



# SOUTH MIAMI POLICE DEPARTMENT

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<b>CFA STANDARD:</b> 18 <b>SUBJECT:</b> Traffic - ANCILLARY SERVICES	<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:** 18.13

**SECTIONS:**

- 29.4.1 Motorist Assistance**
- 29.4.2 Hazardous Highway Conditions**
- 29.4.3 Towing**
- 29.4.4 Traffic Safety Materials**

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

**PURPOSE:** To establish departmental policy and procedures for providing assistance to motorists and their vehicles, including the towing and releasing of vehicles.

**SCOPE:** All departmental personnel.

**POLICY:** To maintain compliance with the department's mission of providing service to the community, barring any exigent circumstances, officers will provide assistance to stranded motorists within the jurisdiction of the City of South Miami.

**PROCEDURE:**

**29.4.1 Motorist Assistance**

- A. The South Miami Police Department will offer assistance and protection at all times to motorists who appear to be in need of aid, by providing information, directions, and a communications link to obtain fuel or mechanical assistance, such as changing tires, wrecker service, etc. To better serve the citizens, officers will not only be familiar with the streets of the City, but also the various services and facilities available in the area.
- B. If an officer determines that a motorist's vehicle needs to be towed, they will ask the owner or operator if they have a preference as to a particular towing company to

remove their vehicle. If so, the officer will request the owner's preferred company via the Communications Center and ascertain from the towing company an approximate arrival time.

If the private towing service cannot respond in a reasonable amount of time and traffic flow will be hindered or another crash might occur as a result of this delay, the officer/ may request a City contracted wrecker to remove the vehicle (if the contracted towing company is used by an official departmental request, a Vehicle Storage Receipt must be filled out). [CFA18.13M]

1. If the operator of the vehicle does not relate a preference for a particular wrecker service, the officer will request a City contracted towing service via the dispatcher. This request is on the owner's behalf and the officer/ will request a contract wrecker as "owner's request". A Vehicle Storage Receipt will not be prepared.
2. Officers will advise the dispatcher, at the time of request, of any special equipment (i.e. flatbed truck) that may be needed for the removal of the vehicle.
3. Officers may use battery cables to jump a disabled vehicle; the citizen must first sign a release. **Officers will not push disabled vehicles with departmental vehicles.**
4. **Officers will not use a "Slim-Jim" or "Big Easy" tool to unlock a citizen's vehicle, unless the owner fills out and signs a damage waiver.** Officers should not attempt to open a vehicle with these tools unless they know how to use them.
5. If an officer tows a vehicle from a scene using the contract wrecker other than as "owner's requested", a Vehicle Storage Receipt will be prepared, using the following information, at minimum:
  1. time, [CFA18.13M(a)]
  2. date, [CFA18.13M(b)]
  3. location, [CFA18.13M(c)]
  4. requesting member, [CFA18.13M(d)]
  5. reason for removal or tow, [CFA18.13M(e)]
  6. towing service name, [CFA18.13M(f)]
  7. location of the vehicle, [CFA18.13M(g)]
  8. notification (or attempts) to the registered owner, [CFA18.13M(h)]
  9. inventory of contents, [CFA18.13M(i)]
  10. placing and removal of holds, [CFA18.13M(j)]and
  11. procedures to initiate entry and removal of FCIC entries, when appropriate. [CFA18.13M(k)]

- C. When a motorist is found stranded or disabled in hazardous locations or environments, the officer will provide the communications link necessary for obtaining needed services, and will offer the following assistance:
  - 1. Give locations of food and lodging;
  - 2. Provide transportation away from hazardous locations; and
  - 3. Use the police vehicle for protection and visibility through the use of its emergency lights, when vehicles/pedestrians are in the roadway.
  
- D. When an officer is dispatched to, or comes upon a motorist who is in need of emergency assistance, the following will be provided:
  - 1. Miami-Dade Fire Department will be immediately notified, if appropriate;
  - 2. Medical assistance will be requested, if necessary;
  - 3. First aid will be administered, if necessary; and
  - 4. Small fires will be extinguished with the issued vehicle fire extinguisher.

