I. TRAFFIC ENFORCEMENT

The goal of the Pima County Sheriff's Department Traffic Enforcement Policy is to reduce traffic collisions and facilitate safe and expedient movement of vehicles and pedestrians through citizens' voluntary compliance with traffic and motor vehicle laws.

The following section represents the policy of the Pima County Sheriff's Department concerning traffic law enforcement and collision investigation:

A. The enforcement of traffic laws and the investigation of collisions is a primary responsibility of the Patrol and Specialized Response Divisions.

1. Except in extraordinary situations, traffic stops should be made only by uniformed deputies in marked Department vehicles.

2. The Patrol and/or Specialized Response Division Commander may authorize the use of unmarked departmental vehicles for traffic law enforcement.

3. Plainclothes deputies in unmarked Department vehicles may apprehend persons who commit serious traffic violations, e.g., DUI, leaving the scene of an accident, reckless driving, etc.

   a. When practicable, a marked police vehicle should be requested by plainclothes deputies to assist in making such traffic stops.

   b. Plainclothes deputies who make a traffic stop shall, as soon as possible after the stop, identify themselves by displaying their Department-issued identification card and badge to the violator.

4. Plainclothes deputies should assist at traffic collision scenes unless such assistance is not necessary.

5. At no time shall deputies use a privately owned vehicle to pursue a traffic law violator or make a traffic stop.

6. Non-commissioned members of the Department are not authorized to make traffic stops.

B. Except on state and interstate highways and Indian reservations, the Sheriff's Department has primary jurisdiction for traffic law enforcement and collision investigation in the unincorporated areas of Pima County.

1. Deputies shall not, without the express permission of the Patrol or Specialized Response Division Commander, patrol state highways, interstate highways, or city streets with the intention of apprehending traffic law violators.

2. Deputies shall conduct collision investigations within the boundaries of Pima County when such collisions occur within the primary jurisdiction of the Sheriff's Department or if requested to do so by the law enforcement agency having primary jurisdiction.

C. Deputies shall:

1. Identify themselves

2. Advise the violator of the purpose of the stop

3. Advise the violator of the action that will be taken

4. Answer any reasonable question the violator may have

D. Deputies shall not argue with traffic law violators

E. Department members shall wear their Department-issued reflective vest while exposed to traffic or construction equipment while:

1. Directing traffic

2. Investigating collisions

3. Handling lane closures, obstructed roadways, or disasters

4. Working within road construction zones

5. Other activities where increased visibility may place Department members at a tactical disadvantage, including traffic stops, do not require wearing of the reflective vest and its use is discretionary for those activities.

II. ENFORCEMENT ACTION

A. Violations of traffic and motor vehicle law per Arizona Revised Statutes Title 28 are felonies, misdemeanors, petty offenses, or civil offenses in Arizona. Therefore, prior to taking enforcement action, deputies must ensure they can show, through testimony, witnesses, or physical evidence the following:

1. A violation has occurred as specified in the statutes.

2. The person accused was operating the vehicle (was in actual physical control) at the time of the violation.

B. Enforcement action may occur in the form of an arrest, citation (civil traffic), written warning, repair order, or verbal warning.

1. Arrest takes place when a person is taken into custody for a felony or misdemeanor or is issued a citation for a misdemeanor or petty offense.

2. Although Title 28 authorizes law enforcement officers to apprehend violators for certain civil traffic offenses, such action does not constitute an arrest, and deputies shall not physically arrest violators who are being charged solely for a civil offense.

3. Written Warnings and Repair Orders may be issued for any traffic or motor vehicle law violation except cases of DUI and reckless driving or if the violation is collision related. Deputies shall advise any violator issued written warnings for violations of A.R.S. Title 28:

a. That the warning is being issued as a courtesy intended to solicit the violator's compliance with Arizona traffic and motor vehicle laws

b. That a violation has occurred and the nature of that violation

c. That no fine or court appearance is required

4. Verbal warnings shall be limited to minor violations.

C. Use of Radar to Enforce Speed Laws: Only deputies who have been certified in the use of radar shall issue speeding citations based on radar use.

D. Traffic citations shall be issued in the following manner:

1. Violators shall be cited into the appropriate court.

2. The following information shall be explained to the violator:

a. The date on the citation is not a trial date but rather a deadline by which the violator must enter a plea.

b. Violators shall be given a Justice Court envelope so that the fine or bond can be mailed to the court. This procedure is not to be followed when a violation cannot be paid by mail, e.g., DUI, reckless driving, driving with suspended or revoked license, and leaving the scene.

3. Except for civil traffic offenses, violators must sign the citation as "a promise to appear" in order to gain their release.

a. Violators who are charged with a misdemeanor or petty offense may be physically incarcerated for the offense if they refuse to sign.

b. Violators who are charged with a civil traffic offense are not required to sign the citation. If a violator refuses to sign, the deputy shall hand the citation to the violator and shall inform the violator that failure to appear on the charge will result in court-imposed sanctions as stated on the reverse side of the violator's citation copy.

4. Citations issued to nonresidents shall be handled in the same manner as those issued to residents.

5. Citations that are collision-related shall be so marked in the block provided.

III. TRAFFIC STOPS

A. All traffic stops shall be made at a location and in such a manner as to minimize the hazard from and inconvenience to other traffic.

B. Deputies shall be cognizant of their own safety and the safety of the violator while engaged in traffic stops.

1. When circumstances dictate, deputies may, for their safety, request that the occupants of a vehicle step out during a traffic stop.

2. Intoxicated drivers shall not be permitted to operate their vehicles after they have been stopped.

3. Deputies shall keep the violator's safety in mind at all times.

IV. APPREHENSION OF DRIVERS UNDER THE INFLUENCE

A. Arizona law regarding persons driving while under the influence of intoxicating liquor or drugs shall be strictly enforced.

