



## **General Order 66.1 - Traffic Ancillary Services**

**PURPOSE:** Define guidelines assisting citizens and motorists, obtaining mechanical assistance or towing services for citizens, emergency assistance, escorts of civilian vehicles for medical emergencies; define procedures for handling hazardous highway conditions; define hazardous materials and the response of the Sedgwick County Sheriff's Office; provide guidelines for the handling of abandoned/junk vehicles, the tow policy, and records for vehicles removed or towed at the direction of a deputy; and define traffic safety educational materials.

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THIS ORDER CANCELS: 66.1 Approved 5/22/15

ISSUED BY : Sheriff Jeffrey T. Easter

REVIEWED BY: Standard Review Committee

A handwritten signature of Jeffrey T. Easter is located below the text of the order.

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### **66.1.1 PROVISIONS OF GENERAL ASSISTANCE TO CITIZENS AND MOTORISTS**

- A. A goal of the Sedgwick County Sheriff's Office is to make the roadways of Sedgwick County as safe as possible. One way of achieving this goal is to provide reasonable

assistance to stranded motorists. Realizing that a stranded motorist (s) presents a traffic hazard to other drivers and themselves as well, deputies shall be constantly alert for motorists who appear to need assistance.

- B. A deputy shall not drive by a stranded or disabled motorist unless the deputy is en-route to a priority call or transporting a prisoner. If a deputy is unable to stop and render assistance, the deputy shall notify the communications dispatcher of the situation so that another deputy or law enforcement officer may be sent to render the appropriate assistance.

#### 66.1.2 WRECKER ROTATIONAL LIST PROCEDURES

- A. **(R)** Pursuant to County Code Chapter 26-101 et seq. the Sedgwick County Sheriff's Office maintains a Wrecker Service Rotational list.

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1. **(R)** Emergency wrecker companies must provide the Patrol Division Administrative Lieutenant the information specified in Sedgwick County Code section 26-105 on or before January 2<sup>nd</sup> of each year in order to be placed on the list.
2. **(R)** The Patrol Administrative Lieutenant shall be responsible for reviewing the submitted information and verifying the requirements are met. The Administrative Lieutenant will provide the submitted information to County Legal and the Sheriff for approval.
3. **(R)** The Administrative Lieutenant shall compile information on the approved wrecker companies and place in a list. This list will be made available to all deputies and posted on the Sheriff's Office website, prior to March 1<sup>st</sup> of each year.
  - a. Deputies will provide the list of wrecker companies to motorists when required by this policy.

- B. **(R)** The Administrative Lieutenant will provide the Wrecker Rotational List to S.P.I.D.E.R. prior to March 1<sup>st</sup> of each year. The Administrative Lieutenant will require S.P.I.D.E.R. to:

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1. Dispatch the next wrecker company on the list, unless a motorist specifies a company from the list.
  - a. If the next wrecker company on the list cannot be reached or is unable to respond in a timely manner, the next wrecker company will be called. The previous wrecker company will be placed back at the top of the list.
  - b. Should a wrecker company refuse to respond, it will be placed at the end of the list.
  - c. A call to a specific location for a single incident shall be considered as one call and only one company will be called; provided, however, that if necessary, the next company on the list may be called to assist the first company.

- d. S.P.I.D.E.R. will request the deputy to specify how many vehicles need to be towed and a brief description of the damage, if any.
2. Any Emergency Wrecker Company may be removed from the rotational list in accordance with Sedgwick County Code section 26-106. The Administrative Lieutenant will be responsible for notifying S.P.I.D.E.R. that a company has been removed from the list.

#### **66.1.3 AUTHORITY TO TOW VEHICLES**

A. **(R)** A Deputy may cause a vehicle to be towed under the following circumstances:

1. **(R)** A vehicle is left unattended on a public highway or on property open to the public and said vehicle interferes with public highway operations (K.S.A. 8-1102);
2. **(R)** The vehicle is found in violation of K.S.A. 8-1569.
3. **(R)** The vehicle found upon a highway when the person driving or in control of said vehicle is arrested and taken into custody by the Sheriff's Office for an alleged offense for which the deputy is required by law to take the person arrested before a judge of the district court without unnecessary delay (K.S.A. 8-1570);
4. **(R)** An unattended vehicle illegally left standing upon any highway, bridge, causeway, or in any tunnel, in such position or under such circumstances as to obstruct the normal movement of traffic.
5. **(R)** A person in charge of a vehicle is unable to provide for its custody or removal (K.S.A. 8-1570);
6. **(R)** The vehicle is parked on a snow emergency route or is otherwise in violation of Sedgwick County Code, Chapter 26, Article II entitled "Snow Emergency Routes" and amendments thereof;
7. **(R)** The vehicle is reported stolen or taken without consent of the owner and the owner or the owner's agent cannot be contacted at the time of recovery (K.S.A. 8-1570);
8. **(R)** The vehicle is left unattended or abandoned on a public highway or other property open to use by the public after a period of 48 hours have passed after the deputy finds the vehicle (K.S.A. 8-1102);
9. The vehicle is abandoned or left on real property, other than public property or property open to use by public, which is not owned or leased by such person or by the owner or lessee of such vehicle, if removal is requested by the owner or occupant of said real property (K.S.A. 8-1102);
10. **(R)** The vehicle is subject to seizure as evidence in a criminal prosecution; or
11. **(R)** The vehicle is subject to seizure or forfeiture under the laws of this state or federal law.

