

MITCHELL POLICE DIVISION

CHAPTER 28

TRAFFIC

PURPOSE: The intent of this chapter is to establish the functions, activities, responsibilities, and objectives of the Traffic Section within the Mitchell Police Division.

28.1 TRAFFIC FUNCTIONS

- A. The primary objective of the traffic enforcement function is to achieve voluntary compliance with the law by all motorists and pedestrians. The basic role of the police and traffic laws enforcement is to observe, detect and prevent violations of the traffic laws and to take appropriate action when violations are observed.

28.2 TRAFFIC PERFORMANCE OBJECTIVES

- A. The policy of the Mitchell Police Division is to promote the safe and expeditious flow of vehicular and pedestrian traffic through effective and efficient traffic law enforcement and delivery of police-related services.
- B. The performance objectives of the Traffic Section are:
 - 1. To reduce traffic accidents through the use of directed patrol, proactive law enforcement and public education programs.
 - 2. Investigate and report accidents as prescribed by law.
 - 3. Respond to public assistance calls.
 - 4. Maintain the orderly and expeditious flow of vehicular and pedestrian traffic.
 - 5. Perform other duties as assigned.

28.3 USE OF EMERGENCY EQUIPMENT

- A. Officers shall proceed to emergency calls as quickly as possible, but in a manner that will permit them to reach the scene safely.
- B. Officers shall employ common sense and sound judgment in determining the direction, manner and method of any emergency or non-emergency response they make. Decisions will be based upon understanding of the facts and circumstances surrounding the incident at hand, knowledge of the location, environmental factors, and the legal requirements that govern the response of emergency vehicles.
- C. Two Response Criteria:
 - 1. **NON-EMERGENCY** Response - normal, non-urgent operation conditions
 - 2. **EMERGENCY** Response - accomplished under emergency response conditions, using both emergency lights and siren.
- D. Only when operating in EMERGENCY Response status may an officer exercise the privileges according to emergency vehicles pursuant to SDCL 32-31-1 to 32-31-8.

SDCL 32-31-1 Circumstances under which emergency vehicle may disregard traffic regulations. The driver of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in § 32-31-2, but subject to the conditions stated in §§ 32-31-3 and 32-31-5.

SDCL 32-31-8 Driving over fire hose prohibited--Violation as misdemeanor. No vehicle may be driven over any unprotected hose of a fire department when laid down on any street, private road, or driveway to be used at any fire or alarm of fire, without the consent of the fire department official in command. A violation of this section is a Class 2 misdemeanor.

- E. South Dakota State Law, Chapter 32-31 entitled Emergency Vehicles permits the operator of an emergency vehicle to:
 - 1. Park illegally
 - 2. Proceed past a stop sign or signal
 - 3. Exceed the posted speed limit

4. Disregard the rules governing direction of travel or turning
- F. An officer may only exercise the privileges identified in E above if all of the following three conditions apply.
1. The officer is responding to an emergency, or is in pursuit of a suspected violator of the law.
 2. The emergency vehicle is using audible and visual emergency signals, in accordance with SDCL 32-31-1 to 32-31-8. (See statutes listed above).
 3. The emergency vehicle is operated with due regard for the safety of all people.

28.4 TRAFFIC REPORT REVIEW

Supervisors shall review all traffic accident reports submitted by officers to ensure the completeness of the accident report.

28.5 DEFINITIONS

- A. Abandoned means a vehicle, which reasonably appears to be inoperative and does not bear significant indication that the owner is conducting timely repairs or a vehicle, which does not bear current license plates or has been parked on the public street without moving for 48 hours.
- B. Arrested means an arrest or detention of a person, which requires that the person be taken to a place significantly away from the vehicle.
- C. Private Parking Complaint: Officers will respond and ticket if a violation has occurred. Division will not tow vehicles off of private property.
- D. Private Property means any parking lot, vacant lot or other property not owned or maintained by the City, Davison County or any other governmental or public agency or institution located within the boundaries of the city.

28.6 SELECTIVE ENFORCEMENT BASED ON ANALYSIS

The Division will conduct selective traffic enforcement based on citizens' complaints and/or statistics.

28.7 UNIFORM PROCEDURES FOR TRAFFIC LAW ENFORCEMENT ACTIONS

- A. Division employees shall take appropriate enforcement action for violations of the law witnessed by them. Such action shall be based upon professional judgment and discretion.
- B. There may be incidents where a violator should be physically arrested. The decision to make a physical arrest should be based upon sound legal principles and arrest standards as opposed to peripheral issues. Incarceration should always be a matter of last resort.
- C. In considering what enforcement actions should be taken against any violator, the officer must consider the totality of the circumstances. These circumstances include, but are not limited to:
 - 1. The severity of the violation
 - 2. The conditions in the area (i.e. weather, traffic volume, road surface)
 - 3. Whether an accident resulted
 - 4. The threat the violator poses to the public
 - 5. Whether the violation merits court action.
- D. The officer must use his judgment in selecting the appropriate action to be taken so that the incident does not repeat itself and the public safety is maintained.
- E. A physical arrest will normally be made when the offender has committed the following:
 - 1. Any Class I Misdemeanor or Felony
 - 2. When the violator refuses to accept the citation, or when the officer has a strong and articulated belief that the violator's identity is in doubt.
- F. Warnings may be issued for any motor vehicle violation when circumstances warrant.

