



# SOUTH MIAMI POLICE DEPARTMENT

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<b>CFA STANDARD:</b> 18 <b>SUBJECT:</b> Traffic - TRAFFIC ENFORCEMENT	<b>NEW (X) RESCINDS (X)</b>  <b>AMENDS ( ) OTHER ( )</b>	<b>By Order Of:</b>    <b>Rene Landa,</b> <b>CHIEF OF POLICE</b>	

**CFA STANDARD:** 18.01, 18.02M

**SECTIONS:**

- 29.1.1 Selective Enforcement Activities
- 29.1.2 Enforcement Procedures
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- 29.1.12 Parking Enforcement

**RESCINDS:** All existing orders in conflict.

**PURPOSE:** To establish departmental guidelines to ensure the safe, expeditious flow of vehicular and pedestrian traffic within the City. This will be accomplished by fair and consistent enforcement of state and local traffic laws and traffic crash investigation by uniformed officers and by the delivery of services designed to reduce traffic crashes and injuries.

**SCOPE:** All departmental personnel.

**POLICY:** It is the policy of the South Miami Police Department to enforce traffic laws uniformly and fairly. Officers will remain courteous and professional in all contacts with the public.

## PROCEDURE:

### 29.1.1 Selective Enforcement Activities

Selective traffic enforcement includes procedures for:

- A. Analysis of Traffic Crash Data: The ultimate goal of this analysis is to reduce traffic crashes. Based upon the traffic crash analysis the Patrol Division conducts selective enforcement. The analysis includes location, time, and violation factors in crashes. The factors are listed in General Order 34.3, Section 34.3.3, and are compiled monthly and annually by the Patrol Lieutenants and reviewed by the Operations Bureau Captain for further analysis.
- B. Analysis of Traffic Enforcement Activities: The Patrol Lieutenants, in conjunction with the Records Section, are responsible for compiling traffic statistics for the police department. The statistics include traffic complaints received, crash and enforcement activity data. This data is then analyzed to determine if adequate enforcement is being applied to the identified problem areas. Selective enforcement activities based upon the analyses provided are then used to develop effective countermeasures against factors contributing to traffic crashes.
- C. Implementation of Selective Traffic Enforcement Program: Selective enforcement is undertaken in areas where analysis of traffic crashes, traffic violations and traffic complaints from citizens indicates that special attention is needed. Patterns of causes and/or sudden increases in the number and severity of crashes or violations are reasons for extra enforcement activity at a given location. When the Patrol Lieutenants become aware of a particular problem that may or may not be reflected in crash report data, steps will be taken to correct the problem. The objective is to direct appropriate enforcement activities toward violations, and/or identified problem areas.
- D. Deployment of Traffic Enforcement Activities and Patrol Personnel: Officers and equipment are assigned to geographic/temporal areas based upon the analysis of crashes and complaints. As a general policy, speed-measuring devices (radar, laser, etc.) will be utilized in the enforcement of speed regulations in compliance with Florida State Statute 316.1905. In conjunction with selective traffic enforcement activities, officers will check for seat belt violations. Selective traffic enforcement activities are performed in conjunction with routine Patrol responsibilities, unless assigned exclusively to such duties by a supervisor.
- E. Selective Enforcement Activity Evaluation: Evaluation of selective traffic enforcement activities is necessary to determine their effectiveness. This analysis enables the Operations Bureau Captain and Patrol Lieutenants to identify enforcement problems in order to deploy personnel and resources effectively.

Periodically, the Operations Bureau Captain and Patrol Lieutenants evaluate the traffic enforcement program. This review attempts to ascertain whether selective enforcement efforts have positively impacted problem areas, and the duration of their success, if any.

