

CHAPTER FORTY

TRAFFIC

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CHAPTER FORTY

TRAFFIC

I. PURPOSE

The purpose of this directive is to establish guidelines for traffic administration, law enforcement, accident investigation, direction and control, engineering and ancillary services.

II. DISCUSSION

This directive shall apply to all Sheriff's personnel. One of the goals of the Monroe County Sheriff's Office is to ensure the safe, convenient and efficient transportation of people and property on the public highways of this jurisdiction. The primary goal of the Sheriff's Office Traffic Management Program is to promote the safe and expeditious flow of vehicular and pedestrian traffic through effective and efficient traffic law enforcement and delivery of law enforcement related services designed to reduce traffic collisions and their resultant fatalities and injuries.

It is the policy of the Sheriff that traffic law enforcement and the delivery of law enforcement related services are to be applied in a consistent and courteous manner to foster a positive public attitude and acceptance of such enforcement and control as is necessary to achieve the goals of the Office. The Office must carry out its traffic management responsibilities with full consideration of the requirements of judicial, engineering, educational, and administrative agencies involved in the transportation management system. The Office will foster an on-going dialogue with other agencies involved in the transportation management system to ensure that channels of communication remain open and that problems are resolved as quickly and efficiently as possible. The Office will participate in transportation systems management planning concerning construction and/or reconstruction of traffic ways and facilities. Further, the Office will participate in the drafting and/or review of proposed legislation to determine impact and the need for additional manpower or equipment. Finally, the Office will initiate and promote programs to inform and educate the public as to conditions adversely affecting the safe movement of traffic and the countermeasures used to combat them and other measures that enhance traffic safety.

The planning, analysis, inspection, and coordination of the Office traffic activities shall be the responsibility of the Traffic Unit Supervisor. The Traffic Unit is designed to operate on a county-wide basis responding to problem areas as needed.

Although the Office has a Traffic Unit, the responsibility for enforcing traffic laws and regulations shall be shared by all uniformed personnel.

The Monroe county Sheriff's Office enforces all traffic laws relevant to private and commercial vehicles.

Education of members regarding new or modified traffic laws is handled by the Sheriff's Office of Legal Counsel and/or the Special Traffic Enforcement Patrol ("STEP") Unit.

III. POLICY AND PROCEDURE

A. Administration

1. The Office has established the following objectives and functions for the delivery of law enforcement traffic-related services by the Traffic Unit. These objectives are to be reviewed annually and an evaluation of the progress made toward attainment shall be submitted to the Sheriff through the chain of command by the Traffic Unit Supervisor.

a. Technical accident investigation to include:

- 1) Fatal and serious personal injury accidents.
 - 2) Accidents involving Office vehicles.
 - 3) Hit-and-Run accidents.
 - 4) Accident investigation follow-up and reconstruction.
- b. Review of accident reports and records.
 - c. Additional selective traffic enforcement of determined high accident areas.
 - d. Development and coordination of the Office's selective enforcement program to include specialized DWI, DUI, and speed enforcement efforts.
 - e. Operation of the speed measuring device "RADAR".
 - f. Operation of the speed measuring device "LASER".
 - g. Operation of chemical breath test equipment.
 - h. Specialized traffic congestion and parking control during peak traffic hours.
 - i. Establishing traffic safety education and public information.
 - j. Establishing liaison with local traffic safety groups and agencies on a quarterly basis. These agencies and groups are outlined in this directive.
2. Traffic Records - The traffic records system must provide information rapidly and accurately to field personnel who are performing primary traffic functions and also provide compilations of data upon which management decision may be based. (Some required data is collected by other state / local agencies. To the extent possible, the Office will avoid dual record keeping.)
- a. Records Section
 - 1) The Records Section shall have the primary responsibility for traffic record keeping and for maintaining the Traffic Records System (NOTE: A, 2, b, 1) in the Office.
 - 2) No other Division, Section or Unit shall keep duplicate records without prior authorization and such authorization shall not be given without good cause.
 - 3) The security and dissemination of records shall be the responsibility of the Records Section and such security and dissemination shall be rigorously maintained and controlled in accordance with existing statutes.
 - 4) Due to the importance of information to effective law enforcement service, and since duplicate records will not be ordinarily available, the Records Section shall so operate that all authorized personnel shall be provided information requested with the least possible delay.
 - b. The traffic records system shall contain the following:
 - 1) Traffic accident data (reports / investigations / locations);
 - 2) Traffic enforcement data (citations / arrests / dispositions / locations);
 - 3) Roadway hazard reports;

- 4) Traffic safety education reports;
- 5) Traffic volume data;
- 6) Traffic volume and distribution reports; and
- 7) Traffic enforcement activity reports.

c. Preparation, Review, and Transmittal of Traffic Records

- 1) Each member of the Office responsible for the preparation of citations, accident reports, or other special reports that comprise the traffic records system shall make every effort to complete all forms and reports to the best of their ability and submit them as quickly as possible to the Records Section through the chain of command.
- 2) Supervisors shall conduct an initial review of traffic reports to ensure that they are submitted in a timely manner and contain complete and accurate information. The Supervisor of the Records Section shall conduct a continuing formal review to ensure that the Office's traffic records system and its capabilities are both understood and used.
- 3) The Supervisor of the Records Section shall be responsible for the prompt transmittal of appropriate enforcement and accident data, and traffic services data contained in the traffic records file to the Planning and Research Unit, the traffic unit and other appropriate agencies outside the Office.

d. Preparation and dissemination of accident / enforcement data summaries.

- 1) The supervisor of the Traffic Unit shall be responsible for the preparation and dissemination of appropriate accident / enforcement summaries to support field operations, facilitate program planning, and assist in the development of countermeasures along with an evaluation of program effectiveness on a quarterly basis.
- 2) The Traffic Unit with the assistance of the Records Section will maintain a system to determine concentrations of accidents and enforcement activities to identify areas warranting detailed analysis. Limited time span reports shall be available in four to eight hour increments to identify accident / enforcement patterns unique to specific time frames.
- 3) Comparison of current to past, data will be conducted to help reveal changing accident / enforcement patterns. Data will be maintained for at least two years.
- 4) Appropriate accident / enforcement data summaries will be disseminated to the Sector. Commanders and all effected units on at least a quarterly basis.[CALEA 61.1.1]

3. Selective Enforcement - Selective enforcement activities shall be based on the review of traffic accident experience. [CALEA 61.1.1]

- a. Analysis of Traffic Accidents – The Traffic Unit will maintain accurate records of all traffic accident reports filed by this agency. The data will include date and time of the crash, as well as the location. The Traffic Unit will analyze this data quarterly and selectively assign Traffic Deputies to hazardous areas. **(REVISED ON 12-12-01)** [CALEA 61.1.1]

- b. Review of traffic enforcement activities, frequency of traffic violations - Constant surveillance of the public roadways is important for alerting the Office to the magnitude of its traffic problems. Periodic and planned observations of traffic law violation occurrences shall be undertaken as directed by the Traffic Unit Supervisor to determine the type, frequency and location of violations. Among the techniques to be used in determining violation patterns and volumes are:

- 1) Observation by deputies to periodically determine the types and numbers of violations. Observers should be concealed from the motorist so that his/her driving behavior will be uninhibited. Sampling should be for periods of not less than one hour at one location and should be repeated at different periods of the day and days of the week.
- 2) RADAR surveys for determining speed violations shall be conducted.
- 3) Explanations offered by motorists can be utilized. Persons who violate traffic laws may offer reasons based on conditions beyond their control. Deputies should be alert to such reports in order to determine why violations are occurring. Suggested reasons should be validated and determine if validly reported. Examples of such reasons are:
 - a) Inadequate, lack of, or improperly placed directional warning, or informational signs to alert drivers of a precautionary procedure, danger, turnoff, or route change.
 - b) Malfunctioning or improperly timed traffic signals
 - c) Improper channelization and ineffective road signs and markings
 - d) Poorly banked or maintained portions of roadways or streets
 - e) Obstructions, natural, or artificial, which contribute to inadvertent violations
[CALEA 61.1.1]

c. Implementation of selective enforcement techniques and procedures

- 1) Deputies shall complete reports on individual activity thoroughly and accurately.
 - 2) Field reports shall be reviewed by first line supervisors for completeness and accuracy.
 - 3) Data contained in each report contributing to a proper review of activity shall be collated by the Traffic Division.
 - 4) Data summaries (printouts) shall be channeled to the Traffic Unit.
 - 5) Traffic Unit personnel will analyze the summaries relative to where accidents occur, when they occur, causes contributing to the accidents, violations identified in the accidents where enforcement action has been taken at what times enforcement action is predominant, and the violations resulting in enforcement action.
 - 6) The analysis of the summaries shall result in a consolidated summary for each Sector identifying high hazard areas, violations contributing to accidents and the times accidents predominantly occur. The Traffic Unit will also update spot maps indicating accident experience. Spot maps will be located in each Sector Office.
- 7) The consolidated summaries for each Sector will be distributed to all sworn personnel.
- 8) Supervisors will use the summaries and spot maps in assigning Deputies and assisting them in planning individual patrol efforts.
 - 9) Each Deputy should plan his tour of duty based upon available data to maximize the patrol effort when not on a specific assignment. [CALEA 61.1.1]

4. Personnel Deployment for Traffic Employment

- a. Traffic Unit personnel will be assigned to the areas of greatest potential and actual need as identified by surveillance activities and a careful analysis of traffic records.
- b. The deployment of traffic law enforcement personnel shall be based on a review of traffic accidents and traffic related calls for service covering the most recent three-year period. [CALEA 61.1.1]

5. Motorcycles

- a. Assignment - as a functional component of Patrol, the law enforcement motorcycle is utilized primarily in those traffic assignments which require quick mobility, ease of ingress and egress, and any other situation which would be difficult for traditional law enforcement vehicles to be utilized such as:
 - 1) Selective Traffic Enforcement;
 - 2) Traffic point and route control during special events;
 - 3) Escorts; and
 - a) Not to exceed posted speed.
 - b) With due regard to posted traffic control devices when mobile.
 - 4) Other special event assignments as required or requested.
[CALEA 41.1.3 A]
- b. Availability - It is recognized that the motorcycle member's primary assignment is traffic enforcement, however, such members are also responsible for the general enforcement of all criminal as well as traffic laws. The availability of motorcycle members for response to general calls for service shall be limited to:
 - 1) Response to any call in their area where there is a possibility of injury or an immediate threat or danger to human life; or
 - 2) Times when calls for service become excessive.
- c. Members shall maintain the appearance and cleanliness of their assigned motorcycle in an exemplary manner.
- d. A Sheriff's Office motorcycle is a standard motorcycle equipped with a law enforcement package used to enforce traffic laws and for road patrol functions.
[CALEA 41.1.3 d]
- e. A Sheriff's Office motorcycle is a single passenger vehicle limited to on road use. It requires a motorcycle endorsed driver's license to operate.
[CALEA 41.1.3 A]
- f. A Sheriff's Office motorcycle is authorized for use by all trained Sheriff's Office motormen in all situations applicable for motor use.
[CALEA 41.1.3 b]
- g. Each Monroe County Sheriff's Office Traffic Unit member must possess a motorcycle endorsement on their drivers license and pass a 40 hour police motorcycle training course to operate a Sheriff's Office motorcycle.
- h. Each Deputy is responsible for their assigned motorcycle's maintenance.
[CALEA 41.1.3 c]
- i. Equipment kept on a Sheriff's Office motorcycle includes radar equipment and rain gear.

j. Monroe County Sheriff's Office Deputies assigned to the Traffic Unit are authorized to use Sheriff's Office motorcycles.
[CALEA 41.1.3 A]

B. Traffic Law Enforcement

[CALEA 61.1.2]

1. All certified Deputies shall take appropriate enforcement action for each violation of the law witnessed or reported to them. Enforcement action does not provide the Deputy a privilege to scold, belittle, berate, or otherwise verbally abuse a traffic violator. Rather, all enforcement actions will be accomplished in a firm, fair, impartial and courteous manner using one (1) of the following four (4) methods:
 - a. Verbal Warning
 - b. Citation
 - c. Written Warning
 - d. Physical Arrest
2. The Deputy's action shall demonstrate a professional attitude and serve to improve the relationship between the public and the Office.
3. Physical Arrest - The decision to effect a physical arrest should be based upon sound legal principles as opposed to peripheral issues such as the violator's "attitude."
 - a. Rather, physical arrest of the violator shall occur for a misdemeanor offense when:
 - 1) The accused fails or refuses to sufficiently identify himself/herself or supply the required information for completion of the traffic citation. Section 843.02 Florida Statutes
 - a) When a violator is to be charged, the Uniform Traffic Citation shall be used as the charging document. Arrest Affidavits shall be completed, however, a written report is not needed.
 - (1) When the traffic citation and arrest affidavit is completed on a physical arrest the flow of paperwork is as follows:
 - (a) The two (2) top **white** copies of the traffic citation are attached and submitted with the arrest affidavit.
 - (b) The **blue** copy of the traffic citation is forwarded to the local records section for transmittal and computer entry.
 - (c) The **yellow** copy of the traffic citation is retained by the arrestee.
 - (d) The **pink** copy of the traffic citation is retained by the officer.
 - (2) The Deputy has reason to believe that the continued liberty of the accused constitutes an unreasonable risk of bodily injury to the accused or others, such as, DUI, DWI, or Reckless Driving violations.
 - (3) The accused has no ties with the jurisdiction reasonably sufficient to insure his/her appearance in Court or there is substantial risk that he/she will refuse to respond to the citation.
 - (4) The Deputy has reason to believe that the accused may be a fugitive from any jurisdiction.

(5) It appears that the accused has previously failed to respond to a citation or a summons, or has violated the conditions of any pretrial release program.

b. All other subjects detained for a misdemeanor traffic offense shall be released at the scene upon signing the traffic citation's promise to appear in Court.

c. Upon release, the accused shall be given an arraignment date.

d. Felony Traffic Offenses

1) Adults charged with felony traffic offenses shall be arrested and booked. Juveniles shall be taken into custody and referred to the Circuit Court in accordance with Sheriff's Office directives. HRS will be notified immediately. (Chapter 30)

2) When an adult is arrested for a felony traffic offense, a criminal affidavit shall be completed in addition to the Uniform Traffic Citation. (See 1), a), 1. above)

3) When a juvenile is taken into custody for a felony traffic offense, a juvenile affidavit shall be completed in addition to the Uniform Traffic Citation. The juvenile affidavit is also known as a Probable Cause Affidavit.

4) **All** juvenile paperwork will be stamped "**JUVENILE**" in Bold Red Letters.
[CALEA 61.1.2]

4. Citations for Traffic Offenses - A traffic citation should be issued to all violators who jeopardize the safe and efficient flow of vehicular and pedestrian traffic, including hazardous moving violations, parking violations, and operating unsafe and/or improperly equipped vehicles. [CALEA 61.1.2]

5. Written Warnings for Traffic Offenses - A written warning is a proper alternative by Deputies in response to a minor traffic infraction committed in those areas where traffic accident experience is minimal. Written warnings are also appropriate for those violations which occur within tolerance generally allowed by the Office and endorsed by the Courts. These tolerances would include speeds in excess of the legal limit but less than a speed for which a citation would result. It is also applicable to running a stop sign at a speed slower than walking at intersections where traffic accident experience is slight. [CALEA 61.1.2]

6. Verbal Warnings for Traffic Offenses - A verbal warning is appropriate when the violator commits an act which may be due to ignorance of a local ordinance which may be unique or a violation of which the driver may not be aware.

Examples of violations which warrant verbal warnings are equipment failures, such as, license plates not illuminated when the driver is unaware.

7. Uniform Enforcement of private, public carrier, and commercial vehicles is a critical element of an effective traffic law enforcement program. The following uniform enforcement guidelines are established. Tolerances, listed in the following, are to be followed whenever possible. However, attendant circumstances may change the seriousness of the violation. Therefore, the provisions of this procedure will not preclude the use of good judgment by the Deputy in evaluating the seriousness of the violation in relation to the circumstances and conditions existing at the time of the violation.

a. Multiple Hazardous Violations - A Deputy should not refrain from issuing a citation for a second hazardous violation when the violation is serious enough to merit a citation. Exceptions to this, are those situations where two violations are similar and the law exists for the purpose of compliance with the other law. When a driver has failed to stop as required and his/her actions result in a right-of-way violation, the right-of-way citation would be issued and no action would be taken for failing to stop as required. On the other hand, if a

motorist fails to stop where required and pursuit reveals a speeding violation, both charges should be considered and appropriate action taken based on the seriousness of each violation.

b. Multiple Non-Hazardous Violations - Generally, one citation will be issued in the case of related, multiple, non-hazardous violations stemming from the same operation. Examples of related violations are:

1) Failure to transfer title and non-registration.

2) Operating unregistered vehicle and failure to transfer title.

In cases such as this, where the elements of one offense are closely related to the element of the second offense, one citation will insure compliance and the second should not be written.

c. Multiple Hazardous And Non-Hazardous - In all instances, multiple violations found which can be classified separately as hazardous and non-hazardous will be dealt with independently. A motorist stopped for following too closely and subsequently found to be operating without a drivers license will be issued separate citations. This does not mean that the Deputy cannot issue a warning and citation if in his/her opinion, the case merits such.

d. Equipment Violation - When a vehicle is found to be in violation of several (four or more) equipment requirements, a citation should usually be issued for the one most serious violation. This action should be taken even when each violation independently is worthy of only a warning. Only one citation will be issued for such multiple equipment violations unless each warrants a separate citation. Lighting violations during daylight hours, except stoplights and directional signals, will not be included in determining whether four violations requiring a citation are present. Whenever a fixture is missing and it is obvious that the owner is aware of the defective equipment, a citation should be issued even though this may be the only violation on the vehicle. Examples of this are: horn removal, parking brake disconnected, light fixture removed, etc.

e. Speed Enforcement - It will be the practice to issue warnings for speed violations up to and including seven (7) miles over the posted limit. Any person exceeding the limit by eight (8) to twelve (12) miles per hour over the speed limit may be cited or warned. However, nothing contained herein shall prohibit any Deputy from issuing a speeding citation for a violation of the speed limit, regardless of speed, if the situation so merits. **Enforcement action should always be taken without regard to factors such as quantitative enforcement activities, attitude, intent or excuse. Both qualitative and quantitative emphasis are integral to the Office's Traffic Enforcement Program.**

f. Hours of Darkness - For the purpose of enforcing any statute in which "hours of darkness" is an element, a tolerance of fifteen (15) minutes shall be granted.

g. Newly Created Statutes and/or Ordinances - It shall be the policy of the Sheriff to issue warnings for a period of ninety (90) days after the date a law or ordinance becomes effective in lieu of special orders to the contrary.

h. Unless otherwise stated in the directive, all persons found to be driving under the influence of alcohol and/or drugs shall be arrested.

8. Exemption from Traffic Arrest / Special Processing Requirements

a. Offenses Involving Foreign Diplomats and Consular Officials

Diplomatic and consular officers should be accorded their respective privileges, rights, and immunities as directed by international law and federal statute. These officials should be treated with the courtesy and respect that befit their distinguished positions. At the same time, it is a well-established principle of

international law that-without prejudice to their privileges and immunities, it is the duty of all persons enjoying such privileges and immunities to respect local laws and regulations.

