

MUNICIPAL ORDER NO:__:2019

WHEREAS, the City of Morehead Board of City Council voted to enact policies and procedures of the Morehead Police Department by Municipal Order; and

WHEREAS, the Morehead Police Department desires to amend Policy #21, Traffic Control and Wrecker Services to update the policy regarding the use of wrecker companies for towing/impounded services:

NOW, THEREFORE, BE IT ORDERED by the City of Morehead, Board of City Council that the Morehead Police Department's Standard Operating Policy #21, Traffic Control and Wrecker Services, a copy of which is attached hereto, is hereby approved. A copy of the policy shall be added to the Morehead Police Department's Policies and Procedures Manual retained on file in the City Clerk's office.

Adopted this ____ day of _____ 2019.

CITY OF MOREHEAD

Laura White-Brown, Mayor

Attested: _____
Crissy Cunningham, City Clerk

Morehead Police Department

Standard Operating Procedures

Policy # 21 <h3 style="text-align: center;">TRAFFIC CONTROL AND WRECKER SERVICES</h3>	Related Policies:
<i>This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this department for non-judicial administrative action in accordance with the laws governing employee discipline.</i>	
Applicable State Statutes: K.R.S. 189.378, 189.993	
CALEA Standard: : CALEA 61.3.3, CALEA 61.3.3 b, KACP 24.3 :	
Date Implemented:	Review Date: 03/2019

PROCEDURE: General

A. Types of Enforcement Actions

1. Warnings

Officers may issue warnings to a violator whenever a minor traffic infraction is committed in areas where traffic accidents are minimal, or when the act may be due to ignorance of a local ordinance which may be a unique violation or a violation of which the driver may not be aware. The officer should inform the violator that ignorance of the law is no defense. A properly administered warning can be more effective than any other type of enforcement.

2. Kentucky Uniform Citation (KUC)

A Kentucky Uniform Citation should be issued to a violator who jeopardizes the safe and efficient flow of vehicular and pedestrian traffic, including hazardous moving violations or operating unsafe and improperly equipped vehicles.

3. Physical Arrest

Officers will make a physical arrest in compliance with Kentucky Revised Statutes in the following circumstances:

- a. Violations of traffic laws pertaining to KRS 189.290, 189.393, 189.520, 189.580 or 189A.010 pertaining to Driving Under the Influence of Alcohol or other intoxicants.
- b. Whenever the operator is licensed by a non-reciprocal state.
- c. When the officer has reason to believe that the person will not comply with the citation, if issued.

4. Information Regarding Uniform Traffic Citation

The Kentucky Uniform Citation will be completed whenever a motorist is to be charged with a motor vehicle violation. Officers shall advise drivers of the following information and provide the violator with an instruction sheet:

- a. Court appearance schedule.
- b. Whether court appearance by the motorist is mandatory.
- c. Whether the motorist may be allowed to prepay the fine before court and enter a guilty plea.
- d. Any other information necessary before release of the motorist.

5. Traffic Law Enforcement – General

- a. Normal traffic enforcement involves patrol by officers who observe and handle traffic violations during the performance of their normal duties.
 1. Area patrol involves traffic enforcement within the officer's assigned area of responsibility.
 2. Line patrol involves traffic enforcement with concentration on a particular section of roadway.
 3. Directed patrol instructions can specify enforcement in an area, on a line patrol or at a specific location depending on the nature of the hazard/violation.
 4. Stationary observation, either covert or overt, may be used as a technique to make observations about the flow of traffic at a particular location. Officers are encouraged, when completing reports or doing other activities which will keep them out of service for a short while, to park their patrol vehicles in a conspicuous location where the mere presence of the vehicle will serve to remind the other drivers of the need for compliance with traffic laws.
- b. Objective of traffic stops – there are two major objectives of a traffic stop. The attainment of these two objectives depends upon the officer's ability to evaluate the violator's mental and physical condition and facts concerning the violation. This requires a thorough understanding of human relations and demands flexibility on the part of the officer. Enforcement procedures should minimize conflict which may develop between the officer and violator and assist in achieving the two major objectives, which are:
 1. To take proper and appropriate enforcement action.
 2. To favorably alter the violator's future driving behavior.