### 29.1.2 Enforcement Procedures

Officers will take appropriate enforcement action for each violation of traffic law witnessed by or reported to them. The officer's action should demonstrate a professional attitude and serve to both educate violators and improve the relationship between the public and the department. Both a qualitative and quantitative emphasis is integral to this department's traffic enforcement program. All enforcement actions will be accomplished in a firm, fair, impartial and courteous manner, using one of the following three methods:

- A. Physical Arrests: In most criminal traffic offenses, except for violations of driving under the influence (DUI) and other felonious traffic offenses, the officer may either physically arrest an offender or release them on their own recognizance through the issuance of a traffic citation. However, if a violator is taken into custody for a criminal traffic offense, a traffic citation will be issued to the subject in addition to the arrest affidavit being completed. The traffic citation must be attached to the arrest affidavit for booking and processing purposes. An O/I Report is not required unless there are additional non-traffic related charges. [CFA 18.02M(a)]
  - 1. Officers should affect the physical arrest of any person in violation of those traffic laws pertaining to the following: (This guideline is not meant to remove the officer's ability to use discretion.)
    - a. Driving under the influence of an alcoholic beverage and/or chemical or controlled substances in violation of FSS;
    - b. Willful and wanton reckless driving in violation of FSS;
    - c. Fleeing/attempting to elude a police officer, in violation of FSS misdemeanor or felony;
    - d. Leaving the scene of a traffic crash involving injury or death in violation of FSS;
    - e. Driving with suspended or revoked license and knowledge thereof, in violation of FSS;
    - f. No valid driver's license, in violation of FSS;
    - g. Failure to obey lawful command of a police officer or fire department officer, in violation of FSS;
    - h. Leaving the scene of a crash involving attended or unattended property, in violation of FSS;
    - i. Making a false crash report in violation of FSS.
    - j. In the event of a violator who willfully refuses to sign a traffic citation, the violator will be made aware of the options that are set

forth in Florida State Statute 318.14. Prior to making an arrest for, “Failure to Sign a Traffic Summons,” a supervisor will be contacted.

2. In the above violations, great care must be taken by the officer in reaching the decision to physically arrest the violators. Factors that should be considered include circumstances surrounding the violation, arrest and driving history, or any lack of ties to the community that may make a court appearance by the violator unlikely.
3. Any other traffic violations that are misdemeanors (i.e. driver’s license or tag expired more than six (6) months, misrepresentation of insurance, etc.) are normally to be handled by issuance of a traffic citation. Only under extremely unusual circumstances should a physical arrest be made for these violations.
4. A physical arrest should be made if a traffic violator has any confirmed traffic or criminal arrest warrant and the issuing agency agrees to extradite.

B. Citations: [CFA18.02M(b)]

1. While there are occasions when non-moving citations such as seat belt violations, no valid DL, etc. are appropriate, the issuance of an actual citation rather than a warning is most appropriate for serious violations that have or might result in crashes or increase the severity of a crash. Examples are speeding, school zone speeding, running a red light, reckless driving, careless driving, aggressive driving, or any violation that the officer feels, using reasonable judgment, warrants a traffic citation.
2. Citations should be used to charge those found to have committed a traffic violation in a crash. Officers will attempt to determine who was most at fault and issue them a citation that reflects the statute that they violated. Only occasionally will it be impossible to determine fault because of conflicting stories or the lack of physical evidence. Officers will avoid the practice of issuing both parties a citation and letting the court settle who is at fault.

C. Verbal Warnings: Unless otherwise instructed by a supervisor or directed otherwise by departmental policy, officers have discretion to give verbal warnings for violations when, in their judgment, a citation is not necessary to ensure compliance with traffic laws. Officers should avoid issuing only verbal warnings in the instance of hazardous moving traffic violations, such as running a red light or aggressive driving. Officers will be responsible for ensuring that the operator’s driver’s license is valid and other required documentation is in order.  
[CFA18.02M(b)]

### 29.1.3 Violator Procedures

Contained within this directive are methods of handling particular situations which may require a law enforcement response of a different nature than would be required under normal circumstances.