- 1) Diplomatic immunity**, a principal of international law, is broadly defined as the freedom from local jurisdiction accorded to duly accredited diplomatic officers, their families and servants. Diplomatic officers should not be arrested or detained except for the commission of a grave crime. Family members of diplomatic officers, their servants and employees of a diplomatic mission are entitled to the same immunities under current US law (22 USC 252) if they are not nationals of, or permanently reside in, the receiving state. Associated with this personal immunity is the inviolability enjoyed by the premises of the mission of the sending state and the private residence of a diplomatic agent, his property, papers and correspondence.
- 2) Diplomatic Officers** - Ambassadors and ministers are the highest ranking diplomatic representatives of a foreign government. Other diplomatic titles are Minister Counselor, Counselor, First Secretary, Second Secretary, Third Secretary and Attache. These officials are located either in Washington, D.C., or in New York City. Diplomatic officers, their families, of official staff and servants who are not nationals of, or permanently reside in, the receiving state, are protected by unlimited immunity from arrest, detention, or prosecution with respect to any civil or criminal offense.
- 3) Consular Officers** are Consuls-General, Deputy Consuls-General, Consuls and Vice Consuls - They are also official representatives of foreign governments. Consular officers are required to be treated with due respect, and all appropriate steps are to be taken to prevent any attack on their person, freedom, or dignity. They are entitled to the following limited immunities.
 - a) Immunities** - Under prevailing international law and agreement, a foreign career Consular Officer is not liable to arrest or detention pending trial, except in the case of a grave crime (felony offense that would endanger the public safety) and pursuant to a decision by the competent judicial authority. His immunity from criminal jurisdiction is limited to acts performed in the exercise of consular functions and is subject to Court determination.
 - b) Identification** - Career Consular Officers can be identified by credentials issued by the State Department and by other locally issued official identification papers. The State Department credential bears its seal, the name of the officer, his title, and the signatures of State Department officials.
- 4) Honorary Consuls** - Often nationals or permanent residents of the receiving state are appointed and received as honorary Consular Officers to perform the functions generally performed by career Consular Officers. Such officers do not receive identification cards from the State Department of the type issued to career Consular Officers, though they may exhibit reduced-size copies of the executive or diplomatic note evidencing recognition by the United States Government. These individuals are not immune from arrest or detention. They are also not entitled to personal immunity from the civil and criminal jurisdiction of the receiving state, except as to official acts performed in the exercise of their consular functions. However, appropriate steps must be provided to accord such officers the protection required by virtue of their official position. In addition, the consular archives and documents of a consular post headed by an honorary consul are inviolable at all times and wherever they may be, provided they are kept separate from other papers and documents of a private or commercial nature relating to the other activities of an honorary consul and persons working with him.
- 5) Family Members of Consular Officers** do not enjoy the same privileges and immunities with respect to the civil and criminal jurisdiction of the receiving state as do Consular Officers. However, they should be accorded appropriate courtesy and respect.
- 6) Consular premises** used exclusively for the work of the consular post cannot be entered without explicit permission of the head of the consular post or his designee or by the head of the diplomatic mission. This permission may be assumed in the case of fire or other disaster requiring prompt protective action.

7) Consular archives, documents, records and correspondence are inviolable at all times and wherever they may be. The official correspondence of the consular posts, which means all correspondence relating to the consular post and its functions, is likewise inviolable.

b. Procedures for handling selected incidents, violations, or minor offenses by Consular Officers.

1) Moving Traffic Violations - When a Consular Officer is stopped for a moving traffic violation, the Deputy on the scene, upon being advised by the driver that he is a Consular Officer and ascertaining that he possesses the proper credentials, should exercise discretion based on the nature of the violation and either let him go with a warning of the danger of his actions or proceed with the issuance of the appropriate citation. Mere issuance of a traffic citation does not constitute arrest or detention in the sense referred to under Consular Immunities.

2) Driving Under the Influence - The primary consideration in this type of incident should be to insure that the Consular Officer is not a danger to himself or the public. Based upon a determination of the circumstances, the following options are available.

a) Take him to the appropriate Sector Station where he can sufficiently recover.

b) Take him to a telephone so he can call someone to respond for him.

c) Call a taxi for him.

d) Take him home.

The Official should not be handcuffed, subjected to any sobriety test, or mistreated in any way. At best, this is sensitive situation. The Official should be treated with respect and courtesy. It should be impressed upon him that the Deputy's primary responsibility is to care for his safety and the safety of others.

3) Offenses involving family members of a Consular Officer - Family members of a Consular Officer cannot claim immunity. However, consideration should be given to the special nature of this type of case. A violation should be handled, when possible, through the seeking of a complaint. The individual should be released once positive identification is made and relationship with the Consular Official is verified. If the relative is a juvenile, as in all juvenile cases, the subject should be released to the parent Consular Officer.

4) Reporting Incidents to Office of the Governor - In the event that a Consular Officer or member of his family or personal staff should become involved in any action(s) taken by members of this Office, the Office of the Governor shall be immediately furnished with all pertinent information through the Office of Sheriff.

c. Nonresidents, State Legislators, and Military Personnel committing violations of Florida traffic laws shall not be afforded special consideration and shall be warned, cited, or arrested as appropriate. As in all cases, discretion is advised. [calea 61.1.3]

1) Physical arrest of Military Personnel - When a physical arrest is made, the investigating Deputy's supervisor shall cause the liaison officer of the nearest Armed Forces Investigative Headquarters Division to be notified. This does not apply to the issuance of a traffic citation when an actual physical arrest is not made.

2) Traffic accident involving Military Personnel - Whenever armed forces personnel are involved in a traffic accident, and are either killed or injured to the extent that they require hospitalization, the supervisor shall

cause the liaison officer of the nearest Armed Forces Investigative Headquarters Division to be notified. This section shall also apply to civilian employees of the armed forces while acting within the scope of their employ.

- d. United States Senators and Representatives - Members of the United States Congress shall in all cases, except treason, felony and breach of the peace, be immune from arrest during their attendance at the session of their respective houses, and in going to and returning from the same; and for any speech or debate in either house, they shall not be questioned in any other place.
- e. Juvenile - Juveniles who have committed a traffic violation will not be placed in custody, but will be issued a traffic citation with the following exceptions:
 - 1) Driving while impaired by alcohol or drugs;
 - 2) Manslaughter by automobile; and
 - 3) Driving after revocation or suspension of license.

As in all cases where a juvenile is taken into custody, the Deputy is responsible for notifying the juvenile's parents as soon as possible as to the circumstances. Should the Deputy deem further custody is required pending a hearing, he must contact HRS Juvenile Intake for authorization. The intake section will make the determination to detain or release the juvenile. [CALEA 61.1.3]

- f. Traffic Violations Committed by Physicians En Route to an Emergency – In the event a Deputy observes a traffic violation committed by a physician en route to an alleged emergency, the following procedures shall be taken:
 - 1) Upon determining that the driver is a physician, the Deputy will obtain the identity and intended destination of the physician.
 - 2) If the emergency is extreme, the physician will secure his vehicle and be provided transportation by the Deputy, if approved by the supervisor.
 - 3) In the event the emergency is not extreme, but is urgent, the physician will not be detained.
 - 4) In the event the traffic violation committed was of a serious and dangerous nature, the Deputy will verify the nature of the emergency and the physician's identity. At the Deputy's discretion, and discretion is advised, he/she shall release the physician and may take appropriate enforcement action later. (Note section 316.072(5) (a)2 Florida Statutes
 - 5) If, in the Deputy's judgment, the violation was of a minor, non-hazardous nature, a verbal warning may suffice.

9. Traffic Law Enforcement Practices

- a. Based on the principle that the most effective deterrent to traffic law violations is visible patrol in a marked vehicle, and in the interest of maintaining a posture of prevention as opposed to apprehension, traffic law enforcement activities will be conducted accordingly.
 - 1) Deputies shall drive patrol vehicles in accordance with existing laws and in such a manner as to demonstrate exemplary driving behavior. Extreme emergency conditions will be the only exceptions to the practice.
 - 2) In those areas where fixed-post observation is necessary to maximize the effectiveness of a selective enforcement effort, Deputies shall park in a conspicuous location and in such a manner that traffic flow is not impeded.

3) Off-street observation is expressly prohibited except in extremely unusual circumstances and only upon the direction and approval of the supervisor. Every effort shall be made to not suggest the appearance of a "speed trap" situation.

b. Unmarked Cars / Unconventional Vehicles

1) Unmarked cars / unconventional vehicles may be used for traffic patrol only with the express approval of the Undersheriff.

2) Unmarked cars may be used for routine patrol in the same manner as marked cars if special enforcement needs exist.

3) Speed timing devices may be used in unmarked cars.

4) All unmarked cars used for traffic patrol shall be equipped with both emergency lights and siren.

10. Use of Authorized Emergency Equipment

a. The proper use of emergency equipment is essential to the safety of the Deputy and other motorists when unusual conditions exist. Basically, the emergency equipment is used to call attention to an unusual act or condition which presents a hazard to the safe operation and flow of vehicular and pedestrian traffic. Deputies have broad individual discretion in the use of this equipment, and the following procedures, directed to traffic law enforcement needs, shall be followed unless unusual conditions exist.

b. Florida Law requires a motorist, when being approached by an authorized emergency vehicle from any direction, to pull as far to the right as is practicable and to stop his vehicle for the purpose of yielding to the emergency vehicle.

c. Florida Law does not exempt a Police Officer, Deputy Sheriff, or any other driver of an authorized emergency vehicle from liability should he fail to drive with due regard for the safety of all persons, even though the emergency equipment (red / blue and/or siren) may be in operation at the time.

d. Emergency equipment shall include the following:

- 1) Red and/or Blue light;
- 2) Siren;
- 3) Spotlight;
- 4) Public Address system and
- 5) Hazard Warning Lights

e. Deputies shall utilize emergency equipment only when authorized directly by a supervisor, or by the nature of the dispatched assignment, or when situations confront him that, in his best judgment, indicate the need for the use of emergency equipment. (NOTE: The use of emergency equipment requires citizens to yield right-of-way, you do not always get it - Use Caution)

f. Emergency Red / Blue Lights and Hazard Warning Lights

1) This equipment is used to signal other users of the traffic-way that emergency conditions exist and the right-of-way should be relinquished to the patrol vehicle. The light should be used in all situations in which the Deputy is to take unusual liberties in his/her driving and to expedite his/her free movement in order to reach his destination more quickly.

- 2) The light is also used to signal violators to drive to the extreme right of the roadway and stop. It cannot be safely assumed by the Deputy that the light will be sufficient to assure the right-of-way, even though laws exist, giving the right-of-way to emergency vehicles when emergency conditions exist.
- 3) Emergency lights shall be utilized in the following circumstances:
 - a) When stopping traffic violators. Note: It may be necessary to utilize emergency lights/hazard lights and siren to effect the stop.
 - b) When assisting motorists parked / stopped in hazardous locations.
 - c) When patrol vehicle is parked / stop on the roadway.
 - d) When responding to an emergency situation.
- 4) If both the patrol vehicle and the violator's vehicle are parked off the roadway and the Deputy and/or violator can stand or walk between the traffic side of their vehicles and the roadway. Any emergency signal which exhibits light to the rear of the patrol vehicle may be turned off in order to reduce the accident potential created by the distracting effect on approaching drivers and to minimize attracting curiosity seekers to the scene. (Studies have shown significant accident involvement between patrol vehicles, which were exhibiting emergency lights to the rear while parked off the roadway, and sleepy and/or intoxicated drivers who were attracted to the emergency light.)

g. Siren

- 1) The siren is frequently used simultaneously with the red / blue light. The siren may have a startling effect on other users of the traffic way, resulting in erratic and unpredictable driving behaviors. The Deputy should be discreet in his/her use of the siren as it frequently complicates traffic problems. Under extreme conditions, such as pursuit at high speeds, the siren should be actuated continuously.
- 2) The siren should also be used to signal violators to drive to the right of the road when other means of attracting the violator's attention have failed.
- 3) Deputies should use the siren based on existing traffic, roadway conditions, and the urgency of early arrival. For instance, in traveling to the scene of an emergency, the siren should be used at intersections to alert traffic, but is sometimes not essential in areas where access to the traffic way is limited and other traffic is minimal.

h. Emergency lights and siren in combination shall be utilized in the following circumstances:

- 1) During pursuit situations.
- 2) When responding to an emergency.
- 3) When responding to a crime in progress, if necessary to violate traffic regulations. Generally, both the emergency lights and siren must be in simultaneous operation and the Deputy remains responsible for any injuries or damage sustained as a result of his/her driving behavior which reflects a disregard for the safety of others. All emergency equipment should be used on an emergency call for liability reasons.

i. Spotlight

- 1) The spotlight should be used as a protection to the Deputy when hazardous conditions exist in dealing with known or suspected felons. For example, following a traffic stop of a known felon, the spotlight shall be used to illuminate the interior of the violator's vehicle so that all occupants are kept within view and at

a distinct disadvantage when looking back toward the patrol vehicle and the Deputy. In this situation, the Deputy should exercise care in remaining behind the spotlight so he/she is not at the same disadvantage and silhouetted by the light.

- 2) The spotlight should not be used to signal violators to stop due to the possibility of temporary blindness of the violator and other drivers due to the glare created by the spotlight.

j. Public Address System

- 1) The public address system is particularly valuable when stopping a traffic violator. The desired actions of the violator can be directed from a safe distance, minimizing the hazard to the Deputy.
- 2) The public address system is also valuable in directing persons when unusual conditions exist, such as the traffic artery temporarily obstructed, alerting pedestrians to hazardous conditions or elements and communicating with other persons concerned with relieving the emergency conditions.

11. Official Forms, Reports and Correspondence for Traffic Enforcement.

- a. Accurate, timely and complete traffic citations, arrest reports and other supplemental reports that form the basis for prosecution and ultimate adjudication of traffic offenses, are essential and fundamental to this Office's efficient and effective operation. Office personnel shall therefore, make every effort to complete all forms to the best of their ability and submit them through proper channels as quickly as possible.
- b. Traffic citations shall be turned into the supervisor at the end of each shift. The supervisor shall review the citations for completeness and forward all copies of the citation to the Records Section of each respective Station within twenty- four (24) hours. Records shall maintain the blue copy and forward the top two white copies of the citation to the Clerk of the Court within five (5) days from the time the citation was written.
- c. The local records clerk shall then enter all traffic citations and traffic warnings in the office computer system under the "citation" module.
 - 1) Once the signed, receipted transmittal is received back from the Clerk's Office, the blue copies of the citations are attached and mailed to DHSMV in Tallahassee by the office records clerk. Copies of completed transmittal forms need to be forwarded to Special Operation Office for the purpose of an annual audit by DHSMV.
 - 2) Traffic warning citations are forwarded to the central records division for filing for the length of time specified by the State of Florida archive laws.
- d. It shall be the duty of each respective Sector Commander to ensure the entry of the citations and warnings into the office computer system and the transmittal to the Clerk's Office are accomplished in the specified time frame.

e. Issuance and Accountability of Paper Florida Uniform Traffic Citation Books

- 1) Procurement from the Department of Highway Safety and Motor Vehicles
 - a) Citations are ordered from the DHSMV by the Traffic Unit Supervisor on an as need basis.
 - b) The Traffic Unit Supervisor shall sign a receipt for the DHSMV accepting accountability for all citation books delivered and accepted. The Traffic Unit Supervisor shall store them in a secure area.
- 2) Issuing to Sectors
 - a) Station Commander shall advise the Traffic Unit Supervisor of their need for citations.

- b) Each Station Commander shall sign a receipt for all citation books delivered and accepted from the Traffic Unit Supervisor. The Station Commander shall store them in a secure area.
- 3) Issuing to Deputies
- a) Upon being issued a citation book, the Deputy shall complete the first two pages of that book (accountability record) and submit them to the Station Commander
 - b) The Citation Book ticket number range, receiving deputies name, four digit ID number, and date of issue will be also entered into a Citation Issue Log Book.
 - (1) Sector clerical staff shall enter the issued citation book information into the office computer system.
 - (2) The Station Commander will forward the citation books accountability record sheets to the Traffic Supervisor. Who shall retain them on file for a period of three (3) years.
- 4) Submission of Completed Citations
- a) Once a citation has been issued to a motorist the appropriate copies shall be submitted to shift supervisor for review.
 - b) If the citation is found not to be complete it will be returned to the deputy for correction.
 - c) If the citation is found to be complete it will be submitted sector clerical staff for entry into the office computer system.
 - (1) Such entry shall include all "Voided" citations.
- 5) Voided Citations
- a) In the case of damaged or incomplete citations, all five copies shall be marked "void", and sent with a memorandum on why the citation was voided.
 - b) It will then be entered into the computer as a voided citation.
 - c) The blue copy will be sent to the Department of Highway Safety and Motor Vehicles on a transmittal.
- f. Issuance and Accountability of Electronic Florida Uniform Traffic Citation Books
- 1) Procurement from the Department of Highway safety and Motor Vehicles.
 - a) Electronic Traffic Citation Numbers (ETCN) are requested as needed by the Traffic Unit supervisor.
 - 2) Issuing to Sectors - Each Station Commander or designee shall acknowledge receipt of assigned ETCNs as assigned by the Traffic Unit Supervisor.
 - 3) Issuing to Deputies
 - a) Each Deputy issued a bank of ETCNs will acknowledge such issuance.

b) Sector clerical staff shall enter the issued ETCNs in to SMARTCOP as being assigned to that deputy.

4) Paper citation book numbers may be assigned to the deputy for electronic issuance to violators. The procedure for the issuance of paper citation books shall be followed, except once the numbers have been issued the paper citation book shall be retained by the issuing supervisor to be physically destroyed and so noted on the issuing record book.

g. Periodic Audit

1) The Station Commander, Traffic Unit Supervisor for traffic units, shall run a computer report for each issued traffic citation book as listed in the Citation Issue Log Book.

2) Citation books where all the citations are accounted for the Station Commander shall so note in the appropriate space for that book.

3) Missing citations – books where a citation number is missing from the sequential number the Station Commander will verify that the citation is still un-issued or have the deputy submit a memorandum explaining the reason the citation is missing

4) The Station Commander shall take appropriate corrective or disciplinary action based on the deputy's response.

[34.08M f]

h. Submission of un-issued citations upon separation from the Office.

1) Deputies are required to submit to their Station Commander all un-issued traffic citations

2) The Station Commander shall take the necessary steps to re-issue the un-issued citations to another deputy or if not practical,

3) The Station Commander shall "Void" all the remaining un-issued citations and have them entered into the office computer system as "Void".

4) The Citation Issue Log Book will reflect the action taken and appropriate information recorded as necessary.

12. Deputy / Violator Contact

a. Traffic violation enforcement is one of the many routine tasks performed by Deputies but for violators it frequently is an emotionally traumatic experience. Deputies should be aware of these conditions and should strive to make each contact educational and to leave the violator with the impression that the Deputy has performed a necessary task in a professional and friendly manner.

b. Once the Deputy has stopped the violator and approached to a point where communications begin, the Deputy / violator relations are activated. The Deputy shall:

2) Be alert at all times for the unexpected, but not be obviously apprehensive.

3) Be absolutely certain that the observations of the traffic violation were accurate-without reservation.

4) Present a professional image in dress, grooming, language, bearing and emotional stability.

- 5) Be prepared for the contact by having the necessary equipment and forms, if they are to be used, immediately available.
- 6) Decide on appropriate enforcement action based upon the violator's driving behavior, not attitude.
- 7) Greet the violator with an appropriate title and in a courteous manner.
- 8) Inform the violator what traffic law he has violated and the intended enforcement action; the violator should not be kept in suspense.
- 9) Ask for the violator's driver's license and vehicle registration and accept only those forms.
- 10) Obtain another document of identification if the driver has no drivers license.
- 11) Allow the driver to discuss the violation. (Do not argue, berate, belittle, or otherwise verbally abuse the violator.)
- 12) Complete the forms required for the enforcement action taken or exercise a verbal warning, if this is the decision.
- 13) Explain to the violator exactly what he is supposed to do in response to the action taken and how this action will affect him.
- 14) Make certain the violator knows where and when to appear if the enforcement action requires a Court appearance. Explain any alternatives to the violator. Never predict the actions of the Court.
- 15) Be alert to any emotional stress exhibited by the driver. If stress is present, the instructions may have to be repeated or the violator may need to calm down before resuming driving.
- 16) Return the violator's driver's license, registration and a copy of the warning or citation.
- 17) Assist the violator in safely re-entering the traffic flow.
- 18) Do not follow the violator.

13. Stopping and Approaching the Traffic Violator / Unknown Risk Stops

[CALEA 41.2.1]

- a. Upon stopping violators for any reason, the Deputy's safety is paramount. Deputies will, therefore, take all steps and precautions necessary during traffic stops to assure their safety and well being.
- b. The traffic stop information shall be provided to Communications on all stops, preferably before the actual stop is made. When possible the Deputy should wait for returned vehicle information before approaching the violator.
- c. The following steps in stopping and approaching a traffic violator are intended to provide maximum safety for the Deputy, the violator, and other users of the roadway. Varying conditions regarding the engineering of the particular traffic artery, the urgency to stop the violator (drinking driver), and the existing volume of traffic may dictate adjusting or altering the recommended procedure. These procedures are to be followed when possible and are presented from the perspective that ideal conditions exist.
 - 1) When the Deputy has positioned him/herself behind the violator, to begin the stopping procedure, he/she should notify communications of the intended location of their traffic stop, the license number, the number of occupants in the vehicle, vehicle type, color and any other distinguishing characteristics (i.e., dents, lights out, etc.)

