

MESA POLICE Traffic Section Supplemental Manual	Photo Safety & Towing Unit Programs	TRF 2.3 Effective Date 1/26/15
Approved by: Chief of Police	Chapter: Enforcement & Investigation	Page: 1 of 9

1. PURPOSE

This order establishes ~~provides~~ the requirements and procedures for the Mesa Police Department (MPD) Photo Safety & Towing Unit Programs.

2. PHOTO SAFETY PROGRAM

CITATION PROCESS:

- When a Photo Safety violation is received from the vendor, the designated Mesa Police Department (MPD) personnel will review every photograph for the following:
 - The vehicle matches the photograph.
 - The filing time has not expired.
 - The violation information is correct.
- LE WEB will be used to compare driver's license photos to the violator's photo for Arizona drivers/owners only.
- No citation will be accepted for submission to the City of Mesa Municipal Court unless all of the above information is correct and approved. Any questions or rejections will be submitted to the Traffic Program Coordinator.

DISMISSING AND REISSUING CITATIONS:

- When a registered vehicle owner provides proof (copy of driver's license) he/she is not the driver of the vehicle, the citation may be dismissed. If the information on the actual driver is supplied, the citation will be dismissed and re-issued to the responsible party.
- The citation must be re-issued within sixty (60) days of the original violation date.

CITATION ISSUANCE PROCESS:

- The original citation is mailed to the defendant by the vendor, in the time frame spelled out in the contract.
- When there is no response within thirty (30) days to the original citation, the following will occur:
 - The City of Mesa Municipal Court will generate a file from the citations, which have not had any defendant response within thirty (30) days from the original violation date.
 - The computerized file will be updated via the Vendor's Program and Court System. This will automatically update the Process Server file.

PROCESS SERVICE:

- The automated Process Service list will be updated by Vendor personnel for the Process Service vendor.

MESA POLICE Traffic Section Supplemental Manual	Photo Safety & Towing Unit Programs	TRF 2.3 Effective Date 1/26/15
Approved by: Chief of Police	Chapter: Enforcement & Investigation	Page: 2 of 9

- The Process Service vendor will develop copies of the citation to be served in person to the defendant. These citations are called "SIP's" (Served In Person) citations. The designated Photo Safety Enforcement member will:
 - Approve the Process Service list.
 - The Photo Safety Enforcement Unit will ensure Process Servers will adhere to the Arizona Rules of Civil Procedure, Rule 4, and will investigate any complaints made in reference to the process service.
 - Process service of the summons and complaint form must be completed within ninety (90) days after the complaint has been filed with the City Court. When the complaint is not served within the ninety (90) day time frame, the complaint shall be dismissed in accordance with civil procedures.

UNDELIVERABLE CITATIONS:

- Undeliverable citations shall be dismissed in the Vendors Program. This will update the Court ACIST system and the Process Server files.

VIOLATIONS ISSUED FOR CITY OF MESA (COM) VEHICLES:

- Refer to **DPM 1.8.40 On-Duty Members Receiving Photo Safety Violations** for guidelines related to Mesa Police Department (MPD) vehicles.
- Notice of Photo Safety Violations received for other City of Mesa (COM) employees driving City vehicles shall be sent to the affected Department Head for review, along with a request to identify the COM employee driving the offending vehicle.
 - The citation will be issued to the employee identified as the driver.
- The designated Photo Safety Enforcement member, or designated MPD personnel, shall testify in court on all citations issued to COM employees.

OUTSIDE AGENCY VIOLATIONS:

- Photo Safety violations received for other government agencies shall be sent to that agency for review with a request to identify the driver of the offending vehicle.
- A citation will be issued in the driver's name when the driver is identified.
- The outside government agency may request a dismissal of the citation only by submitting such a request on department letterhead. This request will be made by the supervisor of the offending employee.
- These requests will be reviewed and approved by the Traffic Program Coordinator or designee.

MESA POLICE Traffic Section Supplemental Manual	Photo Safety & Towing Unit Programs	TRF 2.3 Effective Date 1/26/15
Approved by: Chief of Police	Chapter: Enforcement & Investigation	Page: 3 of 9

COURT PACKETS AND PROCEEDINGS:

- Photo Enforcement packets for court proceedings are obtained via the Vendor's Program by Photo Safety Enforcement members and Vendor personnel. Vendor personnel will provide court testimony as needed.
- ~~The Photo Radar Enforcement Packet will include the following:~~
 - ~~○ Copy of the subpoena~~
 - ~~○ Copy of the citation~~
 - ~~○ Driver's license photograph~~
 - ~~○ Outlined testimony~~
 - ~~○ Deployment Log~~
 - ~~○ 2 front, and 1 license plate photograph (3 photos total)~~
 - ~~○ Camera Log Report~~
- The Red Light, Speed on Green and Fixed Speed Enforcement Packets will include at least the following:
 - Copy of the subpoena
 - Copy of the Citation
 - Driver's license photograph
 - Outlined testimony
 - Intersection diagram/Location diagram
 - 1 front, 2 rear, and 1 license plate photograph (4 photos total)
 - Camera Log Report
- Photo Safety Enforcement members and Vendor personnel shall arrive at the designated court at least fifteen (15) minutes prior to the hearing to explain the violation to the driver and provide him/her with copies of the photographs.
- Traffic Program Coordinator or designee will conduct random checks at the court to ensure that Photo Safety Vendor personnel are in compliance with current contract policies.

VENDOR BILLING:

- Each month a billing invoice will be received from both the Photo Safety vendor and the Process Service vendor. Each invoice shall be reviewed for accuracy and then submitted to the Traffic Lieutenant or designee for payment.

STATUTES AND RULES:

The following Statutes and Rules must be adhered to for Photo Enforcement:

- ARS 28-1201 thru 1205
- ARS 28-1592
- ARS 28-1593

MESA POLICE Traffic Section Supplemental Manual	Photo Safety & Towing Unit Programs	TRF 2.3 Effective Date 1/26/15
Approved by: Chief of Police	Chapter: Enforcement & Investigation	Page: 4 of 9

- ARS 28-1602
- Rule 4 of the Rules of Civil Procedure

3. TOWING UNIT PROGRAM- GENERAL GUIDELINES

Unit Process

- Verify all the information relating to the vehicle towed to include, but not limited to:
 - Vehicle year, make, model, license plate number, state and VIN number.
 - Owner and driver information.
 - Officer information, to include officer's signature and reason for the impoundment.
 - Location, date and Department Report (DR) number of the incident.
 - Tow company information.
 - Supervisor's signature.

Unit Forms

DPM 3.1.90F1

- Distribution
 - Original sent to the Records Section.
 - Towing Unit copy - Tow information is tracked by entering the tow details into the Excel database by year, month, date and type of tow to include:
 - Abandoned
 - Accident
 - Stolen
 - Assist
 - Arrest
 - Scan the tow form into electronic format for storage by year and month

DPM 2.7.40F1

- Distribution
 - Original sent to Records Section
 - One (1) copy sent to Senior Program Assistant in Towing Unit
 - Two (2) copies to be used for processing in the Towing Unit. The Towing Unit copy is then tracked by entering the tow details into the Excel database; day, year, month and date under 30 Day Tow.
 - Scan the tow form into electronic format for storage by year and month.

30 Day Impoundment

Pursuant to ARS 28-3511, the following procedures are to be followed:

- Collect vehicle information from ACIC/NCIC along with contacting the Officer, Tow Company, MVD and/or verification of vehicle information obtained through CAD, RMS and DMS.
- Enter the driver's information/reason for the 30-Day Impoundment in the Monthly Impound Summary Report.

MESA POLICE Traffic Section Supplemental Manual	Photo Safety & Towing Unit Programs	TRF 2.3 Effective Date 1/26/15
Approved by: Chief of Police	Chapter: Enforcement & Investigation	Page: 5 of 9

- Run vehicle VIN Number for repeat offenders and verify Letter of Agreement signed for possible citation. If the vehicle owner/spouse is a repeat offender within the last twelve (12) months and the owner/spouse fits the criteria for a 30-Day Mandatory Hold, make notes on the DPM 2.7.40F1 and notify the Police Investigator I responsible for issuing the citation pursuant to ARS 28-3512J.
- Enter the appropriate data in the 30-Day **Impound Tracking** database and perform the following process:
 - Assemble packets for processing the release of the vehicle to include; **Notice of Impoundment, Letter of Agreement, Authorization for Release, ACJIS/NCIC information**, and any other necessary information concerning the vehicle.
 - Prints letters for the owner, and any party, other than the owner, identified on the Department's record as having an interest in the vehicle. Letters will include information and be mailed first class, pursuant to ARS 28-3514, Sections C and D.
 - File the vehicle packets by Tow Company and chronologically by DR number order.
- On a daily basis, run CAD History and RMS inquiries to extract 30-Day Impound information and check for missing paperwork and reports indicated by CAD and RMS.
- Retrieve telephone messages and respond to them in a timely manner. Record all messages and calls on the Towing Unit phone log sheet.
- Assist MPD Members, other agencies, lien holders, tow companies and citizens with general information on impounded vehicles, departmental policies and Arizona State Statutes via email, phone, letters, or in meetings.
- Assist citizens on the phone and at the service window by providing the proper information for the vehicle impounded by the condition of impoundment. Conditions of Impoundment to include:
 - General tows being held by the tow company that may be released directly to the owner.
 - 30-Day Impound tows that require a Police Department release form from the Towing Unit.
 - Evidence tows that require a Police Department Member disposition to be released from the Evidence Section.
- Process releases to owners of 30-Day Impound tows by determining factors pursuant to ARS 28-3512 to include verification of:
 - Owner's/Spouse valid driver's license. Marriage certificate presented if the spouse is not listed as co-owner on the vehicle registration at the time of impoundment.
 - If the vehicle has been impounded for thirty (30) days and the owner is having another person drive the vehicle for them:
 - Owner's valid ID must be presented.
 - Authorized driver must have a valid driver's license.