- A. Non-Residents of the City of South Miami: The officer should follow the same criteria for any other violator. The officer should take into consideration the fact that the violator may be in an unfamiliar area. The officer initiating a traffic stop for a traffic violation may release the violator on his/her own recognizance with the violator's copy of the citation and traffic envelope, serving as either a summons with the option to appear in court, or as a notice to mail the required amount of the fine to the court in accordance with pre-set mandated violation fines. [CFA18.01(a)]
- B. Juveniles: Civil, misdemeanor and felony traffic violations committed by juveniles are under the jurisdiction of the Miami-Dade County Court as are violations of FSS committed by adults. Officers will utilize the same procedures in handling such cases, such as writing and issuing a citation. Juveniles who are charged with civil, misdemeanor and/or felony traffic violations require the following: [CFA18.01(b)]
1. Civil traffic violations will follow the procedures for that specific civil traffic violation. If the violation is an infraction and warrants a citation, then one should be issued;
  2. Misdemeanor traffic violations require the juvenile to be cited and the Arrest Affidavit, if any, will be forwarded to the County Court. A juvenile will not be transported to the Juvenile Assessment Center (J.A.C.) for misdemeanor traffic violations.
  3. Juveniles who are charged with any combination of civil or misdemeanor traffic violations and also have felony violations (i.e. felony hit and run, manslaughter, etc.) will be arrested and transported to the J.A.C. Officers will complete an Arrest Affidavit and the juvenile is to be transported to the Juvenile Assessment Center (felony traffic violations only).
  4. Officers will follow juvenile arrest procedures as outlined in General Order 21.2 and in General Order 31.1;
  5. In certain traffic misdemeanor cases, such as DUI, if released to a parent, legal guardian, or other responsible adult relative is not possible, the on-duty supervisor will contact the Department of Children and Families for assistance;

6. Juvenile DUI case procedures are handled as outlined for adults in Section 29.1.11 with the following exception: Juveniles will not be transported to the J.A.C. for DUI charges due to their policy of not accepting juveniles who are under the influence of alcohol and/or drugs; therefore, they will be released to a parent or legal guardian after the arrest and applicable processing is completed. Note: Officers will obtain the appropriate breath or urine test (see G.O. 29.1.11) from the juvenile at the police facility before releasing the child to the custody of the parent, guardian, or responsible adult relative.
- C. United States Congressmen/State Legislators: Legislators are not immune from arrest or citation. They may be issued citations, if warranted, while enroute to legislative sessions, but should not be physically arrested unless their condition would further endanger the public (such as DUI). A supervisor will be contacted when physical arrest is necessary.
- D. Foreign Diplomats/Consular Officials: Foreign diplomats and certain consular officials and their families are immune from some or all criminal process. Immunity is determined by the treaty obligations of the United States. However, traffic citations may be issued to diplomatic officials and their families regardless of rank or status. See G.O. 1.2 – Limits of Authority, for more information regarding the department’s handling of consular officials and diplomats. [CFA18.01(c)]
1. A diplomat’s vehicle may not be impounded or searched. Persons with diplomatic immunity may not be searched. However, if the person with immunity presents a continuing danger to the public (such as DUI), the person may be detained until such time as they can be safely taken care of. A supervisor will be contacted if this occurs. A full Offense or Incident Report, including the diplomat’s identification and all circumstances, will be prepared by the officer involved and forwarded to the Chief of Police, through the chain of command.
  2. Diplomatic officials can be identified by credentials issued by the State Department. State Department credentials bear its seal, the name of the official, his/her title, and the signatures of State Department officials. Honorary consular officials do not receive identification cards from the State Department, but may exhibit reduced-sized copies of the diplomatic note evidencing recognition by the United States government.
  3. Verification of diplomatic status by the officer’s supervisor will be done prior to any arrest and can be accomplished by contacting the United States Department of State at one of the telephone numbers maintained by the Communications Center.

4. The Communications Center has a current U.S. State Department publication, Guidance for Law Enforcement Officers, and officers are to refer to their Florida Law Enforcement Handbook for specific instructions and guidance in such incidents.
- E. Military Personnel: When enforcing traffic laws where military personnel (active) are concerned, the officer should follow the same criteria as for any violator. If a violation warrants a citation, the officer should be courteous, as with any violator, when issuing a citation. If the violation is criminal in nature, the active military personnel should be detained and/or arrested and the nearest military base contacted. The officer will also notify the on-duty supervisor.
1. Military personnel for these purposes will include regular members of the Army, Navy, Air Force, Marine Corps, Coast Guard, National Guard Units, and reservists when they are actively performing their duties as reservists.
  2. In any situation in which U.S. government equipment is seized, towed or confiscated, the appropriate government unit will be notified.