- 2) The Deputy should note the license number of the vehicle on a note pad, to be left inside the patrol vehicle.
- 3) The Deputy should be thoroughly familiar with the area and anticipate the appropriate location to stop the violator. Consideration should be given to a location with ample space and appropriate lighting. Every effort should be made to avoid stops on hills, curves, intersections, private drives, business locations and bridges which have limited parking.
- 4) The Deputy should signal the violator to stop. Such signal should be with the blue / red emergency lights, hand signals, sounding the horn, and if necessary, the siren. These signals also alert other drivers of the intent of the Deputy, and will usually facilitate securing the right of way for the stopping maneuver.
- 5) The violator should be signaled and directed to the right side of the roadway as close to the curb or on the shoulder as engineering design permits.
- 6) On multi-lane roadways, the Deputy should insure the safety of the violator during lane changes by gradually changing from lane to lane with the violator until the right side of the roadway is reached.
- 7) Should the violator stop abruptly in the wrong lane or in another undesirable location, he should be promptly directed to move to a safer location. Deputies should use the public address system to instruct violators to move to a safer location, if this equipment is available. If the patrol vehicle is not so equipped and gestures are insufficient to bring understanding, the Deputy should quickly exit from the patrol vehicle and give verbal instructions to the violator.
- 8) The violator should not be permitted to move his vehicle once it has stopped if it is suspected the driver is under the influence to the extent that his driving ability is impaired.
- 9) Once the violator has stopped in an appropriate location, the Deputy should position the patrol vehicle approximately one-half to one car length behind the violator's vehicle. The patrol vehicle should be positioned at a slight angle so the left front is offset approximately two feet to the left of the violator's vehicle, the right rear is near the curb and the wheel should be turned. This position provides maximum safety to the violator, the Deputy, and all other traffic.
- 10) The Deputy may exit from the patrol vehicle or use the PA system and be continuously alert for any suspicious movement or actions on the part of the violator or other occupants in the violator's vehicle.
- 11) The Deputy may approach from the rear of the violator's car, looking into the rear seat area, and stop at a point to the rear of the trailing edge of the left front door. This position should be maintained if there are only occupants in the front seat of the vehicle. From this position, the Deputy can communicate with the violator, keeping him in a slightly awkward position, and at the same time keep all occupants of the vehicle in view. (A right-hand side approach is an acceptable option in those cases where passing traffic is so close to constitute a danger to the Deputy.)
- 12) In those cases where the violator's car has occupants in both the front and rear seats, the Deputy shall approach to a point near the leading edge of the left front door, being especially alert for any unusual actions on the part of the occupants and choosing a path so the door cannot be used as a weapon against the Deputy. From this position, the Deputy can communicate with the violator and keep all occupants in view.
- 13) In those traffic stops made by two-man patrol vehicles, the passenger Deputy will be responsible for all radio communications and writing all notes and messages relayed from communications. During the traffic stop, the passenger Deputy should exit from the vehicle and act as an observer and cover for his fellow officer. At no time shall the two Deputies approach the violator together.

- 14)** At night, the procedure is the same with the additional necessity of exercising caution in selecting an appropriate place for the traffic stop, signaling the violator (the spotlight should not be used) and positioning the patrol vehicle. After the stop, the lights should be on low beam for the safety of oncoming traffic. The spotlight may be used to illuminate the interior of the violator's vehicle, if warranted.
- d.** Stopping an Approaching Violator - In the event a Deputy observes a traffic violation occur in oncoming traffic, the Deputy will take the following actions:
- 1)** Drive the patrol vehicle safely to the extreme right portion of the roadway.
 - 2)** As the violator approaches, signal for the violator to stop.
 - 3)** Do not leave the patrol vehicle in an attempt to stop the violator by hand signals, as this places the Deputy in an extremely hazardous position.
 - 4)** If the violator observes the signal and stops, the Deputy shall turn the patrol vehicle around and position it appropriately to the rear of the violator's vehicle.
 - 5)** Should the violator fail to recognize the Deputy's signals, the Deputy shall turn around when safe and pursue the violator, stopping and approaching as usual.
- e.** Stopping a Following Violator - In the event a Deputy observes a traffic violation to the rear of the patrol vehicle, the following procedures shall be utilized:
- 1)** The Deputy will drive on the right shoulder of the road.
 - 2)** As the violator approaches, the Deputy will remain in the patrol vehicle while he signals the violator to stop.
 - 3)** If the violator fails to stop, the Deputy will initiate pursuit and stop the violator in the usual manner.
- f.** Stopping a Known or Suspected Felon - When a vehicle driven by a known or suspected felon is located by a Deputy, he/she will notify communications immediately. The Deputy shall inform communications of the location, thorough description of the vehicle and a description of the occupants. The Deputy shall keep the suspect vehicle in view and request sufficient assistance in making the stop. The Deputy will keep support units informed of the location and direction of travel to facilitate their approach with minimal use of emergency equipment. The suspect vehicle will not be stopped, unless absolutely necessary, until adequate support is available and in position. The following procedures will be used in effecting the stop:
- 1)** The Deputy will plan to stop the suspect vehicle in a location which presents minimal danger to other citizens.
 - 2)** When conditions are appropriate and support units available, the Deputy will move into position to the rear of the suspect vehicle.
 - 3)** The Deputy will signal the violator to stop, utilizing all emergency equipment to warn other traffic.
 - 4)** The violator will be stopped on the extreme right side of the road.
 - 5)** If the violator is known to be armed and dangerous, the Deputy shall have his weapon drawn and out of its holster, and ready for immediate use.

- 6) When the suspect begins to stop, the Deputy will turn off the siren and activate the public address system - officer should order driver out of vehicle with P.A. system.
 - 7) The Deputy shall park the patrol vehicle so that it provides maximum protection and cover for him.
 - 8) At night, all lights, including spotlights, will be focused on the interior of the suspect vehicle to the disadvantage of the violator.
 - 9) The Deputy will exit the patrol vehicle quickly, but remain behind the door and accessible to the public address system microphone.
 - 10) The Deputy in command will direct each occupant, utilizing the public address system, to remove himself from the vehicle individually, according to specific directions, and into the appropriate search position, after which the approach may be made.
 - 11) If a public address system is not available, the Deputy in command will give voice commands. If they are not heard, or ignored by the suspect, the Deputy will wait for a backup unit prior to approaching the vehicle. The Deputy shall not leave a position of cover to approach a felons vehicle until assistance has arrived at the scene.
 - 12) The Deputy in command will give instructions to the support Deputy, even if not needed, to assure the suspects that additional support is available.
 - 13) The support Deputy will cover the arresting Deputy and remain on the curbside of the vehicle until all occupants have dismounted and are in the search position.
 - 14) The support Deputy will not give additional commands as this would tend to confuse the suspects, but will make his presence known by commands given by the arresting Deputy.
 - 15) Extreme caution shall be exercised by Deputies not to get within each other's line of fire.
 - 16) When all occupants have been removed from the vehicle, the support Deputy should move to a position to cover the arresting Deputy while the persons are searched.
 - 17) The occupants should be ordered into a prone position face down, with their hands in the air.
 - 18) If terrain or room does not permit the prone position, the occupants should be ordered into a kneeling position with their legs crossed and their hands behind their heads, fingers interlaced.
 - 19) If the subjects are in the prone position, handcuffs should be used immediately, and then the subjects should be searched thoroughly.
 - 20) If the subjects are in the kneeling position, a cursory search should be performed prior to handcuffing.
- g. Stopping Oversize / Overweight Vehicles - In the event deputies observe a traffic violation committed by an unusually large or heavy vehicle, the following procedures will be followed:**
- 1) Pursue the vehicle from the rear in the usual manner.
 - 2) Position the patrol vehicle so the violator's attention can be gained, and signal that he is to follow the patrol vehicle to a stop.
 - 3) Pull the patrol vehicle in front of the violator and lead the violator to a position, which is safe, or has sufficient space to contain and is capable of supporting the weight of the special vehicle.

4) In this situation, the approach will be from the front.

[CALEA 41.2.1]

14. Suspended or Revoked Driver's License

- a. If the Deputy has probable cause to believe the violator's license has been suspended or revoked, he/she should effect a physical arrest of the subject and assume custodial responsibility for the subject and his property.
- b. If the Deputy is unsure of the actual status of the violator's license, he/she should issue a citation for the cause of the stop. If, at a later time, it is determined that the license was suspended or revoked, he/she should issue the appropriate citation and obtain an arrest warrant, Notice to Appear or Summons for the subject.

15. Use of Speed Measuring Devices in Traffic Enforcement

a. Pace Detection

- 1) Deputies using speedometers to establish probable cause to issue speed violation citations must pace the violator for an adequate distance to insure an accurate reading prior to making a traffic stop. (An adequate distance is determined when the patrol vehicle is neither gaining distance or losing distance on the suspect vehicle.)
- 2) Deputies shall have the speedometers of their assigned vehicles calibrated every six (6) months, and a copy of the calibration certificate shall be maintained in the vehicle. This certificate must be available for presentation in Court. The Traffic Unit Supervisor shall maintain a calibration schedule for all Office vehicles used by certified personnel.
- 3) Deputies certified to operate RADAR shall have their speedometers calibrated in accordance with this procedure.

b. Radar Detection

- 1) Deputies using RADAR must be certified to do so by the Florida Criminal Justice Standards and Training Commission.
- 2) Deputies not certified in RADAR operations may support certified operators. Support Deputies shall issue the citation to the violator and list the Deputy that operated the RADAR as a witness.
- 3) Deputies certified to operate RADAR speed measuring equipment shall maintain a detailed log containing daily certification checks.
- 4) Training guidelines shall be based on specifications of RADAR equipment maintained by the Sheriff's Office.
- 5) RADAR units assigned to Sectors, may be individually assigned by the Station Commander. A copy of the calibration record shall be maintained by the Deputy to whom the radar unit is assigned. The original of the calibration record shall be maintained by the Station Commander. It shall be the responsibility of the Station Commander to check the expiration date on the RADAR units and return RADAR units for proper programmed maintenance. If calibration is expired, the RADAR unit shall be removed from service and sent for calibration.
- 6) RADAR units assigned to the Traffic Unit shall be individually assigned by the Traffic Unit Supervisor. The original of the calibration record shall be maintained by the Traffic Unit Deputy. It shall be the

responsibility of the Traffic Unit Deputy to check the expiration date on the RADAR units and return RADAR units for proper programmed maintenance. If calibration is expired, the RADAR unit shall be removed from service and sent for calibration.

- 7)** RADAR units that are not assigned to individual Deputies shall be stored in a secure location at each Sector Station. RADAR units may be drawn from the storage area by Deputies who are certified in RADAR use. The Supervisor on duty shall record the usage on the RADAR Log.
- 8)** It shall be the responsibility of the supervisor to examine each RADAR unit, prior to issuance and upon return, to insure that components of the RADAR unit, including tuning forks, calibration record and the carrying case are present and in good condition. If deficiencies are noted, the RADAR unit shall be removed from service until the deficiencies are corrected.
- 9)** Deputies shall operate hand held or stationary RADAR as follows:
 - a)** Verify that the RADAR unit is turned off before connecting it to a power source.
 - b)** Conduct light segment check.
 - c)** Conduct tuned circuit check.
 - d)** Conduct tuning fork verification by striking the fork against a flat surface, holding the vibrating fork in the central portion of the RADAR beam, and verifying that the reading displayed on the RADAR unit is within plus or minus one (1) MPH of the speed stamped on the tuning fork.
 - e)** If deficiencies are found during the aforementioned tests, the RADAR unit shall not be placed in service. A memorandum describing the nature of the malfunction, along with the RADAR unit, shall be returned to the Deputy's supervisor.
- 10)** Deputies shall operate moving RADAR as follows:
 - a)** Attach antenna to the counting unit before connecting it to a power source.
 - b)** Attach the antenna and counting unit in the desired location, insuring that the counting unit is not in the path of the RADAR beam.
 - c)** Adjust the antenna to point forward.
 - d)** Turn the unit on and conduct a light segment check (marked on counting unit).
 - e)** Conduct an internal circuit test (refer to manual for procedures, as make and model may differ).
 - f)** Conduct a external tuning fork test (refer to manual for procedures, as make and model may differ).
 - g)** Conduct a patrol speed verification test by placing the RADAR unit in the moving mode and accelerating to a steady speed. Compare the speed displayed on the counting unit with the speed on the speedometer. The two readings should correspond.
 - h)** If the RADAR unit fails any of the prescribed tests, the unit shall not be used but shall be returned to the Deputy's supervisor with a memorandum describing the malfunction.

c. LASER Detection

- 1)** Deputies using LASER must be certified to operate LASER by the Florida Criminal Justice Standards and Training Commission and additionally be certified to operate LASER.

- 2) Deputies not certified in LASER operations may support certified operators. Support Deputies shall issue the citation to the violator and list the Deputy that operated the LASER as a witness.
- 3) Deputies certified to operate LASER speed measuring equipment shall maintain a detailed log containing daily certification checks.
- 4) Training guidelines shall be based on specifications of LASER equipment maintained by the Sheriff's Office.
- 5) Deputies shall operate hand held LASER as follows:
 - a) Verify that the LASER unit is turned off before connecting it to a power source.
 - b) Conduct internal calibration test.
 - c) Conduct light test.
 - d) Conduct two required fixed point measurement checks.
 - e) **Conduct vertical and horizontal sight alignment checks.**
 - f) If deficiencies are found during the aforementioned tests, the RADAR unit shall not be placed in service. A memorandum describing the nature of the malfunction, along with the LASER unit, shall be returned to the Deputy's supervisor.

16. Procedures for Identification and Referral of Drivers for Re-examination

- a. Traffic Accident Related - If a driver's ability to operate a motor vehicle is questionable, the appropriate block on the accident report form shall be checked and an explanation shall be given in the report narrative.
- b. Non-Traffic Accident Related - When a Deputy believes that a licensed operator is incompetent to drive a motor vehicle and the operator presents a danger to the public, a request for re-examination shall be initiated. If the operator's license was issued by the State of Florida, the request for re-examination shall be initiated by completing a "Re-examination Investigation" form which shall be mailed to the Florida Department of Highway Safety and Motor Vehicles, Division of Drivers License. If the operator's license was issued by another jurisdiction, the appropriate licensing agency can be contacted via teletype or by written correspondence and notified of the request for re-examination.

17. Pedestrian and Bicycle Traffic Law Enforcement

- a. Traditionally, pedestrian and bicycle traffic law violations have been looked upon lightly by law enforcement for the dual reasons of not being "popular" with the public to enforce. However, studies have indicated that the pedestrian and bicycle problem is far more serious than was initially thought, with many deaths and injuries resulting from pedestrian and bicycle traffic law violations. Therefore:
 - 1) Deputies will take appropriate enforcement action when and where pedestrian violations are observed.
 - 2) Deputies will take appropriate enforcement action when and where bicycle traffic law violations are observed.
 - 3) The enforcement actions will be commensurate with the pedestrian and bicycle accident experience, with specific emphasis being placed on these particular violations, and at times and places as determined

through the review of accident reports. Such information shall be passed to the sector Commanders and Traffic Unit Supervisor who shall require enforcement of the identified problem areas.

b. Pedestrian Enforcement - The enforcement of traffic laws pertaining to pedestrians necessitates broad discretion from individual Deputies. To provide guidance in the discretion the following procedures are established, which will result in more uniform and consistent application of the law.

1) Prior to any substantial increase in the enforcement effort directed toward pedestrian traffic, sufficient publicity and community awareness campaigns will be conducted by the Office. This is particularly true in those areas where pedestrian laws have previously received minimal attention.

2) Deputies shall concentrate their efforts on pedestrian violations in those areas where pedestrian accidents have been frequent and severe.

3) With regard to pedestrian traffic laws, the "spirit" of the law shall supersede the "letter" of the law and application be made accordingly.

c. Bicycle Enforcement - The use of bicycles as a major means of transportation, both for business and recreation, has resulted in an increase in fatal and personal injury accidents. It is inherent in the role of law enforcement to enforce those laws relating to the safe operation of bicycles. In this regard, Deputies have a unique challenge with regard to their discretion in applying those laws. The following procedures are guidelines to discretion which should result in a more uniform and consistent application of the law:

1) In those areas where congestion and the frequency of traffic accident experience involving bicycles has been predominant, those laws pertaining to the proper operation of bicycles shall be strictly enforced.

2) On those arteries with a substantial flow of vehicular traffic, and where hazardous moving violations are observed involving persons operating bicycles, the applicable laws shall be enforced.

3) In those areas where traffic flow is minimal, visibility is unobstructed and traffic accident experience low, Deputies should exercise discretion in the application of those laws regarding the safe operation of bicycles.

4) Deputies should be less tolerant with older offenders who should be aware of the hazards inherent in the unsafe operation of bicycles. Deputies should be more lenient in the enforcement of the law and more instructive in their response to youthful offenders, who may not be fully aware of their responsibility in the safe operations of bicycles.

18. Off-Road Recreational Vehicles

a. Off-road Recreational Vehicles (minibikes, dirtbikes, etc.) are used extensively in Monroe County. In many cases they are being used on streets and highways illegally. Their use has resulted in citizen complaints of excessive noise, trespassing, and property damage.

b. Deputies shall take appropriate enforcement action for violations committed by operators of off-road recreational vehicles that are observed and/or reported.

c. Deputies will take appropriate enforcement action, particularly in the following circumstances:

1) Removal of unlicensed vehicles from streets and highways;

2) Violation of off-road vehicle registration laws;

3) Misuse of public trails;

4) Improper use of street and highway crossings;

5) Citizens complaints of excessive noise, trespass and/or property damage; and

6) Juvenile offenders.

19. Enforcement of Parking Regulations

- a. All existing parking regulations will be enforced with reasonableness and impartiality in all areas of this jurisdiction.
- b. Deputies shall make a concentrated effort to enforce illegal parking by maintaining general surveillance for parking violations while on patrol.
- c. The parking laws to be enforced by Deputies of this Office are found in:
 - 1) Chapters 316.194; 316.1945; 316.195; 316.1955; 316.1956; 316.1957; 316.1958; 316.1959; 316.1965; and 316.1967, Florida Statutes
 - 2) County Ordinances as passed.
- d. Deputies who discover vehicles parked in violation of the law may:
 - 1) Issue a ticket form as is prescribed by Monroe County; or
 - 2) If the vehicle is unattended, attach such ticket to the vehicle in a conspicuous place, except that the "Florida Uniform Traffic Citation" shall not be issued by being attached to an unattended vehicle; or
 - 3) The "Florida Uniform Traffic Citation" shall not be issued for violations of county parking ordinances.
- e. Wheel lock devices are not used by this Office.
- f. Sections 316.194 and 316.1955, Florida Statutes specifically state the conditions under which a Deputy could legally have a vehicle towed from the public highways or publicly owned property.

20. DUI Enforcement

The enforcement of the DUI statute and the investigation of DUI related traffic accidents has become increasingly more sophisticated. The heightened concern of the public and the need for more precise enforcement and investigative techniques requires a set of concise operational guidelines.

a. Enforcement

- 1) Detection - The visual clues listed below are indicators that the operator of a motor vehicle may be intoxicated.
 - a) Turning with wide radius;
 - b) Straddling center or lane marker;
 - c) Appearing to be drunk;
 - d) Nearly causing an accident;
 - e) Vehicle weaving;
 - f) Driving off the roadway;
 - g) Abnormally slow speed;
 - h) Vehicle stopping without cause, in traffic lane;
 - i) Following too closely;
 - j) Drifting from traffic lanes;
 - k) Braking erratically;
 - l) Driving in opposing traffic lanes;

- m)** Signaling inconsistent with driving actions;
 - n)** Slow response to traffic signals;
 - o)** Turning vehicle abruptly or illegally;
 - p)** Accelerating or decelerating rapidly; and
 - q)** Headlights off in rain or darkness.
- 2)** When a Deputy suspects that a motor vehicle operator may be intoxicated, the Deputy should note the actions of the driver, and initiates a traffic stop. The Deputy should note the following:
- a)** Clothing description, including the condition.
 - b)** The presence of alcohol or drug odors on the driver's breath.
 - c)** Demeanor of the driver.
 - d)** Whether the driver's face is flushed, pale, or normal.
 - e)** Whether the driver's eyes are bloodshot, watery, or normal.
 - f)** Whether the pupils of the eyes are constricted, dilated, or normal.
 - g)** Whether the driver is hiccupping, belching, vomiting or any other unusual action.
 - h)** Whether the driver's speech is mumbled, slurred, understandable, thick tongued or stuttered.
- 3)** The driver shall be asked to move to an area a safe distance from the traffic way and onto a firm level surface.
- 4)** The field sobriety exercises or task may include, but is not limited to, the following:
- a)** Horizontal gaze nystagmus.
 - b)** Walking – listens too instructions, stays in instruction stance, touches heel to toe, loses balance, steps off line, improper counting of nine steps, uses arms for balance, or sways.
 - c)** Standing on one leg.
 - d)** Balance – uses arms for balance, puts foot down before 30 seconds, hops, sways, or is unsure.
 - e)** Turning - whether the driver is falling, staggering, hesitant, swaying, or unsure.
 - f)** Finger-to-nose - Note if driver completely missed his/her nose, is hesitant or fails to listen to instructions.
- 5) Effecting the Arrest**
- a)** In accordance with the Office's preferred arrest policy for such offenses, when the Deputy is satisfied that probable cause exists to charge the suspect with DUI, the suspect should be arrested.
 - b)** The arresting Officer shall video record the arrestee's performance of the Field Sobriety Exercise, either roadside or at an Office facility, unless exigent circumstances exist. Exigent circumstances include, but not limited to, the following:
 - (1)** Inoperable video equipment
 - (2)** Arrestee illness or injury requiring priority medical attention
 - (3)** Higher priority call-for-service requiring arresting officer's immediate response.
 - c)** The arresting officer shall describe, in detail, in the arrest report, any exigent circumstances preventing video recording of the suspect.
 - d)** On breath test results or refusal, the proper citation should be used.

