

	POLICY & PROCEDURE	SERIES # <b>624</b>	PAGE 1 OF 8
	SUBJECT  <b>TOWED VEHICLES</b>		EFFECTIVE DATE <b>06/05/06</b>
			OVERSIGHT <b>Operations</b>
DISTRIBUTION <b>ALL MANUALS</b>	AMENDS/SUPERSEDES/CANCELS P&P # 624 dated 05/23/05 and Chief's Directive 624.1 dated 03/27/06.		

I. PURPOSE:

The purpose of this Policy and Procedure is to provide guidance when towing and confiscating motor vehicles, and to clarify inventory procedures.

II. POLICY:

It shall be the policy of the Hampton Police Division to tow and impound motor vehicles that are determined to be 1) abandoned, 2) traffic hazards, 3) in violation of traffic/parking laws (including 3 or more unpaid parking tickets), or 4) unattended as result of an arrest.

III. PROCEDURE:

Privately owned vehicles will be towed by the towing contractor requested by the owner. In cases where the owner cannot be located or the owner cannot or does not express a preference, the vehicle will be towed by a wrecker requested by the Police Division from the approved police wrecker list maintained in the Communications Section. In the case of an abandoned vehicle, the vehicle will be towed by a towing company under contract to the city to tow abandoned vehicles. Should the towing of a vehicle constitute a traffic problem or police operational problem, then the officer at the scene may request the nearest wrecker available to respond, regardless of the owner/operators preference.

A. Towing Procedures

A towing sheet will be filled out on all private vehicles that are towed by the Hampton Police Division. This towing sheet shall be turned in to the Information Center by the end of the officer's tour of duty. The release of the vehicle towed should be done by the officer at the scene if at all possible.

1. Abandoned vehicles (Normally a function of Community Relations).

- a. The City may take into custody any abandoned motor vehicle. Vehicles considered abandoned are vehicles remaining without consent, at the same location for 96 hours and lacking a:

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APPROVED:  
CHIEF OF POLICE



- (1) current license plate

- (2) current county, city, or town decal or plate
  - (3) valid state inspection sticker.
- b. An officer assigned to investigate an abandoned vehicle shall do so without delay. Report Form 420-48 (Abandoned Vehicle Form), will be completed, showing the date of complaint, description of vehicle, location of vehicle, and disposition of vehicle. A ledger shall be kept by Community Relations showing the date of complaint, description of vehicle, location of vehicle and disposition of vehicle.
- c. The removal/towing of vehicles found in violation shall be arranged and/or coordinated through the Community Relations Unit.
- (1) Public Property – Community Relations will affix a Police TOW sticker to the abandoned vehicle. Forty-eight hours will be allotted for the owner to move the vehicle, after which it will be towed by the city as an abandoned vehicle.
    - (a) Information pertaining to the vehicle will be forwarded by the Community Relations Unit to a tow company contracted by the City of Hampton for such vehicle removal.
    - (b) Towed abandoned vehicles will be towed to a storage facility operated by the contracted tow company.
  - (2) Private Property – If a vehicle is believed to be abandoned but is on private property, it is the responsibility of the owner of the property to initiate removal of the vehicle.
    - (a) Complaints about abandoned vehicles on private property will be referred to the Codes Compliance Office.
    - (b) Officers confronted with this situation will inform the citizen that property owners may act immediately to have vehicles removed from their property (SC §46.2 – 1215) through the use of a private towing contractor. Officers will not call or recommend private towing contractors for a private property tow.
    - (c) As a courtesy, towing companies should notify the Hampton Police Division of the action. There is no legal requirement for towing companies to notify the

Division when towing vehicles from private property, unless the vehicle has been involved in an accident or the wrecker driver has reason to believe that the vehicle has been involved in a crime.

2. Traffic Hazards/Accidents

- a. Whenever any unattended motor vehicle found on public streets or grounds constitutes a hazard to traffic, or is parked in such a manner as to be in violation of law, any such motor vehicle may be ticketed and removed by or under the direction of a police officer (City Code 21-209).
- b. Whenever a motor vehicle involved in an accident is found upon a highway or street of the city and is so located as to impede the orderly flow of traffic, any such motor vehicle may be removed by or under the direction of a police officer.
- c. Officers are encouraged to release vehicles at the scene after verification of ownership/stolen vehicle status is made.
- d. Only the registered owner can designate who the vehicle may be released to.

3. Parking/Traffic Violations

Vehicles may be towed by the Community Relations Unit after confirmation of three or more outstanding unpaid parking violations.