#### **29.1.4 Informing the Violator**

At the time a motorist is charged with a violation, the officer will provide the motorist with a copy of the citation(s).

- A. The officer will advise the violator if a court appearance is mandatory or optional, along with whom to contact, and when.
- B. The officer will give notice of whether the motorist is allowed to enter a plea and/or pay the fine by mail or in person at an official court location, such as a nearby County Traffic Court and/or Clerk of the Court.
- C. Along with information relative to the specific charge, the officer will ensure that the violator has received any other pertinent information and understands the information and instructions prior to release.

#### **29.1.5 Uniform Enforcement Policies**

Officers, who observe a driver in violation of a traffic law and stop that vehicle based on that violation, may issue a traffic citation for the initial violation showing probable cause, along with any other violations the officer observes during the traffic stop or after contact with the driver. However, officers should not issue more than 5 non-criminal traffic citations to the driver on a traffic stop unless multiple citations are necessary due to exigent circumstances (i.e. a habitual traffic violator, reckless driving, etc.). The ultimate aim of traffic enforcement is to achieve voluntary compliance with traffic laws and regulations. To achieve this goal, traffic enforcement policies and procedures include:

- A. Driving Under the Influence (DUI): The procedures for handling persons suspected of driving under the influence of either alcohol or drugs will be followed as outlined in Section 29.1.11 of this General Order.
- B. Driving Privileges Suspended or Revoked: If the violator was issued a license in this state or their state of residency and the violator's driving privileges have been suspended or revoked, the officer should issue a citation for "driving while license suspended or revoked" FSS 322.34. The driver may be physically arrested if the driver had knowledge of the suspension and it is believed that the violator will not appear in court (i.e. numerous suspensions, etc.). The driver must be arrested and transported to a Miami-Dade County jail facility, under (felony statute) FSS 322.34 (5), if identified as a "HABITUAL TRAFFIC VIOLATOR" through the DHSMV records check.
1. If the violator has a suspended driver's license in his/her possession, it will be taken and attached to the citation to be forwarded to the Clerk of the Court, Traffic Intake Section.
  2. In all suspended license cases, the driver should not be allowed to drive away from the location of the traffic stop, crash scene, etc. Other arrangements may be made to remove the vehicle (i.e. another properly licensed driver in the vehicle may drive it away or park it, with the owner's permission). This may be done if a citation is issued or a physical arrest is made. Prior to allowing another person to drive the vehicle, the officer should determine the current status of that driver's license through a computer check to ensure his/her eligibility to operate a motor vehicle is valid.
- C. Policies for speed law violations: Officers should exercise discretion when deciding whether a verbal warning or a citation is appropriate for speed law violations. Consideration will be given to the weather conditions, traffic volume, pedestrian traffic and location of the violation. At all times, officers will remember there is a correlation between excessive speeding and traffic crashes. Speeding violators will have the following options upon the issuance of a citation: [CFA18.02M(b)]
1. Pay the applicable penalty by mail or in person;
  2. Request driver improvement school; or
  3. Request a court date to attend a traffic court hearing.
- D. Policies for other moving violations: For the purpose of this General Order, hazardous traffic law violations are defined as those violations of any law or regulation enacted primarily to regulate safe movement of vehicles and pedestrians. Enforcement action for hazardous violations will be handled as outlined in Section 29.1.2 (A), (B), or (C). [CFA18.02M(b)]