#### **66.1.4 PROCEDURES FOR TOWING VEHICLES**

- A. **(R)** Whenever a vehicle is towed by a deputy calling for a wrecker through S.P.I.D.E.R., the deputy will cut an appropriate case. The deputy will complete the KLER "Towing" form in addition to the other relevant case forms. Information collected shall include:
1. **(R)** Reason for towing the vehicle.
  2. **(R)** Name and number of wrecker driver and wrecker company.
  3. **(R)** Condition of the vehicle at the time of tow.
  4. **(R)** Location of keys (deliver to the wrecker driver and note in the report).
  5. **(R)** If the vehicle interferes with public highway operations, a description of the vehicle and, whenever possible, the MVR should be used to record the vehicle prior to being towed.
  6. **(R)** If evidence is removed from the vehicle, it will be documented and submitted as physical evidence per policy.
  7. **(R)** If personal property is removed from the vehicle, it will be documented and submitted as personal property per policy.
  8. **(R)** Property remaining in the vehicle will be inventoried and documented on the KLER Tow form.
- B. **(R)** For vehicles not requiring a hold by Sheriff's Office, (evidence, seizures/forfeiture) these procedures will be followed:
1. **(R)** Vehicle is a not a road hazard – owner not on scene:
    - a. **(R)** The deputy will check the general area for the owner or person with knowledge or responsibility for the vehicle.
    - b. **(R)** Determine if vehicle and/or tag have been reported stolen.
    - c. **(R)** Check the vehicle identification number registration (V.I.N.) through S.P.I.D.E.R. to obtain the current registered owner's name and address.
    - d. **(R)** Conduct a registration search through S.P.I.D.E.R. to determine if the license tag is assigned to the vehicle.
    - e. **(R)** Attempt to contact the owner or responsible person to have that person move the vehicle. If the owner or person with care, custody, and control of the vehicle is not able to move the vehicle, the deputy will explain that the vehicle will be towed in forty eight (48) hours if not moved.
    - f. **(R)** A tow sticker (form 85RP049) will be placed on the lower left rear window of the vehicle (if practicable) with all information completed on the sticker.
    - g. **(R)** If, after forty-eight (48) hours, the vehicle is not moved, the deputy will contact his/her supervisor for authorization to impound the vehicle.

- h. **(R)** The deputy will contact S.P.I.D.E.R. and request the next Emergency Wrecker from the rotational list.
- 2. **(R)** Vehicle is not a road hazard – owner on scene.
  - a. **(R)** The deputy will ask the owner of the vehicle if they require a wrecker.
  - b. **(R)** If a wrecker is not required, the deputy can offer other assistance, or if the vehicle is to be left at the scene the deputy will inform the motorist that the vehicle will be subject to tow after 48 hours and affix a tow sticker to the vehicle.
  - c. **(R)** If a wrecker is required by the owner, the deputy will ask the motorist to call for their preferred wrecker service.
  - d. **(R)** If the motorist has no preference, the deputy shall show the motorist the Wrecker Rotational List and have the motorist select a company and have the motorist call the selected wrecker service.
  - e. **(R)** If the motorist still has no preference, the next wrecker company on the Wrecker Rotational List will be requested by the Deputy through S.P.I.D.E.R.
  - f. **(R)** Deputies will not make recommendations as to which company should be used by the motorist.
- 3. **(R)** Vehicle is a road hazard – owner not on scene.
  - a. **(R)** The deputy will check the general area for the owner or person with knowledge or responsibility for the vehicle.
  - b. **(R)** Determine if vehicle and/or tag have been reported stolen.
  - c. **(R)** Check the vehicle identification number registration (V.I.N.) through S.P.I.D.E.R. to obtain the current registered owner's name and address.
  - d. **(R)** Conduct a registration search through S.P.I.D.E.R. to determine if the license tag is assigned to the vehicle.
  - e. **(R)** Attempt to contact the owner or responsible person to have that person immediately move the vehicle.
  - f. **(R)** If the owner or person with care, custody, and control of the vehicle is not able to immediately move the vehicle, the deputy will call for the next wrecker on the list through S.P.I.D.E.R. and the deputy will tell the owner where the vehicle will be towed to.
- 4. **(R)** Vehicle is a road hazard – owner on scene.
  - a. **(R)** The Deputy will direct the owner to call for their preferred wrecker service, provided the wrecker company can respond within 45 minutes.

