


PINE BLUFF POLICE DEPARTMENT POLICY & PROCEDURES MANUAL

	SUBJECT:	POLICY NUMBER 260
	TOWING & STORAGE OF VEHICLES	ISSUE DATE 02/19/2008
	CHAPTER: PATROL	EFFECTIVE DATE 02/19/2008
	ISSUED By: Chief of Police John E. Howell	TOTAL PAGES 7

I. PURPOSE

It is the purpose of this policy to provide guidelines for the towing and impounding of motor vehicles.

II. POLICY

Officers are routinely faced with the question of whether to impound or tow motor vehicles for purposes of safekeeping property, securing evidence, protecting the public, or securing property under asset forfeiture statutes, among other reasons. This policy provides guidelines that officers should use to decide issues related to the propriety of and procedures for impounding motor vehicles.

III. DEFINITIONS

IMPOUNDMENT: For purposes of this policy, the seizing and temporary custody of a motor vehicle for a legitimate police purpose, such as for evidentiary purposes.

PUBLIC ASSISTANCE TOWING: Impoundment should be contrasted with towing of disabled and other motor vehicles for public assistance or for purposes of public safety. While these may involve a legitimate police purpose, they normally do not involve custody of the vehicle by the police agency or authorization of the police for its release.

IV. PROCEDURES

A. GENERAL

1. The Impoundment of motor vehicles shall be accomplished by the use of contract commercial towing services, towing vehicles, and impoundment lots as authorized by this law enforcement agency. All towing agencies must be a member of the Arkansas Towing and Recovery Board, certified for and display inspection documentation indicating they are authorized for non-consent towing.
2. Vehicles impounded by or otherwise taken into the custody by this agency shall be inventoried in a manner consistent with this agencies policy on motor vehicle inventories as stated in Section F of this policy.
 - a. Inventories should be performed at the scene or at a safe place nearby whenever this can be done safely and effectively.
 - b. A Pine Bluff Police Department wrecker log will be completed on any impounded motor vehicles.
 - c. Motor vehicles shall not be impounded for purposes other than those defined by statute or ordinance, (e.g., not as a form of punishment, or as a means of conducting vehicle searches when probable cause does not exist or consent to search cannot be obtained).
3. When impoundments are necessary, the operator and any passengers should not be stranded. Officers shall take those measures necessary to ensure that the operator and any passengers of the vehicle are offered transportation. To include but not limited to:
 - a. Call a taxi cab for them.
 - b. Call a friend or relative to pick the up.
 - c. With supervisor approval, transport them to the nearest reasonably safe location.
4. If the driver/owner or passenger(s) decline assistance with transportation and the vehicle is towed at the direction of an officer for any reason, the officer shall document their refusal on an original Information/Incident Report, as Supplemental to and existing Information/Incident Report, or on an Accident Report, whichever is appropriate to the circumstances.

5. Vehicle operators may be permitted to remove unsecured valuables of a non-evidentiary nature from the vehicle prior to its removal for impoundment. The nature of these valuables shall be noted on the appropriate reporting document.
6. Impounded vehicles shall be released to owners with proof of ownership and personal identification, and following proof of payment of any impoundment, storage, or related fees and taxes.

B. IMPOUNDMENT FOR EVIDENCE

- A. A vehicle shall be towed if a subject is arrested for purposes of incarceration and one of the following circumstances exists:
1. The vehicle was used as a major instrument in a crime.
 2. The vehicle contains evidence of a crime that cannot be processed at the scene and must be secured to ensure its evidentiary value.

V. IMPOUND AUTHORITY

- A. Pine Bluff City Ordinance 26-31 authorizes the removal and/or impound of vehicles under the following circumstances
1. When any vehicle is left unattended upon any bridge, viaduct, or where such vehicle constitutes an obstruction to traffic;
 2. When a vehicle is so disabled as to constitute an obstruction to traffic upon a city street and the person or persons in charge of the vehicle are physically incapacitated to such an extent as to be unable to provide for its custody or removal;
 3. When any vehicle is left unattended upon a city street and is parked illegally as to constitute a definite hazard or obstruction to the normal movement of traffic;
 4. When a vehicle is left unattended upon a city street continuously for more than 48 hours, and the owner cannot be located; the vehicle is presumed to be abandoned.
 5. When the driver of such vehicle is taken into police custody and is unable to make a legitimate disposition of the vehicle (e.g., DWI, disturbed person, minor, etc.); or
 6. When the vehicle is needed as evidence and/or is used in the commission of a felony.
 7. When the driver of the vehicle has no DL, suspended DL or the registration appears to be improper.

- B. In situations permitted by the Arkansas Rules of Criminal Procedure, the statutes of the State of Arkansas, or pursuant to a lawful court order, a vehicle may be towed/impounded from private property.