B. Traffic Violator/Officer Relations

1. Followed in all traffic stops:
 - a. Be alert at all times for the unexpected.
 - b. Be absolutely certain the observations of the traffic violation were accurate.
 - c. Present a professional image in dress, grooming, language, bearing and emotional stability.
 - d. Be prepared for the contact by having the necessary equipment and forms, if they are to be used, immediately available.
2. Before making a vehicle stop:
 - a. Maintain a reasonable distance between the vehicle and the police unit.

- b. Locate a safe spot to stop the vehicle.
 - c. Activate the emergency lights and, when necessary, siren, to signal the vehicle to stop.
 - d. Advise the dispatcher of the intention to stop the particular vehicle, giving:
 - 1. Location of the stop.
 - 2. Vehicle's license tag number and/or other description when necessary.
 - e. Officer should position the police vehicle approximately one-half to one car length behind the violator's vehicle. The police vehicle shall be positioned so that it will offer the officer some protection from oncoming traffic. This position shall be two feet outside and to the left of the violator's vehicle. This position provides maximum safety to the violator, the officer and all other traffic.
3. When stopping a vehicle in which the occupant(s) is deemed to present a hazard to the officer's safety, in addition to the above:
- a. Request a backup unit and calculate the stop so that the backup unit is in the immediate area before the actual stop.
 - b. When necessary, use the unit's public address system to give the occupant(s) of the vehicle instructions.

C. Stopping a Known or Suspected Felon:

Special procedures shall be used in vehicle stops when the occupants are known to be armed and dangerous. When a vehicle driven by a known or suspected felon is located by an officer, he will notify the dispatcher immediately of his location and give a thorough description of the vehicle and its occupants. The officer will keep the suspect vehicle in view and request sufficient assistance in making the stop.

The officer will keep support units informed of the location and direction of travel to aid 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. Circumstances may, however, dictate a one-officer felony stop.

The following procedures will be used in effecting the stop:

- 1. The officer 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 officer will move into position to the rear of the suspect vehicle.
- 3. The officer will signal the violator to stop, using 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 officer will have his weapon easily accessible and ready for immediate use.
- 6. When the suspect vehicle begins to stop, the officer will turn off the siren and turn on the public address system.
- 7. The officer will park the police vehicle so that it provides maximum protection and cover.
- 8. At night, the officer shall focus all lights on the interior of the suspect vehicle.

9. The officer will leave the police vehicle quickly but remain behind the door and accessible to the public address system microphone.
10. The officer making the stop is in command and will direct each occupant, using the public address system, to get out of the vehicle and into the appropriate search position. First, once suspects are stopped, the officer shall order the driver to shut off the motor and drop the keys on the ground outside the door. Next, the officer shall order occupants to place their hands, palms up, on the ceiling of the vehicle. Officers shall then order occupants to exit the vehicle on the driver's side, only, one at a time. Occupants will then be ordered to lie flat down on the ground.
11. If a public address system is not available, the officer will give voice commands if they can be heard; if this fails, the officer will cautiously approach the vehicle, keeping all occupants in view, to a point where he can be heard.
12. To reduce confusion, the officer will instruct support officers, as appropriate, and will be the only officer to direct the suspects.
13. The support officers will cover the arresting officer and remain on the curb side of the vehicle until all occupants are in the search position.
14. Officers will exercise extreme caution not to get within each other's line of fire.
15. When all occupants have been removed from the vehicle, the support officers shall move to cover the arresting officer while the persons are searched.
16. Arrestees will be searched and handcuffed before transporting.

D. Speed Enforcement

Excessive speed is the second greatest cause of death and injury on the American highways. An officer shall uniformly enforce speed laws within Morehead, Kentucky. Procedures for the enforcement of laws applying to speed will vary in accordance with the type of equipment used.