- (1) .000 to .079 - Uniform Traffic Citation
- (2) .080 or higher, or refusal - Uniform DUI Citation
- (3) On breath results below .080, the Deputy will not confiscate the driver's license of the suspect, and the Uniform Traffic Citation is used as the charging instrument.

b) The following forms must be completed by the arresting Deputy for DUI offenses:

- (1) Uniform DUI Citation
- (2) Arrest Affidavit
- (3) DUI and Field Sobriety Work Sheets
- (4) Intoxilizer Print Card
- (5) Proper refusal form, if required

c) Prior to completing the questionnaire on the DUI worksheet, the subject will be advised of his/her Miranda Rights.

d) Breath Alcohol Content (BAC) Test

- (1) The following implied consent warning must be given to the arrested: "I am now requesting that you submit to an approved test of your breath for the purpose of determining the alcohol content of your blood. If you refuse to take this test, your privilege of operating a motor vehicle will be suspended for a period of one year or 18 months, if your license has been previously suspended for refusing to submit to a required test. Your refusals to submit to this test can be used against you in court." then you must ask if the arrestee understands the implied consent and if he/she will take the breath test. If refusal, enter refusal in the Intoxilyzer. after the breath test or refusal, you must now advise the arrestee of his/her Miranda Rights.
- (2) The arrestee's vehicle shall be released or impounded as specified in Sheriff's Office towing and impounding section, 40:83.

e) Juvenile DUI taking into custody procedure - The same procedure shall be followed for a juvenile as for an adult, with the following exceptions:

- (1) The Deputy shall notify the juvenile's parents or legal guardian of the juvenile's custody and request that they meet the Deputy at the appropriate Sector Station, where the juvenile will be released to them once the approval test has been administered.
- (2) If the parents or legal guardian cannot be located or do not respond, the juvenile, after the administration of the test, shall be held until a determination can be made by HRS.

b. Urine Test

- 1) **When a subject provides a breath sample into the intoxilyzer resulting in a breath alcohol reading of 0.079 or less, the Deputy shall ask the subject for a urine sample. Refusal to provide a urine sample after being requested to do so (under circumstances of the breath alcohol test reading being 0.079 or less) constitutes a violation of the Implied Consent Law and is considered a "refusal".**
- 2) **In the event a Deputy must obtain a urine sample from the subject, the following procedures will be followed:**
 - a) **Obtain a Urine Kit from either DUI Traffic Deputies, Jail Intake or on-duty Supervisor.**
 - b) **Use latex gloves to eliminate health hazard.**

- c) Give subject collection cup for sample
- d) A deputy of the same sex must observe the subject at the time of collection. If a same sex deputy is not available then obtain sample at the jail utilizing same sex deputy (of the subject) at the jail.
- e) Upon collection of the sample, seal and label the container, on the top of the container with the observing deputy's initials. (Indicate in the report who observed the subject upon collection) Write on the container itself:
 - (1) Subjects name
 - (2) Date and time of collection
 - (3) Arresting Deputy's initials
- f) If the sample becomes contaminated prior to sealing, a second sample will be requested from the subject. Refusal to resubmit shall NOT constitute a violation of the Implied Consent Law, **unless the subject purposely contaminated the sample.**
- g) Seal the container in an Evidence bag with both ends of the bag sealed with Evidence Tape and the sealing deputies initials across the tape and package on both sides. The following information must be written on the Evidence bag:
 - (1) Offense Number (Do not put MCSO in front of the offense number)
 - (2) Property Receipt Number
 - (3) Subjects name
 - (4) Date and time of collection
 - (5) Deputy's name, who is submitting the sample. Item number must also be on package.
 - (6) A biohazard sticker should be placed on both sides of the bag prior to submission.
- h) Complete a Monroe County Sheriff's Office Property Receipt, list the type of analysis that is being requested in the comment section of the property receipt.
- i) Place the property receipt in the drop slot of the evidence lockers for the property/evidence technician.
- j) **Place the sample in the Property refrigerator** in one of the evidence slots and secure it there with the lock provided on the slot inside the refrigerator.
- k) The Property clerk will then sign out for the transportation of the urine sample to the appropriate lab for analysis.

(Effective 5-20-2008)

c. Traffic Accident Investigation (DUI)

- 1) Once the investigation of a traffic accident has been completed and the Deputy suspects the driver is DUI, the Deputy shall inform the driver that the investigation of the traffic accident is complete and that a criminal investigation is now being conducted.
- 2) If the traffic accident involves serious injury or death, blood samples shall be obtained from the DUI suspect in accordance with Florida law.
- 3) Suspended or Revoked Driver's License / Habitual Offender.
 - a) Florida Law states that it is a felony offense if a DUI driver causes serious bodily injury or death, and at the time of the offense, the driver Section 316 1931(1) Florida Statutes.

- d) Included in the blood collection kit is a two-part form which shall be completed by the person withdrawing the blood and the requesting Deputy.
- e) The person who withdrew the blood shall sign the chain of custody that is included, and initial the seals.
- f) The Deputy shall complete the chain of custody form and initial the seals.
- g) The Deputy shall seal each blood vial across the top to prohibit access.
- h) The Deputy shall then turn the vials several times to mix the blood with the anti-coagulant.
DO NOT SHAKE THE VIALS!
- i) The vials and contents of the blood collection kits shall be returned to the kit box.
- j) The Deputy may remove the consent form from the blood collection report to retain a record for use in Court.
- k) The remaining two (2) seals shall be placed on the outside of the kit to secure the lid to the box.
- l) The Deputy shall complete a property receipt for the blood collection kit, which shall be turned into the Property Room. THIS KIT REQUIRES REFRIGERATION.
- m) Case Preparation - Deputies shall make accurate and concise chronological notes of events leading up to and including the arrest.

21. Countermeasures

- a. This Office fully supports a comprehensive cooperative DUI countermeasures program and has established DUI enforcement as one of its highest priorities. Deputies shall be alert for signs of alcohol and/or drug impairment in all contacts with motorists and make every effort to detect and apprehend them. Deputies shall not release a DUI suspect or arrange for alternate transportation in lieu of arrest unless specifically directed otherwise.
- b. The Office shall utilize the following countermeasures in various combinations in its DUI enforcement program:
 - 1) Selective assignment of personnel at the time of and to the locations where analyzes have shown a significant number of violations and/or accidents have occurred involving impaired drivers;
 - 2) Selection surveillance techniques applied to roadways experiencing an unusual incidence of drinking-driving accidents to ascertain the profile of the problem drinker who drives;
 - 3) Selected alcohol related accident investigations and analyses of findings;
 - 4) Selected roadway checks for deterrent purposes; and
 - 5) Selective enforcement of drinking-driving laws through concentration on existing laws and the expeditious processing of violators.

22. Zero Tolerance Law

In 1996, the Florida Legislature enacted Florida Statute 322.2616, which pertains to subjects who are under the age of 21 and found to be driving or in physical control of a vehicle if he/she has a blood alcohol content of .02% or greater, providing for the suspension of such a subject's driver's licence.

a. Lawful Contact - A lawful contact must be made before an underage driver can be checked for a violation of Florida Statute 322.2616. Lawful contact includes but is not limited to:

- 1) a traffic stop related to a violation of Florida law
- 2) contact at a sobriety checkpoint
- 3) contact at the site of a traffic crash
- 4) a consensual encounter with an underage driver.

b. Rule out a possible violation of Florida Statute 316.193 - Before checking the driver for a violation of Florida Statute 322.2616, the officer must rule out the possibility that the driver is legally impaired under Florida Statute 316.193.

- 1) Interview the driver, verifying his/her age, and checking for signs of impairment.
- 2) Check the driver for any "medic-alert" jewelry.
- 3) Have the driver perform standard field sobriety tests if reasonable cause exists.
- 4) Rule out probable cause to make an arrest for DUI.

c. Check for violation of Florida Statute 322.2616 – If cause does not exist to arrest the driver for DUI but there are indications that the driver has been drinking alcoholic beverages, the officer will determine whether the driver is in violation of Florida Statute 322.2616.

- 1) After being with the driver for at least fifteen (15) minutes, if the officer is in possession of a portable breath tester (PBT) and is trained in its use, the officer will request the driver to perform a breath test consisting of at least two breath samples on the PBT.
- 2) If the officer is not a trained PBT operator the officer will request the assistance of a trained PBT operator if one is available. The trained PBT operator will conduct the test after at least fifteen (15) minutes have elapsed since the initial officer's contact with the driver.
- 3) If there is no trained PBT operator available, the officer will take the driver to the DUI room for the breath test if the driver consents to being transported. If the driver refuses to be transported, the officer must advise the driver of the Implied Consent PBT Warning.
- 4) If the driver is under the age of 18, the officer will ensure there are no adults in the DUI room at the time of testing. The breath test log will be filled in as a breath test. In the area of the log for the name, the officer will enter the case number, since the name of the juvenile must be protected.
- 5) If the driver is age 18 to 20, the officer will fill in the log as for any DUI.
- 6) If the two breath samples reveal alcohol levels of .02 or higher, the officer will confiscate the driver's license and issue a suspension using forms provided by the Florida Department of Highway Safety and Motor Vehicles.
- 7) If the driver refuses to give a breath sample, the officer will read the Implied Consent warning to the driver. If the driver continues to refuse, the officer will confiscate the driver's license and issue a suspension using forms provided by the Florida Department of Highway Safety and Motor Vehicles.
- 8) If the driver gives one breath sample and then refuses to give a second sample, the officer will read the Implied Consent warning to the driver; if the driver continues to refuse to provide a second sample, it is to be considered a refusal.

- 9) If there is no arrest for another violation and the driver is age 18-20, the driver will be released, the vehicle will be towed, and the officer will take reasonable steps to ensure the safety of the driver and any passengers.
- 10) If there is no arrest and the driver is younger than age 18, the officer will attempt to contact a parent or guardian to respond to the scene and take responsibility for the juvenile driver. If a parent or guardian cannot be reached or cannot respond to the scene, the Deputy is to:
 - a) advise an on-duty supervisor of the situation;
 - b) offer any juveniles in the vehicle (driver or passenger[s]) a ride to a reasonable location;
 - c) document the offer, the response, and any further actions taken, in an offense report if appropriate; otherwise the Deputy is to advise Dispatch, who will note the information in the remarks field of the Calls for Service record.
- 11) If there is a person in the vehicle who has a valid driver's license and is, in the Deputy's opinion, capable of driving the vehicle safely, the vehicle may be turned over to that person, if the parent or guardian gives his/her consent to the officer.
- 12) Since probable cause has been eliminated as in section 22., a., above, if the two breath samples reveal a breath alcohol level in excess of 0.08%, an arrest should not be made under Florida Statute 316.193; a suspension under Florida Statute 322.2616 should be issued.

d. Documenting Suspension under Florida Statute 322.2616

- 1) Fill out and issue NOTICE OF SUSPENSION form provided by the Florida Department of Highway Safety and Motor Vehicles.
- 2) Complete PROBABLE CAUSE AFFIDAVIT.
- 3) Complete AFFIDAVIT OF REFUSAL TO SUBMIT TO BREATH TEST, if applicable.
- 4) Complete PBT BREATH TEST RESULT AFFIDAVIT, if applicable.
- 5) Send all required forms to the Florida Department of Highway Safety and Motor Vehicles, as required by Florida Statute 322.2616.

e. Operation of the PBT

- 1) Only officers who are trained in PBT operation are permitted to administer breath tests with the Agency's PBTs.
- 2) PBT operators will follow the manufacturer's procedures for conducting all breath tests.
- 3) A copy of the manufacturer's procedure shall be included in each PBT's carrying / storage case.
- 4) PBT operators will maintain a personal log of all breath tests they conduct on the PBT.
- 5) If the Intoxilizer 8000 is used for a breath test, all relevant rules of the Florida Department of Law Enforcement will be followed.

f. Routine Care and Service of PBT

- 1) Only trained PBT service technicians shall perform service on the Agency's PBTs.
 - 2) All PBTs will be calibrated according to the manufacturer's recommendations.
 - 3) All PBTs shall be checked for accuracy according to the manufacturer's recommendations.
 - 4) All PBT service technicians will keep a service log of all service performed on the Agency's PBTs.
- g. Procedure for Use of Blood Test Results for Florida Statute 322.2616 - In the event that blood test results are used to suspend driving privileges under Florida Statute 322.2616, the officer shall follow the Agency's procedures established for implementing Florida Statute 322.2615.

C. Traffic Accident Investigation

It is the policy of the Sheriff that traffic accidents occurring in the unincorporated areas of Monroe County be investigated by the Florida Highway Patrol whenever possible. However, when the Highway Patrol is not available, this section of this directive shall apply to Office members. In an effort to assist FHP in minor accident investigations, the Monroe County Sheriff's Office will investigate minor accidents using the Short Form Accident Report, when FHP is not available. FS 316.066(3)(a)3

These are accidents where the vehicles involved are still driveable, there is no personal injury and FHP does not have an officer readily available within approximately twenty (20) minutes.

The intent is to save time for both FHP and Monroe County Sheriff's Office. There is no need for a Deputy to waste time waiting at an accident scene for a FHP Trooper to arrive when it would take less time to process and investigate immediately.

FHP will continue to investigate all accidents as requested, and also continue to investigate all personal injury accidents. However, this statement should in no way be construed to mean the Office will not respond to traffic accidents and stabilize the scene until the Florida Highway Patrol arrives.

Accidents will be responded to in the normal course of priority, depending upon the severity of the accident and the nature of the other pending calls. The Division Commanders are to make arrangements with the Traffic Sergeant to attend Roll Calls for all squads in order to clear up any questions on the use of forms or the types of accidents to be investigated.

1. The responsibility of Law Enforcement in investigating and reporting known motor vehicle accidents involving death, personal injury, or property damage is well established by both law and custom. Information gathered as a result of traffic accident investigations is used as a basis for developing traffic laws and traffic safety programs.

2. Within the unincorporated limits of Monroe County, Deputies shall investigate accidents if Florida Highway Patrol is not available. A Florida Traffic Accident Report will be completed when:

- a) Death or injury
- b) Hit and Run
- c) Damage to Public Vehicles or Property
- d) Impairment of an Operator Due to Alcohol and/or Drugs
- e) Disturbances Between Principals
- f) Major Traffic Congestion Result from an Accident
- g) Damage to Vehicles to the Extent that Towing is Required
- h) Hazardous Materials

3. Within the limits of Monroe County, Deputies discovering or witnessing a traffic accident shall:

- a.** Care for the injured;
- b.** Investigate the accident and originate necessary reports;
- c.** Exceptions to this procedure shall be:

- 1) If a call of an emergency nature is holding, there are no life threatening injuries at the scene, and the deputy must respond to the call.
- 2) When the Sheriff's Office does not have a Traffic Homicide Investigator available and the accident involves a fatality.

4. Within the unincorporated limits of Monroe County, Deputies shall investigate accidents if Florida Highway Patrol is not available. A Florida Traffic Accident Report will be completed when:

- a.** There are injuries and/or any vehicles cannot be removed from the scene without a tow truck. This includes:

- 1) Death
- 2) Personal Injury
- 3) Hit and Run
- 4) Impairment of an Operator Due to Alcohol and/or Drugs
- 5) Hazardous Materials
- 6) Damage to Public Vehicles or Property

5. If the accident does not involved injuries and all vehicles involved can be removed from the scene without a tow truck, the Deputy will:

- a.** Complete the Short Form Accident Report – Refer paragraph (6b) and:

- 1) Provide each driver with a copy of the Short Form Accident Report.
- 2) Forward the original copy of the Short Form Accident Report to the Records Section as a report of the accident.

6. Forms

- a.** Forms shall be completed as specified in the Florida Department of Highway Safety and Motor Vehicles publication:

Instructions for Completion of Florida Traffic Accident Report Forms (Copies are available from the Division Commanders.)

- b.** Law Enforcement Short Form Accident Report shall be completed by the investigating Deputy using the instructions on the form. The report will be completed by filling in all applicable information blocks including those not shaded.

1) A narrative is required and a diagram of the accident is optional at the discretion of the Deputy.

2) The reporting grid number of the accident will be written in the right hand margin near the accident report number printed on the form.

- 3) The investigating Deputy will PRINT his/her name, payroll ID number and radio number at the bottom of the report.
- c. When the Report is complete, copies of the report will be given to each driver by the Deputy and the original white copy will be turned into a supervisor for review and forwarded to the reports section. A photocopy (both front and back) of the report will be maintained by records and the original will be mailed to Traffic Accidents Record, Department of Highway Safety and Motor Vehicles, Tallahassee, Florida.
- d. It is the Policy of the Sheriff in the interest of better serving the motorists, that the short form accident report will be completed by the Deputy and NOT given to the parties involved for completion.

7. Responding to and stabilizing traffic accident scenes

a. Dispatch of Deputies to the scenes of traffic accidents reported to the Office.

- 1) When directed to respond to a traffic accident, the Deputy will be informed of the exact location, the severity of the accident, whether traffic is blocked and other units assigned (including ambulance, wrecker, and fire apparatus), to the extent that this information is available to the Office.
- 2) Deputies directed to respond to an accident scene should choose the best possible approach route, considering traffic flow and congestion problems, based on their knowledge of conditions normally existing in the vicinity. Deputies shall drive safely to the scene, consistent with the need for prompt response.
- 3) While en route to the scene, Deputies shall be alert for vehicles which give an indication of involvement in the accident.

b. Notification by deputies of traffic accidents they encounter.

- 1) As soon as possible upon encountering an unreported traffic accident, Deputies will notify Communications of:
 - a) The accident location;
 - b) Probable severity; and
 - c) Any other pertinent circumstances.

2) Appropriate assistance shall be dispatched.

c. Approach to and arrival at traffic accident scenes.

- 1) While approaching traffic accident scenes, Deputies shall be alert for, and avoid obliterating or destroying short-lived evidence as tire marks, etc,
- 2) During the approach to the scene, and upon arrival, deputies shall be alert for specific conditions or factors that may have contributed to the accident (such as visibility / view obstruction, inoperative traffic control device, hazards, etc).
- 3) Upon arrival at the scene, Deputies shall park patrol vehicles in such a way as to provide maximum protection to the scene, but without endangering the public. Deputies shall not jeopardize their patrol vehicles by placing them on the roadway or at other hazardous locations, unless the terrain makes this necessary.