28.8 TRAFFIC ACCIDENT ENFORCEMENT ACTIONS

Enforcement action for violations resulting in a traffic accident and not occurring in an officer's presence:

1. Obtain evidence of violations and record the information in such a manner that a complaint may be issued against the violator and obtain traffic accident data.
2. At those traffic accidents in which an officer has probable cause to believe a violation of a traffic law or ordinance has occurred and when evidence exists to satisfy all of the elements of the particular violation, appropriate enforcement action is to be taken. (32-33-1.1)

SDCL 32-33-1.1 Arrest or summons on probable cause at accident scene. A law enforcement officer arriving at the scene of a traffic accident may, based on probable cause, arrest or issue a summons to any person believed to have caused the accident by violating a criminal provision of this title. Any person assigned by a law enforcement agency to investigate traffic accidents may, based on probable cause, issue a summons to any person believed to have caused the accident by violating a criminal provision of this title.

28.9 SPECIAL TRAFFIC VIOLATION PROCESSING

- A. Specific procedures shall be followed when a motor vehicle violation has been committed by the following individuals.
 1. Juveniles are treated as adults for the purpose of taking enforcement action on a violation of any City traffic ordinance, Class I or Class II misdemeanor traffic offense included in Chapter 32 of the South Dakota codified Laws.
 2. People with legislative or diplomatic immunity cannot be arrested except for felonies. If an officer stops such a person for traffic violation, he should identify the person, release him, and then follow-up at a later date with the appropriate charge.

28.10 INFORMATION PROVIDED TO TRAFFIC VIOLATORS

The policy of the Mitchell Police Division is that at the time a motorist is charged with a violation, the officer shall provide information relative to the specific charge, to include:

1. Court appearance schedule
2. Whether court appearance by the motorist is mandatory
3. Whether the motorist may be allowed to enter a plea and/or pay the

fine by mail.

28.11 UNIFORM TRAFFIC LAW ENFORCEMENT POLICIES

Enforcement action with a citation will normally be taken for hazardous violations. A verbal or written warning is considered enforcement action.

28.12 PEDESTRIAN AND BICYCLE PROGRAM

- A. Enforcement action relative to pedestrian and bicycle situations shall be conducted as contained in Mitchell city ordinances 7-5-2 and 7-8-3.

CITY ORDINANCE 7-5-2

- A. At intersections where traffic is controlled by traffic control signals or by police officers, pedestrians shall not cross a roadway against a red or "stop" signal and shall not cross at any place except within the marked or unmarked crosswalk.
- B. Pedestrians shall move, whenever practicable, upon the right half of crosswalks.
- C. At all crosswalks, pedestrians shall move with reasonable dispatch.
- D. No pedestrian shall go from one side of the street to the other, except at a right angle and at a regular crosswalk at the end of a block upon any street in the business section or on a through street. (1984 Code § 23-87)

CITY ORDINANCE 7-8-3

- A. Application Of Traffic Laws: Every person propelling a vehicle by human power or riding a bicycle shall have all of the rights and all of the duties applicable to the driver of any other vehicle under this code, except as to special regulations in this chapter and except as to those provisions which by their nature can have no application. (1984 Code § 23-102)
- B. Riding On Roadways And Bicycle Paths:
1. No person shall ride or propel any bicycle upon any public street, highway or boulevard in such a manner as to interfere with any pedestrian thereon.
 2. No person shall ride or propel a bicycle upon any public street, highway or boulevard except in a careful and prudent manner and unless such person shall be capable of efficient control and operation of such bicycle.

3. No bicycle shall be ridden faster than is reasonable and proper, but every bicycle shall be operated with reasonable regard to the safety of the operator and other persons upon the streets and highways of the city.

4. Every person operating a bicycle upon a roadway shall ride as near to the right side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.

5. Persons riding bicycles upon a roadway shall not ride more than two (2) abreast, except on paths or parts of roadways set aside for the exclusive use of bicycles. Persons riding two (2) abreast shall not impede the normal and reasonable movement of traffic and, on a laned roadway, shall ride within a single lane.

6. Wherever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path and shall not use the roadway. (1984 Code § 23-105)

C. Riding Of Bicycles, Skateboards Or Inline Skates On Sidewalks: No person shall ride or propel any bicycle, skateboard or inline skates (roller blades) upon the sidewalks of Main Street in the city between the area of Seventh Street and First Street. Crossing Main Street upon the sidewalks at any intersection of Main Street shall not be a violation of this subsection.

