. Supervisors shall assign their respective field units, at selected times, to patrol the areas that have a high degree of alcohol-related accidents.

2. The Patrol Division shall track citations on a regular basis to determine problem areas where more enforcement is needed.

C. Education

1. Each recruit deputy shall receive a minimum of forty (40) hours of training with reference to person(s) under the influence of alcohol and/or drugs. This training can include:
  - a. Recognition of person(s) under the influence of alcohol and/or drugs while operating a vehicle;
  - b. Administration of field sobriety evaluations;
  - c. Operation and certification on an approved breath test instrument;
  - d. Handling of people who are under the influence;
  - e. Processing of violators; and
  - f. Operation of the P.B.T. (preliminary breath test) instrument.
2. The Sedgwick County Sheriff's Office shall conduct public education programs through the community liaison unit as requested on D.U.I. and alcohol-related issues.
3. The sheriff's office shall conduct programs through the schools showing the danger and consequences of alcohol consumption.

D. Selective Enforcement

1. Department personnel may at times set up check lanes for the purpose of stopping impaired drivers.
  - a. The supervisor responsible for planning the check lane shall coordinate with the Reserves and other agencies to assure a sufficient number of personnel. All check lanes shall be conducted in accordance with the guidelines set forth by the Kansas Department of Transportation.

**62.1.14 D.U.I. SUSPECT HANDLING PROCEDURES**

- A. It is the policy of the Sedgwick County Sheriff's Office to ensure the safety of motorists and pedestrians by identifying the driver who is under the influence and taking appropriate action.
- B. Procedure
  1. D.U.I. recognition -- A person who is operating a vehicle under the influence of alcohol or drugs can be recognized by specific driving behaviors and certain traffic violations. Deputies will also come into contact with intoxicated drivers during accident investigation and, inadvertently, through suspicious vehicle checks and responses to calls.

- a. Deputies must be able to recognize and identify specific driving behaviors and traffic violations that would indicate that the driver may be impaired by alcohol and/or drugs.
- b. Deputies must be able to recognize a driver's behavior during a traffic stop that might provide additional evidence that a driver may be operating under the influence of alcohol and/or drugs.
- c. Deputies must be able to recognize and identify specific characteristics, attitudes, and actions frequently displayed by impaired drivers.
- d. Note all observations leading to the suspicion that the driver may be under the influence of alcohol and/or drugs. If reasonable suspicion exists, the driver shall be requested to exit the vehicle for field evaluations.

2. Procedural steps

- a. Any suspect under investigation for D.U.I., except when physically incapable, shall be given the standard battery of field evaluations consisting of the walk and turn, one (1) leg stand, and the horizontal gaze nystagmus evaluations. Alphabet and count can be performed at deputy's discretion.

3. When a person is physically incapable of performing the standardized field evaluations, they may be given non-standardized but otherwise accepted testing (alphabet, counting) to determine a suspects level of intoxication.

- a. All suspects stopped for traffic violations and other reasons shall be checked for valid operator's licenses and outstanding warrants. Appropriate action shall be taken when the deputy finds outstanding warrants and/or suspended or revoked operator licenses.

C. Arrest Procedure

- 1. If a suspect fails the evaluations, he/she shall be placed under arrest, handcuffed, and searched before being moved.
- 2. After arresting a person for D.U.I., that suspect's vehicle shall be parked, removed, or towed as outlined in section [66.1.8](#).
- 3. All suspects are placed in the back seat cage before the deputy transports them to any location.
- 4. Before asking the suspect to submit to testing, the suspect shall be given written and oral notice of the implied consent advisory. The suspect will be requested to submit and complete one (1) or more tests of breath, blood, or urine.
- 5. Breath testing is accomplished by use of a machine certified by the Kansas Department of Health and Environment, and testing is conducted by a certified operator. A breath testing machine maintained by the Sedgwick County Sheriff's Department will be utilized whenever possible.

