

**DIRECTIVE 61.4**  
**TRAFFIC ANCILLARY SERVICES**

<b>Issue Date: 06/08/2020</b>	<b>By Order of Chief of Police</b>
<b>Rescinds: (Issue 04/02/2019)</b>	<b>CALEA Standards</b>
<b>Pages: 10</b>	<b>Referenced: 61.4.1; 61.4.2; 61.4.3 &amp; 61.4.4</b>

**This directive consists of the following sections:**

- 61.4.1 Motorist Assistance**
- 61.4.2 Hazardous Roadway Conditions**
- 61.4.3 Towing**
- 61.4.4 Traffic Safety Materials**

**POLICY AND PROCEDURE:**

Personnel of the Miami Township Police Department will provide traffic ancillary services, where necessary, to ensure the safe and efficient movement of vehicles and pedestrians in Miami Township. Such duties will be carried out in a courteous and consistent manner to foster a positive public attitude and acceptance of such directions and control.

**61.4.1 Motorist Assistance**

*General Assistance*

Miami Township personnel shall provide general assistance to highway users by providing information or directions, providing mechanical and towing assistance, protection to stranded persons and emergency assistance. Personnel shall also provide any other assistance as warranted and needed for the safety of highway users.

*Mechanical and Towing Assistance*

Officers may transport persons from disabled vehicles to the nearest convenient location where they may obtain assistance. Officers should be certain that appropriate assistance is accessible at the location.

Officers may utilize police vehicles equipped with safety push bars to move vehicles off the traveled portion of the roadway. The operator shall sign a release prior to the officer moving the vehicle.

Officers may, upon the request of the stranded operator, contact a mechanical/tow service to assist the operator in removing the vehicle. The officer should within reason honor the

specific request for a particular service unless such response time from the service requested, is unreasonable. The officer should utilize a rotation towing service should expedient removal of the vehicle be needed.

Should the operator of the disabled vehicle be unavailable or refuse to have the vehicle removed from the traveled portion of the roadway, the officer shall have the vehicle towed in accordance with department towing policy.

### *Protection to Stranded Persons*

Officers may transport stranded motorists to the nearest convenient location where they will be safe and can obtain assistance. Officers should be aware that the place to which the stranded motorist is transported will provide the safety and services needed.

Stranded motorists should not be abandoned when exposed to a hazardous situation. Consideration should be given to traffic hazards, location, time of day, weather conditions and priority calls for service. This does not preclude placing devices to warn oncoming traffic and clearing the scene if conditions are such that this can be done safely. Officers should periodically check to ensure the condition does not deteriorate.

### *Emergency Assistance*

Officers will render all practical assistance to users of the roadway who are involved in emergency situations.

Upon discovery of a medical emergency, the officer will immediately request an Emergency Medical Services unit to respond to the location. The officer will inform the CDPSS of the type of emergency, condition of the person needing treatment and any other pertinent information. The officer will render what emergency medical aid they are trained and able to perform.

Upon discovery of a vehicle fire, the officer will immediately request the Fire Department to respond to the location. The officer will inform the CDPSS of all pertinent information regarding the vehicle fire, including any known hazards in or about the vehicle. The officer will render what fire suppression activities they are trained and able to perform.

### **61.4.2 Hazardous Roadway Conditions**

Hazardous highway and/or environment conditions are defined as:

- Defects in the roadway itself: Holes, ruts or dangerous shoulders.
- Lack of, or defects in, highway safety features: Center and roadway striping, reflectors or improper, damaged, destroyed or visually obstructed traffic control and information signs.

- Lack of traffic control and information signs: Curve and hill warnings, stop and yield signs, street and highway identification, or improper, damaged, destroyed or visually obstructed control or information signs.
- Lack of mechanical traffic control devices or improperly located or malfunctioning traffic control devices.
- Lack of roadway lighting systems or defective lighting systems.
- Natural or man caused obstructions: Fallen trees, rocks, litter, debris, vehicle parts, broken water mains and downed wires.
- Ice or heavy snow accumulations on roadway surfaces.
- Fire and its attendant smoke in areas adjacent to the highway.
- Vehicles parked or abandoned on or near the highway.

