



IM61

**TRAFFIC ENFORCEMENT,
MANAGEMENT & TOWING**

IM61

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POLICY

1. Delta Police Department (Department) members shall enforce provincial and municipal legislation regulating vehicles on highways and investigate associated potential offences in accordance with Procedures provided by the Chief Constable.

REASON FOR POLICY

2. To seek to ensure road safety and outline the responsibilities of employees regarding traffic enforcement, in accordance with provincial and municipal legislation.



RELATED POLICIES

- IM60 – Motor Vehicle Collisions
- IM62 – Impaired Driving Investigations
- IM63 – Motor Vehicle Mechanical Inspections

PROCEDURES

Responsibilities

3. Members are responsible for seeking to ensure safe and efficient highway use and enforcement of the *Motor Vehicle Act (MVA)*.
4. Members observing traffic hazards or defective traffic control devices shall report the same to the appropriate agency (City of Delta Engineering or Ministry of Transportation and Highways), as soon as practicable.
5. Employees shall only operate Department vehicles for which they hold the appropriate class of license.
6. Supervisors are responsible for ensuring employees have a valid driver's license for the class of Department vehicle they are operating.
7. The Traffic Section is responsible for promoting traffic safety and education, including liaising with community and government groups.

Unsafe Driving Complaints

8. Complaints alleging unsafe driving shall be handled as follows:
 - a) vehicle specific complaint – investigative action to be taken, if received by a member, and if by a Public Information Representative, notification made to Patrol including, where available, the date, time and location of the offence, a description of the offence, the vehicle, the driver, and the license plate; and
 - b) general location complaint – forwarded to the District Liaison Officer for assessment and referral to the Speed Watch Program or Traffic Section Sergeant to evaluate in consultation with the Tactical Management Team in determination of whether the complaint should be added to DARS, as required.



9. If a complainant is able to provide sufficient details for a Traffic Court prosecution, and the complainant agrees to attend Traffic Court, a member may issue a Violation Ticket and have the complainant attend court as a witness.

Warnings

10. Members may use their discretion and verbally warn a driver who committed a minor traffic offence.
11. Members may use an electronic or handwritten Provincial Violation Ticket as a 'warning ticket,' and if using a handwritten ticket, the white and green copies are to be submitted to Records for entry on PRIME and the subsequent shredding of the white copy.

Tickets & Cancellations (Violation, Municipal Information & Bylaw Offences)

12. If a person refuses to accept service of a Violation Ticket, the member shall communicate that a ticket may be disputed, and if the person continues to refuse to take possession of the ticket, place it under the windshield wiper or verbally advise them that they have been served, and make detailed notes that the person refused to take possession of the ticket.
13. A member may cancel a Violation Ticket with the approval of their supervisor, and the member shall then complete the Police Cancellation Request form within 30 days of the ticket having been served.
14. A member may cancel a Municipal Ticket Information (MTI) with supervisor approval and, if doing so:
 - a) shall forward all relevant information to the Traffic Section Sergeant who shall liaise with the Accounting Clerk at Municipal Hall to effect the cancellation; and
 - b) if the Accounting Clerk is not able to have the ticket cancelled without the member appearing in court, the member shall, as scheduled, appear before a Justice to have the MTI cancelled.
15. A member may cancel a Bylaw Offence Notice with supervisor approval by:
 - a) forwarding all relevant information to the Traffic Section Sergeant, who shall liaise with the Accounting Clerk to process the request;



- b) if the notice has not been paid, advising the person that the notice was issued and has been cancelled; and
- c) if the notice has been paid, liaising with the Accounting Clerk to refund the person who was issued the ticket.

Driving Offences

- 16. For criminal offences (e.g., dangerous operation or operation while impaired), members shall issue the driver an Undertaking to Appear for an upcoming court appearance and attendance for fingerprinting (fingerprinting only for indictable or hybrid offences), and for provincial offences, issue a Provincial Appearance Notice.
- 17. Members are not permitted to release a person on an Undertaking to Appear or Provincial Appearance Notice if the offence is more serious in nature.

Prohibition & Suspension

- 18. A member issuing a prohibition or suspension to a driver shall so advise the driver, seize their license, and if serving a *Notice of Prohibition*:
 - a) if warranted, complete the Temporary Driver's License portion of the Notice, with the expiry date and time allowing a reasonable time for the driver to remove the vehicle from the road;
 - b) explain the Notice and, if applicable, the terms of the Temporary Driver's License, to the driver and issue them the blue copy of the Notice, and retain the yellow copy for Court; and
 - c) submit the driver's license and the original Notice to Information Services, for submission to the Superintendent of Motor Vehicles.
- 19. If a person already under prohibition or suspension is found driving, members:
 - a) may arrest or detain the person;
 - b) shall not provide the person with a temporary driver's license;
 - c) may impound the vehicle; and
 - d) may release the person subject to an Appearance Notice.