- E. Off-Road Vehicle Violations: Any time off-road vehicles (i.e. go-carts, dirt bikes, motorized scooters, etc.) are operated on public streets or highways in the City of South Miami, they will be subject to all state laws and local ordinances regarding traffic. Thus, traffic stops involving off-road vehicles will be handled as any other traffic stop.
1. When the operator of an off-road vehicle is a juvenile, officers will:
    - a. Ensure that the violator and vehicle are removed from the area of danger;
    - b. Contact the juvenile's parents, if possible.
- F. Policies for Violations by Public Carrier/Commercial Vehicles: Public carrier or commercial vehicles will be handled in the same manner as private passenger vehicles, with the exception of enforcing those laws which apply only to these specific vehicles. When confronted with serious violations peculiar to these carriers, such as DUI, Department of Transportation (DOT) officers or DUI officers may be contacted. [CFA18.02M(d)]
- G. Violations Resulting in Traffic Crashes: Patrol personnel should keep in mind that traffic citations are issued to lessen the frequency and severity of traffic crashes. If the investigator can reasonably determine fault, the officer will issue a traffic citation to the violating driver in the crash. Mere absence of any witnesses should not be the only factor that prevents the officer from making logical, investigative deductions. A Citation Witness List will be completed for citations issued in traffic crashes.
- NOTE: In traffic crashes, drivers are required to show proof of insurance. When the long form or "Law Enforcement Short Form Report" is used, the driver must provide proof of insurance [FSS 316.066(3)]. If the driver does not show proof of insurance, he/she should be issued a traffic citation and the crash report will reflect the same.
- H. Equipment Violations/Non-Moving Violations: Vehicles with equipment violations pose a threat to the driver and other vehicles. Officers have the discretion to cite or warn the driver depending on the severity of the equipment violation. Any vehicle that has a violation that would pose an immediate threat if operated further (such as no operating lights while driven at night) should not be allowed to drive from the scene. In cases where the vehicle poses an immediate threat to the lives of other motorists, the driver should be offered the opportunity to either park the car or have it towed. [CFA18.02M(c)]

In situations where a non-moving violation (seatbelt violation, No Valid License, etc.) are observed, officers have the discretion to either warn the driver of the violation or cite them, based on the severity of the violation and any past offenses of the same nature. {CFA18.02M(c)}

- I. Newly Enacted Laws: Every year new traffic laws come into effect. There will be times that drivers may not be aware of the new changes and should be warned of the new laws and that they could be cited for the violation. After at least thirty days after the enactment of the new laws, officers should expect that drivers are aware of the violation and either cite or warn according to the violation and past offenses.
  
- I. Enforcement Action and Citation Policies:
  1. Traffic citation booklets will be carried by all uniformed officers.
  2. Officers will separate the citation booklet by removing its two top staples so as to keep each of the individual citations intact with all copies for processing.
  3. When making misdemeanor physical arrests (excluding DUI arrests) the white copy of the traffic citations will accompany all Arrest Affidavits to the Miami-Dade County Jail facility. The blue copy will be forwarded to the departmental Records Section. The yellow copy will be given to the offender, and the officer may retain the pink copy.
  4. In the event an error is made on a citation (i.e. incorrect state statute, etc.) and it has not been discovered until after the citation has been issued, it can be amended. The officer will fill out a court affidavit requesting amendment of the citation(s) or a court affidavit requesting dismissal, and submit it to his/her immediate supervisor to be forwarded through appropriate channels to the judicial system. The citation may also be amended by the officer, who originally issued the citation, prior to the start of a traffic court hearing.

#### **29.1.6 Enforcement Practices**

- A. One of the most effective deterrents to traffic law violations and crime is visible patrol, particularly in a marked vehicle. In the interest of maintaining a posture of prevention as opposed to solely apprehension, traffic law enforcement activities will be conducted accordingly.
- B. Unmarked or unconventional vehicles (i.e. sport utility vehicle) are occasionally used for the specific purpose of traffic enforcement. When used, the officer will ensure that a marked unit is available to stop the violator if the unmarked vehicle or its occupant's authority is in question.

#### **29.1.7 Stopping/Approaching Violators**

- A. Violators should be stopped whenever possible, in a location to maximize officer safety and minimize disruption of traffic flow.

### **29.1.8 Officer/Violator Relations**

- A. Officers should maintain a pleasant, courteous, professional attitude throughout the encounter in order to reduce the possibility of conflict brought about by the traffic stop.

### **29.1.9 Speed Measuring Devices**

- A. Equipment Specifications: All radar and laser equipment will comply with FSS 316.1905 and D.H.S.M.V. Rules, Chapter 15-82. Department personnel will use only radar units and laser units authorized by the police department. Approved radar and laser units include:

1. RADAR: "KUSTOM SIGNALS" PRO-1000 DS (K-BAND)
2. RADAR: "STALKER DUAL SL" (KA-BAND)
3. LASER: "KUSTOM SIGNALS" PL Handheld Unit

- B. Operational Procedures: Operators will record and maintain a written log of the radar or laser tests conducted prior to and at the conclusion of any period of use. A period of use may be only a few hours or an entire duty shift. The written log will contain the following information:

1. Unit, make, model and serial numbers of unit & tuning forks for radar;
2. Name and ID number of the officer;
3. Date and time of the tests (both prior to and at the end of use);
4. Internal accuracy check (radar & laser);
5. External accuracy check with tuning forks (radar);
6. Display Segment check (laser & radar); and
7. Distance/Alignment checks (laser).