- 4) Deputies shall assess the scene to determine needs for assistance in protecting the scene and/or establishing a safe traffic pattern around the scene, and shall summon appropriate assistance.
- 5) Deputies will also assess the scene to determine if additional investigative skill is required. (Should the need arise for expert or technical assistance in the investigation of a traffic accident involving serious injury or death or unusual circumstances, the required specialist (i.e., Traffic Homicide Investigator, Medical Examiner, State Attorney, Animal Control, Wildlife Officer, physician, mechanic, etc.) may be summoned to the scene after approval by the supervisor.

d. Dealing with Personal Injuries

- 1) Deputies must keep current in their skills of emergency medical care. The Office shall provide and Deputies shall participate in basic and refresher training in emergency medical techniques.
- 2) In the event that injuries are present at the scene, deputies shall check injured persons to identify those most seriously injured and fatalities.
- 3) Deputies shall administer appropriate emergency medical aid to injured persons. Deputies will not attempt to administer medical aid or treatment beyond their capabilities. Deputies shall not allow incompetent volunteer's to treat injured persons.
- 4) Deputies shall summon appropriate medical assistance to the scene, and assist in getting persons seriously injured removed to medical facilities as soon as possible. If there is any question as to whether a person is dead, that person shall be removed to a medical facility.
- 5) At accident scenes where there is personal injury or the imminent threat of injury, actions to deal - with the injury / threat will take precedence over investigative or reporting activities.
- 6) In the event professional ambulance service is not available and will not be available for an extended period, and in the Deputies opinion the life of the injured person depends upon immediate professional medical aid, the injured person may be transported in a patrol vehicle.
- 7) Deputies shall obtain approval of supervisory personnel before transporting injured persons in police vehicles.
- 8) When injured persons are to be transported in patrol vehicles, preliminary emergency medical aid shall be administered at the scene. Additional law enforcement personnel shall be summoned to the scene to assist in the emergency and in protecting the scene.
- 9) Deputies transporting injured persons shall, to the best of their ability, insure that the injured persons are properly attended to and shall exercise due care and caution in driving.

e. Protecting the Scene and Clearing the Roadway

- 1) Deputies shall use the patrol vehicle's overhead lights, flares, barricades, traffic cones and other appropriate warning devices, as necessary, to protect the scene and to alert approaching traffic. Scene protection and warning are especially important if victims of the accident, their vehicles, or hazardous debris are in the roadway.
- 2) Since failure to expedite removal from the roadway of vehicles involved in accidents results in unnecessary congestion and contributes to additional serious collisions, the Office will recommend that drivers remove their vehicles immediately from the traffic lanes when involved in property damage only accidents, provided the vehicle is capable of being moved under its own power.

- 3) If it is evident that the accident involves property damage only, Deputies shall direct all motorists involved in the accident to immediately remove their vehicles from the roadway, unless it is impossible or impractical to remove those vehicles.
 - 4) Consistent with the need to preserve evidence, if the roadway is blocked by debris and/or vehicles only, and if there are no injuries requiring immediate attention, Deputies will clear the roadway as rapidly as possible.
 - 5) To prevent congestion, and to permit emergency vehicles to move freely and safely, Deputies shall direct vehicles at the scene (emergency and otherwise) to be parked safely off the roadway as soon as practical.
 - 6) Deputies shall direct passersby (except witnesses) to leave the scene.
 - 7) Deputies shall be alert to actual and potential dangers at accident scenes, including, but not limited to, fire hazards (i.e., spilled gasoline and other flammable substances) and other hazardous materials. Deputies will initiate appropriate remedial / preventive actions, in conformance with applicable Office directives, when such actual or potential dangers are noted.
 - 8) Deputies will conduct accident scene traffic direction and control activities, as necessary, to protect the scene, clear the roadway, promote the safe and efficient movement of traffic in the vicinity and prevent additional collisions. Accident scene traffic direction and control activities carried out by Deputies will conform to all applicable Sheriff's Office directives.
- f. Carrying Out Investigative, Reporting and Enforcement Services
- 1) Deputies shall locate witnesses and conduct such on-scene traffic accident investigative and reporting activities as are necessary and appropriate, given the nature and circumstances of the accident. Collection of relevant accident information will be in conformance with all applicable Office directives.
 - 2) Deputies shall take enforcement action, when and as appropriate, based on the evidence obtained from their investigative and reporting activities. Any such enforcement action shall be in conformance with all applicable Office directives.
 - 3) Hit-and-Run Traffic Accident Investigations
 - a) The Deputy who conducts the initial investigation of a hit-and-run traffic accident shall within the constraints of duty assignments, time, distance, and jurisdiction, investigate the hit-and-run accident to the fullest extent possible.
 - b) The Deputy investigating a hit and run traffic accident shall collect and preserve latent and physical evidence. A copy of the evidence property receipt shall be attached to the original accident report but shall not be numbered as a page of that report.
 - c) The Deputy shall conduct interviews of witnesses, drivers, passengers, and suspects.
 - d) Hit and run investigation requiring lengthy follow-up, contacts in other jurisdictions, or which cannot be completed by the originating Deputy are to be referred to the Traffic Unit. This procedure does not relieve the originating Deputy from the responsibility of following up leads within the Deputy's assigned Sector.

- e) When a Deputy refers a report for follow-up investigation, the originating Deputy shall complete a Hit and Run Accident Information Sheet (confidential) which shall be attached to the original or supplement report.
 - f) A traffic Homicide Investigator shall be called to the scene of an accident involving a fatality or possible fatality to assume the investigation of the criminal aspect of the case.
- 4) Traffic Accident Investigation (DUI). (Refer to Section B-20-b of this directive, entitled Traffic Accident Investigation (DUI).)
- 5) Fatalities
- a) A fatal accident investigation is a two-part investigation. Traffic fatalities shall be investigated by a patrol Deputy and a Traffic Homicide Investigator.
 - (1) The original of the Florida Traffic Accident Report shall be completed by the originating Deputy and shall be typed.
 - (2) The originating Deputy shall note on the original accident report the name, rank, and unit number of the Traffic Homicide Investigator assigned to the accident and the name and unit number of the Duty Crime Scene Detective who took photographs.
 - (3) The Traffic Homicide Investigator Report shall be completed by the Traffic Homicide Investigator.
 - b) It is the Traffic Homicide Investigator's duty to insure that the deceased is properly identified, next of kin is notified, the fatality teletype is sent, a press release is prepared, the medical examiner's fatality form is completed and autopsies relative to the fatality are attended.
 - c) Supervisors shall allow Traffic Homicide Investigators sufficient time to conduct a latent investigation following the date of the traffic fatality.
 - d) A Traffic Homicide Investigator Trainee shall not be assigned to a fatal traffic accident without his/her training officer being present.
 - e) Photographs shall be taken of the accident scene. Care shall be taken to insure that sufficient data and evidence is collected for purposes of accident reconstruction, if needed.
 - f) A Sheriff's Office report number shall be assigned to the Traffic Homicide Report.
 - g) When a Traffic Homicide Investigator conducts a fatality or preliminary fatality investigation, the investigator shall forward the following information to the appropriate Sector personnel in charge of the traffic homicide log. This information shall be recorded in the log within twenty-four (24) hours of the accident investigation.
 - (1) Report number;
 - (2) Victim's name;
 - (3) Whether the accident was alcohol or drug related;
 - (4) Date and time of the accident;
 - (5) Date and time of death;
 - (6) Whether the next of kin were notified;
 - (7) Investigator assigned; and
 - (8) Copy of fatality teletype and copy of press release.
- g. Clearing the Scene and Terminating On-Scene Activities

- 1) Consistent with the need to deal appropriately with injuries and actual or potential hazards, and with the need to obtain and preserve evidence, Deputies will arrange for the prompt and safe removal from the scene of all involved vehicles and debris.
- 2) When vehicles are to be driven from the scene (accident involved vehicles, emergency vehicles, or others), Deputies will assist the drivers, as necessary in entering the traffic stream safely.
- 3) Once the scene has been cleared of vehicles, debris, etc., Deputies will arrange for the prompt removal (and proper disposal, if applicable) of all flares and other warning devices that may have been employed to protect the scene.

8. Collection of At-the-Scene Information in Support of Accident Investigation of Reporting.

- a. When, due to the nature and circumstances of the accident, a traffic accident investigation is to be conducted, it may be appropriate to obtain the following types of information / evidence.
 - 1) Photographs (of the final positions of the vehicles; damage to vehicles; and results of the accident on the roadway, such as tire marks, debris and damaged objects).
 - 2) Preliminary field examinations of specific vehicle components (for failures or damage).
 - 3) Preliminary matching of vehicle damage (to the damage of other vehicles and other objects, and to marks on the road).
 - 4) Skid tests.
 - 5) Observations of visibility and view obstructions.
 - 6) Trip plans of each driver or pedestrian involved.
 - 7) Events, maneuvers and anticipated actions just prior to collision.
 - 8) Accurate descriptions and measurements of all vehicle damage, marks on roadway, final positions of vehicles, and debris.
 - 9) Identification and preliminary statements from drivers and witnesses.
 - 10) Any other information related to the accident that may be necessary to insure the completeness of the investigation.
- b. Accidents that are not investigated but that do warrant reporting, require less information, typically including:
 - 1) Events, maneuvers and anticipated actions just prior to collision.
 - 2) Accurate descriptions of all vehicle damage, marks on road-way, final positions of vehicles and debris.
 - 3) Identification and preliminary statements from drivers and witnesses.
 - 4) Any other information related to the accident that may be necessary to insure the completeness of the report.
- c. All such information must be collected in a fashion that insures accuracy and admissibility. Further, the information must be obtained in a fashion that permits tabulation according to standard classifications, to

support planning and coordinated accident prevention programs both within the Office and in cooperation with other agencies / jurisdictions.

d. Major activities associated with the collection of information at traffic accident scenes typically include:

- 1) Interviewing witnesses and principals;
- 2) Examining / recording vehicle damage;
- 3) Examining / recording effects of accident on the roadway;
- 4) Taking measurements as appropriate;
- 5) Taking photographs as appropriate;
- 6) Collecting / preserving evidence; and
- 7) Exchanging information among principals.

e. Questioning Drivers and Witnesses

- 1) Deputies shall question drivers and witnesses separately and individually concerning the traffic accident. Tape recording devices, if available, may be used during questioning. Deputies will discourage drivers and witnesses from discussing the accident among themselves.
- 2) If the questioning is directed toward determining the driver's involvement as a violator, or if the driver is likely to make an incriminating statement, he/she will be advised of his/her constitutional rights as prescribed by the Miranda decision prior to questioning.
- 3) In minor traffic accidents, which are reported, the questioning of drivers and witnesses is usually conducted at the scene. In accidents of a serious nature requiring an investigation, a brief account will be obtained at the scene, and subsequently a formal and comprehensive statement should be taken at a more suitable location, preferably Office facilities. Deputies will question drivers and witnesses as soon as practical following the accident. However, the questioning may be delayed until the person has received medical attention, regained emotional stability, or attended to other urgent personal business.
- 4) When questioning drivers and witnesses, Deputies will be objective and exhibit emotional stability, diplomacy and understanding. They will reflect a professional attitude and demeanor and avoid conflict, profanity and sarcasm.
- 5) When questioning drivers, Deputies shall be alert to any physical or emotional impairment (temporary or permanent) which may have affected the person's driving ability. This will include, in particular, being alert to evidence of alcohol and/or drug impairment.
- 6) Deputies should question drivers relative to trip plan, emotional experience (i.e., aggravation with traffic during rush hour), point at which danger was first perceived, what driver was doing at that point, evasive action taken, and condition of vehicle prior to the accident.
- 7) Witnesses will be questioned, when available, as to their exact location when they witnessed the accident, what they were doing at the time, what called their attention to the accident and what they saw, heard or performed in response.

f. Examining Vehicle Condition

- 1) The tires shall be checked for proper inflation, tread, and any indication of blow out. Side walls will be checked for recent scrapes, cuts, or marks which indicate breaking or a sideward sliding action of the vehicle. Wheels will be checked for recent damage, marks, and dents.

- 2) The lights of the vehicle will be checked to determine if they were on or off during the accident, if they are functional, and the position of the switches.
- 3) The vehicle will be checked for proper visibility, including windshield and all windows, for evidence of any impairment to the driver. The glass will be checked immediately (short-lived evidence) for obscurity due to fogging. The glass will also be checked for old cracks, discoloration, and stickers which may have created view obstruction.
- 4) The interior of the vehicle will be checked for any loose materials that may have interfered with the driving ability of the driver.
- 5) Rear view mirrors will be checked for their presence and condition.
- 6) The frame and body will be checked for any indication of alterations in the frame, suspension and steering mechanism.
- 7) The mechanical controls will be checked and their condition noted relative to the position of the gear shift level, position of accessory switches, light switches, position of speedometer, proper operation of pedals, operation of horn, the presence and condition of seat belts and the presence and condition of sun visors.
- 8) Deputies who note faulty equipment that warrants a more thorough and in-depth examination will place an investigative hold on the vehicle as evidence and arrange for qualified personnel to examine the vehicle, particularly if defects are suspected in the braking and steering mechanisms of the vehicle.
- 9) A significant challenge to the investigating Deputy is to determine whether deficiencies noted in the vehicle existed prior to the accident, contributed to the accident, were a result of the accident, or merely a circumstance which was present but not a contributing factor.
- 10) Investigators will also check the damage obviously sustained in the collision of each vehicle. A thorough examination and evaluation of the damaged area may coincide with other evidence and statements as to how the accident occurred.

g. Examining Road and Weather Conditions

- 1) Deputies shall note all conditions of the road, during the investigation at the scene, for inclusion in the investigative report. In checking these conditions, Deputies will approach the scene from the same direction as each driver and from the same position in the roadway as the driver, if possible.
- 2) In examining the condition of the road, Deputies shall be alert for any foreign substance on the surface, (sand, loose gravel, oil, etc.). Note the condition of the surface, (dry, slippery, wet, etc.), note the markings for clarity or obscurity, note the grade and super elevation, width of each lane, alignment (offset, narrowing), and the condition of the edge (rough, drop-off, cracks).
- 3) Deputies will check the road for any obstructions which existed at the time of the collision, if possible. This includes parked vehicles, glare, background lighting, foliage, and structures (permanent and temporary).
- 4) Deputies shall check the control devices present, to include speed limit signs preceding the accident scene; present conditions, size, and conspicuousness of other control signs; and the proper functioning of traffic signal lights.
- 5) Deputies will record any unusual weather conditions existing at the time of the collision to include rain, fog, etc.

6) When it is necessary and appropriate to conduct skid tests, officers will exercise due caution in so doing.

h. Taking Photographs

- 1) Deputies taking photographs at accident scenes will be thoroughly familiar with the rules of evidence as they apply to photographic evidence and insure the photographs taken meet approved standards. (Note Chapter 35)
- 2) Deputies shall record the type of camera, "F" stop, shutter speed, film, film ASA rating, and the position from which the photograph was taken.
- 3) The location from which the photographs are taken will be marked for later inclusion in the traffic accident scene sketch.
- 4) Photographs will be taken of an overview of the accident scene with permanent fixed objects included to establish location.
- 5) Deputies will take photographs from all angles establishing a 360 degree photographic coverage of the accident scene.
- 6) When large distances are involved, sequence photographs should be taken.
- 7) Photographs will be taken of short-lived and temporary evidence (tire marks, skid mark shadow, spillage from the vehicle, etc.).
- 8) Photographs will include close-up shots of physical evidence including marks on the roadway, impact damage to vehicles, view obstructions, traffic control signs and signals (from the view point of the driver), and skid marks.
- 9) A strict chain of custody must be maintained over photographs, negatives, and Polaroid prints.

i. Sketches And Measurements

- 1) Sketches are useful in assisting the investigating Deputy and explaining the accident. They also enable the investigator to reveal facts, to locate again any given point at the scene, and to prepare subsequently an accurate scene drawing. When investigating accidents, Deputies should prepare such sketches as may be necessary and appropriate for these and other investigative purposes.
- 2) The sketch shall contain a legend including the case number, location, date and time of the accident, Deputy preparing the sketch and compass points.
- 3) Deputies shall begin the sketch by preparing a map containing the physical characteristics of the scene, pertinent contributing factors (view obstructions, control devices) and fixed points to be used as a base from which measurements will be taken.
- 4) The sketch shall contain the final position of the vehicles, position of persons not in the vehicle, damage to property other than the vehicles, debris and skid and scuff marks.
- 5) Measurements shall be taken, by the triangulation and/or coordinate system, for locating each item in the sketch.
- 6) When necessary and appropriate for a particular investigation, the information on the sketch will be used to prepare a diagram to approximate scale.
- 7) Deputies will use the template symbols in the accident diagrams they prepare.

8) The completed diagram shall include a legend stating the case number, location, date and time of the accident, name of the Deputy preparing the diagram, scale of the diagram and compass points.

9) All field notes and sketches shall be maintained by Deputies.

9. On-Scene Command

When more than one Deputy responds to the scene of a traffic accident, the first arriving Deputy shall be responsible for the scene and ensure all required tasks are completed.

10. Follow-up Accident Investigation

a. Development of follow-up information regarding serious injury or fatal traffic accidents is undertaken in support of possible criminal prosecution. These criminal investigations include but are not limited to Driving Under the influence of alcohol or drugs where an accident results in the death or serious injury of any person and Hit and Run accidents where there are serious or fatal injuries to any person. When warranted, follow-ups should include:

1) Collecting "Off Scene" data.

2) Obtaining / recording formal statements from witnesses.

3) Reconstructing accidents.

4) Preparing formal reports to support criminal charges arising from the accident.

b. Traffic accident reconstruction, in particular, is required only at the request of the State Attorney.

c. The Office will perform follow-up traffic accident investigation services in support of on-going or anticipated criminal prosecution, as necessary and appropriate. The office does not perform such service in support of civil litigation.

d. The Office recognizes that, from time to time, follow-up accident investigations may require special skills and technical assistance beyond that available from its own personnel. When necessary and appropriate, the Office will approve the use of outside expert and technical assistance.

e. Requests to initiate follow-up traffic accident investigation services will be forwarded through the chain of command to the Undersheriff and will specify the particular charge(s) for which criminal prosecution is anticipated.

f. After review of the request for a follow-up investigation, the Undersheriff will make a determination as to whether an investigation is warranted. If an investigation is warranted, the supervisor of the Traffic Enforcement Unit will be directed to conduct the follow-up investigation and report the findings within thirty (30) days.

g. The Supervisor of the Traffic Unit will conduct a follow-up traffic accident investigation in compliance with Chapter 20 of the Operations Manual and Florida State Law. The supervisor of the Traffic Enforcement Unit will make a written report to the Bureau of Operations Commander within 30 days stating the findings of the investigation and any recommendations that seem pertinent.

- h. Requests for expert and technical assistance in follow-up investigations will specify the precise assistance to be rendered, including the names and qualifications of the personnel proposed to provide the assistance and adequate justification of the need for that assistance.
- i. All such requests must have supervisory approval before the expert assistance is authorized and before follow-up investigation services commence.

11. Traffic Accidents Occurring on Private Property

- a. No written report will be required for an accident occurring on private property that is not normally open to the general public, such as a private residence, provided that no injury has occurred and no person involved in the accident requests that a report be taken.
- b. On private property, which is not normally open to the general public, such as a private residence and where no injuries have occurred and when the involved parties request a report, the Deputy will assist in exchanging relative information between the drivers and complete an accident report.
- c. Accidents occurring on private property which is not normally open to the general public, such as a private residence, involving injury or excessive property damage will require a complete accident report.
- d. Accidents occurring on private property normally open to the general public and meeting the state reporting requirements, shall be processed as if they had occurred on the public street, with all necessary forms completed.

12. Fire Hazards and Hazardous Materials at Accident Scenes

An important responsibility of Deputies responding to any accident scene is to keep the situation from becoming worse. This responsibility may take on added importance and complexity when an actual or potential fire hazard or hazardous materials is present at the scene. Under such circumstances, Deputies may be called upon to perform certain special activities, and to coordinate their activities with those of personnel from various other agencies. Priorities for action are likely to be affected by the extent and nature of the hazards present.

- a. The Office will continue to be cognizant of the responsibilities, practices, and procedures of other agencies that respond to and/or provide technical assistance relating to fire hazards and hazardous material incidents. Deputies will be kept informed of these responsibilities, practices, and procedures to insure the best possible coordination and delivery of services at traffic accident scenes involving such hazards.
- b. The Office has allocated a copy of the current issue of the U.S. Department of Transportation's Emergency Response Guidebook for hazardous material incidents to each Deputy. The Office will continue to provide adequate training in the use of the Guidebook to each Deputy. Deputies will participate in the training and will refer to and follow the Guidebook's recommendations for taking emergency and other actions appropriate to specific hazardous material incidents.
- c. Deputies shall continue to be cognizant of the fact that any traffic accident involving a cargo vehicle potentially is a hazardous material incident, and will be cautious and observant for any evidence / indication of hazardous material before approaching cargo vehicles involved in accidents.

d. Handling Fire Hazards

- 1) Should there be a potential for fire, Deputies will take appropriate action to stabilize the conditions by providing adequate protection to the scene, isolating the immediate area, removing persons from the vicinity of the hazard (if possible) suppressing the hazard (if possible) and summoning technical resources from the fire department, when necessary.