#### **29.4.2 Hazardous Highway Conditions**

When a hazard is identified and in the opinion of the officer requires immediate correction, such as inoperative traffic lights or tree limbs in the roadway, he/she will immediately inform the Communications Center of the situation, identifying assistance or special equipment required such as from the City of South Miami Public Works or County Signs and Signals. The officer will protect the scene and direct traffic, or take other action necessary to control or remove the hazard. The officer will remain on the scene until properly relieved by a supervisor or until the situation has been corrected

When a hazard is detected that represents a potential crash or safety situation, such as pot holes or obstructed traffic signs, but the threat is not imminent, the officer will radio such information to Dispatch for repair.

#### **29.4.3 Towing**

- A. Abandoned Vehicles: Unattended vehicles obstructing the roadway and unattended vehicles abandoned within the right-of-way of any street for over 3 days are considered to be abandoned (County Ordinance 30-384). When towing is requested or necessary, the officer will:
  - 1. Attempt to contact the registered owner by checking the tag number and VIN number through the Department of Highway Safety and Motor Vehicles data base and advise them that the vehicle will be removed (or needs to be immediately removed by the owner);
  - 2. Check the status of the vehicle (i.e. stolen, overdue rental, etc.) by running the tag number and VIN number through NCIC/FCIC;

3. If the owner of an abandoned vehicle, located within the right of way (or swale area), is unable to be contacted, a departmental 2-day notice of abandoned property must be affixed to the vehicle in accordance with FSS 705.103. It then cannot be towed for the 3 days unless it poses a safety hazard;
  4. If a safety hazard exists or the required 3 day notice for abandoned vehicles has expired, a department contracted wrecker will be requested. The impounding officer will prepare an incident report and a Vehicle Storage Receipt. The 3 day notice will be attached to the incident report, if applicable. Applicable parking citations will be written to supplement this action; the citation number will be recorded on the OI and the citation will remain with the vehicle; and
  5. If the vehicle is determined to be abandoned and on private property, the officer will contact the Communications Center and relay all pertinent information concerning the vehicle. Communications personnel will then contact the City Code Enforcement office and relay this information to them for follow-up action if the vehicle is in violation of the City of South Miami Code of Ordinances.
- B. Motor vehicles (including mopeds, motor scooters, motorcycles, automobiles, trucks, buses, trailers, tractors and construction equipment) may be impounded for the following reasons:
1. As a result of severe injury or death to the driver/owner/occupant(s) and/or disabling damage incurred in a motor vehicle crash.
  2. A vehicle that is parked, unattended, upon any bridge, causeway, or viaduct or where the vehicle constitutes an obstruction to traffic.
  3. A vehicle is left upon a street and is parked illegally so as to constitute a definite hazard or obstruction to the normal movement of traffic.
  4. An unauthorized vehicle is parked, unattended, within a designated "Parking by Disabled Permit Only," "Parking for Disabled Only," or "Parking for Wheelchair Drivers Only" space in violation of FSS 316, or Miami-Dade Ordinance 30-447.
  5. The vehicle's driver is taken into police custody and the vehicle would be left unattended on a street. Officers should make an effort to have the driver stop and park the vehicle in a proper manner before beginning the investigation.

The officer will give the person having custody and control of the vehicle a reasonable opportunity, in light of the circumstances, to provide for removal of the vehicle within a reasonable length of time. If the owner or driver is unable to provide for removal within a reasonable amount of time or elects to allow the vehicle to remain in place (if legally parked), the driver/owner must sign the appropriate release form.

- a. If the owner/driver refuses or is unable to sign the release section, the vehicle will be impounded. The refusal will be noted in the offense report.
- b. If an offense report is not prepared (i.e. traffic arrest), the officer will document the release on the Arrest Affidavit and/or the applicable citation.

