
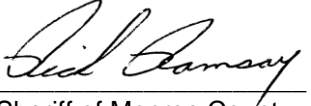


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| <br><br>MONROE<br>COUNTY<br>SHERIFF'S<br>OFFICE | BUREAU DIRECTIVE: BLE – 1:001 | REFERENCES:   |
|  | RESCINDS: N/A                 | FSS 327.44, 327.70,<br>376.15, 825.11   |
|  | BUREAU: Law Enforcement       | NO. OF PAGES: 5   |
|  | CHAPTER: Derelict Vessel      | <br>Sheriff of Monroe County |
|  | TOPIC: Policy and Forms       |   |

**I. PURPOSE:** The purpose of this Directive is to:

- A** All law enforcement officers have been statutorily authorized and empowered to remove a derelict vessel from public waters of the state when that vessel is a hazard to navigation, a threat to the environment, or a public safety threat; MCSO shall provide investigative resources to accomplish these purposes.
- B** Where a vessel is deemed to constitute a navigational hazard or a hazard to public safety or is determined to interfere with another vessel or where a derelict vessel obstructs or threatens to obstruct navigation or in any way constitutes a danger to the environment, property, or persons, an officer may immediately remove or relocate but not destroy the vessel, or may authorize the immediate removal or relocation, but not destruction of the vessel, pursuant to sections 327.44, 327.70, 376.15, and 823.11, Florida Statutes.
- C** MCSO shall provide training and direction to specific identified sworn members regarding the identification, documentation, and investigation of derelict vessels; appropriate methods to ensure the rights of owners of derelict vessels and other responsible parties are not violated during the derelict vessel investigation process; and to facilitate the removal and destruction of derelict vessels from the public waters of the county. Only those members shall be authorized to act under this policy.

**D Definitions**

- (1)** The “**count to removal authorization**” is the time period that begins when the investigating member has:
  - (a)** Completed a diligent search to identify the owner or party responsible for a derelict vessel;
  - (b)** Provided the owner or responsible party (if identified) all documentation required to be provided prior to the vessel’s removal by the Standard Operating Procedure and received proof that they received this documentation or that attempts to provide it were exhausted, as outlined in the SOP;
  - (c)** Posted the Derelict Vessel Notice Sticker on the vessel, if possible.

- (2) For the purposes of this directive, “**derelict vessel**” shall mean any vessel that is left, stored, or abandoned in a wrecked, junked or substantially dismantled condition in any public waters of this county.
- (3) The “**SOP**” is the Division’s Derelict Vessel Investigations Standard Operating Procedures

## 2 RESPONSIBILITIES

- A** All sworn members shall adhere to all applicable procedures found in this Directive and those provided in the SOP.
- B** Each District shall have an identified and trained officer(s) who will be responsible for handling all derelict vessel investigations
- C** All sworn members shall, while on patrol, report any apparent derelict vessel observed to the appropriate District Commander for assignment.

## 3 PROCEDURES

### **A District Captain**

- (1) The District Captain shall manage District derelict vessel investigations within his/her area.
- (2) The District Captain shall give approval for all derelict vessel removals. Prior to authorizing removal, the District Captain shall ensure that:
  - (a) All documentation and photographic evidence required in the SOP has been added or uploaded to the derelict vessel report;
  - (b) The conditions qualifying the vessel as derelict are thoroughly and clearly documented in the report, and;
  - (c) An MCSO derelict vessel offense report has been generated and completed with all information and evidence clearly documented.
  - (d) All procedural steps necessary before removal have been completed.
- (3) The District Captain shall review for completeness and accuracy and shall electronically approve or reject the removal of a derelict vessel when requested as soon as practical but no longer than 7 days after the time of submission from the investigating member.
- (4) If the District Captain rejects a request to remove a derelict vessel, the Captain shall return the case to the investigating member for further investigation, correction, or update.
- (5) The District Captain or his designee shall ensure that active case files and reports are updated no less than every 60 days.

