

	SECTION:	OPERATIONS	OPR2570
	CHAPTER:	VEHICLES	
	DIRECTIVE:	VEHICLES – TOWING	

1.0 SUMMARY

This directive defines the authority and the procedures for an Officer to seize or remove (“tow”) a motor vehicle. An Officer may tow a vehicle if it is:

- A. Stolen
- B. Abandoned (After Red Tag)
- C. Evidence in a criminal proceeding
- D. A traffic hazard/ obstruction/ violation of parking restrictions
- E. Obstructing street maintenance
- F. Illegally registered, defective, or unsafe

The Department relies on private towing services and, as a policy, does not discriminate among the available services.

2.0 REQUESTING TOWING SERVICE

2.1 INFORMATION REQUIRED

The Officer will request towing service by contacting the Communications Center with the following information:

- 1. Location of the vehicle.
- 2. Special situation, if any (for example: motorcycle, wheel dolly, truck or tractor-trailer, vehicle in a canal or ravine).
- 3. Reason for the tow.

2.2 ROTATION OF TOWING SERVICE COMPANIES

The Communication Center keeps a rotating list of towing service companies licensed by the Public Utilities Commission and operating within City and State requirements. When towing service is requested, the Communications Center contacts the company at the top of the list. After a company’s towing service is used, the company rotates to the end of the list.

Tow companies on the rotational list will be required to abide by the Grand Junction Regional Communication Center Wrecker List Referral Policy.

2.3 SPECIALIZED SERVICES

If a situation requires specialized equipment or services, the Communication Center determines if the company at the top of the list can provide the service. If that company cannot, the Communication Center contacts a company that can provide the service. The company at the top of the list remains at the top of the list for the next service call.

3.0 GENERAL PROCEDURES

3.1 MANDATORY INVENTORY

When an Officer becomes responsible for the safekeeping of a vehicle but does not have probable cause to believe that it contains contraband or evidence, the Officer will inventory the contents of the vehicle prior to impounding it.

3.2 IMPOUNDED VEHICLE REPORT- Located in SF Administrative Tab, in Forms

The Officer who requests a vehicle to be towed and stored or impounded, will complete a "Impounded Vehicle Report", noting the date, time, location (be very specific), inventory, and the reason for seizure, impoundment, or storage. The Officer will submit the report to a Supervisor for approval. The Supervisor will submit the approved report to the Records Section for processing.

3.3 PROPERTY

The Officer will ensure that any unsecured item with an obvious value in excess of \$2000 is removed from the vehicle and booked into Property for safekeeping before the vehicle is left unattended at a city-owned or private tow company lot. See "**Evidence-Property/Evidence Control and Records**" (OPR228) directive regarding the booking of evidence or property into the Property and Evidence Section.

3.4 TOWING BILL

Submit the original bill for towing services to a Supervisor along with the Impounded Vehicle Report. The Supervisor who approves the bill will also ensure that the incident number is written on the tow bill.

The Supervisor shall also submit the original bill in the case file and submit it to the Records Section for filing with the relevant case.

3.5 TOW DESTINATION

The Officer or Detective will ensure that the vehicle is towed to the correct location for the circumstances:

1. Evidence – PD Impound Lot. Inside or outside based on processing.
2. Fatal or serious injury traffic accidents – PD impound lot. At the discretion of the Investigations or Traffic Sergeant.

3. All others – Towing Company impound lot.

4.0 SEIZING STOLEN VEHICLES

AUTHORITY – CRS 42-5-107, Seizure of Automobiles or Component Parts by Peace Officers.

4.1 PROBABLE CAUSE

An Officer who has probable cause to believe an automobile or component part is stolen may seize the vehicle.

4.2 COURT ACTION AND DISPOSITION

The statute establishes provisions for commencement of court action and post-seizure hearings to determine whether the seizing agency may sell, destroy or convert the seized property to use.

4.3 IMPOUNDED VEHICLE REPORT

Indicate in the report the probable cause to believe the property is stolen.