MESA POLICE Traffic Section Supplemental Manual	Photo Safety & Towing Unit Programs	TRF 2.3 Effective Date 1/26/15
Approved by: Chief of Police	Chapter: Enforcement & Investigation	Page: 6 of 9

- If the vehicle has been impounded for thirty (30) days and the owner is not present, and the owner is having a person act as their agent:
 - Legible copy of the owner's valid ID must be presented.
 - Notarized letter from the owner/or Power of Attorney for the owner's vehicle.
- Proof of valid registration for the vehicle.
- Proof of financial responsibility for the vehicle.
- Proof of the interlock device if required.
- Funds for the Administrative Fee to be collected.
- Process releases to other parties with a valid interest in the vehicle of 30-Day Impound tows by determining factors pursuant to ARS 28-3512 to include verification of:
 - Copy of the title.
 - Affidavit of Repossession by the Lien Holder, or foreclosure documents.
 - Proof of financial responsibility by the Lien Holder.
 - Letter for the Mesa Police Department to be held harmless regarding the release of the vehicle to the Lien Holder.
 - Representative's valid driver license. Representative must provide validation to act as a representative and authorization for the release of said vehicle for the Lien Holder or party with a vested interest.
 - Any documentation required to provide proof of ownership/interest in the vehicle.
- Collect Administrative Fee for the release of the vehicle.
- Provide an **Authorization for Release** form to the interested party for presentation to the tow company, a copy of the **Authorization for Release** to the party for their records, and a copy of the signed **Letter of Agreement** to the party for their own record (if required).
- Enter the release information in the **Impound Tracking** database.
- Enter all release forms into DMS.
- Count and verify all funds collected for the Administrative Fees on 30-Day Impound tow releases on a daily basis. Verify starting amount before opening and at close of business day.
- Schedule and conduct Hearings on 30-Day Impound tows pursuant to ARS 28-3514 according to the following guidelines:
 - A record of **Administrative Impound Vehicle Hearing** form needs to be properly filled out and attached to the packet used for the release of the vehicle.
 - Hearings will be scheduled telephonically or in person at the Mesa Police Department Towing Unit location.
 - Hearing must be requested by the registered owner, or any party having an interest in the vehicle identified on the Department's record at the time of impoundment, within ten (10) calendar days of the **Notice of Impoundment** letter date.

MESA POLICE Traffic Section Supplemental Manual	Photo Safety & Towing Unit Programs	TRF 2.3 Effective Date 1/26/15
Approved by: Chief of Police	Chapter: Enforcement & Investigation	Page: 7 of 9

- Hearing shall be held within five (5) business days, excluding weekends and holidays, after the receipt of the request.
- Failure to request the hearing within the ten (10) calendar days, or to appear for the scheduled hearing, satisfies the post storage hearing requirements.
- Fill out citations for repeat offenders as required and mail them certified mail with return receipt.
 - Forward a copy of the citation to the Traffic Unit.
 - Record and track the citation in the Log Book and in the Excel database.
 - Track the return receipt through the mail process.
 - Track the citation through the Mesa Court.
- Collect monthly reports from the tow companies for vehicles they have filed and received titles for through the MVD. Towing Unit members will process the release paper work for titles received by the tow company and issue the **Authorization for Release** form to them.
- Attend inter-departmental meetings within the City of Mesa (COM) Police Department Towing Unit.