4. Unattended Vehicles Resulting from an Arrest

When an officer makes an arrest of a person operating a motor vehicle, the vehicle will be towed unless the operator requests to legally park the vehicle or allow the vehicle to be removed by a friend. If the operator is physically or mentally impaired, then the vehicle will be towed in all cases. In all cases, the driver will be given the opportunity to designate a towing contractor. If the driver does not designate a towing contractor, then the vehicle will be removed by the towing service next on the list.

5. Emergency

Any vehicle parked in the vicinity of a fire, traffic or airplane accident or area of emergency which creates a traffic hazard or interferes with the necessary work of police, fire, or rescue workers may be ordered towed.

6. Administrative Impoundment of Vehicles

- a. An administrative impoundment of a vehicle shall be conducted under the following authority as cited in Virginia State Code §46.2-301.1. The motor vehicle being driven by any person

who's driver's license, learner's permit or privilege to drive a motor vehicle has been suspended or revoked for:

- (1) Driving while intoxicated in violation of §18.2-266, 46.2-341.24, and maiming, etc., of another resulting from driving while intoxicated in violation of §18.2-51.4, or substantially similar ordinance or law in any jurisdiction, or
- (2) Driving after adjudication as a habitual offender, where such adjudication was based in whole or in part on an alcohol-related offense, or
- (3) Where such person's license has been administratively suspended under the provisions of §46.2-391.2, or
- (4) Driving after being suspended or revoked for unreasonable refusal under §18.2-268.3, 46.2-341.26:3, or similar ordinance or law in any jurisdiction.

**The vehicle shall be impounded by the arresting officer at the time the person is arrested for the listed offenses.**

- b. The officer will request the next wrecker on the city's list and complete the appropriate inventory.
- c. The officer shall complete a "Notification of Vehicle Impoundment/Immobilization" form at the time the vehicle is impounded. Distribution of the "Notice of Vehicle Impoundment/Immobilization" form will be made by the arresting officer as follows:
  - (1) The original will be delivered to the magistrate for the court. Operator should sign showing receipt of his/her copy.
  - (2) The second page will be served on the operator.
  - (3) The third page will be attached to the Hampton Police Division Impounding Record (Tow Sheet) and submitted in the same way a normal tow sheet is forwarded. NOTE: for the purpose of the Administrative Impoundment, only the sections on the tow sheet pertaining to DATE, TIME, NAME OF DRIVER AND OWNER, and INVENTORY INFORMATION sections need to be completed. The NARRATIVE-INVENTORY OF PROPERTIES section of the Notice of Vehicle Impoundment form WILL BE LEFT BLANK.
  - (4) The fourth page will be retained by the officer.

(5) The fifth page will be left with the impounded vehicle.

NOTE: Each copy has the Notice of Right to Judicial Review of Impoundment printed on the back.

- d. The vehicle must be entered into the VCIN Stored Vehicle Files as a stored impounded vehicle, as soon as possible, by the Information Center Personnel. An administrative message must be sent to DMV giving vehicle and driver information. (The format number of the “AM” message is 506.)
- e. Upon “Court Release” or expiration of the period of impoundment, the vehicle’s owner will be instructed to obtain a vehicle release form from the Police Division. Vehicles will not be released by the towing firms without this authorizing form.

Upon release of a motor vehicle impoundment as a result of this code, a second message must be sent **immediately** to DMV clearing the vehicle, and the vehicle is cleared from the VCIN Stored Vehicle File.

#### B. Communications Procedures

- 1. Communications shall maintain approved Police Division wreckers within the computer aided dispatch system. Each entry will list the name of the company, the address, and not more than five (5) total numbers. The communications supervisor will be responsible for canceling wreckers from a call in the system. The computer shall maintain the rotation of these wreckers.
- 2. Dispatch – Upon receiving a request for a towing contractor from a unit, the dispatcher or information clerk will either contact the next towing company on a rotating list or the towing contractor requested by the owner. In the result field of the complaint, the dispatcher or information clerk will include the name of wrecker dispatched and whether it was OR (Owners Request) or NOL (Next on the List).

**\*\*NOTE\*\*** A manual dispatch system shall be maintained in the Information Center, if the computers should become inoperable, the dispatcher or information clerk will pull the card in the front, and once used put that card at the rear of the list. OR maintains its original place on the list.

#### C. Unauthorized wreckers at the scene

When an officer requests the next wrecker on the list, verification will be obtained to support that the wrecker responding is in fact the wrecker that was dispatched.

- 1. Wreckers arriving at the scene that were not requested will not be

authorized to remove the vehicle.

2. A Special Report filled out by the officer on the scene with all pertinent information will be submitted to the Commander of the Community Relations Unit on any wrecker responding to the scene, implying that the wrecker was dispatched by the Hampton Police Division when in fact it was not.
3. An investigation into the allegation will be conducted and if found to be correct, the towing company will be dropped from the Hampton Police Division wrecker list for a period of time prescribed by the Chief of Police.