1. Pacing.
The officer shall follow the vehicle being paced at a constant interval for a distance adequate, normally two or more city blocks, to obtain a speedometer reading.
2. Radar.
Radar shall be applied where vehicle speed is a hazard to other motorists or pedestrians. The following guidelines govern the use of radar, which will always be operated in compliance with manufacturer's instructions. All departmental radar units meet current NHTSA standards.
 - a. The radar unit must be properly installed in the vehicle and connected to the appropriate power supply.
 - b. Operators must thoroughly understand the effective range of the radar unit so observations can support the speed meter readings.
 - c. The operator must choose an appropriate location in accordance with the directions of his commanding officer relative to traffic accident experience in which speed has been identified as a contributing cause. The location must also be conducive to the effective and safe operation of radar.
 - d. The radar unit shall be properly calibrated to insure accuracy in checking speed. The operator must follow the manufacturer's recommended specific methods of checking calibration without exception. Any problems with the operation of radar units or apparent malfunction shall be promptly reported to the Chief of Police.

- e. In court, officers must establish the following elements of radar speed:
 - 1. The time, place and location of the vehicle; the identity of the operator; the speed of the vehicle and the visual and radar speed check.
 - 2. Officer qualifications and training in use of radar.
 - 3. Proper operation of radar unit.
 - 4. The unit was tested for accuracy before use and after use by an approved method.
 - 5. Identification of the vehicle.
 - 6. Speed limit in the zone in which officer was operating and where the signs were posted.
- f. The Chief of Police or his designee is responsible for the proper care and upkeep, maintenance and calibration of radar units; maintenance of records and that appropriate certificates are filed with the clerks of District and Juvenile Courts.

TRAFFIC CONTROL

Procedures

A. Methods of manual direction of traffic.

When an officer is directing traffic, he knows and uses standardized, appropriate gestures and audible signals to stop, start and turn traffic.

B. Signaling Aids.

- 1. The whistle is used to get the attention of the drivers and pedestrians. It is used as follows:
 - a. One long blast with a **stop** signal.
 - b. Two short blasts with the **go** signal.
- 2. This agency requires personnel to wear high visibility or reflective clothing when involved with traffic direction and/or control.

C. Manual operation of traffic control devices.

On occasion, officers must manually operate traffic control signal lights, normally to either attempt to recycle a signal light or to place the signal lights on flash or blink.

D. Special event traffic control.

For any other special event, the Chief of Police or his designee will ensure the preparation/implementation of a special traffic plan which addresses: ingress and egress of vehicles and pedestrians; provisions for parking; spectator control; public transportation; assignment of point control duties and reliefs; alternate traffic routing; temporary traffic controls and parking prohibitions; emergency vehicle access and appropriate media coverage of such plans.

E. Traffic control at fire scenes.

Officers responding to the scene of a fire call will ensure observance of the following rules in regards to traffic control:

- 1. No vehicles, including those of volunteer firemen, will be allowed to drive into the block

- where fire apparatus is parked and operating.
2. No vehicles will be allowed to cross fire hoses without the approval of the Fire Chief.
 3. In cases of fires at a facility such as the hospital or prison, no vehicles, including those of volunteer firemen, will be allowed on the grounds.

F. Non-Emergency Escorts:

Funeral, dignitary motorcades, parades, etc.;

Officers responsibility:

1. Officers shall have the authority to refuse to start any escort which presents a hazard to the safety of either the officer or the public. If an officer refuses to start an escort for any reason, he must contact his supervisor.
2. Due to the high risk of liability, escorts of school related teams or organizations consisting of buses and/or other vehicles are prohibited.
3. Officers shall choose the route to be taken based upon resources available; weather, time of day, traffic flow and road hazards.
4. In the event the procession is larger than anticipated, the officer in charge of the procession will consider the following:
 - a. Completing the escort as requested.
 - b. Waiting until additional assistance can arrive.
5. The requesting party may choose to proceed without the benefit of an escort.
6. All processions which proceed on an interstate highway will be advised that interstate traffic will normally not be stopped for the procession.
7. Whenever only one officer is present at a funeral escort, that officer shall only direct traffic as needed to allow the procession entry into regular traffic flow.
8. Funeral processions are governed by KRS 189.993—and all participants must exercise common sense and due caution at all times. Officers shall not proceed through red lights, stop signs and other regulatory traffic control devices unless ALL emergency equipment is on and in operating mode, or at the direction of a police officer or traffic control officer. It is recommended that police units stop and proceed as required by law.
9. Vehicle requirements:
 - a. Police
 1. A police vehicle escorting a funeral procession shall have emergency lights in operation at all times. Only marked vehicles may be so used.
 2. The siren/air horn should be used as appropriate to warn other drivers that the procession is proceeding through the area (major intersections and high traffic volume areas).
 - b. Other
 1. All vehicles participating in a funeral procession shall have their headlights illuminated.