- 2) Deputies shall attempt to eliminate the possibility of sparks or other ignition from smoking, flares, electricity, or any other source, to the maximum extent possible.
- 3) If the fire is existing, Deputies will rescue persons in the vicinity of the fire, (if possible), extinguish the fire, (if possible) and summon fire fighting assistance, when necessary.
- 4) Depending upon the extent of the fire, Deputies will evacuate the surrounding area, and maintain isolation of the area until the fire is suppressed.
- 5) Deputies should carefully control the movement of vehicles within the vicinity of the fire or potential fire hazard, detouring traffic if necessary.

e. Handling Hazardous Materials

- 1) Upon arrival at the scene of a traffic accident involving a cargo vehicle, Deputies will attempt to make a preliminary identification of the cargo on the basis of placards visible from a safe distance.
- 2) When there is any question whether spilled material at an accident scene may be hazardous, Deputies will avoid contacting the material and keep other persons from contacting the material, to the maximum possible extent.
- 3) Deputies shall follow the procedures specified in the Emergency Response Guidebook to complete the identification of hazardous materials, take appropriate emergency action and notify relevant agencies.
- 4) The Sheriff's Office complies with Occupational Safety and Health Administration ("OSHA") articles concerning response by and exposure of its members to the presence of bio-hazardous materials.

13. Accident Investigation Equipment / Emergency Medical Supplies To Be Carried

a. Deputies who investigate traffic accidents shall ensure that, their assigned vehicles are equipped with the following accident investigation and emergency medical equipment:

- 1) Fire extinguisher
- 2) First aid kit
- 3) A minimum of (12) flares
- 4) A 100 foot long steel measuring tape
- 5) A traffic template and calculator
- 6) Traffic crayons
- 7) Traffic Accident Report Forms

b. Traffic Homicide Investigators shall ensure that their assigned vehicles are equipped with the following:

- 1) Roller tape
- 2) 25 foot retractable measuring tape
- 3) Tire gauges
- 4) Tire tread depth
- 5) Camera and film
- 6) Paint for marking roadway
- 7) String

- 8) Crime scene tape
- 9) A minimum of one (1) case of flares
- 10) Blood collection kit(s) / vacutainer(s)

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14. Property Belonging to Accident Victims

Traffic accidents frequently generate extreme emotional states on the part of the persons involved. In turn, extreme emotions may breed distractions and rash judgments or actions that can easily cause valuables and other personal property to become lost, stolen, or damaged. Deputies responding to accident scenes have a responsibility to help safeguard victims' personal belongings, consistent with the priorities of other duties. This responsibility is heightened when the victim is dead or incapacitated by injury.

- a. Deputies shall be alert to pilferage and theft problems which frequently occur at scenes where emotions are extreme, such as traffic accidents.
- b. When Deputies are required to handle victims' personal property (such as for identification purposes), this should be done, whenever possible, in the presence of witnesses. Such witnesses will be identified in the report of the accident.
- c. When Deputies are required to safeguard personal property outside the presence of the owner, the said property will be inventoried and documented on:
 - 1) Vehicle Acquisition form, if the vehicle is being towed and stored.
 - 2) Property Receipt form, if the property is being removed from the vehicle and is to be taken into evidence either for prosecution or safekeeping.
- d. When it is necessary to release a victim's property to another person or agency, members will properly receipt the transfer of the property.

15. Classification of Motor Vehicle Accidents

The Sheriff's Office shall classify motor vehicle or traffic accidents in compliance with the statewide accident classification system, as specified by the Florida Department of Highway Safety and Motor Vehicles, which as far as is practical, corresponds to The Manual on Classification of Motor Vehicle Traffic Accidents as published by the National Safety Council.

16. Enforcement Action for Violations Resulting in Traffic Accidents

- a. Deputies are expected to take positive enforcement action whenever their traffic accident or reporting activities produce probable cause to believe that a violation of law or ordinance has occurred.
- b. Deputies' specific enforcement actions arising from traffic accident investigation or reporting, (i.e., physical arrest, citation, written warning, etc.), will be consistent with the nature of the alleged violation and with all of this Office's written directives concerning traffic law enforcement.
- c. In taking any positive enforcement action, the Deputy must establish all elements of the violation. Elements that the Deputy has not personally witnessed must be established through investigation. The investigation may include, but not be limited to:
 - 1) Statements or admissions made, by the alleged violator to the member;
 - 2) Statement of witnesses;
 - 3) Accident scene measurement;

- 4) Physical evidence.

17. Accidents Involving Sheriff's Office Vehicles

a. Notification Requirements

- 1) The Sheriff through the Chain of Command and the Bureau of Administration's designee shall be kept informed of all accidents, members' injuries, and incidents involving Sheriff's Office members and vehicles. All fatalities, serious injuries, and extensive property damage incidents shall be reported without delay.
- 2) The Sheriff's Legal Advisor shall be promptly informed by the Bureau of Administration's designee of all accidents and/or incidents for which the Sheriff and/or the County might be held liable, with immediate notification of accidents / incidents involving fatalities, serious injuries, and/or extensive property damage.

b. Communication Section's Responsibilities

- 1) The communications section shall IMMEDIATELY be notified of all accidents / incidents involving Sheriff's Office vehicles.
- 2) The supervisor shall be dispatched to the accident scene to assist and to ensure that the proper execution of all policies and procedures of the Sheriff's Office are adhered to, and to prepare a report of the accident.
- 3) The responding supervisor shall assist any injured persons. When a Sheriff's Office member(s) is killed or seriously injured, the supervisor shall coordinate notification of the next-of-kin with the Division commander of the member involved.
- 4) The responding supervisor shall ensure custody and safe disposition of the Sheriff's vehicle and contents when a Sheriff's vehicle officer is incapacitated.

c. Accident Investigation Procedures

- 1) All accidents / incidents involving personal injury, death and/or property damage resulting from the operation of a Sheriff's Office vehicle shall be investigated by the Florida Highway Patrol, the City of Key Colony Beach Police Department and/or the Key West Police Department (within the City of Key West). The only exception to this would be criminal mischief incident(s).
- 2) If the Florida Highway Patrol and/or local agency can not and/or refuses to respond to the scene, then the on-duty supervisor will be responsible for completing the Florida Traffic Accident Form Report.
- 3) The supervisor will also need to complete the standard Offense / Incident Report, ensuring that all witnesses and the member operating the vehicle complete a handwritten supplemental statement pertaining to their knowledge of the events.
- 4) The Motor Vehicle Accident review Board has developed the following chart to assist field personnel in determining exactly what information must be obtained and submitted to the Board, based on the category of the incident.

Category 1	Category 2	Category 3	Category 4	Category 5
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Criminal Mischief less than \$100 Damage with No Arrest	Criminal Mischief with an Arrest or More than \$100 Damage	Auto Accident Without Injury	Auto Accident with Injury	Auto Accident with Death
Incident Report	Incident Report	Incident Report	Incident Report	Incident Report
Written Estimates (Unless repairs are not necessary)	Written Estimates	Written Estimates	Written Estimates	Written Estimates
---	Photographs	Photographs	Photographs	Photographs
---	---	Florida Traffic Crash Report by Other Agency	Florida Traffic Crash Report by Other Agency	Florida Traffic Crash Report by Other Agency
---	---	---	Notice of Injury	Notice of Injury
---	---	---	Supervisor Report of Accident	Supervisor Report of Accident
---	---	---	---	Homicide Investigation by Other Agency

- 5) For Categories 2, 3, 4, and 5, two or more photographs will be taken of the damaged area(s) on all damaged vehicles or property. At least one photograph will be taken of the general scene.
- 6) The supervisor will also need to ensure that the Sheriff's Office vehicle is removed from the scene and properly stored as necessary.
- 7) In accidents with serious injuries or death, a crime scene technician shall be summoned to take photographs.

d. Report Routing

- 1) A State of Florida Worker's Compensation Notice of Injury (NOI) shall be completed whenever a member of the Sheriff's Office is injured in the line-of-duty or during duty hours. In the event the injured member is incapacitated and/or unable to execute a sign the (NOI), it shall be the responsibility of the responding supervisor of the injured person to ensure that the (NOI) is completed and forwarded to the Risk Management Specialist no later than the next business day.

e. Liability Statements

- 1) Pursuant to established rules and regulations, Sheriff's Office members who become involved in accidents / incidents resulting in injury or property damage are not to make any statements concerning accident damages or injuries. Members should refer calls to the Risk Management Specialist.
- 2) Accident Investigation Reports and/or memorandums originated by members of the Sheriff's Office shall provide factual information only, avoiding any expressions of personal opinion.

D. Traffic Direction and Control

1. Traffic Direction and Control, in broad terms, include all functions, procedures, apparatus, markings, etc., designed to promote and insure the safe and efficient movement of vehicles and pedestrians. The requirement for traffic direction and control exists at many locations within the traffic network, at many times and under many different circumstances. At some locations, the need for traffic direction and control is essentially continuous; at others, the need exists only at separate and predictable times. Examples of such times include scheduled special events, rush hours, school opening and closing times. At still other locations, the need for traffic direction and control services will arise unpredictably in response to special circumstances. Examples of this type would include the need to provide for traffic direction and control in the vicinity of traffic accidents, fires, and traffic hazards caused by adverse weather conditions. This Office has an important role

to play in carrying out traffic direction and control. However, neither this Office nor any law enforcement agency is solely responsible for the traffic direction and control function. Such responsibility is shared with traffic engineering and other government officials. This Office will carry out its responsibilities for traffic direction and control in concert with other authorities, by providing and managing appropriate personnel and other resources, in numbers and kinds adequate to deal with reasonable expectations concerning the need for traffic direction and control services.

- a. The Office will maintain a close working relationship with traffic engineering authorities and other cognizant officials to plan and implement traffic direction and control services for the community.
- b. Because any Deputy of this Office may be called upon to carry out traffic direction and control functions in response to unanticipated needs, the Office will provide training in the basic skills and knowledge required for those functions.
- c. In conjunction with traffic engineering authorities and other cognizant officials, the Office will carry out periodic analyses of traffic direction and control needs of the community, to identify and anticipate to the extent possible the number and kinds of resources required.
- d. In allocating resources to provide for identified traffic direction control and needs, the Office will strive to maximize the cost effectiveness of the choices made. Specifically, unmanned traffic control devices; signals and other apparatus will be used wherever they are capable of satisfying the identified service requirement. Non-sworn personnel will be assigned to carry out those traffic control functions judged to require human intervention to ensure safety and efficiency, but where a need for enforcement authority is not anticipated. Sworn personnel will be assigned to carry out identified traffic direction and control functions only at those times and places where law enforcement authority is deemed necessary.
 - 1) The Office will conduct a survey, at least annually, in cooperation with the traffic engineering authorities, to identify locations and times where point control is needed to ensure the safe and efficient movement of vehicles and pedestrians. Additional special surveys will be conducted, as needed, when traffic accident or enforcement data suggest unsafe conditions exist at certain locations, or when there are significant changes to the traffic network (such as, roadway construction).
 - 2) The Office will conduct a survey, at least annually, to identify locations and time where parking control is needed to ensure the safe and efficient movement of vehicles. The specific requirements associated with each such location and time will be analyzed on the basis of well-established principles of parking control and the member's own experience, to determine the most appropriate strategy / method of parking control. Examples include: no parking zone, restricted parking zone, peak-hour tow-away zone, overtime parking enforcement, etc. Additional special surveys will be conducted, as needed, when traffic accident or enforcement data or other information suggest that parking control problems exist at certain locations and times.
 - 3) The Office will conduct a survey at least annually, in cooperation with traffic engineering and school authorities, to identify locations requiring adult school crossing supervision. The survey data will form the basis, in part, for establishing school route plans and crossing points. Analysis of the survey data to identify school crossing guard points will include, but not necessarily limited to the following factors: traffic volume and speed; number of turning movements; width of intersection; physical terrain; presence and types of traffic control devices; applicable statutes and ordinances; the number and ages of children using the crossing; any special circumstances (i.e., handicapped school children); and any other pertinent factors. Additional special surveys will be conducted, as needed, when traffic accident or enforcement data or other information suggest unsafe conditions may exist at certain school locations, or when changes in school demographics indicate changes in route or crossing point.

- 4) Times and locations identified as requiring point traffic control will be analyzed to determine whether manual direction of traffic is necessary. Factors to be considered in this analysis will include but not necessarily be limited to: traffic volume and speed; number of pedestrians present; duration of congestion period; presence and types of traffic control devices; special circumstances of the location (i.e., handicapped, pedestrians); and other pertinent factors. The decision to assign personnel to carry out traffic direction and control will be made only if the analysis indicates that unmanned signals / devices cannot adequately ensure the safe and efficient movement of traffic.
- 5) The Office will work with school authorities to assist in organizing, instructing, and supervising student safety patrols. Student safety patrol activities are intended to complement the adult school crossing guard program. Student safety patrols will not be authorized to direct or control vehicular traffic in any way.

2. Manual Traffic Direction and Control

- a. The major objective of the person carrying out manual traffic direction and control is to maintain and/or restore the safe and efficient movement of vehicular and pedestrian traffic. In so doing, the member is responsible for:
 - 1) Regulating traffic flow;
 - 2) Controlling traffic movements;
 - 3) Coordinating vehicle movements with flow at adjunct inter-sections;
 - 4) Detouring traffic, as necessary;
 - 5) Controlling pedestrian movement;
 - 6) Arranging for removal of traffic obstructions; and
 - 7) Rendering aid and assistance to motorists and pedestrians.
- b. Members will at all times give due consideration to their own safety while carrying out manual traffic direction and control.
- c. Members will use uniform procedures (signals, gestures, etc.) to enhance driver and pedestrian recognition and response to their direction.
- d. High Visibility Clothing
 - 1) The Office provides high visibility outerwear to personnel assigned to perform scheduled manual traffic direction and control functions. Members will wear such high visibility outer wear, in addition to the full prescribed uniform, when- ever conducting scheduled manual traffic direction and control.
 - 2) Members conducting unscheduled manual traffic direction and control in response to unforeseen contingencies will wear high visibility outerwear before initiating manual traffic direction and control.
- e. Assuming and Maintaining a Traffic Direction and Control Position - Members carrying out manual traffic section and control will insure that their presence and purpose are well demonstrated to drivers and pedestrians, by:
 - 1) Positioning themselves so that they can clearly be seen by all, usually in the center of the intersection or street.
 - 2) Standing straight with weight equally distributed on both feet.
 - 3) Allowing hands and arms to hang easily at the sides except when gesturing.

4) Standing facing or with back to stopped traffic and with the side toward traffic being directed to move.

f. Signals and Commands

1) **Stop** - To stop traffic the member should first extend his arm and index finger toward and look directly at the person to be stopped until that person is aware or it can be reasonably assumed that he is aware of the member's gestures. Second, the pointing hand is raised at the wrist so that its palm is toward the person to be stopped, and the palm is held in this position until the person is observed to stop. To stop traffic from both directions on a two-way street the procedure is then repeated for traffic coming from the other direction while continuing to maintain the raised arm and palm toward the traffic previously stopped.

2) **Start** - To start traffic the member should first stand with shoulder and side toward the traffic to be started, extend his arm and index finger toward and look directly at the person to be started until that person is aware so it can be reasonably assumed that he is aware of the member's gesture. Second, with palm up, the pointing arm is swung from the elbow, only through a vertical semi-circle until the hand is adjacent to the chin. If necessary, this gesture is repeated until traffic begins to move. To start traffic from both directions on a two way street, the procedure is then repeated for traffic coming from the other direction.

3) **Right Turns** - Right turning drivers usually effect their turns without the necessity of being directed by the member. When directing a right turn becomes necessary, the member should proceed as follows:

a) If the driver is approaching from the member's right side his extended right arm, index finger and gaze are first directed toward the driver, followed by swinging the extended arm and index finger in the direction of the driver's intended turn.

b) If the driver is approaching from the member's left side, either the same procedure may be followed utilizing the left arm extended or the extended left forearm may be raised to a vertical position from the elbow while closing the fingers so that the remaining extended thumb points in the direction of the driver's intended turn.

4) **Left Turns** - Left turning drivers should not be directed to effect their movement while the member is also directing oncoming traffic to proceed. Therefore, the member should either direct opposing turning drivers, which will lead them to complete their turn only when there is a gap in the oncoming traffic, or to stop or hold oncoming drivers, after which the left turning driver can be directed into his turn. The member's right side and arm should be toward the oncoming traffic, and the left side and arm should be toward the left turning driver. After stopping oncoming traffic by using the right arm and hand, the right hand should remain in the halt gesture, then the extended left arm, index finger, and member's gaze is directed toward the driver who intends to effect a left turn. When the left turning driver's attention has been gained, the extended left arm and index finger are swung to point in the direction the driver intends to go.

5) **Intersections** - Traffic should be directed into an intern section by distinctly pointing to the spot where the member is desiring the driver to go.

g. Signaling Aids

1) **Whistle** - The whistle is used to get the attention of drivers and pedestrians. It is used as follows:

a) ONE (1) long blast with a STOP signal.

b) TWO (2) short blasts with the GO signal.

- c) Several short blasts to get the attention of a driver or pedestrian who does not respond to a given signal.
 - 2) The whistle should be used judiciously. It should not be used to indicate frustration, but the volume should be just that sufficient to be heard by those whose attention is required. Therefore, whistle blasts directed at pedestrians should be moderate in volume. The whistle should be used only to indicate stop, go, or to gain attention and when its purpose has been achieved the member should cease sounding the whistle. If the whistle is utilized continuously, it ceases to hold meaning for drivers and pedestrians.
 - 3) Voice - The voice is seldom used in directing traffic. Arm gestures and the whistle are usually sufficient. There are numerous reasons why verbal commands are not used. Verbal orders are not easy to give or understand and often lead to misinterpretations, which are dangerous. An order which is shouted can antagonize the motorist.
 - 4) Occasionally, a driver or pedestrian will not understand the member's directions. When this happens, the member should move reasonably close to the person and politely and briefly explain his/her directions. No member shall exhibit loss of temper by shouting or otherwise indicate antagonism toward those who do not understand or who do not wish to obey the member's directions.
 - 5) Flashlight - A flashlight can be used to halt traffic. To stop traffic, slowly swing the beam of the light across the path of oncoming traffic. The beam from the flashlight strikes the pavement as an elongated spot of light. After the driver has stopped, arm signals may be given in the usual manner, the vehicle's headlights providing illumination.
3. Use of Temporary Traffic Control Devices - Temporary traffic control devices include movable barriers, portable signs, and other apparatus intended for temporary deployment to assist the safe and efficient movement and control of vehicular and pedestrian traffic.
- a. Temporary Traffic Control Devices may be deployed in support of traffic direction and control activities only with specific prior approval of supervisory or command personnel.
 - b. As soon as practical following termination of the need for the temporary traffic control device, the supervisor or commander authorizing deployment of the device will see to its removal / deactivation.
 - c. Portable or part-time stop signs should not be used as temporary traffic control devices, except in an emergency.
4. Special Events - "Special events" are those at which a large volume of vehicular and/or pedestrian traffic is anticipated and hostile crowds are not anticipated. Special events may include parades, sporting events, highway construction and/or maintenance activities, picketing, etc.
- a. This Office will provide that degree of traffic direction and control service in support of special events as is absolutely necessary.
 - b. The primary task of Office personnel conducting traffic direction and control in support of a special event is to assist motorists and/or pedestrians in the vicinity of the event.
 - c. Procedure to follow:
 - 1) Upon learning of the special event, the Traffic Unit Supervisor will be assigned to participate in planning for the event.

- 2) The time, location, and anticipated attendance shall be determined.
- 3) If the event is a parade, the route will be determined and coordinated with other public service and transportation agencies, including mail and public works, to provide an opportunity in adjusting the normal schedules for their services.
- 4) The perimeter streets of the special event shall be used to maximum advantage by eliminating or increasing parking space, making temporary one-way streets, and assigning Deputies to key intersections for control.
- 5) Adequate emergency service access will be provided to the scene of the event, including fire and ambulance services.
- 6) The Office will provide for adequate crowd control. If the event is a parade, ropes or other appropriate barriers may be used along the parade route with Deputies stationed at intervals as needed.
- 7) The Office will insure adequate publicity for any changes or alterations in street utilization, parking availability, public transportation services, and the location of the event or parade route.
- 8) Provisions will be made for identifying those persons working directly with the event to assist them in crossing law enforcement lines. This includes promoters of the event, vendors, and press personnel.
- 9) Consistent with the scheduled or anticipation of the duration of the need for traffic direction and control services, provision will be made for scheduling adequate breaks for the Office personnel providing those services.
- 10) If traffic direction and control services are to be provided in support of the event by private sources, the Office will review those services and their duty assignment prior to the event to insure their adequacy.