1. On-duty deputies shall make every effort to prevent intoxicated or impaired persons from operating motor vehicles.

2. Deputies shall not knowingly allow an intoxicated or impaired person to operate a motor vehicle for the sake of making a DUI arrest.

a. Intoxicated or impaired persons who are preparing to operate a motor vehicle shall be approached and warned that operating the vehicle will result in their arrest. Deputies shall not physically restrain an intoxicated or impaired person from operating a motor vehicle.

b. Should an intoxicated or impaired person disregard the deputy's warning, the deputy shall allow the person to proceed no further than is necessary to show probable cause for enforcement action. In such cases deputies shall take appropriate enforcement action and fully document the circumstances in an offense report.

c. Intoxicated or impaired persons who cooperate with the deputy shall be assisted in making arrangements to return home, e.g., call the spouse or a taxi, transport the person to Gateway LARC), etc.

B. Deputies shall be current in the DUI policies and procedures of the Department including field sobriety tests, tests to determine blood alcohol concentration, and implied consent laws.

C. A blood sample shall be obtained to determine the alcohol concentration and/or drug content of suspects arrested for DUI related crimes.

1. Arrestees who refuse to voluntarily submit to a blood test, pursuant to Arizona's Admin Per Se law, shall be served the appropriate Motor Vehicle Department suspension and the investigating deputy or designee shall pursue a search warrant in order to obtain a blood sample, unless the arrestee is transported for medical treatment.

2. Medically qualified and phlebotomy-trained law enforcement personnel are authorized to perform venipunctures (blood drawing) for the purpose of obtaining legally-mandated blood evidence as authorized by law.

3. The DUI Unit Supervisor shall be responsible for the administration of the Department Phlebotomy Program and shall maintain current operational procedures for Department phlebotomists.

D. Enforcement action pertaining to violators depends on the circumstances present at the time the deputy investigates the violation. Deputies shall make a driver's license check with the Motor Vehicle Division prior to citing and field releasing or physically incarcerating the violator. The results of the driver's license check shall be noted in the Incident Report and other appropriate forms and include any major violations and whether or not the license has been suspended, canceled, revoked, or refused.

E. DUI Search Warrants

1. Deputies shall read the Arizona Admin Per Se/Implied Consent Affidavit Admonition to all DUI arrestees, except for drivers involved in fatal or life threatening injury collisions. For fatal or life threatening injury collisions, appropriate investigative procedure will be followed by deputies assigned to the investigation.

2. In the event a DUI arrestee refuses to give consent for a chemical test to determine alcohol and/or drug content, the arresting deputy or designee shall take appropriate steps to obtain a search warrant to obtain blood evidence.

3. Should a search warrant be granted, the deputy shall serve a copy of the warrant to the arrestee.

4. The warrant shall be executed at an appropriate location.

5. In the event an arrestee physically resists or threatens to physically resist the execution of the search warrant, the arrestee shall be transported to the Pima County Adult Detention Center. The warrant shall be executed at a designated location at the Pima County Adult Detention Center prior to booking. The blood shall be drawn by a Department Phlebotomist.

6. Search warrants to be executed in the Ajo District shall be executed at the Ajo District Station by a Department Phlebotomist unless medical necessity dictates transportation to a hospital.

7. In the event an arrestee has been transported to a hospital, the search warrant may be executed at the hospital. Blood may be drawn by either medical personnel or a Department Phlebotomist.

8. In the event an arrestee physically resists execution of the search warrant, deputies may use that level of force reasonable and necessary to execute the warrant.

F. Deputies shall take a photograph of all DUI arrestees and submit it to the Forensic Unit. The photograph will assist in identifying the arrestee during court proceedings.

G. Sobriety checkpoints will only be conducted with the approval of the Specialized Response Division Commander, or his/her designee. Prior to working any sobriety checkpoint, all personnel (commissioned, non-commissioned, corrections, and volunteers) shall attend an operation specific briefing.

V. TRAFFIC COLLISION INVESTIGATION

A. Deputies of the Pima County Sheriff's Department shall thoroughly investigate traffic collisions in order to identify the cause of the collision, determine whether a criminal offense and/or traffic law has been violated, assist the public, and take appropriate law enforcement action.

B. Deputies shall aid the public at collision scenes in the following manner:

1. Protect the collision scene

2. Provide for the free or alternate movement of traffic to minimize hazards to all involved parties

3. Aid the injured

4. Provide drivers with complete information about other parties involved in the collision

5. Ensure that persons are not left stranded at the scene as a result of the collision

6. Ensure that the next of kin is notified in the case of any fatal collision. This shall be done as soon as possible and before the victim's name is released to the news media.

C. Deputies shall conduct a thorough investigation of all collisions assigned to them.

1. Deputies who investigate traffic collisions shall take appropriate law enforcement action.

2. Deputies shall comply with Arizona requirements regarding collision investigation and reporting.

3. When a deputy determines that a person who has been involved in a collision should be cited for a violation, and such a person has been hospitalized, the following procedure shall be used:

a. The deputy shall reasonably ascertain that the violator is mentally capable of understanding the charges alleged in the citation.

b. The deputy shall contact the violator's attending physician prior to issuing any citation to a hospitalized person. Deputies shall advise the physician of their intentions and determine that the physician has no objections to such action.

c. If a physician requests that no citation be issued at that time or if the violator is physically or mentally incapable of receiving the citation, the deputy shall issue the citation at a later date.

4. Deputies shall report and continue to investigate hit-and-run or injury collisions that occur on private property, and they shall respond to keep the peace if required.

Citizens requesting deputies' involvement in a non-injury private property collision shall be advised by the complaint taker to exchange information and contact their insurance companies or legal counsels. This Department no longer makes accident reports of non-injury private property motor vehicle collisions.