4. COURT PROCEDURES

ARS 28-3512J and ARS 28-3512K Citations

- Subpoenas:
 - Each subpoena shall be logged in the Towing Unit Court Subpoena Log Book. Subpoena will be assigned and given to the member of the Towing Unit as they are received from the court.
 - Member will be given two (2) subpoenas
 - Sign and return Copy #1 to the Senior Program Assistant.
 - The remaining copy of the subpoena is the member's court verification record.
 - Member will sign the Court Subpoena Log Book.
- Court Packets:
 - Packets for the court will be prepared by each Towing Unit member according to their case.
 - Packets will include a copy of the citation, return receipt notification (if served through mail), **Agreement Letter** signed by defendant, violation evidence and/or material required to process the case.
- Trial:
 - Court appearances shall not be missed.
 - If you are late or miss your court appearance, your case will be dismissed.
 - Write a memo immediately to the Senior Program Assistant explaining why you did not appear for your case. Unexcused absences from court may result in disciplinary action.
 - After the court hearing, write the disposition of the case in the Towing Unit Disposition Log Book/Excel database.

MESA POLICE Traffic Section Supplemental Manual	Photo Safety & Towing Unit Programs	TRF 2.3 Effective Date 1/26/15
Approved by: Chief of Police	Chapter: Enforcement & Investigation	Page: 8 of 9

- Always conduct yourself in a professional manner in court and at all times while representing the COM Police Department. Follow appropriate dress code procedures when appearing in court.

5. SENIOR PROGRAM ASSISTANT

In addition to those duties required by the Towing Unit, the following duties shall be followed:

- Train and monitor Police Investigator I Officers working in the Mesa Police Department Towing Unit regarding the following:
 - Arizona Revised Statutes (ARS).
 - City of Mesa Codes and Compliance ordinances.
 - City of Mesa Police Department policies and procedures.
 - General processes and procedures within the Mesa Police Department Towing Unit including;
 - Processing of all MPD impounded vehicles.
 - Hearings on ARS 28-3511 impounded vehicles.
 - Releases of ARS 28-3511 impounded vehicles.
 - Credit/Debit Card and Cash handing procedures used in obtaining the Administrative Fee on ARS 28-3511 impounded vehicles.
 - Instruction on the proper use of any equipment to perform the Police Investigator I job duties.
 - Establish workflow procedures and programs concerning all areas of towing and impoundment of vehicles within the City of Mesa Police Department. Audit and maintain tracking programs used in the Towing Unit for performance in quality and accuracy of work in the Towing Unit.
 - Edit and revise forms, letters, documents, and WEB pages as mandated by changes in Arizona State Statutes, MPD Orders, hours of operation, and for improvements in services provided by the Towing Unit.
 - Monitor currency and credit card transactions on tow releases for accuracy and compliance with departmental procedures and policies.
 - Write reports, memos, and follow through with documentation concerning issues arising from impounded vehicles.
 - Attend Hearing Officer meetings with other Police Agencies to establish guidelines and solicit improvements to the impounding and releasing of impound vehicles pursuant to Arizona State Statutes.
 - Prepare weekly, monthly and yearly Stat Reports on impounded vehicle tows, releases, hearings, revenue generated through ARS 28-3511, and other criteria concerning the MPD Towing Unit.

MESA POLICE Traffic Section Supplemental Manual	Photo Safety & Towing Unit Programs	TRF 2.3 Effective Date 1/26/15
Approved by: Chief of Police	Chapter: Enforcement & Investigation	Page: 9 of 9

- Monitor emergency towing contracts established with the COM Police Department by the following procedures;
- Work with and monitor contracted tow companies for compliance with Arizona State Statutes and COM Codes and Compliance issues.
- Review billing invoices sent to the COM Police Department for accuracy and accountability.
- Audit contracted tow companies for compliance with COM Police Department established contracts to include, but not limited to:
- Accuracy of billing invoices to citizens for vehicles towed under COM contract.
- Procedures for keeping vehicles safeguarded and processed accurately and within contract specifications.
- Maintenance of contracted tow companies facilities and equipment.
- Ability of contracted company's employees to assist citizens and MPD members efficiently and accurately.
- Review monthly activity and abandoned filing reports supplied by the contract tow companies for performance and accountability.
- Work with COM Police Department, Procurement Office, City Manager and City Council members in the process of establishing contracts for towing. This process to include;
- Writing proposals for monitoring and auditing guidelines and improvements on existing contracts.
- Attending meetings within the COM Police Department, Manager's Office, Procurement Office and City Council.
- Involvement in the bidding process and review of bids.
- Awarding of said contracts.

Reference:

- DPM 1.8.40 On-Duty Members Receiving Photo Safety Violations
- DPM 3.1.90F1 Vehicle Recovery Towing Information Sheet
- DPM 2.7.40F1 30 Day Impound Tow