5. Fire Scenes

- a. This Office will maintain a close working relationship with the fire departments and emergency services organizations serving the community and will work with them in developing and implementing plans and procedures for providing traffic direction and control support to fire ground operations.
- b. The fundamental task of this Office's personnel engaged in traffic direction and control services at fire scenes will be to maintain access to and egress from the scene by fire and other emergency vehicles. The Office will also ensure that traffic control protects emergency equipment, i.e. fire hoses, and does not hinder the emergency response efforts.
- c. The Office will work with the community's fire departments and other emergency services agencies to develop specific protocols to ensure that private and other non-essential vehicles used by their personnel to reach the scene do not block access to or egress from the scene by fire and other emergency vehicles.
- d. The Commanders of Division I, II and III will meet with the fire departments and other emergency service organizations at least once a month in their respective Sectors to carry out the intent of this procedure.

6. Adverse Road and Weather Conditions

- a. Adverse Road and Weather Conditions may include, but are not necessarily limited to:
 - 1) Accidental hazards, such as debris that has fallen onto the roadway from another vehicle, downed power lines, etc.

2) Acts of nature, such as fog, water on the road, etc.

3) Engineering hazards, such as exposed guardrail end or other object that might cause unnecessary additional damage or injury should a vehicle for any reason, impact with such object upon leaving the road.

b. The Commanders of Division I, II and III will closely work with those other agencies that share responsibility for coping with adverse road and weather conditions affecting traffic safety, and will assist in developing and carrying out mutual assistance policies, procedures, and programs to serve the public as effectively as possible.

c. Upon discovering an adverse road or weather condition, office personnel shall cause the appropriate agencies and persons to be notified for the purpose of correcting the condition.

d. Office personnel will provide traffic direction and control services and scene protection services in the vicinity of adverse road and weather conditions, as appropriate.

7. Roadblocks

a. The extreme danger inherent in the use of roadblocks mandates that they should be used only after lesser means of traffic control have either failed or have been determined to be ineffective or impractical. No fixed or moving roadblock shall be established by a Deputy unless and until such action has been approved by a supervisor.

b. When evaluating the necessity for a roadblock, the supervisor should consider the type of roadblock to be used, the nature of the act or circumstances which the roadblock intended to thwart and if alternate actions are available. Circumstances where roadblocks may be used include, but are not limited to, the apprehension of a fleeing felon, containment or isolation of crime scenes, riots, civil disorders, and prevention of entry or exit from restricted zones. A roadblock may also be used to limit or stop traffic flow during an emergency situation or adverse conditions. A roadblock may not be used to enforce minor traffic violations.

c. Criteria for establishing a roadblock shall require that hazards or risks to the general public would be greater in the absence of a roadblock.

d. When a roadblock is determined to be necessary, the following procedure shall be followed:

1) Obtain approval from the supervisor prior to establishing a roadblock (A supervisor should be present at the roadblock scene.)

2) Assemble the personnel and equipment necessary to establish the roadblock.

3) Brief all personnel assigned to the roadblock with the purpose of the roadblock, limitations imposed, and specific duties to be performed.

4) Establish the roadblock - The roadblock should provide an escape route for law enforcement officers and the public.

5) Advise the supervisor and Communications of the time the roadblock was initiated. Communications should also be advised of the location of the roadblock and which units are involved.

6) The supervisor shall continuously monitor the roadblock to insure that it is fulfilling its function, meeting criteria and is not presenting unnecessary safety risks.

7) The roadblock shall be immediately discontinued upon accomplishing its goal or when the risks involved outweigh public safety.

8) Advise the supervisor and Communications of the time the roadblock was discontinued.

8. Escort Services

a. Emergency Escorts (Refer to Chapter 32)

1) A Deputy confronting a vehicle containing sick or injured persons should offer to summon emergency medical assistance and should render first aid pending their arrival.

2) If the injured person can be moved to the police vehicle without further injury, the injured person may be transported in the patrol vehicle under extreme circumstances.

3) Members shall not escort civilian vehicles carrying injured or ill persons.

b. Escorts Of Dignitaries or Public Officials

Escorts will be provided for parades when a permit has been issued for said parade and/or when the parade may be considered a danger to the participants or to the general public.

Escort service will be provided to the Secret Service or F.B.I. when assistance is requested to ensure the safety of a dignitary.

c. Funeral Escorts

Funeral escorts must be requested by a representative of the firm or organization requesting the escort. Deputies escorting a funeral procession shall adhere to all statutory requirements as provided in Florida Statute 316.1974.

d. Oversize Vehicles

Escorts will be provided for wide or extended loads upon requests and approval of a supervisor. Consideration should be given to the time of day (traffic flow) and route to be taken. Escorts of houses will be coordinated through the Traffic Unit and Division Commander and must display the proper permit as required by law.

e. Money

The decision to escort a person or vehicle transporting monies will require supervisory approval or an individual need basis.

f. Hazardous or Unusual Cargo

Escorts for hazardous or unusual cargo's will be provided with the approval of the Division Commander.

9. Traffic Control at Accidents

a. Failure to control traffic and crowds at accident scenes can have serious consequences:

1) Additional accidents may occur at the scene or some distance away due to congestion and confusion.

- 2) Valuable evidence may be destroyed by traffic, thus making reconstruction of the accident more difficult or impossible.
- 3) Bystanders may destroy physical evidence, loot from damaged vehicles, or complicate the injuries of victims by well-meaning but ineffective rescue and first-aid attempt.

b. Procedure

- 1) Except for extreme emergencies where the number of law enforcement officers is too few to control the situation, citizen assistance should be discouraged.
 - a) When it becomes necessary to enlist the aid of "civilians," the member shall give such persons specific instructions that will not be misinterpreted. For example, if a citizen is requested to place flares along the highway, the member shall be very specific in describing the space between the flares and the pattern for placement. The member shall instruct the citizen how to light a flare.)
 - b) If possible, the names and addresses of those who assist in controlling the accident scene shall be taken in order that letters of appreciation can be sent.
- 2) Care shall be taken to keep pedestrian and vehicular traffic away from debris that denotes the points of collision, tire prints, skid marks, run off from radiators, blood stains, and broken accessories.

3) Road flares shall be used at an accident scene accordingly:

a) Lead Flare (MPH)

Distance From Scene	LEVEL ROAD		HILL
	Normal	Rain	
20	60 yards	120 yards	240 yards
30	90 yards	180 yards	360 yards
40	20 yards	240 yards	480 yards
50	200 yards	400 yards	800 yards
55	250 yards	500 yards	1000 yards

- b) A minimum of three flares shall be placed at the side of the road on the leading approach end of the accident.
- c) Other flares should be placed at intervals of approximately twenty-five (25) feet.
- d) Prior to lighting a flare the member shall inspect the area for flammable liquids.
- e) Should flammable liquids be found, flares shall not be placed closer than 1,500 feet from the area.
- f) When materials having low flash points, such as liquified gas, are involved in a spill, flares shall not be used.

4) Preventing Theft and Vandalism

- a) Personal belongings of those injured shall be gathered and either given to relatives or held in Property for appropriate disposition. If held in Property, the appropriate paperwork shall be completed.

b) If necessary, personal property can be protected at the accident scene by placing it in the patrol vehicle, preferably the trunk.

c) Bystanders shall be kept away from the vehicles.

E. Traffic Engineering

1. Close coordination and cooperation by this Office, traffic engineering authorities and the highway department is essential to the maintenance and improvement of a safe and efficient traffic system in Monroe County.

a. Although traffic engineering is not solely, or even directly a law enforcement function, law enforcement has a unique opportunity and responsibility to contribute to traffic engineering. The compilation and analysis of traffic law enforcement and traffic accident management data, as well as information obtained in providing basic traffic services to the public, provides an excellent base for identifying traffic engineering problems.

b. Elimination of traffic engineering problems also is very much in the best interest of law enforcement, and of Monroe County at large; for with improvements in traffic engineering comes reduction in traffic accidents, and often reduction in traffic law violations.

c. The Office fully recognizes its unique opportunity and responsibility to contribute to improving traffic engineering in Monroe County. To this end, the Office will continue to work in concert with other authorities to devote adequate personnel and other resources to:

1) Collect and compile traffic-related data relevant to identifying specific engineering problems and solutions;

2) Conduct special traffic surveys and studies, as appropriate, to investigate potential problems further;

3) Analyze accident and enforcement data to discern trends and relationships symptomatic of engineering problems;

4) Prepare special reports, and make recommendations concerning efficient use of traffic control devices, new or revised laws or ordinances, or other engineering solutions / improvements.

5) Participate actively in Monroe County's transportation system management planning.

d. The Office will employ the Federal Highway Administration's document entitled Manual On Uniform Control Devices For Streets And Highways as a guide for its activities relating to traffic engineering.

2. Compilation, Analysis, and Transmittal of Traffic Engineering Related Information

a. The Office will record, investigate and follow-up on all citizen's notifications of actual or potential traffic engineering problems and possible improvements.

1) Office personnel who have received basic traffic engineering familiarization training will be assigned such complaints. Members responding to such calls shall:

a) Verify the caller's information concerning the actual or potential condition being reported;

b) Evaluate the caller's suggestions for possible improvement;

c) To the extent possible, with respect to utility and feasibility, initiate appropriate remedial action;

d) If necessary, refer the complainant's information to the appropriate authority; and

e) Notify the complainant of the action taken.

2) The Office will collect and analyze engineering-relevant data as part of its regular studies of traffic accident locations. Accident-collision diagrams and condition diagrams will be prepared and maintained to provide a base for traffic engineering decisions or recommendations. When evidence of deficiencies is found, the Office will undertake or recommend to other cognizant authorities, sight distance and other appropriate engineering studies of the affected locations.

3) The Office will collect and analyze engineering-relevant data as part of its regular studies of traffic enforcement patterns. These studies specifically will examine the potential contribution of engineering deficiencies at locations exhibiting high incidence of particular types of violations. The studies also will examine the potential pay-off in traffic law compliance that might accrue from specific engineering modifications at the affected locations.

4) The Office will periodically transmit summaries of its accident and enforcement data to relevant traffic engineering authorities. The summaries shall highlight potential engineering problems emerging from the accident and violation records, as well as evidence of the impact of engineering modification implemented in response to previously identified problems.

3. Traffic Engineering Training for Office Personnel

a. The Office will maintain a basic training program in the fundamental principles and techniques of traffic engineering. The training program shall present current traffic survey methods and techniques, traffic control measures, traffic planning, and data analysis. The program shall address those issues in sufficient breadth and depth to provide a basic understanding of the subject area for those personnel assigned to carry out law enforcement functions relating to traffic engineering.

b. All members assigned to carry out law enforcement functions relating to traffic engineering shall have successfully completed the prescribed training program.

F. Traffic Ancillary Services

It shall be the responsibility of Sheriff's personnel to provide appropriate assistance to highway users when such assistance is required or requested.

1. Directions - Deputies shall provide directional assistance to highway users upon request. Deputies shall have sufficient maps or street indexes available to effectively carry out this function. Should requests for directions be of such nature that field resource material are insufficient, Deputies should request assistance from Communications.

2. Assistance in Obtaining Fuel - Assistance may be rendered to highway users by conveying them to a facility where fuel may be obtained or by contacting Communications to have fuel dispatched to them by a fuel facility.

3. Contacting Other Parties - Deputies shall render reasonable assistance in helping stranded motorists contact family, friends, or other concerned persons. Requests for assistance may be relayed through Communications.

4. Deputies shall provide reasonable assistance to highway users in obtaining technical assistance such as emergency medical assistance, fire fighting services, towing and/or repair service.

5. Deputies shall not render or be dispatched to render technical services such as jump-starting a highway user's vehicle or unlocking a vehicle unless a bona fide state of emergency exists (i.e., person, child, or pet locked

inside a vehicle). Citizens who have lost or locked their keys inside a vehicle shall be placed in contact with locksmith services.

6. Wrecker Service

a. Whenever a highway user requires a wrecker, roadside service, or repair, the Deputy shall first request that the person desiring such service state the name of the organization he/she wishes to provide that service.

1) Should the individual state no preference, the Deputy shall request Communications dispatch the appropriate type of service which is first on the rotation list.

b. Deputies who call for any such services on their own authority shall not request any organization which is not on the rotation list, nor direct that a specific establishment be called out of order unless he knows that the particular service required is only available through the organization which he/she specifies.

c. The citizen requesting service is the one who ultimately pays for these services, and poor quality services can not be tolerated. Deputies shall report to their supervisor the name of any service agency or individual who either renders poor service or is incapable of providing quality service because of inadequate equipment or personnel.

d. The Division Commander of each Sector shall be responsible for developing and implementing a rotary system for obtaining needed services in each Sector respectively.

e. The Division Commanders shall be responsible for conducting an annual review of the rotary system to ensure that it is functioning properly.

7. Highway User Safety - Sheriff's personnel shall insure the safety of stranded motorists and their vehicles prior to leaving the scene. Consideration should be given to time of day, location and traffic conditions. Should required help or assistance be unavailable in a timely fashion, the Deputy shall transport the individual(s) to a place of safety, preferably the Sector Station. Communications shall be advised of any transports of this nature. Deputies may, at their discretion, transport stranded motorists to the nearest convenient location where assistance may be obtained. Deputies will take all reasonable steps to ensure the safety of occupants of disabled vehicles. Deputies may, at their discretion, assist stranded motorist with minor repairs, such as changing tires; however, deputies will not become involved with lengthy or technical repairs.

8. Sheriff's personnel trained and certified in first aid shall render first aid when required during emergencies. As soon as practical, the responsibility for first aid shall be relinquished, if practical, to emergency medical personnel. On any vehicle fires, the Deputy shall use the fire extinguisher provided in the patrol vehicle. The fire department shall be notified to ensure safety of the vehicle.

9. Hazardous Highway Conditions - It shall be the responsibility of Deputies to recognize real and potentially dangerous / hazardous highway conditions and take immediate and appropriate actions to correct them.

a. Roadway and roadside hazards shall be reported immediately to Communications for proper information routing and corrective action.

1) Debris in roadway

2) Defects in roadway

3) Defects in highway safety features (i.e., traffic control devices, impact devices, roadway reflectors, etc.)

4) Visual obstructions

5) Roadway obstructions

b. If the officer cannot correct the hazard, they will request Communications contact Florida Department of Transportation or Monroe County Public Works requesting their assistance to correct the problem.

c. Recognition, control, and removal of hazardous materials from roadway and roadside - Deputies who become involved with hazardous materials on the roadway shall be able to:

- 1) Recognize real or potentially dangerous situations involving material and chemical roadway or roadside spills.
- 2) Ascertain the type and amount of material involved and its possible effects
- 3) Notify the appropriate supervisor about the hazardous spill and request additional units or assistance necessary to effect control of the area.
 - a) Evacuate the incident scene as necessary.
 - b) Avoid contact with or, inhalation of gases, fumes, and smoke.
- 4) Deputies shall follow the procedures specified in the Emergency Response Guidebook to complete the identification of hazardous material, take appropriate emergency action and notify relevant agencies.

10. Abandoned, Impounded, and Other Towed Vehicles Section 316.194(3)(b) FS - When involved in an incident that involves the authorized towing of a vehicle, the Deputy shall complete a Motor Vehicle Acquisition form. Specific attention shall be paid to the vehicle condition and noting any damage or missing items. An inventory search of every vehicle will be done by the impounding Deputy. The search shall include the trunk, glove compartment and any other luggage or locked / closed containers. The inventory shall be completed at the earliest convenience and when possible before the vehicle is removed by the towing agency. When the Deputy cannot complete the inventory prior to removal, the vehicle shall be secured and sealed by the Deputy to insure the integrity of the contents until the inventory is completed. Results of the inventory search shall be documented in the incident report and shall include any force used to open any locked area of the vehicle. Property removed from the vehicle will be listed on a property receipt and its number noted on the Motor Vehicle Acquisition form and the incident report.

a. Authority to remove abandoned vehicles / property from a roadway - Deputies are authorized by Florida law to remove vehicles and/or items of personal property from public property for the following reasons:

- 1) When any abandoned vehicle upon a bridge, causeway, viaduct, or roadway, constitutes a hazard or an obstruction to traffic.
- 2) When any vehicle, equipment, or property is abandoned, parked, or stored on the public right-of-way for a period exceeding forty-eight (48) hours, in other than designated parking areas, and within thirty (30) feet of the roadway or pavement edge. Care must be exercised to insure that vehicles are on a public right-of-way and not on private property.
- 3) When any vehicle, equipment, or property is abandoned, parked, or stored on the public right of way for a period exceeding ten days, in other than designated parking areas and more than thirty (30) feet from the roadway and pavement edge. Care shall be taken to insure that such vehicles are entirely on a public right-of-way and not on private property.

(revised on 11-15-01)

b. Authority to tow and impound vehicles / property - Deputies are authorized by Florida law to tow and impound vehicles and/or equipment and property when necessary to provide for the safety and/or security of such vehicles and/or equipment and property as follows:

- 1) When any vehicle upon the street or roadway is so disabled as to constitute an obstruction to traffic, or when the nature of damage or need for security requires removal of such vehicle from a right-of-way, and

the person in charge of the vehicle is incapacitated by reason of physical injury or unable to provide for the custody and removal of the vehicle.

- 2) When removal is necessary in the interest of public safety because of flood, fire, storm, or other emergency reasons.
 - 3) When the vehicle and/or property has been stolen or used in the commission of a crime, even though no one was arrested in the immediate vicinity.
 - 4) When a vehicle is found being operated upon public roads of the county in such condition as to create an immediate threat to the safety of other motorists or pedestrians contrary to Florida law.
 - 5) When a vehicle is used in the commission of a felony and seized in accordance with the Florida Contraband Forfeiture Act. Section 893.12(3) Florida Statute, Section 932.703(l) Florida Statute.
 - 6) When the driver of a vehicle is taken into custody and reasonable efforts have been made to provide the vehicle driver with alternatives to impound. The vehicle would otherwise be left unattended upon a public roadway, public parking lot, shopping center, etc., on the private property of a person other than the owner / operator of the vehicle.
- c. Removal of traffic hazards or obstructions - Vehicles which are unattended and left upon a highway or public roadway in a manner that obstructs traffic or creates a hazard may be towed and impounded after reasonable effort has been made to contact the vehicle owner and have the vehicle owner effect immediate removal.
- 1) When the vehicle owner or the person responsible for the vehicle cannot be located in the immediate vicinity or otherwise be contacted for disposition, or if the person responsible for the vehicle cannot effect immediate removal after being contacted, the vehicle may be towed to an impound lot by the next wrecker on rotation.
 - 2) A Motor Vehicle Acquisition Receipt and an offense report shall be completed by the impounding Deputy. One copy of the inventory receipt shall be given to the tow truck operator.
 - 3) The Deputy impounding a vehicle shall be responsible for: notifying the vehicle owner when a vehicle is impounded. Vehicle owners shall be advised to proceed to the nearest Sector Station to obtain a Vehicle Release Authorization.
 - a) In the event the impounding Deputy is unable to contact the owner of an impounded vehicle after a reasonable attempt has been made, "OWNER NOT CONTACTED" shall be noted in capital letters in the remarks section of the Motor Vehicle Acquisition Receipt with an explanation. The impounding Deputy shall continue to attempt to contact the vehicle owner.
 - b) When notification has been made by the impounding Deputy, the name of the person contacted, along with the date and time of the notification shall be entered in the remarks section of the Motor Vehicle Acquisition Receipt.
- d. Emergency towing and impounding of vehicles - Emergency towing of vehicles during fires, floods, civil disturbances, or disasters shall be governed by the same guidelines used for traffic hazards or obstructions.
- e. Removal of attended vehicles - Attended vehicles, which are inoperable and which are obstructing a highway or roadway, or otherwise creating a traffic hazard, shall be removed by the owner or person responsible for such vehicles. If the owner or person responsible for the vehicle is unable or unwilling to remove the hazard or obstruction within or reasonable time, the vehicle may be impounded.