Towing, Impounding & Seizing Vehicles

20. Depending on circumstance, members may cause a vehicle to be:
 - a) towed, for retrieval at the owner's convenience;
 - b) impounded, for return in accordance with the *MVA*; or
 - c) seized, in support an investigation, then requiring a detention order.
21. If the vehicle is found unattended and is to be towed, impounded, or seized, the member:
 - a) may, if the vehicle is unlocked (or otherwise by viewing through the windows), conduct an inventory search of it to document whether it contains any items of particular value that the towing company will be taking charge of; and
 - b) shall, if having grounds to do so, seize the vehicle in order to search it by authority of a warrant.
22. If the owner is present and the vehicle is required to be towed, impounded, or seized, the member:
 - a) may allow the owner or driver of the vehicle to remove property from the vehicle, unless such property is being seized as evidence; and
 - b) shall remain at the scene until the vehicle has been towed, impounded or seized.
23. If the vehicle is found unattended, the member shall make reasonable efforts to advise the owner that the vehicle has been towed, and if unable to contact the owner within two days, the member shall send the owner a registered-mail letter.
24. A Public Information Representative (PIR) receiving notification from a tow company that a vehicle has been towed (not at the direction of the Department) shall log the information in the 'tow log' and review any CPIC entry specific to the vehicle.

Towing

25. Members are not required to create a file when a vehicle is towed at the request of its registered owner.



26. Members may have vehicles towed, and consider ticketing the driver as appropriate, in cases where:
- a) access to a highway or in and out of a driveway is obstructed;
 - b) the vehicle constitutes a hazard;
 - c) parking is prohibited, in which case a Bylaw Offence Notice may be left on its windshield for 72 hours before being towed;
 - d) the vehicle is uninsured, unregistered, or improperly plated;
 - e) the vehicle is inoperable due to an accident;
 - f) the vehicle requires mechanical inspection, in which case the owner or driver may contact a towing company of their choice and have the vehicle towed at their own cost;
 - g) a driving suspension or prohibition has been issued and the vehicle is parked or stopped illegally; or
 - h) the vehicle has been reported or is suspected to be abandoned, in which case the member shall notify E-Comm to have the vehicle entered in CPIC as 'ABAN' with a three-month expiry.

Impounding

27. If a member causes a vehicle to be impounded, they shall complete a notice of impoundment and give a copy to the driver or the person who at the time of impoundment has control over the motor vehicle.
28. The member shall forward a completed report to the Superintendent of Motor Vehicles, along with a copy of the notice of impoundment, who shall then send a copy of the notice to the registered owner.

Seizing

29. Members may seize a vehicle, for an investigative purpose or on statutory authority, and have the vehicle towed for secure storage at the HQ lot or as directed by their supervisor, at the Department's expense (not to be stored for more than seven days except in exigent circumstances).
30. Members shall record the seizure of any vehicle in the incident-related file, including the date, time, location and reason for the tow, a description of the



- vehicle (license, Vehicle Identification Number), driver or owner information, the tow company used, and its storage location.
31. A detention order (*Criminal Code* Form 5.2) must be obtained for vehicles seized in an investigation, and a return order granted by the court prior to the vehicle's return to the lawful owner.
 32. When a vehicle seized for investigation is determined to be releasable, a member or PIR shall:
 - a) as soon as practicable, notify the tow company and the registered owner (upon notification the cost of subsequent storage lies with the owner) and if the owner cannot be contacted via phone within two days, send a registered-mail letter advising the owner of the release; and
 - b) document all actions taken in a supplemental report and forward a copy to Records for scanning into the file, and all notifications shall be performed as soon as practicable.

Speed Measuring Devices

33. Members may not use speed measuring devices unless they have the appropriate training and certification.
34. Members are responsible for signing out speed measuring devices and testing them in accordance with the manufacturer's specifications prior to their use on each shift, and performing additional tests as required throughout the shift.
35. Members shall notify the Traffic Section Sergeant if any speed measuring device requires repair, the device shall be sent back to the supplier or manufacturer, and the Purchasing Department shall be made aware of the repair required.
36. The Patrol and Traffic Section Sergeants are responsible for managing and overseeing the use of speed measuring devices available to members of those sections.

*Revised Dates:
13 November 2014