- b. **(R)** If the owner has no preference or their wrecker service cannot respond within 45 minutes, the deputy will contact S.P.I.D.E.R. and request the next wrecker from the Wrecker Rotational List.
- C. **(R)** For vehicles to be towed and held by Sheriff's Office (evidence, seizures/forfeiture), these procedures will be followed:
  - 1. **(R)** Prior to towing, a supervisor's approval must be obtained.
  - 2. **(R)** The vehicle will be towed to the Property and Evidence Storage Facility (Property and Evidence).
  - 3. **(R)** Deputies will call for the next wrecker company on the list through S.P.I.D.E.R.
  - 4. **(R)** When a vehicle involved in a criminal case requires processing by Forensic Investigators, processing should be done prior to the vehicle being towed.
  - 5. **(R)** If, in the determination of a supervisor or Forensics Investigator, it is necessary to tow the vehicle prior to processing, the vehicle will be moved to Property and Evidence and processed without delay.
  - 6. **(R)** When processing is complete, the detective or deputy assigned to the case will remove the vehicle from Property and Evidence. The assigned detective or deputy will notify Property and Evidence personnel when the vehicle is removed and to whom the vehicle was released.
  - 7. **(R)** When possible, the authorizing supervisor for a vehicle towed from a crime scene for processing will provide the wrecker company with the name of the responsible party for the tow and storage fees. If a vehicle is towed for the convenience of processing and will require two separate tows, (one tow from the scene to Property and Evidence then to the wrecker company lot), the Sheriff's Office will normally be responsible for the cost of the first tow to Property and Evidence and the vehicle owner for the second tow. If a vehicle is returned to the owner at Property and Evidence, the vehicle owner must show proof the bill for the first tow was paid before the vehicle will be released to them.
  - 8. **(R)** If the vehicle cannot be returned directly to the owner, the vehicle will be released to the wrecker company that towed it to Property and Evidence for processing.
  - 9. **(R)** Authorization from a captain or above is required to hold a vehicle for any longer than necessary for processing.
  - 10. **(R)** In the event a vehicle is towed to Property and Evidence and there is a requirement that the vehicle be retained by the Sheriff's Office, the assigned detective or deputy will notify Property and Evidence personnel. Vehicles held as evidence will not be stored in the vehicle processing area at Property and Evidence. When it is determined a vehicle held as evidence may be disposed of or returned to the owner, the assigned detective or deputy shall notify Property and Evidence. Property and Evidence will be responsible for sending a certified

letter to the owner requiring the owner retrieve the vehicle within 7 business days upon receipt of the letter. If the vehicle owner fails to respond to the certified letter, the vehicle will be towed by the same wrecker company that towed the vehicle to Property and Evidence. The vehicle owner will be responsible for payment of this tow and subsequent storage fees.

D. **(R)** Arrest of Driver. When a driver is arrested, the vehicle may be released to another person or left on private property but only under these circumstances:

1. **(R)** The driver signs a liability waiver (form 91RP018); the vehicle is parked in a safe and legal manner; and, if the vehicle is to be left on private property, permission from property owner has been obtained; or
2. **(R)** The driver appears to be capable of consenting and gives informed consent to release the vehicle to a person who agrees to move the vehicle and who has the apparent ability to operate the vehicle safely and legally.
  - a. **(R)** The name, address, phone number, D.O.B., and place of employment of the person to which the vehicle is released will be included in the vehicle portion of the deputy's report.
  - b. **(R)** Deputies shall ensure the person has a valid driver's license.

E. **(R)** Criminal Trespass. When a vehicle has been abandoned on real property not open to the public, a criminal trespass case should be made. The following procedures will be followed:

1. **(R)** The deputy must determine whether the vehicle has been parked, abandoned, or left unattended for four (4) hours, based on written statements from the owner/agent of the real property. Exceptions to the time frame may be made by a supervisor.
2. **(R)** The owner/agent of the real property signs a "hold harmless agreement" (form 85RP048).
3. **(R)** The owner/agent has been advised that he/she may be required to appear in court and testify concerning the action being taken.
4. **(R)** Authorization has been received from the watch supervisor.
5. **(R)** If the supervisor gives permission to tow, the deputy will place all the information developed in the report.
6. **(R)** A tow sticker will be placed on the lower left rear window of the vehicle with all the information completed on the sticker
7. **(R)** The written statements and "hold harmless agreement" form will be attached to the case paperwork.
8. **(R)** The deputy will contact S.P.I.D.E.R and request the next Emergency Wrecker Company on the list.