- a. The intoxilyzer checklist (RP055) must be followed for each breath test given. This list is in conformance with the guidelines set forth by the Kansas Department of Health and Environment. The operator will place a mark in the space provided when the step has been completed. After the test is given, all information shall then be recorded on the intoxilyzer log sheet maintained at the intoxilyzer. The suspect will be given a copy of the intoxilyzer printout. The original and other copies of the intoxilyzer printout will be turned in with the case paperwork.
  - b. If a breath test cannot be given to the suspect (accident, need for hospitalization, or any of the contraindications for a breath test) the suspect shall be taken to a designated medical care facility for a blood test.
6. The deputy shall take a blood test kit to the medical facility and have a qualified medical technician, nurse, or doctor draw a blood sample using the test tube supplied with the blood kit. This blood sample is then turned over to the deputy who then marks the sample as evidence. The medical portion of the Influence report shall be filled out by the medical personnel prior to leaving the hospital. The blood sample shall be turned in as evidence and will be sent to the Sedgwick County Regional Forensic Center for alcohol analysis.
7. Upon completion of the test(s), the suspect has the right of additional test(s). The additional test(s) is at the suspect's expense. The suspect shall be transported to a local medical care facility of the suspect's choice for the additional testing without delay as per the implied consent. Upon completion of the additional test(s), the suspect shall be transported to the Sedgwick County Detention Facility.
  - a. If the suspect refuses to submit to or complete a test as requested pursuant to [K.S.A. 8-1001](#), additional testing shall not be given.
8. The officer certification and notice of suspension (DC-27)
  - a. The officer's certification and notice of suspension (DC-27) will be completely filled out, the suspect's driver's license taken into custody, and a copy of the DC-27 will be personally served upon the suspect when:
    - The person refuses to submit to the test(s) requested;
    - The person fails to complete the test(s) requested; or
    - The person's test results show an alcohol concentration of .08 or greater.
  - b. Upon completion of the DC-27, the deputy will turn it in with the case paperwork with the following documents attached to the original DC-27:
    - A photocopy of the test results; and
    - The driver's license (if in suspect's possession).
  - c. If the test(s) include a blood test, then the deputy must leave the following parts of the DC-27 blank:

- Statement 4;
  - Date of completion; and
  - Temporary driver's license section.
- d. When the results of the blood test are received, the deputy will then complete the DC27 and any citations if applicable and send a copy of the DC-27 to the suspect via first-class mail. The rest of the paperwork will be returned to the Patrol Division office.
9. The deputy shall seize, mark, and turn in all evidence that was found. Samples of liquid evidence shall be taken and sealed in vials before being sent in as evidence. All evidence shall be turned in before the end of the deputy's tour of duty.
- D. Notice to Appear and Complaint
1. Persons charged with D.U.I. shall be issued a notice to appear and complaint for the D.U.I. and other charges.
  2. Deputies shall issue notices to appear on alternative charges where applicable.
  3. The arresting deputy will have the Hold For State Warrant Affidavit notarized by Sedgwick County Detention Facility staff.
- E. Paperwork
1. The D.U.I. paperwork consists of:
    - a. Alcohol influence report (85RP012);
    - b. Officer's certification and notice of suspension (DC-27);
    - c. Implied consent advisory (DC-70);
    - d. Narrative report;
    - e. Intoxilyzer checklist;
    - f. Intoxilyzer printout card;
    - g. All citations written; and
    - h. The Sedgwick County Regional Forensic Center report (if applicable).
  2. Distribution of reports:
    - a. Records (originals):
      - Alcohol influence report;
      - Intoxilyzer checklist;
      - Intoxilyzer printout card;
      - Narrative report;
      - Suspension papers (if applicable); and



- The Sedgwick County Regional Forensic Center report (if applicable).
  - b. Records (copies):
    - Officer's certification and notice of suspension (DC-27);
    - Notice to appear and complaint.
  - c. District attorney (originals):
    - Notice to appear and complaint.
  - d. District attorney (copies):
    - Alcohol influence report;
    - Intoxilyzer checklist;
    - Intoxilyzer printout card;
    - Narrative report;
    - Officer's certification (DC-27);
    - Suspension papers (if applicable); and
    - The Sedgwick County Regional Forensic Center report if applicable).
  - e. Defendant:
    - Copy of intoxilyzer printout;
    - Implied consent advisory (DC-70);
    - Copy of officer's certification and notice of suspension (DC-27); and
    - Copies of all citations.

EXCEPTION: The defendant does NOT get copies of the citations when criminal charges are to be filed along with the traffic charges. Investigations will include the traffic charges on the criminal complaint filed with the district attorney. Citations shall be completed and all copies turned in with the case paperwork.
  - f. Department of revenue (original):
    - Officer's certification and notice of suspension (DC-27).
  - g. Department of revenue (copy):
    - Test results.
- F. Any suspect having any injury shall be taken to the designated medical care facility for an evaluation by a physician. If the physician can determine that confinement in the

detention facility is not going to be a health problem, then the deputy shall obtain a medical release from that physician before taking the suspect to the detention facility.

- G. All suspects who have been arrested for D.U.I. shall be booked into the detention facility, identified, and processed before posting bond for a court appearance.