5. Skid mark evidence found at a scene of a traffic collision may be used to determine the minimum speed of an automobile prior to the collision. This is normally done by measuring the distance of the skid and computing it together with the coefficient of friction (which may be the drag factor).

a. To determine the coefficient of friction, it is sometimes necessary to perform a skid test. Skid tests shall only be performed by Traffic Unit deputies or with the approval of the Traffic Unit Supervisor.

b. Skid tests are normally not performed in routine minor traffic collisions. Skid tests may be performed in serious cases.

D. Deputies shall prepare complete and accurate reports on all collisions investigated.

E. A deputy assigned to investigate a collision is responsible for all follow-up activities regarding that investigation. Such activities are to include, but are not limited to, the following:

1. Taking enforcement action when such action is not possible during the initial investigation

2. Contacting witnesses who were not present during the initial investigation

3. When possible, notifying absent property owners of damage to their property

4. Ensuring that the parties involved in the collision exchange driver and vehicle information

VI. REQUIRED REPORTS IN TRAFFIC-RELATED MATTERS

A. The Arizona Traffic Accident Report shall be used to document routine investigations of motor vehicle collisions and shall detail any A.R.S. Title 28 violations, which are collision related. Such reports shall be completed under the circumstances required in A.R.S. Title 28.

B. In addition to any Arizona Traffic Accident Report forms that may be required under paragraph A above, the appropriate Incident Report shall be completed to document details of the following circumstances:

1. Leaving the Scene of an Accident or when a driver involved in a collision is arrested for DUI, Reckless Driving, or Driving on a Suspended or Revoked License.

2. Other appropriate reports shall be completed at any other time deemed necessary by the investigating officer or a supervisor.

C. The appropriate Incident Report, instead of the Arizona Traffic Accident Report, shall be completed under each of the following traffic-related circumstances:

1. In the reporting of A.R.S. Title 28 violations that are not collision related, e.g., complaints of reckless driving, non-collision DUI arrests, etc.

2. When a motor vehicle or vehicles are damaged and such damage was not the result of a collision, e.g., suicide attempt, assault, etc.

3. In cases where an arresting officer temporarily detains for identification (such as photographing or fingerprinting) a person who is cited and field released for a non-collision-related violation of A.R.S. Title 28.

4. When the collision does not involve a motor vehicle, e.g., a bicyclist strikes a bridge abutment

D. All reports shall be completed by the investigating deputy prior to the end of shift except scale diagrams and supplemental reports, which shall be turned in as soon as possible.

VII. AIRCRAFT ACCIDENTS

A. Departmental Notification Responsibilities

1. The Pima County Sheriff's Department Traffic Unit shall be notified of all aircraft accidents and shall determine the Traffic Unit response and investigation based upon the circumstances of the accident.

2. The Federal Aviation Administration (FAA) shall be given the following information as soon as possible after the Department learns of an aircraft accident:

   a. Aircraft location

   b. Type of aircraft

   c. Number of casualties

   d. Extent of damage

3. Deputies shall obtain permission from the FAA prior to moving any aircraft wreckage.

4. If the FAA determines that a federal air safety investigator shall conduct an examination of the accident, the Department shall protect the scene until the investigator arrives.

5. All accidents involving military aircraft shall be reported to Davis-Monthan Air Force Base as soon as possible.

B. Military Aircraft

Particular caution shall be exercised at the scene of a military aircraft accident due to the type of cargo carried. An appropriate perimeter shall be established until military personnel can respond. The following special hazards may exist with military aircraft:

1. Aircraft cargo may include atomic or nuclear weapons.

   a. Nuclear weapons offer no greater hazard than high explosives except for a minor chemical and radiation hazard.

b. The presence of fire will not cause a nuclear detonation.

2. Aircraft cargo may also include rockets, bombs, or other explosives.

3. Ejection seats may be triggered, causing explosions.

a. Do not raise, move, or tamper with armrests of crewmembers' seats or any controls painted yellow and black, as these activate ejection seats.

b. Handles, levers, or other devices inside the cockpit should never be moved.

C. Photographs

1. Civil or Commercial Aircraft

a. Pictures may be taken by spectators and members of the news media at controlled distances.

b. Forensic technicians shall take sufficient photographs to portray the situation accurately.

2. Military Aircraft

a. Sheriff's Department employees shall not take photographs unless requested to do so by military authorities.

b. Bona fide members of the press may take photographs; however, military authorities may exercise necessary censorship or limitations.

c. Citizens shall be discouraged from taking photographs of military aircraft. Any unauthorized persons taking photographs shall be reported to the military official in charge of the scene.

VIII. VEHICLE TOWING

A. Administrative Review

In accordance with A.R.S. § 28-872, owners of towed unattended vehicles shall be given an opportunity for a post-storage hearing to determine validity of the removal.

The following procedure will facilitate a review when requested by a registered owner (R/O) who feels that his/her vehicle was towed without proper cause.

1. The R/O of the vehicle shall be directed to the front desk of the Vehicle Immobilization Unit (VIU), Monday through Friday, from 0800 to 1700 hours or Saturday, from 0800 to 1200 hours. The R/O is required to submit a written request.

2. In the event the vehicle was towed under A.R.S. § 28-872, upon request, the R/O shall be granted a hearing by the VIU Supervisor within two (2) business days of the request.

3. In the event the vehicle was impounded under A.R.S. § 28-3511, the VIU must send notification to the R/O within three (3) business days of the tow advising that the vehicle has been impounded. Under A.R.S. § 28-3514 a post-storage hearing, if requested, shall be provided to the R/O within five (5) business days. The R/O has ten (10) days after the date of notification of immobilization to request a post-storage hearing.