- C. Care and Upkeep: Each officer assigned a police department vehicle containing a radar unit will be responsible for the proper care and upkeep of the equipment during that officer's tour of duty. This will be accomplished by:

1. Ensuring the unit is turned off when not in use;
2. Turning the unit in for service at the first sign of a malfunction;
3. Radar units will be tested prior to use by the assigned officer. This test consists of checking the following:
  - a. Stationary and moving modes;
  - b. Power;
  - c. Light Segment check;
  - d. Internal Accuracy test; and
  - e. Tuning forks (using tuning forks certified at the speed stamped on the forks for the unit being tested).

4. Laser units will be tested prior to use by the officer who checked it out. This test consists of checking the following:
    - a. Display segments;
    - b. Internal accuracy; and
    - c. Distance/Alignment.
  5. Traffic citations will not be issued for any violations tracked on a radar or laser unit that does not pass all validation checks.
  6. In-car Radar units will not be removed from the vehicles unless previously authorized.
  7. Defective radar or laser units will not be used. Operators will notify the on-duty supervisor of any apparent defects in the unit and will write a Vehicle Repair Request form, to be forwarded to the Radar Coordinator. The Radar Coordinator will make arrangements for the unit to be repaired.
- D. Programmed Maintenance: Each radar or laser unit will be serviced and calibrated every six (6) months by qualified service technicians designated by the police department.
- E. Maintenance and Calibration Records: Written records of all radar or laser maintenance and radar or laser calibrations will be kept by the Operations Bureau Captain or his designee (Radar Coordinator). Additionally, the Radar Coordinator will provide a copy of the Patrol radar calibrations to all police officers. Maintenance records will be kept for the working life of the unit and in conjunction with Florida State retention guidelines.
- F. Operator Training and Certification: Operators will have all radar or laser certification documentation and the written log in their possession when appearing for any court case related to the use of the radar or laser unit. All officers using radar will be trained and certified as required in FSS 316.1906, D.H.S.M.V. Rules - Chapter 15 B-2, and in accordance with FS 943.

To be certified as an operator of a speed measuring device, an officer must receive 40 hours of training in a structured classroom setting and 8 hours of training in a field training program administered by a qualified instructor. Upon completion of the training program, the Criminal Justice Standards and Training Commission will issue a certificate of compliance to the individual officer, a copy of which will be placed in the officer's training file.

## **29.1.10 DUI Procedures**

- A. Driving Under the Influence (DUI) is an arrestable violation of FSS 316.193 if the subject was “under the influence of alcoholic beverages or any chemical substance...when affected to the extent that the person’s normal faculties are impaired, the person was in actual physical control of a vehicle,” and if one of the following is applicable:
1. The violation was committed in the presence of a police officer; and/or
  2. The violation resulted in a traffic crash where witnesses, subject statements, and/or physical evidence places the subject behind the wheel of the vehicle.
- B. **Probable Cause:** Probable cause for a DUI arrest may be developed from the following:
1. Observed illegal driving behavior;
  2. Eyewitness account of a crash;
  3. Physical signs of impairment that could include:
    - a. An odor resembling an alcoholic beverage emitting from the subject’s breath and/or about his/her person;
    - b. Bloodshot, glassy, or watery eyes;
    - c. Slurred speech;
    - d. Inability to maintain balance.
  4. Unsatisfactory performance on the Standard Field Sobriety Exercises;
  5. Supporting information obtained from other police officers or witnesses that indicate the subject is under the influence of alcohol or drugs.
- C. **Roadside Procedures:** Officers observing individuals driving in an erratic manner will stop them. If alcohol or drug impairment is suspected, roadside Standardized Field Sobriety Exercises will be conducted by a DUI trained officer. Before initiating a DUI investigation, the investigating officer will advise the suspect that he/she is the subject of a criminal investigation involving the operating of a vehicle under the influence of an alcoholic beverage and/or a controlled substance.