- F. **(R)** Whenever a vehicle is towed at the request of an outside law enforcement agency, all towing and storage costs will be the responsibility of that agency.
- G. **(R)** Motor vehicles are “road hazards” when found under the circumstances listed in General Order 66.1.3, section A, subsections 1-9

#### **66.1.5 ESCORTS OF CIVILIAN VEHICLES FOR MEDICAL EMERGENCIES**

- A. Deputies do not provide escorts for private vehicles during medical emergency situations.
- B. In the case of a medical emergency, EMS will be called to the scene.

#### **66.1.6 HAZARDOUS HIGHWAY CONDITIONS**

- A. Roadway and roadside hazards are contributing factors in many traffic accidents.
- B. All deputies should take appropriate action to correct hazards as they are encountered.
- C. Hazardous conditions include, but are not limited to:
  - 1. Debris in the roadway
    - a. If the debris or litter can be removed by the deputy, this will be done. If the debris is of a nature that it cannot be removed by the deputy, the deputy will have S.P.I.D.E.R. contact the appropriate agency to arrange removal.
  - 2. Downed utility lines
    - a. Deputies should not approach downed utility lines. The area surrounding the utility line should be cordoned off from the public and the appropriate utility company should be notified by S.P.I.D.E.R.
  - 3. Defects in the roadway (such as large potholes or erosion or buckling of the traveled portion of the roadway);
    - a. Notify the appropriate agency of the defect through S.P.I.D.E.R.
    - b. If the defect is of such a nature that an accident could occur, the deputy should remain on the scene until repair crews arrive or barricades are erected.
  - 4. Defects in traffic control devices
    - a. Notify the appropriate agency of the defect or malfunction through S.P.I.D.E.R.
    - b. This can include stop signs, traffic control lights, street lighting, reflectors, etc.
    - c. If the defect is of such a nature that an accident could occur, the deputy should remain on the scene until repair crews arrive or roadway is barricaded.
  - 5. Railroad grade crossing hazards



- a. Have S.P.I.D.E.R. notify the proper railroad company of the hazard.
  - b. If the tracks are blocked by a vehicle, debris, etc., or if the hazard is of such a nature that it could cause a derailment, the deputy should place a flare or something red between the rails at a minimum of two (2) miles on either side of the obstruction to alert approaching rail traffic of the hazard.
  - c. A flare or the color red informs the engineer that there is a problem ahead on the tracks.
  - d. A distance of two (2) miles is recommended as a minimum due to the stopping distance required by a train.
6. Snow and ice
- a. If a deputy encounters any extremely slippery roads, hills, or bridges due to ice and/or snow, the deputy will notify the appropriate agency via S.P.I.D.E.R. of the situation so that corrective action can be taken. Deputies may also contact the Sedgwick County Yards dispatcher at 383-7901.

#### **66.1.7 HAZARDOUS MATERIALS**

- A. Numerous hazardous materials are transported through Sedgwick County daily. While many of these hazardous materials are in common use, accidents or spills present a serious threat to the health and safety of the public, and especially to the first deputies responding to a hazardous materials incident.
  1. The Sedgwick County and Wichita Fire Department has a trained hazardous materials (HazMat) response team that will be sent to any suspected hazardous materials incident.
  2. When the deputy encounters suspected hazardous material, the HazMat team can be notified through the communications dispatcher.
- B. In the case of hazardous materials incidents, deputies will:
  1. Isolate the hazard area and set up roadblocks to keep non-essential personnel out of the danger area.
    - a. Roadblocks should be established at a minimum distance of one-half (1/2) mile from the danger area.
  2. Evacuate non-essential personnel from the danger area.
    - a. Always approach from upwind.
    - b. Keep out of smoke, mist, cloud, or dust.
    - c. Do not attempt rescue and thereby become another victim.
- C. Essential information that the Sedgwick County Sheriff's Office personnel can be responsible for as a first responder includes the following:

1. Identification of material being transported;
  - a. Placards can be mislabeled or even missing. Attempt to locate the driver of the vehicle, as the driver might have information/papers on the material being transported.
  - b. Preliminary hazard identification (spill, leak, fire);
  - c. Identification of vehicle and container placards (tank car, freight car, semi-trailer, etc.); and
  - d. Condition of the container (ruptured, broken, overturned, etc.).
- D. Only properly trained and equipped personnel from the HazMat team shall attempt to enter areas where hazardous materials may be encountered.
- E. Each deputy attends federally mandated in-service training each year in hazardous materials awareness. Literature disseminated to the deputies during this training should be kept available by the deputy while on duty.

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## APPENDIX A – TOWING FLOW CHART