4. The Vehicle Immobilization Unit Supervisor shall:

    a. Interview the R/O and determine his/her interpretation of the situation

    b. Review all supporting documentation

    c. If necessary, contact the Department member responsible for towing the vehicle and ascertain the reason(s) for removal

    d. Render a decision as to whether there was proper justification to tow the vehicle

e. Complete the Administrative Vehicle Impound Hearing form and attach to the case report

f. Mail or give a copy of the Administrative Vehicle Impound Hearing form to the R/O at the conclusion of the hearing

g. If it is determined that the vehicle was towed without justification, immediately authorize the release of the owner's vehicle

h. Notify the Records Management Section Commander

5. If the VIU Supervisor finds the tow or impound was invalid, he/she shall notify the Records Management Section Commander. The Records Management Section Commander shall:

a. Review the submitted package and determination reached

b. Initiate reimbursement procedure, if necessary

c. Sign and forward the authorization for reimbursement to the Financial Services Section for processing

d. Notify the appropriate District Commander if improper procedure was utilized

6. This procedure does not apply to County-owned vehicles or vehicles towed as the result of civil process.

B. Storage, Impound, and Immobilization

Use the following guidelines to determine if a towed vehicle should be stored, impounded, or immobilized:

1. Stored Vehicles

a. Vehicles shall be stored at the private towing company's storage lot, not the Sheriff's impound lot.

b. A vehicle shall be stored if towed for any of the following reasons:

(1) Collision

(2) Abandonment

(3) Recovered stolen

(4) Traffic hazard

2. Immobilized Vehicles Under A.R.S. § 28-3511

a. Vehicles shall be immobilized when criteria set forth in A.R.S. § 28-3511 are met. Vehicles towed under this statute will be immobilized at the contract tow company's yard for a period of thirty (30) days.

b. The Notice of Vehicle Immobilization (PCSD 514) form shall be completed, with a copy provided to the tow company and the violator. The original shall be forwarded to the Records Maintenance Unit.

c. The Records Maintenance Unit is responsible for all owner and lien holder notifications.

d. Arizona Revised Statutes provide for administrative hearings to contest an immobilization. The Records Management Section shall be responsible for handling post-hold hearings in accordance with A.R.S. § 28-3512 and subsection A above. (The Records Management Section shall also handle administrative hearings.)

3. Impounded Vehicles

a. Vehicles, trailers, or boats that have been impounded shall be secured in the Sheriff's impound lot. The supervisor of the Air Unit will be contacted for location of aircraft to be impounded.

b. A vehicle shall be impounded if that vehicle is the instrumentality or other evidence of a crime and processing or preservation of that evidence is necessary.

c. Vehicles involved in the following crimes shall be secured in the Sheriff's impound lot:

(1) Homicide

(2) Rape

(3) Kidnapping

(4) Other crime with the approval of a supervisor

d. When a vehicle, trailer, boat, or aircraft (conveyance) is to be impounded, the Department member in charge shall decide if the impounded vehicle shall be accompanied to the impound lot.

e. The Department member effecting the impoundment shall:

(1) Prepare a Tow Truck Request form

Give the tow truck driver the tow company copy and the Evidence Unit copy (if vehicle is not being accompanied to the impound lot)

(2) Inform the Evidence or Forensic Unit of the incoming impoundment and request they meet the tow truck at the impound lot

f. The Evidence or Forensic member shall obtain the Evidence copy of the Tow Truck Request form.

(1) On the reverse side of the tow form write "placed in the impound lot by," sign, and note badge number

(2) Forward the form to the Evidence Unit

g. Impounded evidence may be accessed for examination by appointment through the Evidence Unit.

4. Inventory of Towed Vehicles, Trailers, Boats, or Aircraft

An inventory of a towed vehicle, trailer, boat, or aircraft is an examination of the conveyance and its contents for the purpose of securing the contents and protecting the Department and its members from claims of stolen, lost, or damaged property, as well as protecting members from possible injury from dangerous items that it may contain.

a. Vehicles, trailers, boats, or aircraft that are to be towed, including the contents of such conveyances, shall be inventoried unless:

(1) Doing so would damage, alter, or destroy items of an evidentiary nature.

(2) The Department member has knowledge that a search warrant has been, will be, or needs to be obtained.

b. The Evidence Unit shall be notified if an inventory was not conducted for an impounded vehicle.

c. Locked glove boxes and trunks shall be opened and inventoried when a key is available. Lack of access shall be documented.

d. Containers located in the conveyance shall be opened and inventoried.

e. If the conveyance, glove box, trunk, or container is locked, and no key is available, a supervisor may authorize a forced entry.

f. The contents of the conveyance shall be documented in a case report narrative and on a tow truck request form.

5. Seized Vehicles, Trailers, Boats, and/or Other Conveyances

a. A.R.S. § 13-3413 and 13-2314 provide for the seizure of vehicles involved in narcotic related offenses and other felony acts committed for financial gain or profit.

b. The Financial Investigations Unit (FIU) Supervisor shall be notified prior to impounding vehicles, trailers, boats, or other conveyances, collected as evidence pending RICO related investigations.

c. Vehicles, trailers, boats, and/or other conveyances impounded for investigative seizure shall be secured in the Sheriff's impound lot as evidence.

d. Investigative cases shall be referred to the Pima County Attorney's Office for consideration of forfeiture proceedings in any of the following circumstances:

(1) An amount of drugs or narcotics, inconsistent with personal use, is found.

(2) Investigative information indicates that the vehicle owner or driver is involved in drug or narcotic related offenses.

(3) There is evidence of proceeds or facilitation of a felony act committed for financial gain (i.e., burglary, robbery, assault, homicide, kidnapping, theft, forgery, fraud, trafficking, etc.).

6. Payment of Towing Bills

a. As a rule, the owner must pay all towing and storage costs.

b. Generally, if a vehicle is towed and secured at the Sheriff's impound lot the Department is liable for payment of the towing bill.