4.4 AUTO THEFT INVESTIGATOR

Immediately request the assistance of a trained auto theft investigator to determine if the vehicle or component part is stolen or its identifying numbers have been removed or altered.

5.0 RECOVERING STOLEN VEHICLES

5.1 VEHICLE STOLEN FROM OUTSIDE JURISDICTION

1. Determine whether the outside agency requests a hold or special processing on the recovered stolen vehicle.
2. If the outside agency requests the Department to hold a vehicle as evidence, follow the procedures in section 7 of this directive.
3. If the outside agency makes no hold or other request, store the vehicle at the towing company's impound facility. Provide the outside agency with the towing company's name, address, and telephone number. Ensure you document the outside agency representative name, date and time you spoke with them in a supplemental report.
4. The towing company can release the vehicle to the registered owner after the owner compensates the towing company for any costs.

5.2 VEHICLE STOLEN FROM WITHIN JURISDICTION

1. Determine whether the vehicle is drivable.
2. Advise the registered owner of the vehicle's location and whether it is drivable. Document contact information in a supplemental report.

3. If the vehicle is not drivable and the owner chooses to not tow the vehicle, "red tag" the vehicle and process it as an abandoned vehicle.
4. If the owner does not take custody of a drivable vehicle within a reasonable period of time, "red tag" the vehicle and process it as an abandoned vehicle. If the vehicle is on private property and the owner is not responding the vehicle should be towed to a private tow lot.
5. Ensure that the vehicle is removed from the CCIC/NCIC computer as a stolen vehicle.

6.0 ABANDONED VEHICLES

AUTHORITY – C.R.S 42-4-1803 Authority to Impound Vehicles.

6.1 CHECK IF REPORTED STOLEN

The Officer responding to a report of an abandoned vehicle checks the license plate and VIN numbers through NCIC/CCIC.

6.2 "RED TAG"

The Officer completes a red tag and secures it to the vehicle in a conspicuous location.

6.3 CONTACT THE OWNER

The Officer tries to contact the registered owner to determine the status of the vehicle. These contacts or attempts to contact should be detailed on the impound sheet. If the Officer finds the owner and the vehicle is legally parked and in operational condition, no further action is required.

6.4 72-HOUR WAITING PERIOD

If the Officer cannot locate the owner and the vehicle is 1) improperly or illegally registered, 2) illegally parked, or 3) not operational, the Officer may tow the vehicle after a minimum 72-hour waiting period that begins when the Officer "red tags" the vehicle. Officer, at the time of red-tagging the vehicle, should mark the tire or in some other manner be able to determine if the vehicle has been moved.

6.5 IMPOUNDED VEHICLE REPORT

After the 72-hour waiting period, if the vehicle has not been moved, complete the Impounded Vehicle Report using the incident number issued for the abandoned vehicle call. Include in the report information about the efforts to contact the registered owner.

6.6 CCIC ENTRY

The vehicle that has been impounded as abandoned and towed must be entered CCIC. The reporting officer shall be responsible for having a records technician, (during regular Records Division working hours), or dispatcher (if after Records hours), enter the impounded vehicle into the CCIC/NCIC system. A printout of the entry will be included in the case report. The ID number of the person who made the entry into the computer shall be documented on the impound report.

6.7 ABANDONED VEHICLE PROCESSING

The case will be assigned to the original officer and with the assistance from a PST if necessary, the officer will complete the processing paperwork.

7.0 VEHICLES TOWED FOR EVIDENCE

AUTHORITY – An Officer may tow a motor vehicle if the Department or another law enforcement agency has seized or is about to seize the vehicle as evidence in a criminal proceeding.

7.1 MAINTAIN CHAIN-OF-EVIDENCE

If a vehicle towed for evidence requires forensic processing, follow the towing service vehicle to the evidence storage facility. Properly secure the vehicle.