- 1) The vehicle owner or person responsible for the vehicle may remove the vehicle from the roadway and temporarily park the vehicle upon a public right-of-way when land adjacent to the roadway is public property. The vehicle owner shall then retain full responsibility for timely removal and for security of the parked vehicle.
- 2) The vehicle owner may request that a service or tow truck be called and such request will be complied with by the Sheriff's Office when response and abatement of the obstruction or hazard can be made within a reasonable time. If a specific wrecker service is not designated by the vehicle owner / operator, the next wrecker on rotation shall be called, advising that the call is at the owner's request.
- 3) The vehicle owner or operator should be advised that operators of service trucks or tow trucks generally require an immediate cash payment for their services, unless service is authorized by an automobile club with which the service or tow truck is affiliated or the vehicle is to be towed to the premises of the service or towing company, where it can be held under mechanics lien until payment is made.
- 4) When vehicles are repaired or towed at the owner's request, the Motor Vehicle Acquisition Receipt shall not be filled out.

f. Removal of Abandoned Vehicles

1) Abandoned on Private Property

- a) Vehicles which are abandoned on private property, including shopping centers, shall not be impounded by the Sheriff's Office unless ordered by a Court of competent jurisdiction.
- b) A registration check shall be made to determine the identity of the vehicle owner and if the vehicle has been stolen or used in the commission of a crime.
- c) Removal of vehicles from private property shall be the responsibility of the property owner. When requested, the Sheriff's Office shall assist property owners by providing the name and address of the vehicle owner, when such information is available.
- d) Unless a Court Order exists, or other extenuating circumstance (as outlined in I., 2., a.-f.) Deputies shall not cause to be removed a vehicle parked on private property. Rather Deputies shall advise the complainant of the provisions and give a copy of Section 715.07 Florida Statute which states, in brief:

(1) As used in this section, the term "vehicle" means any mobile item which normally uses wheels, whether motorized or not.

(2) The owner or lessor of real property, or any person authorized by the owner or lessor, which person may be the designated representative of the condominium association if the real property is a condominium, may cause any vehicle parked on such property without his permission to be removed by a person regularly engaged in the business of towing vehicles, without liability for the costs of removal, transportation, or storage or damages caused by such removal, transportation, or storage, under the following circumstances:

(a) The towing or removal of any vehicle from private property without the consent of the registered owner or other legally authorized person in control of that vehicle is subject to strict compliance with the following conditions and restrictions:

1.a. Any towed or removed vehicle must be stored at a site within fifteen (15) miles of the point of removal. That site must be open for the purpose of redemption of vehicles on any day that the

person or firm towing such vehicle is open for towing purposes, from 8:00 a.m. to 6:00 p.m., and, when closed, shall have prominently posted a sign indicating a telephone number where the operator of the site can be reached at all times. Upon receipt of a telephoned request to open the site to redeem a vehicle, the operator shall return to the site within 1 hour or he will be in violation of this section.

b. If no towing business is located within the area of towing limitations set forth in subparagraph a., the following limitations apply: any towed or removed vehicle must be stored at a site within thirty (30) miles of the point of removal.

2. The person towing or removing the vehicle shall, within 30 minutes of completion of such towing or removal, notify the Sheriff of such towing or removal, the storage site, the time the vehicle was towed or removed, and the make, model, color, and license plate number of the vehicle and shall obtain the name of the person at that department to whom such information was reported and note that name on the trip record.

3. If the registered owner, or other legally authorized person in control of the vehicle arrives at the scene, prior to removal or towing of the vehicle, the vehicle shall be disconnected from the towing or removal apparatus, and that person shall be allowed to remove the vehicle without interference, upon the payment of a reasonable service fee of not more than one-half of the posted rate for such towing service as provided in subparagraph 6., for which a receipt shall be given, unless that person refuses to remove the vehicle, which is otherwise unlawfully parked.

4. The rebate or payment of money or any other valuable consideration from the individual or firm towing or removing vehicles to the owners or operators of the premises from which the vehicles are towed or removed for the privilege of removing or towing those vehicles, is prohibited.

5. Except for property appurtenant to and obviously a part of a single-family residence, and except for instances when notice is personally given to the owner or other legally authorized person in control of the vehicle that the area in which that a vehicle is parked is reserved or otherwise unavailable for unauthorized vehicles and subject to being removed at the owner's or operator's expense, any property owner or lessor, or person authorized by the property owner or lessor, prior to towing or removing any vehicle from private property without the consent of the owner or other legally authorized person in control of that vehicle, must, post a notice meeting the following requirements:

a. The notice must be prominently placed at each driveway access or curb cut allowing vehicular access to the property, within 5 feet from the public right-of-way line. If there are no curbs or access barriers, the signs must be posted not less than one sign for each 25 feet of lot frontage.

b. The notice must clearly indicate, in not less than 2-inch high, light-reflective letters on a contrasting background, that unauthorized vehicles will be towed away at the owner's expense. The words "Tow-Away Zone" must be included on the sign in not less than 4-inch letters.

c. The notice must also provide the name and current telephone number of the person a firm towing or removing the vehicles, if the property owner, lessor, or person in control of the property has a written contract with the towing company.

d. The sign structure containing the required notices must be permanently installed with the words "Tow-Away-Zone" not less than 3 feet and not more than 6 feet above ground level and

must be continuously maintained on the property for not less than 24 hours prior to the towing or removal of any vehicles.

e. The local government may require permitting and inspection of these signs prior to any towing or removal of vehicles being authorized.

f. A business with 20 or fewer parking spaces satisfies the notice requirements of the subparagraph by prominently displaying a sign stating "Reserved Parking for Customers Only Unauthorized Vehicles Will Be Towed Away at the Owner's Expense" in not less than 4-inch-high, light-reflective letters on a contrasting background.

A business owner or lessee may authorize the removal of a vehicle by a towing company when the vehicle is parked in such a manner that restricts the normal operation of business; and if a vehicle parked on a public right-of-way obstructs access to a private driveway the owner, lessee, or agent may have the vehicle removed by a towing company upon signing an order that the vehicle be removed without a posted tow away sign.

6. Any person or firm that tows or removes vehicles and proposes to require an owner, operator, a person in control of a vehicle to pay the costs of towing and storage prior to redemption of the vehicle, must file and kept on record with the local law enforcement agency, a complete copy of current rates to be charged for such service and post at the storage site an identical rate schedule and any written contracts with property owners, lessors, or persons in control of property which authorize such persons or firm to remove vehicles as provided in this section.

7. Any person or firm towing or removing any vehicles from private property without the consent of the owner or other legally authorized person in control of the vehicles shall, on any trucks or other vehicles used in the towing or removal, have clearly indicated, in at least 2-inch letters, such persons or firm's name, address, and telephone number on the driver and passenger side doors.

8. Vehicle entry for the purpose of removing the vehicle shall be allowed with reasonable care on the part of the person or firm towing the vehicle. Such persons or firm shall be liable for any damage occasioned to the vehicle if such entry is not in accordance with the standard of reasonable care.

9. When a vehicle has been towed or removed pursuant to this section, it must be released to its owner or custodian within one-half hour after requested. Any vehicle owner, custodian, or agent shall have the right to inspect the vehicle before accepting its return, and to release or waiver of any kind which would release the person or firm towing the vehicle from liability for damages noted by the owner or other legally authorized person at the time of redemption may be required from any vehicle owner, custodian, or agent as a condition of release of the vehicle to its owner. A detailed, signed receipt showing the legal name of the company or person towing or removing the vehicle must be given to the person paying towing or storage charges at the time of payment whether requested or not.

(b) These requirements shall be the minimum standards and shall not preclude enactment of additional regulations by any municipality or county including the right to regulate rates when vehicles are towed from private property.

(3) This section does not apply to law enforcement, fire-fighting, rescue squad, ambulance, or other emergency vehicles which are marked as such, or to property owned by any governmental entity.

(4) When a person improperly causes a vehicle to be removed, such person shall be liable to the owner or lessee of the vehicle for the cost of removal, transportation, and storage; any damages resulting from the removal, transportation, and storage of the vehicle; attorney's fees; and Court costs.

2) Abandoned on public property or public right-of-way-vehicles which are abandoned, parked or store-upon public property or public right-of-way shall be handled as follows:

a) A registration check shall be made to determine the identity of the vehicle owner and of the vehicle has been stolen or used in the commission of a crime.

b) If the vehicle is determined not to have been stolen or used in the commission of a crime, a reasonable effort shall be made to identify and contact the owner of the vehicle.

c) If the owner can be contacted, the owner shall be advised that the vehicle will be towed if not removed within applicable time constraints, as provided herein and by statute.

d) The odometer reading shall be recorded, if possible, or tires chalked or marked to reveal any vehicle movement. If the owner cannot be contacted, a Tow-Away Notice shall be affixed to the vehicle.

e) If the vehicle is within thirty (30) feet of a roadway or highway, the vehicle shall be checked at the expiration of a forty-eight (48) hour period.

f) If the vehicle is not within thirty (30) feet of a highway or roadway, the vehicle shall be checked at the expiration of a ten (10) day period and towed, if not already moved.

g) If there are indications that the vehicle is being stripped or vandalized and the owner cannot be contacted, the vehicle shall be immediately impounded for safekeeping.

h) A Motor Vehicle Acquisition and an offense report shall be completed when the vehicle is impounded. If available, the Tow-Away Notice shall be attached to the offense report. **Communications will note, in the Computer Assisted Dispatch (CAD) system the name of the wrecker company towing the vehicle so the impounded vehicle can be located at the respective storage / impound lot.**

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(1) The Deputy impounding a vehicle shall be responsible for notifying the vehicle owner when a vehicle is impounded. Vehicle owners shall be advised to proceed to the nearest Sector Station for a Vehicle Release Authorization.

(2) In the event the impounding Deputy is unable to contact the owner of an impounded vehicle after a reasonable attempt has been made, "OWNER NOT CONTACTED" shall be noted in capital letters in the remarks section of the Motor Vehicle Inventory Receipt with an explanation. The impounding Deputy shall continue to attempt to contact the vehicle owner.

(3) When notification has been made by the impounding Deputy, the name of the person contacted and the date and time of notification shall be entered in the remarks section of the Motor Vehicle Acquisition Receipt.

11. Stolen Vehicle Impound

a. If possible and practicable, the vehicle should be processed at the recovery site and released to the owner without towing.

- b.** When the vehicle owner cannot be contacted to take custody of the vehicle Within a reasonable time, or when the vehicle cannot be processed on site, the vehicle may be removed to an impound lot by a wrecker on call.
- 1)** An motor Vehicle Acquisition Receipt shall be completed by the impounding Deputy and a copy given to the tow truck operator.
 - 2)** If the vehicle has been reported stolen to the Monroe County Sheriff's Office and a Stolen Vehicle Report is on file, a supplemental report shall be initiated.
 - 3)** If the vehicle has been reported stolen to another law enforcement agency, an original report shall be prepared with information related to the vehicle recovery.
 - 4)** Communications shall be notified of the vehicle information for the Tow-Truck Call Log and for updating the computerized stolen vehicle file.
 - 5)** Communications shall remove both copies of the Stolen Vehicle Record from the file and make appropriate entries.
 - 6)** If the vehicle is reported "stolen" to another law enforcement agency, Communications shall place a "LOCATE" on the vehicle and advise the originating agency of the find.
 - 7)** Towing and Impounding of Vehicles Following Arrest - When the operator of a vehicle is arrested in a vehicle, or in the immediate vicinity of a vehicle, and it is determined that the vehicle is to be impounded for safekeeping:
 - a)** Information related to the impounded vehicle shall be recorded on the offense report for the arrest and
a Motor Vehicle Acquisition Receipt shall be completed.

- b)** Communications shall be provided with information necessary for calling a tow-truck and for making entries into the impounded vehicles file.
- c)** When the operator of a vehicle is arrested in a vehicle, or in the immediate vicinity of a vehicle, and it is practicable and feasible to release the vehicle to a person designated by the arrested person responsible for the vehicle:
 - (1)** The arresting Deputy must be satisfied that the person responsible for the vehicle is mentally alert and capable of making a rational decision as to whom the vehicle may be released. In alcohol related cases, vehicles may be released only to the immediate family members of the owner.
 - (2)** The arresting Deputy must be satisfied that the owner's designee or person last responsible for the vehicle is physically and mentally capable of assuming responsibility for the vehicle.
 - (3)** A release or Waiver of Responsibility shall be signed by the owner or person responsible for the vehicle.
 - (4)** The arresting Deputy must record the identity of the person to whom the vehicle is released on the Waiver form. The Waiver form shall indicate the traffic citation number and/or the incident number.

12. DUI Vehicle Impoundment

- a.** DUI Vehicle Impoundment Information Sheet - Upon any member effecting a DUI arrest, the "DUI Vehicle Impoundment Information Sheet", will be completely filled out and become part of the court folder. Should the arrest be made by an agency other than the Monroe County Sheriff's Office, the correction facility receiving the arrestee, will direct the arresting officer to complete the form which will be placed in the court folder.
- b.** Court Order for Impoundment or Immobilization Issued - Upon a Magistrate issuing an order of impoundment or immobilization, the order will be sent to the Clerk's office.
 - 1)** The Clerk's Office will send the statutory notification.
 - 2)** The clerk's Office will send the completed order and the DUI Vehicle Impoundment Information Sheet to the Sheriff's Office Civil Officer.
- c.** Receipt of Order by the Civil Officer - Upon the Civil Officer receiving the court order, he/she will log the order containing the following information:
 - 1)** Date the order was received.
 - 2)** Court case number
 - 3)** Defendant's name
 - 4)** The number of days the vehicle is ordered to be impounded or immobilized.
- d.** Execution of Order - The Civil Officer will attempt to locate the vehicle and impound or immobilize the vehicle. If the vehicle cannot be located during the Civil Officer's shift, the order will be given to the duty Sergeant for attempted service.
- e.** Process for Executing Order
 - 1)** Once the vehicle has been located, the officer will attempt to gain entry to the vehicle.

- 2) If entry is gained, the officer will place a club on the vehicle.
 - a) The DUI Impoundment Information Sheet will reflect the date the order was executed and the officer so executing.
 - b) The court order and DUI Impoundment Information Sheet will be returned to the Civil Officer.
- 3) If entry to the vehicle is denied, the officer will impound the vehicle by having it towed by a rotation wrecker.
 - a) The officer will complete a vehicle acquisition form and place a hold on the vehicle for the duration of the order.
 - b) The executed order, DUI Impoundment Information Sheet, and vehicle acquisition will be returned to the Civil Officer
- 4) If the vehicle had a club placed on it, the Civil Officer will make certain that the club is removed at the conclusion of the court order.
 - a) This may be accomplished by the Civil Officer removing the club or giving it to the on-duty Sergeant for assignment of removal.
- 5) In all above circumstances, a case number will be assigned to the execution of the order. This case number will be cross-referenced to the original DUI arrest case number.
- 6) This case number will be entered into calls-for-service with a disposition of handled, no report and will be coded ?- (DP to created code for the execution of these orders) for tracking purposes.

f. Completion of Order

- 1) Once the order has been completely executed, by having the vehicle impounded or immobilized for the duration of the order and the club removed, the Civil Officer will:
 - a) Log the execution dates of the order
 - b) Log weather the vehicle was impounded or immobilized
 - c) Log the vehicle acquisition number
 - d) Log the order as completed

13. Security of Monroe County Sheriff's Office Equipment / Vehicles in Impound Yard Adjacent to Headquarters,
This applies to all Sheriff's office personnel in regard to the availability, access, and security of the impound yard. The impound yard is designed to accommodate impounded vehicles and equipment, as well as Sheriff's Office vehicles.

a. Accessibility

It is the policy of the Sheriff's office to maintain seized or recovered property in accordance with Federal, State, Local statutes and court decisions relating to seized or recovered property. During normal business hours, access to the impound yard can be accomplished by contacting the Fleet Technician in the Finance Office (8:00 a.m. – 5:00 p.m. – Monday through Friday, excluding holidays). After hours access will be controlled by the Dispatch office, located in the Headquarters facility.

b. Authorized Use

Authorization for use of the impound yard can be granted by the Fleet Technician in the Finance Office, Sector Commanders, and/or General Counsel. The impound yard is designated for the storage of vehicles / equipment in the custody of the courts and Sheriff's Office vehicles awaiting disposal. This area is not intended, nor will it be used for, long term storage of vehicles or equipment which do not meet the above criteria.

All vehicles which are stored in the impound yard, must display a Monroe County Sheriff's Office Impound yard Inventory form. these forms can be obtained from the Fleet Technician in the Finance Office or from Dispatch in the Headquarters facility.

c. Administration

The care and custody of the impound yard shall be the responsibility of the Fleet Technician. This responsibility shall include the organization of the yard, as well as maintenance of an inventory of the vehicles.

- 1) All vehicles stored in the impound yard must have a completed Monroe County Sheriff's Office Inventory Form upon being placed in the impound yard. This form should be left on the dashboard of the vehicle when it is left in the yard.
- 2) Keys for all vehicles must be provided to the Fleet Technician in the Finance Office or the Dispatch office in the Headquarters facility immediately after the vehicle is placed in the impound yard.
- 3) When a vehicle is placed in the yard after hours, care must be taken not to block the entrances and/or exits.
- 4) The impound yard must remain locked at all times.

14. Vehicles Used in the Commission of a Crime

- a. Pursuant to the Carroll Doctrine, when there is probable cause to believe a vehicle contains contraband or fruits of a crime and there is clear and present danger that evidence or contraband contained in the vehicle maybe removed or destroyed if the vehicle is not seized, the vehicle may be searched.
- b. When a vehicle has been used in the commission of a crime and the owner or person last responsible for the vehicle has not been arrested in the vicinity of the vehicle; when warrantless impound and inventory of the vehicle is likely to obstruct criminal prosecution; and the vehicle is not reported stolen, is not abandoned on private property following hot pursuit, and is not parked or abandoned in a manner that constitutes a traffic hazard or obstruction, then the vehicle shall be impounded and sealed without inventory.

**MONROE COUNTY SHERIFF'S OFFICE
IMPOUND YARD INVENTORY FORM**

Impounding Agency: _____

Case Number: _____

Contact Person: _____

Phone Number: _____

Condition of Vehicle / Mechanical Problems:

Requirements for Use of Impound Yard:

- 1) Sealed vehicles shall be towed to Evidence Storage and brought to the attention of the Evidence Custodian.
 - 2) The vehicle shall be searched upon receipt of a search warrant.
 - 3) The assigned investigating Deputy shall be responsible for the completing an incident report.
 - 4) Communications shall be provided with vehicle information to be entered into the impounded vehicles file.
 - 5) A copy of the incident report or supplemental, which contains the vehicle impound information, shall be forwarded to Criminal Investigations.
 - 6) The impounding Deputy shall be responsible for obtaining final disposition of the impounded vehicle, unless the investigation has been released to another Deputy, in which case the assigned Deputy shall assume responsibility for the vehicle disposition which shall include notification of the owner and release of the vehicle.
- c. Vehicles and small boats impounded as evidence and which are to be held in the Sheriff's custody, shall be towed or transported to the Sector's Evidence Storage area.
- 1) A Motor Vehicle Acquisition Receipt must be completed and must indicate that the property has been stored as evidence.
 - 2) Vehicles and boats must be properly secured and the keys must be placed in evidence.

15. Holds on Towed Vehicles

- a) Placing a Hold - A Deputy may place a hold on a vehicle that is towed for various reasons.
 - b) Hold types are, but not limited to:
 - 1) Proof of Ownership
 - 2) Till Completion of Court Order
 - 3) Evidence
 - 4) Forfeiture
 - c) The Hold shall be noted on the Vehicle Acquisition Form and in the narrative of the report and communicated to the towing agent.
 - d) The Hold shall be communicated to the appropriate person who will subsequently handle the case.
 - e) Removal of Hold – The original case deputy or subsequent person of authority may remove a previously placed vehicle hold.
 - f) The towing / storage agent shall be notified as soon as is possible. A report supplement shall be completed noting the hold removal and notifications. The owner shall be notified as soon as is possible.
 - g) Prompt notifications of a vehicle hold removal is essential to reduce the Office's financial responsibility and that of the owner for storage fees.
16. Traffic safety and education materials are made available to the public and are available from the Community Relations Office. **Traffic safety materials can also be found at the different Sectors.**

17. Transportation of hazardous material(s) in or through Monroe County will, when requested, be handled by the Traffic Enforcement unit, with a minimum of two (2) marked vehicles, one in front of the transporting vehicle and one to its rear, with both marked vehicles having their emergency lights in operation.

(revised on 11-15-01)