C. Towing of Vehicles Involved in Collisions

1. Motor Vehicle Non-Traffic Collisions

a. State law does not authorize the removal of a vehicle involved in a collision from private property by a law enforcement officer.

b. When a motor vehicle collision is determined to have occurred on private property or public lands not constituting a highway, the vehicles shall not be towed except at the request of the owner or operator of the vehicle. Owners or operators shall be asked to make their own arrangements for vehicle removal. Upon request of the owner / operator, Communications may call for a County contracted tow truck.

c. A landowner may have a vehicle removed from their property if the vehicle owner / operator cannot or will not remove the vehicle. The Sheriff's Department shall not be involved in the removal.

d. Vehicles shall not be removed for safekeeping; every reasonable attempt to secure the vehicle and its contents shall be made.

e. In the case of a fatality or possible fatality resulting from a non-traffic collision, the vehicle(s) may, if necessary, be impounded and held for processing.

(1) If circumstances indicate that vehicle defects may have directly contributed to the fatal or near-fatal collision, or that the vehicle's condition may be a point of defense for a suspect who may be charged with a violation, the vehicle(s) may be towed and temporarily held for examination and processing.

(2) The collision report shall include the disposition of the vehicles and the identification of each responsible person.

2. Motor Vehicle Traffic Collisions

a. Vehicles may be towed as authorized in A.R.S. § 28-872.

b. At collision scene, if capable of responding, the owner or operator shall be asked to make arrangements for removing the disabled vehicle from the street or highway immediately. This may be accomplished by:

(1) Requesting Communications to call for either a specific or County contracted tow truck.

(2) The owner or operator calling for a tow truck.

(3) Removing the vehicle by other means to a place of safety.

(4) The owner or operator requests that the vehicle be left at the scene on the right-of-way.

(a) The investigating Department member must approve.

(b) The vehicle must be safely off the traveled portion of the roadway so as not to create a traffic hazard.

(c) The vehicle shall be "green-tagged" (if left on the right-of-way) and the owner / operator advised that the vehicle may be towed if not removed within forty-eight (48) hours.

(d) The vehicle will not be green tagged if removed off the right-of-way. The owner or operator shall be warned that landowners may have vehicles removed at their discretion.

(e) Owners or operators shall be advised that they are solely responsible for their vehicle, its contents, condition, and security.

c. Vehicles involved in traffic collisions that result in a fatality or near fatality may be impounded as evidence or for further investigation.

d. The appropriate report shall include the disposition of the vehicles and the identification of the responsible parties.

D. Abandoned Vehicles and Vehicles Presenting a Traffic Hazard

1. A.R.S. § 28-872 and A.R.S. § 28-4834 authorize a peace officer to remove from any street, highway, or public property a vehicle that has been lost, stolen, abandoned, or otherwise unclaimed. Vehicles shall not be removed from private property or for purposes of safekeeping.

a. Proof of abandonment accepted by the Department may be a completed Department green tag which must have been placed on the vehicle, while abandoned, at that exact location at least forty-eight (48) hours before towing.

(1) Vehicle may be towed not less than forty-eight (48) hours after being green tagged.

(2) If an abandoned vehicle is towed:

(a) A case report shall be completed explaining the circumstances, vehicle condition, and its contents;

(b) A County contracted tow truck shall be called; and

(c) A tow truck request form shall be completed; tow truck driver signature is required.

2. The only proof accepted by the Department that a vehicle is a traffic hazard is an exact explanation of how and why the vehicle obstructed the normal flow of traffic.

a. If a vehicle that is a traffic hazard is towed:

(1) A case report shall be completed explaining the circumstances necessitating the tow, vehicle condition, and its contents;

(2) A County contracted tow truck shall be called; and

(3) A tow truck request form shall be completed; tow truck driver signature is required.

E. Impounding of Vehicles Involved in the Commission of Felonies, Apparent Suicides, and Class 1 Misdemeanors.

1. A vehicle may be impounded as evidence only when the vehicle was involved or was instrumental in the commission of a felony, apparent suicide, or Class 1 misdemeanor **and** the vehicle is going to be processed for evidence.

2. A deputy county attorney shall be consulted as soon as possible to determine if the vehicle should be retained for evidence. If the deputy county attorney recommends release, the vehicle is to be released after processing is completed.

3. The Evidence Unit Supervisor shall be notified if permission is given to release a vehicle. The Evidence Unit Supervisor shall contact the owner and make arrangements for release.

F. Towing of Recovered Stolen Vehicles

1. A recovered stolen vehicle shall be released to the legal owner at the location of recovery unless:

a. An arrest has been made or there is a known suspect, and the Forensic Unit cannot process the vehicle at the scene, in which case the vehicle shall be impounded.

b. The vehicle has been involved in the commission of another felony or Class 1 misdemeanor and the Forensic Unit cannot process the vehicle at the scene or the vehicle is needed as evidence, in which case the vehicle shall be impounded.

c. There has been tampering with the identifying numbers of the vehicle, in which case the vehicle shall be impounded.

d. The agency reporting the theft requests the vehicle be held, in which case the vehicle shall be impounded.

e. The owner cannot respond within one (1) hour with proper identification or is unwilling to take complete responsibility for the vehicle and its removal. In this case, the vehicle shall be stored at the private company storage yard. No police hold shall be placed on the vehicle.

2. The above guidelines apply to both private and public property.

G. Towing of Vehicles Involved in the Commission of Misdemeanors, Including Arrests and Evidence

1. A vehicle involved in the commission of a misdemeanor shall not be towed if it can be reasonably well secured and the arrested subject requests it be left at the scene, except:

a. If the arrestee's vehicle is on the street or highway and constitutes a traffic hazard.

b. If a sergeant or above orders the vehicle to be towed because of extenuating circumstances, the vehicle shall be towed.

c. If the arrestee's reasoning ability or level of intoxication is such that they cannot make a rational decision in the best interest of the vehicle's security, the vehicle should be towed and reasons for doing so noted in the case report.

2. Arrestees shall be advised that they are responsible for removing the vehicle and should make arrangements as soon as possible.

a. The arrestee shall be warned that property owners may have the vehicle removed at their discretion.

b. The vehicle shall be green tagged (if left on the public right-of-way) and the arrestee advised that the vehicle may be towed if not removed within forty-eight (48) hours.