The term roadside hazard will refer to all physical features of the roadside environment which are such that a vehicle leaving the road surface for any reason, even momentarily, can impact with them resulting in unnecessary injury to people or property. Roadside hazards included in the definition are:

- Rigid, non-yielding support for traffic control devices and lights or the non-performance of safety installations, i.e. breakaway sign supports that fail to function properly.
- Improperly engineered guardrails.
- Unshielded bridge railings that may not be able to retain an impacting vehicle and redirect it parallel to the roadway, thereby minimizing damage to the vehicle and danger to traffic below the bridge.
- Bridge abutments and other hazardous fixed objects built off the roadway and into which the vehicle might crash with high injury probability.
- Utility poles, trees, ditches, inappropriately steep banks, culverts, rock formations and other fixed objects and features of the roadside environment into which a vehicle might crash instead of being able to come to a stop in a clear distance.

The following procedures will be followed in identifying, reporting and correcting hazardous roadway, roadside or environmental conditions.

When a hazard is identified and in the officer's opinion such hazard requires immediate correction (a fallen tree or electrical wire across or on any part of the traveled portion of a roadway) they will immediately inform the CDPSS and request the assistance or special equipment required to correct the situation. The officer will protect the scene and bystanders, direct traffic, or take any other action deemed necessary to correct the situation.

When a hazard is detected that represents a potential crash situation but the threat of such is not imminent, as in the case of a discarded muffler, the officer will cause notification to be made to the proper authority to have the situation corrected. If the officer can correct the situation i.e. discard/remove the muffler, they will take appropriate action to do so.

When the hazard is due to snow, ice, etc. on the roadway the shift supervisor shall be

notified, and they will contact the township service department supervisor or notify the CDPSS if the county or state needs to respond.

When there is a hazard or a potential hazard that requires corrective action or inspection that is not immediate, is needed by the township service department or the state or county road maintenance departments, the officer shall prepare an incident report. The incident report shall describe in detail the hazard or potential hazard to be inspected, the exact location of the problem and how notification to the appropriate agency was taken.

### **61.4.3 Towing**

#### **Abandoned Vehicles**

##### **Definitions**

Abandoned vehicle means any motor vehicle that has been:

- Left on private residential or private agricultural property for at least four hours without the permission of the person having the right to the possession of the property. ORC 4513.60.
- Left at a repair garage or place of storage for any period than that agreed upon. ORC 4513.60.
- Left on a public street or other property open to the public for purposes of vehicular travel, or upon or within the right-of-way of any road or highway for forty-eight hours or longer without notification to the police of an acceptable reason for leaving the motor vehicle in such place. ORC 4513.61.

Abandoned junk motor vehicle means any motor vehicle meeting all the following requirements ORC 4513.63:

- Left on private property for more than forty-eight hours without the permission of the person having the right to the possession of the property, on a public street or other property open to the public for purposes of vehicular travel or parking, or upon or within the right-of-way of any road or highway, for forty-eight hours or longer.
- Three years old, or older.
- Extensively damaged, such damage including but not limited to any of the following: missing wheels, tires, motor, or transmission.
- Apparently inoperable.
- Having a fair market value of \$1,500.00 dollars or less.

Motor Vehicle Salvage Dealer means any person who engages in business primarily for selling salvage motor vehicle parts and secondarily for selling at retail salvage motor vehicles or manufacturing or selling a product of gradable scrap metal. ORC 4738.01.

Private Residential Property means private property on which is located one or more structures that are used as a home, residence or sleeping place by one or more persons, if no more than three separate households are maintained in the structure or structures.

Public Property means any public street or right-of-way.

### Abandoned Vehicle Procedures

Whenever a police officer is notified of or observes an abandoned motor vehicle or abandoned junk motor vehicle as defined in this directive on public property, the officer shall first determine if the vehicle may be wanted or stolen. If not wanted or stolen than determine the ownership of the vehicle and make reasonable effort to contact the owner of the vehicle.

If the officer determines that the vehicle is a safety hazard or is restricting access to private property, the officer shall make a reasonable attempt to contact the owner and have the vehicle removed immediately.

- If the officer is unable to obtain the immediate removal of the vehicle by the owner, the officer will have the vehicle towed with a holder placed on the vehicle.

If the officer determines that the vehicle is not a safety hazard and is not restricting access to private property, the officer shall make a reasonable attempt to contact the owner and have the vehicle removed immediately.

