

	POLICY & PROCEDURE	SERIES # 1144	PAGE 1 OF 2
	PROCESSING SUSPENSION/REVOCAION CASES		EFFECTIVE DATE 09/11/06
			OVERSIGHT Operations
	DISTRIBUTION ALL MANUALS	AMENDS/SUPERSEDES/CANCELS P&P # 1144 dated 10/09/95	

I. PURPOSE:

The purpose of this policy is to establish guidelines for the proper handling of motorists suspected or charged with operating a motor vehicle after their driving privileges have been revoked or suspended.

II. POLICY:

In those cases where probable cause for revocation/suspension exists, the motorist will be charged accordingly.

III. PROCEDURE:

A. Prior to charging an individual with driving on revocation/suspension, probable cause must be established. The failure to produce an operator's license is not in and of itself sufficient probable cause for this charge, though it may be an indication that this is the case. Should no other evidence be developed, the charge of driving without an operator's license would be the proper charge, which would normally be placed by summoning the motorist. To establish probable cause for driving on suspension or revocation, the officer must either:

1. Run an operator's license check through D.M.V. and receive confirmation, or
2. Obtain an admission from the motorist that his/her license is suspended or revoked.

B. In cases where probable cause is established, the officer should ascertain whether or not the motorist received any notification. Most often, this is done via the same D.M.V. check, which will normally indicate "notice received" or "not received".

1. If notice has not been received, the motorist should normally be issued a summons and released upon agreeing to appear in Court. Any license presented should be confiscated, and a D.M.V. disqualification notice issued the motorist. Seized licenses should be attached to the disqualification notice.

APPROVED:
CHIEF OF POLICE



2. The operator shall not be allowed to drive from the scene.
- C. If the motorist is driving after notification has been made, the officer should carefully weigh all information at hand. An offender who is willfully transgressing the law might well disregard the summons or provide false/misleading information or even be using false identification.
1. If the motorist has provided reliable information and is cooperative, he or she should be summonsed to appear in Court.
 2. If the officer concludes that the motorist is likely to disregard the summons or has provided false or inaccurate information, he/she should be taken before the magistrate for processing.
 3. As in the previous situation, licenses should be seized. Any false or altered identification should be tagged in as evidence and additional charges placed if appropriate.
- D. When an officer stops someone whose driver's license is forfeited under 18.2-272 (Driving after Forfeiture of License) the officer should use their MDT or ask the Information Center to run their drivers history and criminal history to determine if this would be their third violation within 10 years. If so, the person will be arrested and a felony warrant obtained from the Magistrate. In addition, an IBR report and Case File will be completed.
- E. Any motorist who is a non-resident and faces possible imprisonment or revocation of his operator's license, when convicted, must be taken forthwith before the magistrate for processing.

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