3. Hit-and-run suspect vehicles involved in property damage only collisions shall not be towed, even if located as a result of immediate follow-up investigation. Such vehicles shall be processed at the scene if there is probable cause or a search warrant is served.

4. Hit-and-run suspect vehicles involved in personal injury collisions shall be handled in the same manner. If these arrangements prove to be unsatisfactory for adequate prosecution, the guidelines for impounding of vehicles involved in the commission of felonies may be followed as a last resort.

H. When coming into contact with a vehicle under circumstances which would lead a reasonable person to believe that the vehicle is not abandoned by its owner and is the object of criminal activity, e.g., vandalism or theft of vehicle components, the vehicle may be towed and stored to protect it from further criminal activity.

I. Recording of Information on Vehicle Disposition

1. All reports involving the disposition of a vehicle as a result of any of the above actions shall indicate who assumed responsibility for the vehicle and the disposition of same.

2. In all circumstances where a collision victim, owner of a recovered stolen vehicle, or an arrestee requests that the vehicle be left at the scene, the authorizing party shall be

advised that he/she assumes all liability and is responsible for the vehicle and its contents. The authorizing party's request shall be noted in the case report.

3. To comply with reporting requirements of the Arizona Crime Information Center (ACIC) and the National Insurance Crime Bureau (NICB), Terminal Operations shall be notified anytime a vehicle is stored, immobilized pursuant to A.R.S. § 28-3511, or impounded.

IX. DEPARTMENT VEHICLE COLLISIONS

A. Department members involved in either a collision or non-collision motor vehicle accident in a department vehicle shall:

1. Ensure that first aid is provided to all injured persons

2. Request that a supervisor respond to the scene

3. Comply with duty to give information and assistance pursuant to A.R.S §28-663 and A.R.S. §28-664.

4. Complete a Pima County Risk Management Vehicle Incident Report unless incapacitated, in which case the immediate on-duty supervisor shall be responsible for completing the report. The immediate on-duty supervisor shall:

a. Complete this report as soon as possible after the collision, prior to going off duty.

b. The report shall include the following information:

(1) License plate number of other vehicles involved

(2) Name, address, and telephone number of other parties involved

(3) Name of each insurance company of other parties involved

c. The completed report shall include the name and email address of the member’s on-duty supervisor.

d. The report shall be submitted for review by the supervisor.

5. Ensure that the involved County vehicles are taken to Fleet Services as soon as practical, but no later than three (3) working days following the collision. Only Service Writer personnel located at Pima County Fleet Services are authorized to determine whether or not the damage is to be repaired.

B. The immediate supervisor shall:

1. Notify the Traffic Unit Supervisor and request that the Traffic Unit respond to investigate or co-investigate the collision. A member shall not investigate his/her own collision.

2. Ensure that an offense report, and if appropriate, a State Crash Report is prepared

a. If the collision occurred in another agency's primary jurisdiction, that agency shall be asked to investigate and make the appropriate reports. If another agency investigates a collision, the Sheriff's Department shall not duplicate reports.

b. The supervisor may, with the approval of a Division Commander, request an outside agency to investigate any collision involving death or serious injury.

c. The Sheriff's Department shall investigate any collision not investigated by another agency.

3. Arrange for photographs to be taken by the Forensic Unit of the damage and, if necessary, the collision scene

4. Except for collisions occurring in another agency's primary jurisdiction, direct the investigating member to take appropriate law enforcement action if there is probable cause to believe that responsibility for the collision lies with the involved non-department member. If responsibility for the collision lies with the department member, the Traffic Unit Supervisor shall take the appropriate enforcement action.

5. Ensure the Vehicle Incident Report is completed and forwarded to Pima County Risk Management prior to the end of the shift.

6. Forward all reports to the District or Section Commander prior to going off duty

7. Ensure the involved County vehicle is taken to Fleet Services within three (3) working days (72 hours) of the collision.

C. The District or Section Commander shall ensure the immediate supervisor has complied with department policy.

D. Material Management shall:

1. Collect all reports and documentation within the specified time limits

2. Create the Collision File to include:

a. Risk Management Report Form

b. State Crash Reports

c. Collision scene photographs

d. Other appropriate documentation

3. Forward the Collision File to the Traffic Unit for review and appropriate law enforcement action if deemed necessary

4. After the Traffic Unit has completed their review, forward the Collision File to the appropriate Chief, via chain of command, for a determination of finding and discipline if appropriate.

5. Schedule a Traffic Collision Review Board, if needed

6. Forward a copy of the Collision File to the appropriate District or Section Commander to administer the designated disciplinary action, if needed

7. Forward the Collision File to the Department's Risk Manager for review

E. The Forensic Unit shall:

1. Photograph vehicle damage and any other damage associated with the collision

2. Print one (1) copy of all photographs and forward to Material Management within forty-eight (48) hours of the request

F. The Traffic Unit Supervisor shall:

1. Conduct an Administrative Review of the collision with one (1) or more traffic investigators and make a recommendation as to preventable, preventable with extenuating circumstances, or non-preventable, and note any violations of department policy and/or Arizona Revised Statutes;

2. If responsibility for the collision lies with the member and they have not been cited, he/she is to be cited pursuant to procedures in Chapter 6;

3. Upon completion, forward to the Special Operations Commander for review.

G. The Special Operations Commander shall:

1. Review the Collision File and make a finding of preventable, preventable with extenuating circumstances, or non-preventable;

2. Forward the Collision File to Material Management.

H. The Department's Safety Loss Prevention Manager shall:

1. Review the Collision File, collect appropriate data, file claim with Pima County Risk Management if repairs exceed $9K, and return the file to Material Management

2. If necessary, contact the member and schedule remedial driver's training pursuant to procedures in Chapter 6

I. Any member who wishes to appeal the finding may request a Traffic Collision Review Board pursuant to procedures in Chapter 6.

