



TOWING/IMPOUND OF VEHICLES

Directive: 14 – 124

Date of Issue: July 2013 Amends/Cancel: G.O. 09-15

I. PURPOSE

The purpose of this Directive is to establish procedures for use by all sworn personnel to ensure the proper exercise of authority when towing/impounding vehicles.

II. POLICY

It shall be the policy of DGS-MCP that whenever a vehicle is towed at the direction of an officer, a written record will be made to include the case number, time, date, location, requesting officer, reason for removal or tow, towing service, location of vehicle, and notification (or attempts) of the registered owner.

III. BACKGROUND

The Supreme Court has ruled evidence of a crime uncovered during an inventory search of an impounded vehicle can be used for prosecution. A warrant is not required because the state, in legally impounding the vehicle, bears legal liability for the contents of the vehicle. To protect itself against lawsuits, the state must have a written list of these contents. Under the plain view doctrine, because police conducting the inventory have a legitimate reason to look inside the car, it is not reasonable for them to close their eyes to evidence of crime.

IV. DEFINITIONS

A. Inventory Search: A warrantless search of a motor vehicle that is used to inventory the contents of the vehicle prior to impounding the vehicle. The inventory search shall include all parts of the motor vehicle, including the trunk and any closed or locked containers inside the vehicle, if access is afforded. The purpose of an inventory search is to protect the officer and DGS-MCP from any claims of theft of valuables from the vehicle, or damage to a vehicle.

V. PROCEDURES

A. Towing of Vehicles:

1. Vehicles may be towed/impounded for the following reasons:

- a. Abandoned or inoperable
- b. The driver of the vehicle is arrested
- c. The vehicle is recovered stolen
- d. The vehicle is involved in a crime, or there is the possibility of evidence or

- e. A crime within the vehicle
- f. Traffic hazards
- g. Special events
- h. Parking violations

2. No vehicles, as a result of an arrest, will be parked or left on state property.
3. Since DGS-MCP does not operate a towing service, we must rely on private towing services.
4. Members of DGS-MCP will access a tow company by having the Police Communications Operator contact the tow service currently at the top of the established list.
5. All tows will be initiated through the tow list unless the owner of the vehicle requests a particular company be used. This will be an acceptable alternative under the following circumstances:
 - a. The tow is being paid for by the owner
 - b. The use of the specified company does not create an unsafe condition or unreasonable time frame
 - c. There is no Law Enforcement hold on the vehicle

B. Vehicle Inventory:

1. An inventory of all towed/impounded vehicles shall be completed prior to releasing the vehicle to the tow company.
2. The inventory shall be as complete as possible, with the officer performing the inventory by checking the interior of the vehicle, including the trunk, closed containers, glove box, tool boxes, luggage, etc. and documenting items of value.
3. Locked containers and compartments shall not be searched unless access is afforded. If there is probable cause that a locked container may contain evidence of a crime, a search warrant *must* be obtained.
4. The exterior of the vehicle shall be surveyed for damage that exists prior to the tow.
5. The contents and condition of the vehicle shall be clearly documented on a tow sheet. The officer completing the inventory for the tow will sign the form, and clearly print his/her name on the form. A copy of the form may be given to the tow company at their request and the original will be maintained by the officer for report purposes.
6. Items that present a safety concern for the public, such as firearms, will be removed from the vehicle and placed into the property holding facilities at each detachment. Items that present a liability risk such as large amounts of cash or expensive property will be removed and similarly stored for the owner. All items removed from a vehicle will be property documented on the tow sheet, and a separate evidence log will be completed for all items taken for safekeeping.

- a. Firearms will promptly be turned over to the Headquarters Firearm section for safe storage. (stored separately from service weapons)
- b. All money coming into the possession of DGS-MCP will be promptly delivered to the Fiscal Accounts Chief: Department of General Services.

C. Abandoned Vehicles:

1. Vehicles of an abandoned nature, as defined in TR 25-201, shall be marked with a notice, giving the intent to tow the vehicle in forty eight (48) hours (unless the location of the vehicle's abandonment creates a risk to other citizens and must be towed immediately).
2. Officers shall notify the Communications Center when a vehicle is identified as abandoned and it shall be documented as part of their daily activities.
3. Prior to towing, the officer shall make reasonable attempts to identify and contact the registered owner of the vehicle. If towing of a vehicle does occur, record of the attempts to contact the registered owner shall be documented.

D. Arrest:

1. Arrest: When an arrest is made and the vehicle requires towing, the officer shall inventory the vehicle prior to releasing it to the tow company.
2. When the driver of a vehicle is arrested and taken into custody, the vehicle may be released to another person when:
 - a. The vehicle owner, or person in control of the vehicle, gives permission to
 - b. Release the vehicle to another person
 - c. That person is a licensed driver
 - d. That person is in a safe condition to drive as determined by the officer
 - e. The officer determines that the vehicle has no evidentiary value

E. Recovered Stolen Vehicles:

1. When a stolen vehicle is recovered, it shall be treated as evidence and as such, may need to be taken to a secure location for processing the vehicle, or items within the vehicle. DGS-MCP shall contact the agency that entered the vehicle as stolen to determine if any special evidentiary circumstances exist. DGS-MCP will make every effort to determine a secure location to take the vehicle, including contacting other Agencies for assistance. Officers will also notify the Investigations unit of DGS-MCP for a disposition on the vehicle and/or its contents. The originating agency will be responsible for notifying the registered owner of the vehicle and the owner will be responsible for arrangements necessary to retrieve the vehicle. If the stolen vehicle is not required to be held as evidence, it may be inventoried and towed.

F. Criminal Evidence:

1. A vehicle may be held because it was involved in a crime and/or has evidence of a crime within it. Officer will notify the Investigations unit of DGS-MCP for a disposition on the vehicle and/or its contents. The vehicle may need to be taken to a secure location for processing the vehicle, or items within the vehicle. If the vehicle is not required to be held as evidence, it will be inventoried and towed. Any evidentiary items removed from the vehicle will be documented on the tow sheet and listed on an evidence form.

G. Traffic Hazards:

1. If a vehicle poses a traffic hazard and/or a public safety threat, it may be immediately towed. The officer shall make a reasonable attempt to contact the owner and advise them of the disposition of the vehicle.

H. Special Events:

1. If, after proper notification via signage and/or notice, a vehicle interferes with a special event, the vehicle may be immediately towed. The officer shall make a reasonable attempt to contact the owner and advise them of the disposition of the vehicle.

I. Parking Violations:

1. If a vehicle is improperly parked and creates a traffic and/or public safety threat, it may be immediately towed. The officer shall make a reasonable attempt to contact the owner and advise them of the disposition of the vehicle.

J. Reporting Process:

1. Tow Report
 - a. The Tow Report is located within the CAD/RMS system
2. Tow Release supplement
 - a. Tow Release Report is located within the DGS-MCP Forms Management section (Form __)
 - b. Fill out completely
 - c. Must be signed by Tow Truck Driver
 - d. Must be attached to the original CAD/RMS Report