### **B Lieutenants**

- (1) The investigating member’s Lieutenant shall review for completeness and accuracy and shall either approve or reject electronically submitted derelict vessel reports as soon as practical but no longer than 7 days after submission by the investigating member.
- (2) The investigating member’s Lieutenant, prior to closing a derelict vessel case file, shall ensure all documentation and photographic evidence required in the SOP has been added or uploaded to the MCSO derelict vessel offense report, and that the conditions qualifying the vessel as derelict are thoroughly and clearly documented in the offense report.
- (3) The investigating member’s Lieutenant, prior to submitting a case file to the District Captain for removal authorization shall ensure that:

- (a) All documentation and photographic evidence required in the SOP has been uploaded to the offense report;
  - (b) The conditions qualifying the vessel as derelict are thoroughly and clearly documented in the database and offense report; and
  - (c) All procedural steps necessary before removal have been completed.
- (4) The supervising Lieutenant may give authorization to an investigating member to not cite a derelict vessel owner or responsible party, but rather, to direct file with an Assistant State Attorney. The Lieutenant shall document his/her reasons for this authorization in the database and offense report.
  - (5) The supervising Lieutenant shall ensure that the efforts taken by the investigating member to identify a derelict vessel's owner or responsible party are reasonable, thorough, and diligent.

#### **C Communications Center**

- (1) The Communications Center shall assign a CAD number and an incident report number to each report of a potentially derelict vessel. Each incident shall be assigned to an officer for investigation.

#### **D Investigating Member**

- (1) The District designated investigating member shall initiate, respond to and investigate reports of derelict vessels. Once a potentially derelict vessel has been located, the sworn member responding to the scene shall determine if the vessel is a derelict vessel.
- (2) If a vessel is determined to be derelict, the investigating member shall confer with the Florida Fish and Wildlife to coordinate who will conduct the derelict vessel investigation.
- (3) If a vessel is determined to be derelict, the investigating member shall properly document all facts used to make the derelict determination and shall make a reasonable attempt to identify the owner of the vessel or the responsible party. In attempting to identify the owner or responsible party, the sworn member shall search the vessel thoroughly for any identifying markings and for registration, documentation, hull identification and engine serial numbers, if visible. The investigating member shall not, without a warrant, open any closed or locked compartments or containers.
- (4) If a derelict vessel owner or responsible party is identified, the investigating member shall charge the owner or responsible party for a violation of section 376.15(2), Florida Statute or section 823.11(2), Florida Statute, unless specific authorization to not charge and to direct file is given by the supervising Lieutenant. The investigating member shall not allow or attempt to authorize the responsible party to continue to leave the derelict vessel on the public waters of the state.
- (5) If an owner or responsible party is identified, the investigating member shall either hand deliver a completed Derelict Vessel Notification Letter (MCSO DV02) and DV Notification of Rights Packet (MCSO DV03) or mail such documents via Certified Mail with Restricted Delivery (to the identified owner or responsible party only) with signature confirmation. After providing this letter to the owner or responsible party, the investigating member shall affix a Derelict Vessel Notice Sticker (MCSO DV06) to the vessel, unless the condition of the vessel makes it impossible to affix the sticker. If no owner or responsible party can be identified after a diligent search and inquiry, the investigating member shall affix a Derelict Vessel Notice Sticker (MCSO DV06) to the vessel.