7.2 IMPOUNDED VEHICLE REPORT

Explain why the vehicle is being held as evidence in the narrative portion of the Impounded Vehicle Report. Document where the vehicle was towed and what time the vehicle was secured. Attach a copy of the report to the vehicle in a location and in a manner that will not contaminate evidence. Submit the report to the on-duty Patrol Supervisor for approval before going off-duty.

8.0 VEHICLES TOWED AS TRAFFIC HAZARD/ OBSTRUCTION/ VIOLATION OF PARKING RESTRICTIONS

AUTHORITY – **C.R.S. 42-4-1803, Authority to Impound Vehicles.** Vehicles, attended or unattended, standing on any portion of a street or highway right-of-way in a way that obstructs traffic or creates an immediate traffic hazard may be moved to eliminate any such obstruction.

Traffic Hazard / Obstructing right of way - when the vehicle, whether attended or unattended, is standing upon any portion of a public right-of-way, fire lane or emergency lane so as to constitute an obstruction or hazard to traffic, road maintenance, public safety, or emergency services, or limits access to any public or private property.

Violation of parking restriction- when the vehicle is parked or left standing upon any portion of a public street in violation of a parking restriction, provided such area has been posted with an official sign giving notice both of such restriction and of the fact that such area is a tow-away zone.

8.1 IMMEDIATE FOLLOW-UP

The Officer who requests the tow is reassigned the case for follow-up to ensure that the registered owner is notified with the location of the vehicle.

8.3 IMPOUNDED VEHICLE REPORT

Include sufficient information to explain why the vehicle constituted an immediate traffic hazard and indicate what efforts were made to contact the registered owner to determine when the vehicle could be moved in the narrative portion of the report. Also, if the vehicle is free of any police hold, indicate what steps the owner needs to take to obtain the release of the vehicle.

9.0 VEHICLES TOWED FOR STREET MAINTENANCE

AUTHORITY – C.R.S. 42-04-1803, Authority to Impound Vehicles.

9.1 CONTACT OWNER

If a vehicle must be moved for highway or street maintenance, the Officer makes a reasonable attempt to contact the owner prior to towing. Normally, a public works supervisor performs this but may request an Officer's assistance if needed.

10.0 DRIVER UNABLE TO OR NOT PERMITTED TO DRIVE

10.1 VEHICLE TOWED AFTER CUSTODIAL ARREST

Officers are prohibited from towing suspect vehicles that are legally parked based solely on the driver being arrested.

If the Officer is required to move a suspect vehicle to legally park the vehicle and cannot obtain a signed authorization to leave the vehicle parked on the roadside from the driver, the Officer will tow the vehicle for safekeeping.

11.0 ILLEGALLY REGISTERED, DEFECTIVE, OR UNSAFE VEHICLES

AUTHORITY – An Officer has the authority to tow a vehicle that is illegally registered, defective, or unsafe.

11.1 SUPERVISOR APPROVAL

The Officer must obtain supervisory approval before impounding a vehicle under this authority.

11.2 IMPOUNDED VEHICLE REPORT

Complete the report, indicating the specific reason(s) the vehicle was impounded and the specific step(s) the registered owner needs to take to comply with the law or render the vehicle safe.

11.3 INVENTORY

The Officer completes an inventory of the vehicle in order to safeguard valuables.

12.0 DISPOSAL OF IMPOUNDED OR STORED VEHICLES

Vehicles stored or impounded at city-owned or controlled storage facilities are promptly released when:

1. The vehicle is no longer needed for evidence AND the appropriate Deputy of the District Attorney's Office releases the vehicle.
2. The Department or appropriate agency has processed the vehicle for evidence AND the vehicle is not required to be held for criminal proceedings.
3. The officer or detective assigned to the case is responsible for recovering towing fees when appropriate.
4. When the vehicle is released the officer will complete an Impounded Vehicle Report and document the release details, such as when it was released, who it was released to, and if the tow bill was paid. This will be documented in the narrative of the Impounded Vehicle Report.



Lexipol Policy "Vehicle Towing & Release Policy – LP510 relates to this directive.