D. Interfering With Pedestrians: No person shall ride or propel any bicycle, skateboard or inline skates (roller blades) upon any street or sidewalk in the city in such a manner as to interfere with any pedestrian thereon. (Ord. 1883, 7-21-1997)

E. Carrying Passengers On Bicycles: No bicycle shall be used to carry more persons at one time than the number for which it is designed or equipped, except that an adult rider may carry a child securely attached to his person in a backpack or sling. (1984 Code § 23-103)

F. Clinging To Vehicles: No person riding upon any bicycle, coaster, roller skates, sled or toy vehicle shall attach the same or himself to any vehicle upon a roadway. This subsection shall not prohibit attaching a bicycle trailer or bicycle semi trailer to a bicycle if that trailer or semi trailer has been designed for such attachment. (1984 Code § 23-104)

G. Carrying Articles On Bicycle: No person operating a bicycle shall carry any package, bundle or article which prevents the use of both hands in the control and operation of the bicycle. A person operating a bicycle shall keep at least one hand on the handlebars at all times. (1984 Code § 23-106)

B. Officers should be tolerant with young offenders who may be unaware of the hazards of unsafe bicycle operations.

28-14.1 OPERATING PROCEDURES FOR AUDIO/VISUAL RECORDING EQUIPMENT IN PATROL UNITS.

- A. Prior to each shift, officers shall determine if his or her audio/visual recording equipment is working satisfactorily, and shall bring any problems to the attention of his or her immediate supervisor as soon as possible. The following steps shall be followed:
 - 1. Turn on video camera by putting it in record mode.
 - 2. Exit to the front of the car.
 - 3. Turn on external audio device (when operational)
 - 4. Voice record date and time of the check on both the audio and visual
 - 5. Re-enter the car and turn off the external microphone.
 - 6. Verify internal microphones are working.
 - 7. Stop camera and play back recording to ensure all functions of the camera are operating.

- B. When beginning a tour of duty, the officer assigned to that vehicle will reset the tape counter, and log on by turning on the remote mike and state name and ID number. The same procedure will be followed at the end of duty.

- C. Audio/visual recording equipment installed in patrol units will be utilized when responding to an injury accident, when assisting or engaging in a pursuit, and will be used to record all stops.

- D. Audio/visual recording equipment shall be activated to begin recording when the patrol unit's emergency lights are in operation. Officers will have the capability to manually begin or end recording as circumstances may warrant.
 - 1. Recording may be stopped during traffic control situations, (funerals, directing traffic, at emergency scenes when the recording equipment is not otherwise being used, etc.) when the patrol unit's emergency lights may be in operation.

- E. Proper notation on the tape is needed to explain why the tape has been shut off, (i.e., writing on tape carrier, or explaining on the tape when in the record position prior to shutting the unit off).
 - 1. Officers are encouraged to manually operate the audio/visual equipment to record driving performance of a motorist, that may provide probable cause for a traffic stop of arrest, (DWI, reckless driving, etc.)

 - 2. Officers should provide narration with the video recording preparatory

to each stop. The intent of this narration is to assist them in necessary written documentation and to assist the officer in supporting probable cause for the stop.

3. Officers may turn their audio/visual equipment ON when they are out of their patrol unit on an assignment if there is a need to utilize the microphone capabilities of their equipment to substantiate or assist with documentation of their law enforcement duties, i.e., domestic disturbance, etc.
 4. Officers shall not cease audio/visual recording until traffic stop is complete.
 5. Officers shall not erase or re-use departmental audio/visual tapes except in accordance with this policy.
 6. Officer will operate on the extended play mode of their video recorder to take maximum advantage of recording time on the tape.
 7. Officers will note in the incident, arrest, and related reports when audio/video recordings were made during the incident.
- F. Each officer assigned audio/video recording equipment will maintain a supply of videotapes sufficient for each tour or duty.
1. A separate tape will be utilized for each duty day.
 2. Officers will utilize recording tapes issued through the department supply unless approval has been granted from the department through the chain of command for the emergency purchase or use of tapes from another source.

TAPE CONTROL

- A. Recorded video tapes will be held at the Police Division supply room or squad area and categorized in such a manner as to provide easy accessibility in locating them for court reference, purging, or any other reason a specific tape may be needed by the initiating officer or administrator.
- B. Tapes not scheduled to be used by the agency or for court proceedings will be kept at the Police Division supply room, or squad area for 30 calendar days and will then be bulk erased by the officer and used for re-issue.
- C. No tape will be re-issued for recording purposes without first being erased in order to contain no previous recording.

- D. Officers, upon completion of each tape, will enclose the tape log to the inside of the tape case, which will include the officer's name and ID number, incident number, inclusive dates, and the series of citations or actions recorded on that tape; example, Officer James #699, Mitchell Police Division, June 6, 1996, citations #PA127336 – 1 to PA127360-3, incident #200012086.
- E. Tapes containing felony arrests, person or vehicle searches when evidence is found, assaults, physical confrontations, DWI arrests and pursuits will be treated as evidence.
- G. Tapes treated as evidence will be duplicated before turning them over to another agency, so adequate files of any significant event will be kept at the Police Division. The original tape will be treated as evidence.
- H. Recorded tapes will not be duplicated except through administrative request or through evidentiary procedures.
 - 1. All tapes generated by audio/visual recording equipment will become the property of and under the control of the Mitchell Department of Public Safety, Police Division, except when control is dictated by the judiciary system.
 - 2. It will be a violation of the Mitchell Police Division policy to sell, barter, trade, or otherwise offer a videotape to be used for entertainment purposes to any person or entity. Video recordings done by Police personnel, while on official duty, are the property of the Mitchell Police Division. Written permission is required from the Chief or his designee if an employee wishes to use a patrol video for unofficial purposes.
- I. Any tapes destroyed or erased, except as outlined in this policy, will be considered a violation of policy.