- Upon contacting the owner of the abandoned motor vehicle, the officer shall notify the owner of the abandoned motor vehicle to have the vehicle removed within twenty-four hours. The officer shall also notify the owner that the vehicle may be towed and impounded if it is not removed within the specified time period. The officer shall complete a 48-hour notice and attach same to the motor vehicle noting the contact on the form. The officer shall complete an incident report.
- If no contact is made and the vehicle is on public property, the officer shall complete a 48-hour notice and attach same to the motor vehicle. The officer shall complete an incident report. When left for more than forty-eight hours and no notification has been made to a law enforcement agency the officer will follow the listed procedure. Should the owner contact the agency within 48 hours and make an agreeable arrangement for removal, the vehicle may not be towed. Such arrangement shall be noted on a report supplement.
  - Have the vehicle towed into storage by a rotation tow service.
  - Complete Towed Vehicle Report form, attaching the 48-Hour Notice from the vehicle being towed, to the tow record. Complete incident report and forward the report and towed vehicle report to the records section.

A designated supervisor/designee will act as a liaison for the tow/storage companies. The officer/designee shall confirm that the tow or storage company has completed all the items listed below. Upon confirmation of the required items, the officer will complete and issue BMV 4202, Unclaimed Motor Vehicle Affidavit. The documents required are:

- A photograph of the vehicle;

- Bureau of Motor Vehicles form BMV 1149;
- Copy of registered letter sent to the owner of the vehicle;
- Any other documents which pertain to the processing of the motor vehicle.

Whenever a police officer is notified of or observes an abandoned motor vehicle as defined in this directive on private property, the officer shall determine if the vehicle may be wanted or stolen. If not wanted or stolen, then notify the owner or person in charge of the property to contact the tow company of their choosing and remove the vehicle if they wish.

### *Vehicles from Public and Private Property*

Officers of the Miami Township Police Department may tow/impound any motor vehicle that is:

- Illegally Parked – Refer to Directive 61.1.13
- Abandoned Motor Vehicle or Abandoned Junk Motor Vehicles – Refer to Above
- Stolen, Recovered or Wanted Vehicle to be held as, or processed for, evidence.
  - If the vehicle is to be held for evidence or is to be processed for evidence, the vehicle shall be towed to the Miami Township Police Department and submitted into evidence pursuant to department property and evidence control directive 84.1. The vehicle shall be released to the owner or removed to the towing company's storage facility as soon as it is no longer needed as evidence or upon completion of processing for evidence. It shall be the responsibility of the investigating officer to arrange for the removal the vehicle.
  - If the vehicle is not needed for evidence the vehicle shall be towed to the towing company storage facility.
  - If the vehicle is being held at the request of another agency, the officer shall have the request confirmed by contact with the agency obtaining the name and position of the person contacted. The officer should attempt to have the vehicle released directly to the agency requesting the hold on the vehicle. If the requesting agency cannot respond to take control of the vehicle, the officer shall determine if the vehicle is to be held for evidence or processing and if so, have the vehicle towed to a location designated by the agency requesting the vehicle. If the vehicle is not to be held for evidence or processing, the vehicle should be towed by a rotation tow service to their storage facility and the requesting agency notified of the location of the vehicle.
- Involved in a traffic crash.
  - The officer investigating a traffic crash shall have any vehicle removed to a rotation towing services storage facility, if the operator or person having legal right of possession is unable to provide for the vehicle's removal. Under no circumstances shall an officer allow a disabled vehicle to remain on public property or on private property without the consent of a person authorized to give consent.
- Being operated by a person who has no legal right to operate a motor vehicle and

- or when the operator has been physically arrested.
- If the operator of a motor vehicle has been arrested pursuant to any of the following: OVI, Driving Under Suspension (except unclassified misdemeanor DUS) or Wrongful Entrustment, the officer will tow the vehicle.
    - If operator is arrested for an unclassified misdemeanor DUS, officer may attempt to contact the registered owner/valid driver. Within a reasonable amount of time, registered owner/valid driver can respond to take possession of the vehicle. Should registered owner/valid driver be unable to respond in a reasonable time, officer will tow the vehicle.
  - The officer impounding the vehicle shall complete Bureau of Motor Vehicles form BMV 2255, seizing the operators license of the arrested person and attaching same to the ALS form. If the license is to be submitted to the court, the Officer shall attach the license to the citation.
  - The officer shall note in the miscellaneous field on the Towed Vehicle Report form that the vehicle has been seized and the vehicle is subject to immobilization under ORC 4503.233 and/or forfeiture under ORC 4510.41.
  - If the license plates are seized, the officer shall place the license plates in BMV envelope 3613 and submit the envelope with the paperwork necessary for court presentation of the case.
  - If the motor vehicle is subject to forfeiture under 4510.41 the vehicle shall be towed to Sora's Towing storage facility.
  - Because of exigent circumstances and/or in the interest of public safety, because of natural or man-made disaster or other necessary circumstance.
    - Vehicles towed under exigent circumstances shall be towed only with the permission of the shift supervisor. The vehicles shall then be removed by the means determined by the supervisor.