VI. IMPOUND GUIDELINES

- A. It is the policy of this Department that a vehicle shall be impounded or stored only after a reasonable effort has been made to make a legitimate disposition of the vehicle. "A reasonable effort" does not mean the officer must spend a disproportionate amount of time trying to contact a number of different persons for the owner or driver of the vehicle.
- B. If a subject has been stopped and cited for a violation and continues to violate the law and it is obvious to a reasonable and prudent person that the violator has no desire or intent to correct their actions or to abide by the law the officer has the discretion to impound the vehicle.
 - 1. For Example:
 - a. An officer stops the same person repeatedly for the same offense, such as driving with an expired driver's license, and the person continues to blatantly violate the law the officer may at their discretion impound the vehicle.
 - b. To tow a vehicle under these circumstances supersedes Section VI (Impound Guidelines) Subparagraph D (Vehicles Shall Not Be Impounded) Sections 1, 2 3, 4.
- C. Officers shall be required to explain in their pursuit report why this particular pursuit necessitated the towing/impoundment of the vehicle. Such as:
 - 1. To include, but not limited to:
 - a. Subject's manner of driving (reckless or hazardous driving, excessive speed, disregarding stop signs and red lights, DWI) as well as no insurance, expired tags, no registration, cannot properly identify the owner of the vehicle, no one able to take possession of the vehicle, no or suspended driver's license, etc...

D. VEHICLES SHALL NOT BE IMPOUNDED

1. If the vehicle is not wanted as evidence and/or has not been used in the commission of a crime;
2. If insufficient investigation has been made into the circumstances of an abandoned vehicle (e.g., illness, hospitalization, vacation, etc.); or,
3. If the impoundment of the vehicle can be reasonably construed as an act of harassment.
4. Vehicles shall not be impounded for no proof of insurance alone.

E. IMPOUND PROCEDURES - INVESTIGATIVE HOLDS

A Pine Bluff Department Wrecker Log will be completed on any vehicle impounded for investigative purposes.

1. The officer that places a "Hold" on a vehicle or has a "Hold" placed on a vehicle is responsible to follow up and insure that the vehicle is processed and released in a timely manner.
2. In addition to the wrecker log, the officer's order to remove and store the vehicle shall be documented on an original Information/Incident Report, a Supplement to an existing Information/Incident Report, or an Accident Report, whichever is appropriate to the circumstances, providing written explanation for the issuance of the "Hold".
3. The officer and/or unit for whom the vehicle has been impounded will be listed in the "holds" space on the log.
4. The pink copy of the Wrecker Log will be given to the wrecker driver, the yellow to owner/operator and the white copy will be filed in the muster room.
5. Whenever the "Hold" is released, the impounding officer shall provide written notice of the release to the towing and storage firm using the Pine Bluff Police Department "Vehicle Release Form" (Appendix 14).
6. The impounding officer shall completely and legibly fill out the form. He will then have representative of the impound company sign the form indicating their understating the vehicle has been released. A copy will be provided to the impound company. The copy with the officer's and the impound representative's signatures will be turned in to the Traffic Division and attached to the original wrecker log and accompanying information report.
7. Any questions in reference to investigative holds shall be brought to the attention of a supervisor immediately.

F. IMPOUND PROCEDURES - ROUTINE STORAGE

Whenever a vehicle is towed at the direction of an officer for any reason other than those authorizing an investigative hold, the following will apply:

1. The towing information will be included on an original Information/Incident Report, a Supplement to an existing Information/Incident Report, or an Accident Report, whichever is appropriate to the circumstances.
2. The towing information will also be noted on Information Exchange Forms prepared for injured drivers.
3. The officer directing that the vehicle be towed and the wrecker driver will verify the VIN and license number on the Pine Bluff Police Department wrecker log. The officer will place his initials above the VIN and license information to signify his approval.
4. Remarks concerning property stored separately from the vehicle, note on the wrecker log, "Information Report" for property stored separately.
5. Holding for proof of ownership is not conserved an investigative hold.
6. If the owner cannot be notified, advise MECA to enter it in the ACIC Impound File.

G. INVENTORY OF STORED VEHICLES

A complete inventory will be conducted on all vehicles stored by officers of this Department.

1. This inventory shall include all spaces within the vehicle and the trunk or bed of the vehicle and shall include an inventory of all containers, including those that are locked.
2. The owner or driver (if available) will be asked specifically if there are any valuables inside the vehicle which should be stored separately from the vehicle, and this information shall be recorded as part of the Information Report filed by the impounding officer and will also be noted on the Wrecker Log.

VII. UNATTENDED OR ABANDONED VEHICLES

Anytime an employee of this department has a vehicle removed because it is unattended or abandoned, the towing company shall be provided;

1. Name and address of the last registered owner.
2. Name and address of the holder of any lien on the vehicle.
3. The vehicle identification number of the vehicle.
4. This information can be obtained through the use of the ACIC computer.
This department is mandated to provide the information under ACA 27-50-1206.

VIII. AID TO MOTORISTS

1. Officers may request towing services to motorists.
 - a. following vehicle crashes or in other instances where involved vehicles are not operable; or
 - b. When, following arrest of the owner/operator or for other reasons the vehicle cannot be left at the scene without substantial risk of theft or damage to the vehicle or personal property contained therein.
 - c. When making such request for the owner you need to make sure that it is documented that the owner is requesting the wrecker to prevent the department from paying the wrecker bill.
 - d. This information can be obtained through the use of the ACIC computer. This department is mandated to provide the information under ACA 27-50-1206.
2. All towing agencies requested for "by the owner" must be a member of the Arkansas Towing and Recovery Board and be certified for and display inspection documentation indicating they are authorized for Consent or Non-Consent Towing.