USE OF TAPES FOR TRAINING

- A. Recorded audio/visual tapes that contain material that is deemed beneficial, by training, for training purposes for sworn members of the Patrol or recruit trainees, may, with the Chief or his designee's approval, be utilized for training purposes.
- B. Officers are encouraged to inform their supervisor of any videotaped sequences that may be of value for training purposes.

USE OF TAPES BY SUPERVISORS

- A. Patrol Sergeants will select, at random, for review, tapes of subordinate officers to assist them with performance evaluations.
 - 1. The immediate supervisor will review at least one tape per officer per evaluation period.
 - 2. The intent of this is to assist with standard supervisor responsibilities. This is to be used in addition to general observations and aid the supervisor in evaluation.
- B. Audio/visual tapes that are, or may be, used in relation to complaints of misconduct alleged against employees by the public or by another employee of the patrol will be handled as evidence.

REQUESTS FOR COPIES OF TAPES

- A. All requests for copies of recorded audio/visual tapes will be handled pursuant to section 31.9, 31.11, and 31.12.

28.15 OFFICER CONDUCT WITH TRAFFIC VIOLATORS

- A. Public relations are important during traffic stops to further the effect of corrective actions.
- B. The officer should:
 - 1. Project a professional image
 - 2. Be certain of the alleged violations
 - 3. Greet the violator with appropriate title in a courteous manner
 - 4. Request the driver's license and vehicle registration or other identification
 - 5. Discuss the violation and required actions
 - 6. Complete required forms correctly

7. Check for signs of physical impairment, emotional distress, and alcohol and/or drug abuse
8. Assist the violator to reenter the traffic flow safely.

28.16 SPEED MEASURING DEVICES

- A. The intent of this directive is to establish procedures and requirements relating to the use, testing and maintenance of Division owned police traffic radar units.
- B. Officers must be certified by a Division certified instructor. After initial certification, officers must be re-certified every two years.
 1. Officers operating traffic radar units shall operate those units in accordance with recognized practices designed to ensure the safe operation of the devices.
- C. Officers shall test the traffic radar assigned to their patrol vehicles before and after each citation.
- D. Officers shall be responsible for keeping all radar equipment available and in proper functioning order while assigned to them.
- E. Moving radar units assigned to the patrol vehicles shall be set up in operating position while in the vehicle.
 1. At no time will the moving radar unit be placed in the trunk or back seat.
 2. If the radar unit is not operating properly, it shall be brought into Police Headquarters and turned over to the Major or his designee for repairs. A written repair request memo must accompany the radar unit detailing the malfunction of the unit.

28.17 DRIVING UNDER THE INFLUENCE ARRESTEE HANDLING

- A. Upon stopping a motorist suspected of Driving Under the Influence of alcohol or drugs, the officer may have the operator perform Field Sobriety Testing in order to form an opinion about driver's level of impairment due to alcohol or drugs.
- B. Officers may use the Standard Field Sobriety Test, or any other test for which they have been properly trained.

1. If the officer feels there is probable cause to believe an arrest should be made, the subject should be placed under arrest. The Officer must then read the violator the State Implied Consent warning and request to draw blood or other bodily fluid.
- C. If a motorist is arrested for Driving Under the Influence he shall be transported in accordance with arrest procedures.
- D. The officer may release the motorist's vehicle to a sober, responsible party with the permission of the arrestee.
1. Officers are allowed to leave the vehicle parked properly on the street if it can be secured.
 2. Under no circumstances will apparently intoxicated individuals be allowed control of the vehicle.
 3. Officers shall make appropriate arrangements to ensure the safety of all passengers within the vehicle at the time of the stop.

28.18 IMPLIED CONSENT AND MIRANDA RIGHTS

- A. Upon arrest and before being taken to the hospital/jail and before any blood sample is drawn, the officer shall inform the arrested person of their Implied Consent Rights from the state form.
- B. An arrestee does not have the right to consult with their parents (in the case of a juvenile) or their attorney before making a decision under Implied Consent. Officers may use their discretion in allowing such contact, but no unreasonable delay can be permitted.
- C. When an accident results in death or serious bodily injury to any person, all drivers and deceased pedestrians involved should be tested for blood alcohol content. In the case of death or serious bodily injury to anyone, a police officer shall request a licensed physician, registered nurse, certified physician's assistant or qualified laboratory technician to draw blood from the injured party for the purpose of testing blood alcohol content; provided that in the case of a living driver the officer has probable cause to believe that the driver was under the influence of alcohol or a controlled drug when driving the vehicle or has given consent for the test.
- D. Inform the arrested person of their Miranda Rights from the Divisional form before questioning.

28.19 REFERRAL OF DRIVERS FOR RE-EXAMINATION

- A. Officers may identify individuals that have a physical or mental condition, which impairs their ability to safely operate a motor vehicle. In cases where the officer feels it is necessary to request administrative action from the Division of Motor Vehicles, the following procedure shall apply.
- B. The officer should prepare a letter to the Division of Commerce and Regulation using the form "Recommendation For Re-Examination".