Officers of the Miami Township Police Department will only utilize towing services that have been authorized by the Chief of Police unless otherwise approved by the shift supervisor. The shift supervisor may authorize an officer to utilize a towing service not listed on the department's rotation towing list if the use of such towing service is necessary for expedient execution of law enforcement services.

### [Vehicle Towing Records](#)

Any motor vehicle towed by an officer shall have a Towed Vehicle Report form completed and submitted with the officer's daily paperwork to records. A complete inventory of the contents of the vehicle shall be made.

- The purpose of the inventory is to make a record of the vehicle owner/operator's property so that it may be safeguarded from theft and that officers are not accused of taking property from the vehicle.

- The inventory shall include all compartments of the vehicle and any containers found therein. Any closed container shall be opened to determine its contents.
- If any of the following items are found inside the vehicle, the items shall be removed from the vehicle by the officer and given to the vehicle operator, or if the vehicle operator is not available it will be placed into the Miami Township Police Department Property and Evidence system for safekeeping.
  - Any cash or monetary instrument with a value of \$25.00 or more.
  - Any jewelry or like item which appears to have a value of \$25.00 or more.
  - Any small electronic device with an apparent value of \$250.00 or more.
  - Any credit cards or debit cards.
  - Personal documents such as birth certificates, passports, social security cards and other similar documents with a high trafficking value.
  - Any other property found in the vehicle that the officer determines would be better protected by removing it and giving it to the vehicle operator, or if the vehicle operator is not available, it will be placed into the Miami Township Police Department Property and Evidence system for safekeeping.

#### Release of Towed Vehicle Procedures

- Towed Vehicle with No Holder
  - The titled owner of the motor vehicle must present proof of ownership (title or memorandum of title) and a picture identification to the tow company to obtain release of the vehicle.
- Towed Vehicle with Holder Placed Pursuant to a Violation of Law or Department Purposes

Release of vehicles with a holder shall be obtained from the Miami Township Police Department records office. Should the records office be closed, an officer shall release a vehicle at any time in accordance with the provisions of this policy.

- The titled owner of the motor vehicle must present proof of ownership (title or memorandum of title), picture identification and documentation from the court or authorization from the arresting officer ordering release of the vehicle, to obtain release of the vehicle.
- The employee releasing the vehicle shall:
  - Review the court paperwork for completeness.
  - Photocopy the proof of ownership and the picture identification. The documents shall be attached to the original towed vehicle report form.
  - Complete the vehicle release section at the bottom of the towed vehicle report form.
  - Copy the completed towed vehicle form, providing the copy to the

person obtaining the release of the vehicle.

- Documents shall be attached to the original towed vehicle report form.
- Complete the vehicle release section at the bottom of the towed vehicle report form.

Release of vehicle to a person not the titled owner. A person who has legal right of possession of the vehicle but who is not the titled owner of the vehicle may obtain release of a towed vehicle by presenting:

- Notarized letter from the titled owner granting permission to that person to obtain possession of the motor vehicle.
- The person must present the title or memorandum title and picture identification.
- These required documents may be faxed to the department.

The employee releasing the vehicle shall:

- Verify that the vehicle has been authorized for release by the arresting officer on the towed vehicle report form.
- Photocopy the title or memorandum title, picture identification and notarized authorization letter and attach to original towed vehicle report form.
- Complete the vehicle release section at the bottom of the towed vehicle report form.
- Copy the complete towed vehicle report form, providing the copy to the person obtaining the release.
- Should the vehicle be a leased vehicle, the person requesting and authorized to obtain the vehicle shall in addition to any items required for the release of the vehicle:
  - Have the leasing company fax a copy of the title to the department.
  - Have the leasing company fax on the company's letterhead, a notarized letter authorizing the department to release the car. Included in the letter must be the name of the person the vehicle is to be released to along with the person's social security number and/or date of birth.

#### **61.4.4 Traffic Safety Materials**

The Patrol Division Supervisor or his/her designee is responsible for maintaining educational material on traffic safety.

Traffic safety educational material will be made available to the public at all appropriate programs or activities sponsored or attended by officers of the Miami Township Police Department. Traffic safety material shall also be maintained in the lobby display rack.