6. A vehicle is seized or confiscated as evidence or contraband.
7. A vehicle is found on the street and is not in proper condition to be driven.
8. A vehicle is found upon City roadways and does not bear a license tag.
9. When the driver is unfit to operate a motor vehicle through intoxication, medication, or illegal drug use, whether or not the driver is arrested.
10. Vessels may be impounded for the following reasons:
  - a. The vessel is deemed to be an interference or hazard to public safety, FSS 327;
  - b. The vessel is seized or confiscated as evidence or contraband.Note: There are special concerns when dealing with the removal and storage of vessels, which will be relayed when requesting the contracted tow service.
11. FSS 322 requires officers to impound vehicles under the following circumstances:
  - a. After arresting a person for driving with a suspended or revoked driver's license, the officer will determine through FCIC:
    - (1) Whether the person's driver's license is suspended or revoked;
    - (2) Whether the person's driver's license has remained suspended or revoked since a conviction for the offense of driving with a suspended or revoked license;
    - (3) Whether the suspension or revocation was based on no insurance or as a habitual offender;
    - (4) Whether the driver is the owner or co-owner of the vehicle.
  - b. If "Yes" to all of the above, then the officer will impound the vehicle and have it towed to the City contracted location.
  - c. The vehicle must remain impounded as required by the court until the owner presents proof of insurance or proof of sale to the arresting

agency, or the buyer presents adequate proof of insurance to the arresting agency.

12. Florida State Statute 715.07 regulates the impounding of vehicles/vessels from private property when requested by the property owner or authorized agent. The statute is civil in nature. Police action to remove such vehicles is NOT authorized and will not be undertaken. Officers called to the scene of a dispute concerning such removal will allow the parties to settle the dispute among themselves, or will forward the vehicle information to the City Code Enforcement office.

C. Every time a vehicle is impounded, officers will follow the below listed guidelines for the reporting and inventory of such vehicle(s):

1. Conducting an inventory: Carefully examine the entire vehicle, including the interior, trunk, all compartments, and under seats (as well as all locked and/or closed containers found) to determine the presence of items of value and/or contraband.
  - a. Note on the Vehicle/Vessel Storage Receipt portable items appearing to exceed \$100.00 in value and cash in excess of \$10.00 found in the vehicle. If requested, these items may be transported to the station to impound in the Property/Evidence Room for safekeeping (a property receipt and offense/incident report copy must be attached).
  - b. Note a forced-opened locked trunk or glove compartment, broken out ignition, or any other damage on the storage receipt.
  - c. Take appropriate enforcement action if, during a routine inventory, evidence, contraband, or proceeds/instruments of a crime are discovered.
2. When a South Miami Police case number is generated for a towed-vehicle associated call, an offense report, incident report, arrest form, or other appropriate report, and a Vehicle Storage Receipt will be required. Further reporting guidelines are as follows:
  - a. If present at the scene, the owner/operator of the vehicle/vessel will be given the green copy of the Vehicle Storage Receipt. The yellow copy of the Vehicle Storage Receipt will be issued to the wrecker driver upon his/her signing the receipt.
  - b. The remaining copies will be turned in to the shift supervisor for approval. All such reports and storage receipts will be forwarded to the Records Bureau.
3. Officers will conduct both clearance and ownership checks on the license tag and Vehicle Identification Number (VIN) or Boat Hull Number (BHN) through the Department of Motor Vehicles database and FCIC/NCIC. If a

computer hit is discovered concerning the vehicle or vessel, it will be the responsibility of the impounding officer or to enter and/or cancel the message.

- a. The officer/ who writes an offense or incident report and/or impounds a vehicle which requires an FCIC or NCIC entry or cancellation will immediately, upon completion of the report, contact dispatch, who will enter the required information into the FCIC/NCIC system.
  - b. All FCIC/NCIC entries will include the South Miami Police case number, date of theft or disappearance, current status, and the name of the person making entry. Items to be entered and requirements for entry include:
    - (1) Vehicles: Any motor driven conveyance designed to carry its operator, including trailers, aircraft, and parts. Give the year, make, model, type (car, truck, trailer, motorcycle, etc.), style (2 door, 4 door, SUV, etc.), and color of the vehicle; year, state, and number of the tag; VIN number and owner applied number, if applicable.
    - (2) Boats (Vessels): For NCIC/FCIC purposes, a boat is defined as a vessel for transport by water constructed to provide buoyancy by excluding water and shaped to give stability and permit propulsion. Give the registration or boat hull number, registration state and year, year of manufacture, make, length, and date of theft/recovery, status, and case number. Optional information includes hull material, propulsion type, boat type, color, hull shape, model, boat name, and home port.
4. Private towing firms, when towing from the City of South Miami, are mandated by statute to notify the South Miami Police Department within 30 minutes of the time they tow a motor vehicle by private request. The dispatcher receiving the notification will enter all the required information in the Private Tow Log located in the Communications Center.
  5. Vehicles being repossessed when towed from the City of South Miami are mandated by statute to notify the South Miami Police Department within 30 minutes of the time they tow a motor vehicle. The dispatcher receiving the notification will enter all the required information in the Private Tow Log located in the Communications Center.
- D. Vehicles Subject to Police Investigation: All towed vehicles requiring processing by the Crime Scene Unit, with the exception of confiscated vehicles, will be processed prior to towing, if practical.