28.20 ACCIDENT INVESTIGATION AND REPORTING POLICIES

- A. The Mitchell Police Division will file all accident reports on the proper forms (Parking lot/State form). In cases of reportable accidents, the Mitchell Police Division will report all traffic accidents on the State of South Dakota Investigator's Motor Vehicle Traffic Accident Report.
- B. The Division will conduct an on scene investigation of traffic accidents.
- C. All hit and run accidents will be recorded on the NIBR's form, Parking lot form when appropriate. State accident forms will also be completed when the accident has occurred on public property.
- D. In any property damage or personal injury accident involving a city vehicle, the driver is to immediately notify the on-duty supervisor and local law enforcement agency (if outside city limits). The on-duty supervisor will immediately notify the Major if on duty, or leave written notification if the Major is not on duty.
 - 1. In the case of an injury accident involving city vehicles the Shift Supervisor must contact the Human Resource Director.
 - 2. A full accident investigation will be conducted on all accidents involving city vehicles, regardless of amount of damage, injury or whether on public or private property. Photographs will be taken on all injury accidents and in any other accident when it is felt that photographs would present meaningful evidence for the purpose of litigation.
 - 3. If a city vehicle is involved, an outside agency will investigate.
- E. When fatal or serious injury accidents (where death appears imminent) occur, the Major will be notified to direct specific employees to respond for investigative purposes. Initial officers arriving at the scene will:
 - 1. Administer appropriate life saving measures for injured parties.

2. Secure and preserve the accident scene until relieved.
 3. Assist the investigators until relieved by the Shift Commander.
- F. Alcohol and/or drug related accidents:

Investigating employees are to be aware of the possibility of alcohol or drugs being contributing factors in traffic accidents and conduct their investigations accordingly.

28.21 ACCIDENTS IN PARKING LOTS/PRIVATE PROPERTY

- A. Insurance form, parking lot forms and red tags will be filled out.
1. Employees will respond to private property accidents and assist the parties involved with the exchanging of names and insurance company information.
- B. In cases of private property traffic accidents, no reports other than the parking lot form accident report, insurance form and the log entry are required. A state red tag is issued to each damaged vehicle.
- C. All private property accidents will be recorded on the parking lot form unless circumstances dictate a more lengthy report. In that case, employees shall complete the appropriate State Motor Vehicle Traffic Accident Report, Division Hit and Run Report, and/or an addendum supplemental report detailing the accident.

28.22 ACCIDENT TYPES REQUIRING DIVISIONAL RESPONSE

Patrol units dispatched by the Communications Center shall proceed to the scene of an incident, unless the Shift Supervisor orders otherwise. An officer will be dispatched to all reported accidents to determine what investigative or other action is needed.

28.23 ACCIDENT SCENE RESPONSIBILITIES

- A. The first officer arriving at the scene of an accident shall assess the situation and request assistance if any is required. To prevent further accidents or damage, the marked vehicle should be parked in such a manner that it provides protection to the vehicles involved in the accident scene if possible. The appropriate emergency warning lights should be activated.

- B. The officer's primary duty is to give attention to the need of any injured people and all possible measures will be taken to save lives. First aid may be administered by the officer, an ambulance, or the Fire Division. Tow services and additional officers may be requested and deployed as necessary.
- C. An ambulance will be dispatched to all injury accidents.
- D. If an airbag system in a vehicle has been deployed, special care should be taken to avoid inhalation of fumes or dust.
 - 1. Gloves and eye protection should be worn before attempting passenger rescue.
 - 2. Use a blanket to cover the deployed airbag to limit exposure if the vehicle must be entered.
 - 3. If possible, avoid entering the passenger compartment of the vehicle until rescue personnel arrive with appropriate breathing apparatus.
- E. Reflectors or cones, when used, should be placed to the front and rear of the vehicles for a distance consistent with Division training to give adequate warning to all motorists approaching the scene. The officers should wear a traffic vest that is of reflective material. This should be done as soon as possible.

28.24 ACCIDENT SCENE OFFICER-IN-CHARGE

- A. The first officer arriving at the scene will be in charge of the scene and will take all necessary steps to provide aid to injured, protect the scene, and protect evidence. The first officer will remain in charge of the accident scene unless relieved by a supervisor or another officer assigned to investigate.

28.25 ACCIDENT SCENE SPECIAL PROCEDURES

- A. For accidents received with no details and accidents with reported injuries, the dispatcher shall notify the area car and the Fire Division for the appropriate response. The responding officer will respond as if it is an injury accident if no injury information is available. Upon arrival at the accident scene, the officer will:
 - 1. Inform the Communications Center of the existing situation.
 - 2. Determine whether or not an ambulance or fire unit is required and notify the Communications Center.