J. A "Civil Compromise" involves a property owner signing an agreement not to prosecute or assist in prosecution in exchange for some compensation (i.e., a monetary settlement for damages) or who declares that they are satisfied with the settlement. A department member involved in a collision while driving a County vehicle shall refer any property owner who is attempting to reach a "Civil Compromise" to the Department's Safety Loss Prevention Manager.

X. VEHICLE OPERATION AND CARE

A. Department members shall operate department vehicles as required by Arizona law.

B. Department members are responsible for maintenance and security of department vehicles assigned to them.

C. Department members shall make no mechanical alteration to any department vehicle.

D. No department member shall tamper with or tap into the electrical system of any department vehicle without prior written approval of the Material Management Section commander.

E. Department assigned vehicles shall be cleaned at the driver's expense.

F. Only Sheriff's Department members or authorized service personnel shall operate Department vehicles.

G. Members must be dressed in an appropriate manner when operating marked department vehicles. Attire should be sensible and not cause embarrassment to the department. Shirt and shoes must be worn at all times. When operating marked department vehicles, members must be properly equipped and prepared to take appropriate law enforcement action if necessary.

H. All department members shall wear seat belts while operating or riding in any motor vehicle while on duty, and operators shall ensure the use of seat belts by all passengers. Deputies assigned to work undercover are exempt when following this order would hinder the operation.

I. When a vehicle or its equipment is damaged or fails, the driver shall prepare an equipment repair request and forward it to the Automotive Services Service Writer. Any damage shall be described in a memorandum to the Material Management Commander.

J. Towing or Pushing Vehicles

1. An "emergency," as used in this section, is defined as any situation where injury or death to any person or extensive damage to property is imminent and the severity of the situation may be reduced by taking a course of action that would normally not be justified.

2. Department vehicles shall not be used to tow any vehicle except in emergencies.

3. Department vehicles without push bars shall not be used to push any vehicle. Department vehicles equipped with push bars shall be used for light duty pushing only except in emergencies.

4. Damage to push bars as a result of use is not to be classified as an accident. All damage resulting from use must be reported in writing to the immediate supervisor.

K. Safety Supplies

1. Used fire extinguishers shall be exchanged for charged fire extinguishers at the Automotive Services Parts Department.

2. First aid supplies shall be obtained from Material Management.

L. Equipment not issued by the Sheriff's Department that will enhance a department member's performance or comfort may be installed in department vehicles, with the following conditions:

1. Accessories such as citizen band radios, scanners, etc., may be installed provided the following occur:

   a. Written permission of the Support Services Division Commander is obtained.

   b. Sheriff's Department procedures as outlined in the Department Rules and Regulations are observed.

   c. Only the vehicle's cigarette lighter is utilized as the power source of the accessory.

2. Repair costs for damage to department vehicles resulting from the installation of non-issued equipment is the responsibility of the department member who is assigned the vehicle.

M. Unless good judgment dictates otherwise, members should remove ignition keys and secure department vehicles when leaving the immediate vicinity of the vehicle. The decision to secure the vehicle should be based upon, but not limited to, the following considerations:

1. Member's ability to observe the vehicle

2. Member's distance away from the vehicle

3. Number of other persons around the vehicle

4. Potential for unauthorized access into the vehicle or theft of the vehicle

5. Need for access to equipment housed in the vehicle

6. Need for quick retreat into the vehicle

XI. VEHICLE MAINTENANCE

A. Material Management shall keep all divisions apprised of maintenance and repair facility schedules.

1. Drivers of department vehicles are responsible for scheduling all vehicle maintenance and repair directly with the Fleet Services Service Writer.

2. Any problems arising from repair or maintenance of department vehicles shall be referred to the Sheriff's Department Material Management Commander.

3. Major repairs are performed by the Fleet Services Department. The driver shall:

a. Schedule vehicle service with the Fleet Services Shops Service Writer or, in the case of Ajo, the Fleet Services mechanic assigned to that district

b. Deliver the vehicle to the Fleet Services Shops during the driver's off-duty hours (overtime hours shall not be authorized for vehicle maintenance)

c. Complete the vehicle repair request form and leave the form and vehicle keys in the drop off box after 1700 hours.

4. "Minor repairs" are defined as repair or replacement of vehicle components such as lamps, tires, fan belts, fuses, etc. The driver shall:

a. Take the vehicle directly to the shop or other designated facility

B. The service stickers in each vehicle indicate when the vehicle is due for its next preventive maintenance.

1. Vehicles shall be scheduled for preventive maintenance with Fleet Service Writers whenever the registered mileage is within five-hundred (500) miles of the service sticker value.

2. A supervisor must authorize the use of a vehicle when the indicated mileage is more than five-hundred (500) miles above the service sticker value.

C. If a department vehicle must be towed, the driver shall notify Communications who shall make the appropriate arrangements.

D. The Pima County Communications Department radio repair shop can usually repair or replace non-functional equipment within thirty (30) minutes when repair personnel are on duty.

1. Repair or replacement shall be performed whenever there are personnel on duty.

2. The driver of the vehicle shall take the vehicle directly to the radio shop and stand by while the radio is fixed or replaced.

E. Tire Repair

1. Drivers are responsible for changing flat tires on vehicles assigned to them.

2. Damaged tires shall be exchanged at the Fleet Services Shop.

3. All other tire maintenance, e.g., tire rotation, etc., shall be performed by Fleet Services personnel.

F. Dead-Lining of Unsafe Vehicles

1. Department members shall not operate unsafe vehicles in the performance of their duties.

2. When a department member finds that a department vehicle has any of the following safety hazards and these hazards cannot be immediately repaired, the vehicle shall immediately be deadlined:

   a. Inoperative seat belts

   b. Seriously worn tires

   c. Inoperative or unreliable emergency equipment

   d. Broken or cracked windshield glass

   e. Steering or wheel shimmy

   f. Worn or unreliable brakes

   g. Inoperative hood or door latches

XII. VEHICLE SERVICE CARDS

A. The Fleet Services Department issues "chip" service keys for all county vehicles and drivers.

B. Service "chip" keys shall be kept in department vehicles or in possession of assigned driver at all times and used for gas and oil at County facilities.