G. Traffic control during adverse road and weather conditions.

1. The Chief of Police will notify the local radio stations, public works and the fire department of adverse road conditions that will affect the motoring public.
2. The Chief of Police may close a street if, in his opinion, the surface conditions and terrain are unusually hazardous. He should request public works assistance in alleviating the problem and request public service radio announcements be made

concerning the closure.

H. Traffic ancillary services.

1. Emergency escorts.
 - a. Officers shall not provide escort to other emergency vehicles. Officers may direct traffic at intersections to expedite the movement of other emergency vehicles.
 - b. Emergency escorts will only be given to private vehicles enroute to hospitals when the patient's life would be endangered in moving him from a private to an emergency vehicle. In cases where escorts are provided, the officer shall:
 1. Drive at a speed not to exceed the posted speed limit by more than 10 miles per hour. The officer must remember that the driver of the escorted car may not be as skillful a driver as himself and may also be emotionally upset.
 2. Notify the Sergeant or Supervisor.
 3. Ensure that the escorted vehicle has its' headlights on and the police vehicle has its emergency flashers operating.
 4. Obey all traffic lights proceeding through them only after it is safe for two vehicles to do so.

WRECKER SERVICES IMPOUNDING VEHICLE PROCEDURE

A. Physically arrested persons.

1. If a driver or owner is arrested and vehicle is to be held for evidential purposes:
 - a. Order wrecker and place hold on vehicle.
 1. Give full explanation as to the basis for placing "hold" on vehicle. Every effort should be made to use the impound facility of the wrecker service provider. If the impounding officer, after consultation with his/her supervisor, deems that the ongoing investigation would best be served by the vehicle being impounded in a city impound lot, the vehicle should be towed to a city impound lot and secured.
 2. If a driver or owner is arrested and vehicle is not to be held for evidential purposes:
 - a. The vehicle should, whenever possible and reasonable, be released to a responsible person designated by the arrested or owner, if available.
 - b. Under the new court rulings, a vehicle should be left properly parked at the scene of the arrest. Vehicle shall be locked securely and notification made to a person designated by the offender so that vehicle can be moved.
 - c. Have both the arrested person and the designated person authorized to receive the vehicle sign a property release for the vehicle.

B. Stolen Vehicles.

1. If stolen vehicle is registered to a non-resident or out of state owner, the vehicle shall be towed to a designated impound lot by a commercial wrecker.
2. If vehicle is wrecked or otherwise impaired, it shall be impounded in a designated impound lot.

C. Vehicles held on request of other authorities.

1. When properly notified by police agencies of other jurisdictions, the vehicle may be impounded and requesting agency immediately notified.

D. Vehicles parked on private property without consent of owner or his agent.

1. If the vehicle is obstructing driveways, loading docks, fire lanes or other ingress or egress:
 - a. The officer shall conduct an investigation.
 1. Check license registration, attempt to locate owner or agent and notify to move vehicle immediately.
 2. Check houses and business establishments in immediate area and notify owner to immediately remove vehicle.
 3. A vehicle may be towed at the discretion of the officer with supervisor's authority.
 - b. Incorporate in report description of investigative action taken, including name of owner or agent requesting removal of vehicle.
 1. If the vehicle on private property is occupying parking space or appears to be abandoned:
 - a. The officer shall conduct an investigation and notify vehicle owner to have vehicle moved.

E. Vehicle wanted for hit-skip auto accident.

1. Give full explanation in report as to the basis for placing hold on vehicle.

F. Vehicles bearing expired license plates.

1. Local registration.
 - a. If local registration and there are no other reasons for holding the vehicle, issue a citation for violations of KRS 186.020; do not impound the vehicle.
 - b. If not a local registration, the officer should consult his/her supervisor about impoundment of the vehicle.