3. The Fire Division will be requested to respond in cases requiring extrication or fire suppression.
- B. Whenever a traffic accident occurs where there is the potential for any type of fire, the Mitchell Fire Division will be dispatched.
1. Any officer arriving at a fire scene prior to the Fire Division will be responsible for initial fire suppression, requesting necessary assistance and traffic and crowd control. In general, attempts to extinguish car fires with the patrol car fire extinguisher are to be avoided. Opening hoods and doors can lead to severe situations and danger.
 2. The first officer on the scene will request the Fire Division, if needed, and will direct other responding units to appropriate locations for evacuation or traffic control.
 3. The primary concern of police officers will be the protection of life and the removal of injured or other people from the area of danger.
- C. When a traffic accident occurs involving hazardous materials the following procedures will be implemented:
1. Supervisors will be advised of the hazardous material and all safety precautions will be followed.
 2. The first employee on the scene will obtain as much information as possible about the hazardous material and will request the Fire Division to respond.
 3. The supervisor or his designee will be responsible for ensuring that notifications are made for the safe containment and removal of the material. This will usually involve notifying Davison County Emergency Management.
 4. Traffic accidents involving hazardous material spills will be investigated in the same manner as any other traffic accident.
 5. Responding officers should approach the scene from an upwind direction.
 6. Upon arriving at the scene, the situation will be assessed and the following action taken:
 - a. Isolate the hazard area and evacuate non-essential personnel.
 - b. Provide first aid until relieved by medical personnel.

- c. Co-ordinate traffic control and traffic re-routing, crowd control, and request additional officers as needed. As large an area as necessary should be isolated until the hazard danger is known.
7. Officers should not enter the evacuated area to obtain any information. If the area has to be entered, officers shall wait for properly trained and equipped personnel to respond.

28.26 USE OF ACCIDENT INVESTIGATION EXPERTS

- A. An Accident Reconstructionist will be assigned whenever a motor vehicle accident occurs involving a fatality or anticipated fatality. The on-duty supervisor will initiate the call-up by contacting the Major or his designee and providing a summary of the incident. The Major or his designee will then notify the appropriate investigator.
 1. Use of a reconstructionist in other than fatal or near fatal motor vehicle accidents is at the discretion of the Major.
 2. If the Division does not have a reconstructionist at the time, or none is available, an officer with advanced accident investigation training may be used, or a reconstructionist from another agency may be requested.

28.27 ACCIDENT VICTIM PROPERTY HANDLING

The officer on the scene of an accident where the victim's property is not secure will take that property into custody and place it in the property room or approved location.

28.28 HIGH-VISIBILITY TRAFFIC DIRECTION CLOTHING

High visibility reflective vests will be worn at all times when manual traffic direction is conducted.

28.29 MANUAL OPERATION OF TRAFFIC CONTROL SIGNALS

- A. Manual control of traffic signals shall be conducted only by personnel trained in the use of such devices and only to facilitate the movement of traffic in situations described above.
- B. Manual traffic direction should not be performed by employees when use of a traffic control signal will alleviate the problem.

28.30 TEMPORARY TRAFFIC CONTROL DEVICES

- A. The Division shall use temporary or emergency traffic control devices only in those instances where traffic control is needed at a given location, and mechanical devices are not working or not available. It will be the responsibility of the on-duty supervisor to approve the use of any devices.
- B. The provisions of this directive are generally used for special events where unusual traffic patterns or parking restrictions must be implemented.
- C. The responsibility of the on-duty Shift Commander or other person designated as the Officer-in-Charge of any applicable special event is to insure that special restrictions on traffic flow or parking are clear to motorists and pedestrians.

28.31 FIRE SCENE TRAFFIC CONTROL

Officers will respond to assist at fire scenes. Officers will be responsible to assist in controlling traffic flow in the area. Any officer assigned to control duties at a fire scene will coordinate with the on-scene fire Division supervisor to determine the fire Division's requirements.

28.32 ADVERSE WEATHER/ROAD CONDITION TRAFFIC CONTROL

When weather or other factors cause visibility problems, concerns over the safety of the employee and other highway users is greatly heightened.

- 1. Traffic vest will be used
- 2. The use of warning devices and traffic cones should be used.
- 3. Employees may make use of other resources as is necessary. These resources may include such things as requesting assistance from the Traffic Division or the Fire Division.
- 4. The employee may use an emergency police vehicle to provide additional lighting or to make use of the emergency lights to warn on-coming traffic.

28.33 ESCORT SERVICES

- A. Officers should not normally use Division vehicles and emergency equipment to escort a private vehicle to a hospital or doctor in an emergency situation. It is recommended that first aid be rendered and an ambulance called to provide transportation if rapid transport is needed.

28.34 EMERGENCY ESCORTS OF AMBULANCES AND CIVILIAN VEHICLES

- A. Emergency vehicles, particularly ambulances, shall not be escorted by officers except under exigent circumstances. Hazardous intersections may be blocked by officers until emergency vehicle passes.

28.35 ASSISTANCE TO HIGHWAY USERS

- A. Employees shall not use city vehicles to:
 - 1. Push or pull any vehicle for the purpose of starting it unless the city vehicle is equipped with push bumpers.
 - 2. Jump start another vehicle (city vehicles excluded). Supervisors may approve jump-starting vehicle under special circumstances.
 - 3. Push, pull, or tow the vehicle.

28.36 OBTAINING REPAIR/TOWING SERVICES

- A. Whenever a vehicle is towed by the Division, only an approved towing company (from a list maintained by the Communications Center) will be contacted unless specified differently by the vehicle owner. The towing companies will be assigned on a rotating basis.
 - 1. Vehicles will be stored by the towing company. An attempt should be made to contact the owner whenever an unoccupied vehicle is towed.
 - 2. Any vehicle, located on city right of way, and constituting an imminent threat to the public safety may be towed without prior notice.
- B. The Chief of Public Safety may refuse to authorize the use of any wrecker service that is identified as being a source of problems in the service they provide.