While maintaining officer safety, the officer will conduct Standardized Field Sobriety Exercises in which they have been trained. He/she will select a site, which is safe, level, and as well lighted as possible. If a suitable site is not available at the stop location, the driver should be voluntarily transported to the closest safe and suitable site by the investigating officer.

Officers should conduct exercises for which they have been trained and are most appropriate for the circumstances, taking into consideration age, weight, physical limitations, or other factors; whether temporary or permanent in nature. Officers will attempt to determine if the driver is ill, injured, on medication, or has a disease or physical and/or mental impairment not caused by alcohol or drugs prior to administering Standardized Field Sobriety Exercises. Those exercises include the following:

1. “Horizontal Gaze Nystagmus” exercise battery (including VGN) is to be conducted by officers who have completed a “Standardized DUI Field Sobriety Testing” course or have been trained in the police academy on how to perform the exercises.
  2. Explain and demonstrate each field sobriety exercise to the driver. After determining that the driver understands what is expected, have the driver perform the exercise. Detailed notes should be made of each exercise describing **exactly** how the driver performed the exercise. Merely stating that the driver “failed” the exercise is not acceptable in court proceedings. Following are additional approved field sobriety exercises:
    - a. “Walk and Turn”
    - b. “One Leg Stand”
    - c. “Romberg Balance”
    - d. “Finger to Nose”
  3. If the driver shows signs of impairment and the officer elects to make an arrest, the subject will be transported to the DUI Intoxilyzer Room at the South Miami Police station. During transport, officers will monitor the suspect to prevent food, tobacco, or liquid ingestion.
- D. If probable cause exists to support an arrest, the driver should be advised that he/she is under arrest, the officer will read the Implied Consent to determine if he/she will voluntarily submit to an approved chemical test (i.e. Intoxilyzer 5000), and the driver will be given the Miranda warning **only** where appropriate in the BAT testing process. If probable cause does not exist, the driver should be released (with supervisory approval).

NOTE: Officers are required by Florida State Statute 901.215 to evaluate ANY person arrested who appears intoxicated or not in control of their physical functions, for visible identification of medical disability which would account for the actions of the person (i.e. medical alert bracelet, necklace, etc.).

- E. Withdrawal Of Blood In Traffic Crashes Involving Death Or Serious Bodily Injury And Suspected DUI:** Per FSS 316.1933, if a law enforcement officer has probable cause to believe that a motor vehicle driven by, or in actual physical control of a person under the influence of alcoholic beverages, chemical/controlled substances, has caused death or serious bodily injury to a human being, that person will submit to, upon request of a law enforcement officer, a test of his/her blood for the purpose of determining the presence of alcohol or chemical/controlled substances therein.

Serious bodily injury is defined in FSS 316.1933(1) as an “injury to any person, including the driver, which consists of a physical condition that creates a substantial

risk of death, serious personal disfigurement, or protracted loss or impairment of the function of any bodily member or organ.” In most cases, the Miami-Dade Police Department Traffic Homicide Investigator will be in charge of the crash scene and blood withdrawals.

### **29.1.12 Parking Enforcement**

Parking Violations and Enforcement: Patrol Officers will conduct general parking surveillance and will enforce appropriate Florida State Statutes and/or Miami-Dade County parking ordinances as part of their routine Patrol duties.

- A. Officers will not issue parking citations on private property. Exceptions to this are for parking violations of Fire Lane/Zone or for Handicapped parking violations.
- B. Voiding Parking Citations: After issuance, a parking citation may be voided by following these guidelines:
  - 1. The issuing member will forward the citation, and a request to void the citation, to their immediate supervisor. The request will then be forwarded to the Operations Bureau Captain or his designee, via chain-of-command, for final decision.
  - 2. If a voidance is required, all copies of the parking citation will be collected, voided and remanded back to the Records Section for final disposition.
  - 3. Every effort will be made to contact the owner of the vehicle that was cited and advise them of the disposition.