- (6) The investigating member shall have 90 days to complete a derelict vessel investigation up to the beginning of the count to removal authorization. In the event an investigating member is unable to complete this portion of the derelict vessel investigation within 90 days, he or she may request an additional 90 day extension from the supervising Lieutenant for good cause shown.
- (7) Throughout the investigation, the investigating member shall thoroughly document each derelict vessel with a series of evidentiary photographs. These photographs shall include:
  - (a) A close-up of the Derelict Vessel Notice Sticker (MCSO DV06) posted on the vessel, if possible, such that the text is legible;
  - (b) A photo clearly showing the Derelict Vessel Notice Sticker (MCSO DV06) posted on the vessel such that the entirety of the vessel with the posted sticker is contained in one photograph;
  - (c) One representative photo, and as many supporting photos as are necessary to document the reasons for the derelict determination. This documentation shall include exterior photos and/or interior photos, if such photos can be lawfully obtained, which demonstrate that the boat is wrecked, junked or substantially dismantled;
  - (d) General photos of the vessel and surroundings to document the vessel's location; and
  - (e) If accessible, photos of identifying markings such as registration, documentation, hull identification and engine serial numbers and any other identifying markings that may help to identify the vessel's owner or responsible party.
  - I. The investigating member shall not, without a warrant, open any closed or locked compartments or containers.**
- (8) The investigating member shall upload all photographs into the derelict vessel report as .jpeg image files prior to the end of the shift in which they were taken unless he or she receives approval to upload the photographs at another time by his or her supervisor.
- (9) The investigating member shall participate in any criminal or administrative hearing to the extent necessary to prosecute the determination that the vessel is derelict. In no case shall a derelict vessel case file be closed until both the criminal prosecution and administrative process are complete.
- (10) The investigating member shall keep the case file and report current regardless of the status of the investigation. If final removal of a derelict vessel has been approved, but the vessel has not yet been removed, the investigating member shall continue to update the case file with a new narrative no less than every 120 days with, at a minimum, the current accurate location of the vessel. A current representative photograph is also required if the vessel condition or location has changed.
- (11) The investigating member or another sworn member appointed by the supervising Lieutenant shall verify the complete removal of a derelict vessel. The investigating member shall document who made the visual verification and on what date the verification was made as a new narrative in the report.
- (12) The investigating member shall be responsible for requesting that the supervising Lieutenant close the derelict vessel report case files once all steps required by this directive and the SOP have been completed.
- (13) If a vessel is determined to be derelict, the investigating member shall notify the Department of Highway Safety and Motor Vehicles in writing using a Derelict Vessel Title Hold or Release Request (MCSO DV05) that a certificate of title may not be issued to any applicant for the vessel. If at any point during a derelict vessel investigation the vessel is brought into compliance or is otherwise determined to not be derelict, the member shall notify the Department of Highway

Safety and Motor Vehicles in writing using a Derelict Vessel Title Hold or Release Request (MCSO DV05) that any prior suspensions on the issuance of a title for the vessel may be lifted.

**E Monroe County Planning and Resources Department:**

- (1) In accordance with an Interlocal Agreement, the county Planning and Resources Department shall manage and maintain all administrative hearings.
- (2) The Planning and Resources Department shall administer derelict vessel removal grant funding appropriated by the legislature.
- (3) The Planning and Resources Department shall submit a request to the Department of Highway Safety and Motor Vehicles to cancel the vessel's title and registration after a derelict vessel is removed from the public waters of the State and destroyed.
- (4) If a derelict vessel is removed from the waters of the state by a governmental entity or the government's contractor and the owner or responsible party has not reimbursed the government, the Planning and Resources Department shall notify the Department of Highway Safety and Motor Vehicles to refuse the future registration of vehicles and vessels in the State.

#### 4 FORMS

| FORM NUMBER | FORM TITLE                                    |
|-------------|---|
| MCSO DV01   | Derelict Vessel Removal Authorization Letter  |
| MCSO DV02   | Derelict Vessel Notification Letter           |
| MCSO DV03   | Derelict Vessel Notification of rights Packet |
| MCSO DV04   | Derelict Vessel Repayment Demand Letter       |
| MCSO DV05   | Derelict Vessel Title Hold or Release Request |
| MCSO DV06   | Derelict Vessel Sticker                       |
| MCSO DV07   | Standard Operating Procedures                 |