28.37 PROTECTION FOR STRANDED MOTORISTS

When an officer is with a disabled vehicle, he is responsible for providing protection to both the disabled vehicle and its occupants. The officer shall also take appropriate action to facilitate a smooth traffic flow around the disabled vehicle.

28.38 EMERGENCY ASSISTANCE TO MOTORISTS

- A. When an officer is with an emergency situation involving a motorist, he shall provide all necessary emergency assistance that is within the capabilities of the officer, or until relieved by other personnel, such as paramedics or the Fire Division.
- B. Employees may transport stranded motorists to the nearest convenient location where assistance may be obtained, however, employees should be certain that assistance is available.

28.39 ABANDONED VEHICLES

- A. Abandoned means a vehicle, which reasonably appears to be inoperative and does not bear significant indication that the owner is conducting timely repairs or a vehicle, which does not bear current license plates or has been parked on the public streets without moving for 48 hours.
- B. Anytime an employee discovers a vehicle along the roadway that has been apparently abandoned due to mechanical breakdown or other reason, he shall determine if the vehicle location presents a hazard.
- C. When the vehicle is legally parked and poses no hazard, if the owner cannot be contacted to move the vehicle, it will be tagged as an abandoned vehicle. Within 48 hours after vehicles have been tagged as abandoned, officers shall have vehicle towed.
- D. When the vehicle is illegally parked or presents a safety hazard, then the officer shall:
 - 1. Take immediate, temporary steps to insure the safety of other roadway users.
- E. If the owner of the vehicle or other person responsible for it cannot be located, or will not take steps to satisfactorily eliminate the traffic hazard, then the vehicle may be towed.
- F. When a vehicle is abandoned for more than 48 hours on a city street it may be towed. Employees must attach Tag for Tow notice on the vehicle in a

conspicuous place.

28.40 REMOVING AND TOWING OF VEHICLES

- A. The policy of the Mitchell Police Division is to remove vehicles from the streets when they are abandoned, are evidence, or the owner is incapable of properly securing them.
- B. The Division may pay tow charges when the subject's vehicle is held for evidence. Other towing expenses are the responsibility of the vehicle owner. Under certain emergency situations the city may pay tow fees.
- C. A vehicle may be towed under the following conditions:
 - 1. Whenever the driver of a vehicle is arrested for Driving Under the Influence the officer may have the vehicle towed. This is in order to prevent the driver from returning to the vehicle after release and also for protection of the vehicle and/or private property contained within the vehicle.
 - 2. The vehicle is left unattended and in such a manner that it constitutes an obstruction or a hazard to other traffic.
 - 3. The vehicle has been abandoned upon a public street pursuant to Ordinance section 23-49 of Mitchell Code for a period of 48 hours or more.
 - 4. When removal is necessary in the interest of public safety, e.g. fire, flood, snow removal, or other emergency reasons.
 - 5. The vehicle displays improper or illegal license plates or altered Vehicle Identification Number (VIN) number while parked or driven upon a public street.
 - 6. The vehicle is found being driven upon the public streets in such condition that it constitutes a hazard to its occupants, pedestrians or vehicular traffic.
 - 7. When the person in charge of the vehicle is physically or mentally incapacitated to such and extent as to be unable to provide for the vehicles custody and removal, e.g. traffic accidents.
 - 8. When the driver of the vehicle is removed from the vehicle by arrest or detention and no passengers are present who can legally remove

the vehicle with the driver's consent.

9. The vehicle is a direct instrumentality of a crime and must be seized as evidence.

E. A vehicle should not be towed under the following conditions:

1. A vehicle should not be towed unless the officer finds an appropriate condition listed in D of this section. A vehicle should not be towed if the driver is not present in the vehicle when arrested or detained and the vehicle is not needed as evidence. The officer should secure the vehicle and allow it to remain where parked.
2. Officers will attempt to use an alternative for towing an arrestee's vehicle. Alternatives such as having someone respond within a reasonable period of time to take custody of the vehicle, or allowing a passenger who is not intoxicated and who has received authorization from the driver should be considered and used whenever possible.

F. Where to Tow a Vehicle:

1. The requesting officer shall direct the towing company to remove vehicles required for evidence to the secure facility designated for such storage.
2. Drivers of vehicles involved in private tows may direct the towing company as they desire.
3. The officer who requests a tow is responsible for directing the removal and impoundment of all non-private tows.

28.41 RECORD OF REMOVED/TOWED VEHICLES

A. The Impound/Recovery Report shall be completed for all vehicles towed, except private tows. The officer completing this report shall state in the narrative section:

1. The reason the vehicle was towed.
2. An evidence tag must be completed and attached to the vehicle with copies forwarded to the Evidence Section. If the vehicle is to be processed, an evidence work request must be completed with details of the request.

B. A Courtesy Notice - 48 hours shall be placed in a conspicuous location on all

abandoned vehicles. Vehicles shall not be towed until 48 hours (if abandoned on the public streets) has elapsed from the time of placement of the notice.