#### **62.1.15 REFERRAL OF DRIVERS FOR RE-EXAMINATION**

- A. Routine enforcement, accident reporting, and investigations activities frequently lead to the discovery of drivers who have suspected competency, physical or mental disability, disease, or other conditions that might prevent the person from exercising reasonable and ordinary care when operating a motor vehicle. In addition to reports related to the action or incident for which the motorist was stopped, the actual or suspected impairments should also be brought to the attention of the Kansas Department of Revenue, Division of Motor Vehicles.
- B. This notification will be accomplished in the following manner:
  - 1. Complete the department's form letter (96RP091).
  - 2. The form letter will be reviewed by the deputy's supervisor and forwarded to the Patrol Division before being sent to the Division of Motor Vehicles.

#### **62.1.16 PEDESTRIAN AND BICYCLE TRAFFIC ENFORCEMENT**

- A. The Sedgwick County Sheriff's Office personnel are to take appropriate enforcement action when and where pedestrians or bicycle law violations occur. The type of enforcement action will be commensurate with the totality of the circumstances surrounding the event.
  - 1. Pedestrian enforcement
    - a. Prior to any increase in law enforcement of traffic laws pertaining to pedestrians, there will be sufficient publicity and community awareness concerning same generated by the Sedgwick County Sheriff's Office crime prevention/community liaison unit.
    - b. Pedestrian traffic enforcement will occur only after publicity and community awareness is generated in those areas where there have been accidents involving pedestrians. This type of enforcement may include, but not be limited to, citations.
    - c. In those instances where a deputy sees a pedestrian violate a traffic law that endangers himself/herself or the motoring public in a location where there have been no pedestrian accidents, the deputy should be educational, informative, and exercise discretion in applying pedestrian traffic laws.
    - d. Deputies should concentrate their pedestrian traffic law enforcement efforts in those areas where there have been frequent serious pedestrian accidents.
  - 2. Bicycle enforcement

- a. In an area where there is heavy traffic and a history of traffic accidents involving bicycles, bicycle traffic law shall be strictly enforced to include, but not limited to, traffic citations.
  - b. In an area where there is little traffic with little or no history of accidents involving bicycles, deputies should exercise discretion in applying bicycle traffic laws.
- B. Deputies should be more lenient in the enforcement of bicycle and pedestrian traffic laws. They should try to be more instructive and educational when dealing with children, as children may not be fully aware of their responsibilities as bicyclists or as pedestrians.
- C. The community liaison unit shall be responsible for conducting educational safety courses in bicycle and pedestrian safety when requested by school districts and other groups.

#### **62.1.17 TRAFFIC ENFORCEMENT OF OFF-ROAD VEHICLES**

- A. As off-road recreational vehicles (dirt bikes, mini-bikes, and four-wheelers) become more popular, an increasingly larger number of them are being used unlawfully on the roadways of Sedgwick County.
  - 1. Recreational vehicle use has resulted in citizen complaints of excessive noise, trespassing, and property damage, and because of this, the Sedgwick County Sheriff's Office personnel will follow these guidelines.
- B. There are different classifications of off-road vehicles, including but not limited to: all-terrain vehicles, motorized bicycles, motor driven cycles, electric assisted bicycles. Each classification has different laws regarding the need for insurance, driver's license, registration, etc. when operated on a roadway.
  - 1. Deputies having contact with violators may allow the violator to remove an unlicensed vehicle provided that the violator is cooperative, does not attempt to flee, and there is no other violation for which enforcement action might be taken or that is of a serious nature.
- C. Deputies should remember that age may influence the nature of the enforcement action taken.
  - 1. Adults would be expected to have a better understanding of applicable traffic laws than juveniles.
  - 2. A deputy may elect to take into account the violator's prior traffic record for minor violations in helping determine the level of enforcement action taken.

#### **62.1.18 PARKING ENFORCEMENT**

- A. It is the policy of the Sedgwick County Sheriff's Office to enforce parking violations that occur in the county in accordance with [K.S.A. 8-1571](#), [K.S.A. 8-1572](#) and county resolutions.
- B. Procedures

1. Parking laws are enforced by deputies of the department on public property or where county resolutions allow enforcement. (See also "Towed Vehicle Procedures", section [66.1.8](#).)
  - a. The Sedgwick County Sheriff's Office does not use vehicle wheel-locking devices.
  - b. In areas with time restrictions on parking, deputies can mark a vehicle's tire (one only), with chalk as proof of the violation. The deputy may issue a citation after the expiration of the posted time limit.
2. Deputies are to use common sense when enforcing parking violations.
  - a. Commercial lunch vendors parked in temporary locations outside industrial plants that are approved by that industrial company's management and do not constitute a traffic hazard may be allowed to park during a specified time period.
3. Motorcycles may be used whenever personnel levels permit and when special enforcement is called for, whether it is a public complaint or a departmental project/assignment.
4. Contact with the owner/driver/violator should be attempted first before impounding the parked vehicle. (See section [66.1.8](#) for impounding vehicles.)