XIII. TRANSPORTING PERSONNEL IN DEPARTMENT VEHICLES

A. All arrested persons shall be searched prior to being transported.

B. Persons other than arrestees, e.g., public assist transports, suspects, etc., shall be frisked for weapons unless circumstances dictate otherwise.

C. Departmental members and ride-alongs shall not be searched.

XIV. ASSIGNED VEHICLES

A. Department members who are assigned vehicles are responsible for those vehicles and all County-owned accessories.

B. Material Management shall assign vehicles to department members.

C. Vehicle damage of any kind is to be immediately reported to the department member's supervisor.

D. The proper maintenance of fluid levels is the responsibility of all drivers of department vehicles.

1. Such fluids include gas, oil, engine coolant, transmission fluid, and power steering fluid.

2. Proper tire pressure shall also be maintained.

E. Material Management and Fleet Services shall maintain all records concerning vehicle assignment and maintenance.

F. Individually assigned vehicles are to be used for the following official business only:

1. Travel to and from the department member's duty assignment

2. Travel to and from required court appearances

3. Other sanctioned departmental activities as authorized by the department member's supervisor

4. Travel to and from maintenance facilities

G. Other uses, including travel for off-duty employment, are prohibited unless authorized by a bureau commander or the Support Services Division Commander.

H. Department members are responsible for the general maintenance and care of the assigned vehicle.

1. Department members shall refrain from:

a. Using fuel, oil, or liquid additives in the vehicle other than those used by Fleet Services

b. Making repairs or having repairs made to the vehicle other than by Fleet Services or an authorized vendor

c. Altering the body, general design, appearance, markings, or mechanical or electrical system

2. The Material Manager is responsible for authorizing any alterations or repairs not specified above.

3. Alterations such as moldings, pin striping, etc., once installed, become the property of the Pima County Sheriff's Department.

I. All supervisors are responsible for checking each vehicle assigned to their immediate subordinate(s) at least once a month for cleanliness, general condition, and proper maintenance.

J. Department members are responsible for cleaning/washing their assigned vehicles.

K. A member who is unable to attend to his/her assigned vehicle because of any type of leave or absence lasting more than three (3) consecutive days, except for regularly scheduled days off, shall park the vehicle at his/her place of assignment until his/her return.

Exceptions:

1. By approval of a Division Commander or higher

2. Vehicle is secured in an enclosed garage

XV. OPERATION OF DEPARTMENT VEHICLES

A. Definitions

1. Emergency Vehicle Operation: Operation of a department vehicle while using emergency lights and siren.

a. CODE 2: Intermittent emergency vehicle operation to facilitate quick response to an urgent situation, e.g., proceeding through an intersection on a red light.

b. CODE 3: Continuous emergency vehicle operation while responding to an emergency situation or while in pursuit of a vehicle while complying with the Code 3 procedure.

B. Department members shall not operate any vehicle in a manner that would endanger any vehicles, persons, or property.

C. Members operating a department vehicle shall adhere to all Arizona traffic laws.

D. Preemption equipment shall be used to facilitate the favorable movement of traffic when responding Code 3 to an emergency call, when engaged in a vehicle pursuit, or as otherwise directed by a sergeant or above.

E. In the event of a preemption system failure due to the equipment on a traffic signal, or any apparent damage to traffic signal preemption equipment, immediate notification shall be made to Pima County Traffic Engineering, via Communications, by the member observing the failure or damage.

F. When department vehicles are operated in emergency vehicle operation mode, members shall comply with the following procedures:

1. Only Pima County Sheriff's Department vehicles equipped by the County with emergency lights, wig-wag headlights, and a siren may be operated as an emergency vehicle.

2. Department members shall strictly adhere to Arizona traffic laws governing authorized emergency vehicles.

   Department Members:

   a. Are obligated to drive safely. Members are not protected from the consequences of reckless driving or disregarding safety of others.

   b. May exceed the prima facie speed limits so long as life and property are not endangered. Vehicles shall be driven at speeds which are reasonable and prudent, so as to avoid collision with any other vehicle, object, or person legally on or adjacent to the highway. At no time shall a vehicle be operated in such a manner that the driver loses control.

   c. May proceed through intersections at which they have the right-of-way but shall slow down in order to avoid a collision or avoid creating a traffic hazard

   d. May proceed with caution through traffic control devices such as red lights, stop signs, etc., but only after slowing down as may be necessary for safe operation of the vehicle

   e. Shall not exceed the fifteen (15) mph speed limit or pass other moving vehicles in the roadway when traveling through posted school zones

   f. Shall stop and then proceed with extreme caution to pass any school bus that has stopped on the highway to load or unload children

   g. Shall not pass any vehicle on the right

G. Code 3 responses are authorized only in cases where there is an immediate threat to human life.

   1. Before responding Code 3, members shall consider traffic volume, time of day, type of violation, weather conditions, road conditions, and speeds involved.

2. Members shall advise Communications whenever they are proceeding Code 3 and when they cease responding Code 3.

3. Any supervisor may order a member to discontinue responding Code 3.

4. Supervisors shall be responsible for ensuring that members under their command strictly adhere to this policy.

5. Calls requiring an emergency response shall at all times be controlled by the on-duty field supervisor or commissioned member in charge.

6. After the first member arrives at the scene and when more than one member is responding to a call Code 3, the on-duty field supervisor or commissioned member in charge shall determine whether or not additional follow-up units are to continue Code 3.

7. Except for the nearest unit, members responding to Accident Injury Unknown calls (10-50s) shall not respond Code 3 unless directed to do so by a field supervisor.