28.42 ORDERING A VEHICLE HELD

- A. Vehicles may be held if they are evidence in a crime or if there are grounds to believe that they contain evidence of a crime.
- B. Vehicles held as evidence must be processed thoroughly but quickly in order to decrease the time of impoundment.
- C. Officers must ensure that only vehicles actually required as evidence are held.
- D. To order a vehicle held as evidence, the officer must complete the Impound/Recovery Report and Evidence Slip indicating "Police Hold" on the report.

28.43 TRAFFIC DIRECTION AND CONTROL FUNCTION

The Mitchell Police Division has set guidelines for the provision of traffic direction and control services to motorists and other roadway users. This directive outlines the responsibility of the Police Division to foster the efficient and expeditious movement of traffic within the community.

- A. The Mitchell Police Division provides direction as necessary to ensure the safe flow of pedestrian and vehicular traffic within the community. Traffic Direction and Control services are provided through the use of the following specifically trained personnel:
 - 1. Sworn Police Officers
 - 2. Lake Patrol Officers
 - 3. Animal Control Officers
- B. The city will maintain traffic direction and control within the city and shall be accomplished by the use of mechanical traffic control devices. The City Traffic Division shall be responsible for the installation and maintenance of all traffic control devices.

28.44 MANUAL TRAFFIC DIRECTION LOCATIONS SPECIFIED

- A. Although the highways and intersections of the City of Mitchell are engineered so as to provide for the efficient and effective movement of traffic under normal conditions without the intervention of police personnel, employees are encouraged to manually take charge of any situation where random circumstances have results in traffic problems.
- B. Division personnel will manually direct traffic in the event of a mechanical/electrical malfunction, motorcades, traffic accidents, scenes of emergencies, and to alleviate congestion resulting from the use of automatic controls, or at the direction of a supervisor.
- C. Manual traffic direction assignments at specific days and times may be made by the Shift Commander or Supervisor after consideration of:
 - 1. Traffic volume and speed
 - 2. Number of pedestrians present
 - 3. Duration of congestion
 - 4. Presence or absence of traffic control devices.

28.45 MANUAL TRAFFIC DIRECTION PROCEDURES

All personnel assigned or authorized to direct traffic should utilize uniform signals in accordance with Division training.

28.46 HIGH-VISIBILITY TRAFFIC DIRECTION CLOTHING

High visibility orange reflective vests shall be worn at all times when manual traffic direction is conducted.

28.47 ANNUAL PARKING CONTROL SURVEY

The responsibility of the City Traffic Division is to conduct an annual survey to identify locations where parking control is needed.

28.48 SPECIAL EVENT TRAFFIC CONTROL PLAN

- A. Special events. A variety of public events may require special accommodations to be made for parking and traffic flow. These events include such things as festivals, parades, rallies, sporting events, and other events that attract an abnormally high number of people in a given area.
1. Although the nature and extent of the traffic direction and control required by the Division will vary depending on the type of event, the responsibility of the on-duty Shift Commander or other person designed as the Officer-in-Charge of any special event is to insure that special restrictions on traffic flow or parking are clear to motorists and pedestrians by considering the following:
 - a. Ingress and egress of vehicles and pedestrians
 - b. Provisions for parking
 - c. Spectator control
 - d. Public transportation.
 - e. Provisions for relief of employees assigned to fixed points for extended periods of time
 - f. Provisions for the News Media
 - g. Alternate routes for through traffic
 - h. Temporary traffic controls and parking prohibitions
 - i. Emergency vehicle access.
 2. The Major, when advised of an upcoming special event, shall review the details of the event, and determine if any special traffic enforcement or control functions will be required. If any are deemed appropriate, it will be his responsibility to plan and coordinate the requirements to ensure the appropriate police coverage.
- B. Highway Construction. Manual traffic direction and control is not necessary in every instance of highway construction. The use of employees to direct traffic in these situations is dependent upon the nature and scope of the work being conducted on the roadway as well as the nature of the roadway itself.

28.49 SCHOOL CROSSING GUARD AUTHORITY

- A. School crossing guards provide traffic direction and control at fixed and specific points at such times as directed by the Division for the purpose of ensuring the safety of school children to and from schools in the city of Mitchell.
- B. The authority and responsibility of school crossing guards shall be specifically limited to traffic direction and control. School Crossing Guards have no law enforcement powers, duties or responsibilities.

28.50 SCHOOL CROSSING GUARDS SELECTION

- A. The selection of school crossing guards shall be made on the basis of an interview and a computer background examination that shall consider all of the following:
 - 1. Past criminal history, with specific attention to any crimes involving children.
 - 2. A motor vehicle record check in this and any other state in which the applicant has lived.
 - 3. An assessment of the candidate's general fitness, to include consideration of the need to be able to stand for extended periods of time.
 - 4. Consideration of the candidate's ability to work the required schedule.
- B. The selection of adult school-crossing guards will be based on the knowledge, skills and abilities required to perform the function of a school crossing guard.

28.51 SCHOOL CROSSING GUARDS UNIFORMS

School Crossing Guards are employees of the Mitchell Police Division. The Division issues highly visible orange reflective vests and hand held STOP signs to Crossing Guards for the performance of their regular duties. They will receive the Crossing Guard uniform shirt and pants. Inclement weather clothing will also be issued.