G. Parked vehicle involved in auto accident.

1. If parked vehicle is involved in an accident without the owner's knowledge and it is necessary to remove it without the knowledge or consent of owner or driver.
 - a. A wrecker will be summoned and the vehicle removed to the impounding lot.
 - b. The investigating officer will attempt to notify the owner.

NOTIFICATION OF AUTO OWNERS

A. It shall be the duty of the recovering officer to safeguard the automobile if the car cannot be released at the scene within a reasonable time.

1. Car shall be towed by wrecker to wrecker services lot.
 - a. Officer in charge will require owner to sign a property receipt with the receipt being filed at the police department
 - b. Cars towed to impound lot will be released after owner obtains release receipt from the officer in charge. Release receipt will be presented by owner to wrecker driver who will then release the vehicle.

B. When executing the form "Auto Recovery", including the information that the

car has been released to owner or his agent, also include:

1. Name of person who notified owner.
2. Time and date of notification.
3. Location of car if not released to owner at scene; either station or police impound lot.
- 4.

C. Rotation list.

1. A rotation list will be established with each company being on call. Notations on wrecker log shall indicate the date and time notified, company's response and caller's initials.
2. An emergency list will be established for heavy times or in case the company on call requests help. The next company on the list will be called in case of emergency. This will not effect their position on the rotation list.

D. Complaints – All complaints regarding towing/wrecker services from citizens and/or companies on the rotation list shall be made first to the Assistant E-911 Director. If he/she is unavailable, complaints should be made to the E-911 Director. If he/she is unavailable, then the Chief of Police should be contacted.

D.] E. Removal from the rotation list.

1. A towing company [ean] may be removed from the towing list for the following:
 - a. Slow response (three complaints in one week).
 - b. Theft from or tampering with vehicle being towed.
 - c. Failure to maintain requirements set forth by the police department.
 - d. Unnecessary damage to vehicles or property.
 - e. Unlawful compensation to police officers.
 - f. Refusal of dispatch.
 - g. Making false allegations/complaints about another company on the rotation list or about the Morehead Police Department/City of Morehead.
2. If a towing company is removed from the list, the police department will:
 - a. Notify them in writing before removing them from the list.
 - b. Upon request of the towing company, provide a hearing before the Chief of Police on the removal from the towing rotation list.

E. Use of towing request form. (Vehicle Impound Log)

1. A copy of the towing release form will be given to the owner of the vehicle to serve as a release. No car will be released from the impound lot without the release from the police department.
2. Vehicle owners **must** come to the police department to have their car released.
3. When a car is towed from the scene of an accident, the wrecker company may release the car without a written release.

F. Rates.

1. All rates and fees charged shall be set by the companies providing service to the

police department. The fees charged shall be uniform for each response unless extra labor is required. It shall be the responsibility of the towing companies providing service to make sure that fees charged are uniform with other companies and have a copy of those fees on file with the police department.

2. The impoundment fee in a city impound lot is \$5.00 per day. This fee, all or in part, may be waived by the Chief of Police or his designee.
3. The determination as to the waiving of impoundment fees will be based upon the following conditions:
 - * vehicle belongs to a crime victim
 - * court ordered release.

RELEASE OF IMPOUNDED VEHICLES

A. Procedure

1. Owner or owners' representative wishing to claim a car held by the police must present his certificate of title and/or license registration to the officer.
2. An illegally parked vehicle can be released to the owner at the scene if the owner appears before the vehicle has been towed from the curb lane by the wrecker.
3. Any traffic citation affixed to a vehicle towed on police order shall be given to the owner at the time he presents title and claims the vehicle.
4. Owners shall be informed that payments of impounding and storage **do not** include payment for any traffic citations. Traffic citations on the vehicle are processed in the regular manner.
5. When a vehicle is held in a city impound lot, the vehicle and/or its contents shall not be released until all reasonable charges or fees are paid to the private wrecker operator as well as city impound fees.