1. Once the vehicle has been processed, the impounding officer will notify the wrecker service via the dispatcher, to remove the vehicle and have it towed to the compound of the contracted towing service.
  2. The contract wrecker will tow confiscated vehicles to the police facility for forfeiture proceedings and processing by the Crime Scene Unit, if necessary.
  3. Officers will complete a Vehicle Storage Receipt as described above.
- E. Vehicle Holds: An officer may place a hold on a vehicle at the request of the Criminal Investigations Division for a criminal investigation or upon supervisory approval. The impounding officer will clearly explain the request to hold the vehicle in the “Reason for Hold” section of the Vehicle Storage Receipt. The detective or supervisor authorizing the hold will be noted in this section and will be held responsible to ensure that all required information relating to vehicle holds is placed on the appropriate offense report and investigatory supplement report.
1. Before a hold is placed on a towed vehicle, there must be a valid reason for the hold. Holds may be placed on vehicles for the following reasons:
    - a. The vehicle is considered evidence and may be used later for prosecution purposes;
    - b. The vehicle requires processing by the Crime Scene Investigator. After processing, the processing Crime Scene Investigator will release the hold at the contract wrecker service;
    - c. The vehicle was involved in a fatal traffic crash and requires inspection for defects and other information required for the investigation. This hold will be placed on the vehicle by the Miami-Dade or FHP Traffic Homicide investigator for their department;
    - d. Other situations where the detective or supervisor feels it will be necessary, in the interest of sound investigative techniques, to have this vehicle held for further examination at a later date.
  2. Officers will contact their supervisor and apprise him/her of the circumstances that require a hold to be placed on the vehicle. To place a hold on a vehicle, the officer must receive a supervisor’s approval.
  3. If the vehicle requires processing by the Miami-Dade Police Crime Scene Unit or any other agency, the officer will notify the agency advising them of the vehicle description, what is to be done, and the location of the vehicle.
    - a. The agency should be advised that the hold will be only for the duration of the shift and that they should initiate a hold for their agency.
    - b. The impounding officer will release the hold (with supervisory approval) prior to the end of his/her shift if: the processing is completed prior to the officer going off-duty, the other agency has

initiated their own hold, or there has been no action by the other agency.

4. When the reason for the vehicle hold no longer exists, the investigating detective, or the original supervisor who authorized the hold, is responsible for releasing this hold by writing a departmental memorandum authorizing the release. This release will be sent through the appropriate chain of command for approval. After the release is approved, the detective or supervisor will notify the wrecker service by faxing it or submitting it in person.
5. When the vehicle hold is released, the investigating detective or supervisor will notify the vehicle owner.
6. When questioned by a wrecker service representative with respect to the release of a vehicle that has a hold placed on it, departmental personnel will advise them that no vehicle may be released without a vehicle hold release memorandum approved by the appropriate chain of command.

#### **29.4.4 Traffic Safety Materials**

The goals of selective traffic enforcement efforts are to gain voluntary compliance with traffic laws and to reduce traffic crashes within the City of South Miami. The South Miami Police Department prepares and disseminates educational materials to the community to enhance their understanding of traffic safety programs. These materials are provided in various forms, such as media releases, pamphlets, and informational leaflets.

The department's education of the public on traffic safety will include enforcement, but this enforcement may be supplemented by the dissemination of the above described materials.