D. Seized Motor Vehicles

1. Under Virginia State Code, motor vehicles may be seized as outlined in the following code sections:  
  
4-53           Transportation of Contraband Beverages  
19.2-386.16   Transportation of Stolen Goods  
19.2-386.22   Manufacture, Sale, Distribution of Controlled Substance  
19.2-386.30   Forfeiture of money and gambling devices, seized from illegal gambling  
46.2-1087     Operations of vehicle equipped with smoke screen  
46.2-867      Seizure of motor vehicle involved in racing
2. The officers initiating the seizure of the motor vehicle is responsible for following the procedures per P&P 508, Vehicle Seizure and Forfeiture.

E. Recovered Stolen Motor Vehicles

1. The recovering officer will contact his supervisor and inform the supervisor that a stolen vehicle has been recovered. It will be the recovering officers' responsibility to process the vehicle for fingerprints if feasible. If no qualified patrol officer is on duty the supervisor may request that the Crime Scene Unit respond.
2. Processing of recovered stolen vehicles will occur prior to the towing of the vehicle when practical. Vehicles will be towed to the requested wrecker company lot, **not** to the impound lot.
3. In cases where the vehicle owner can be contacted, the vehicle will be towed in accordance with the owner's request. If the owner cannot be contacted, the vehicle will be towed from the approved police wrecker list in accordance with established procedures. The owner of the recovered vehicle is obligated for all towing and storage fees. An on the scene release to the owner will be permitted only when the vehicle is operable, the recovery is a short distance from the location of the owner, and the owner can respond immediately.
4. The recovering officer will be responsible for submitting an addendum to

ensure that the vehicle is removed from all systems and B.O.L.'s.

#### F. Inventory of Towed/Recovered/Seized Motor Vehicles

An inventory is an administrative process by which property within an impounded vehicle is listed, secured, and protected.

An inventory is not a search and should not be used as a substitute for a search.

1. All vehicles towed by any member of the Hampton Police Division will be inventoried, unless breakage is required to obtain entry. EXCEPTION: Where probable cause justifies the search and no other method of entry is available. NOTE: Slim-Jims or similar tools are not to be used by Division personnel except in emergency circumstances, or when approved by a supervisor.
2. All vehicles that are impounded will be inventoried at the location where the vehicle is seized; however, where circumstances prohibit this course of action, the vehicle may be inventoried after the vehicle has been towed provided that a member of the Hampton Police Division accompanies the vehicle while it is towed to ensure the protection of the citizen's property. If the vehicle is part of a crime scene, then it will be inventoried after the Crime Scene Unit has completed processing the scene.
3. The inventory shall include an inspection and a complete listing of all articles of value left in the vehicle. Items permanently attached to the vehicle need not be inventoried. Examples of items that will be inventoried include: Briefcases, tools, clothing, portable radios, cassette decks, and cassette tapes/CD's. Whenever a firearm or money in excess of \$5.00 is discovered, this property will be removed from the vehicle and turned in to Property and Evidence.

Money in an amount less than \$5.00 will be left in the vehicle and the appropriate notation made on the tow sheet. All containers found within the vehicle will be opened and the contents inventoried unless breakage is required.

4. All inventoried articles will be listed on the tow sheet or on another sheet of paper and attached to the tow sheet. All tow sheets will be turned in to the Information Center and maintained under existing guidelines.

#### G. Seizing Vehicles for Investigative Purposes

1. Vehicles used in the commission of a crime or otherwise involved in a criminal activity may be seized for investigative purposes by the Hampton Police Division. The vehicle may be seized by the investigating officer or by request of the Crime Scene Unit.
2. Upon seizure of the vehicle, the investigating officer will arrange for the

vehicle to be towed, and will be responsible for the resulting tow sheet. If the seized vehicle is to be returned to the owner at the completion of the investigation, the vehicle will be towed to the towing contractor's storage facility. If the vehicle is being seized for the purpose of confiscation, the vehicle will be towed to the Police Impound Lot. A copy of the tow sheet will be forwarded to the Special Investigations Commander.

3. All towing fees and storage fees associated with the seizure of the vehicle will be paid by the owner.
4. At the conclusion of the investigation, the officer that initiated the seizure of the vehicle will contact the owner and coordinate the return of the vehicle.
5. No officer shall place a HOLD on a vehicle which has not been lawfully seized in accordance with Virginia State Code. Information on the seizure shall be entered in the proper section and not in the margins or across the top of the tow sheet.

Officer's wishing to interview the owner of a vehicle for follow-up purposes (i.e., hit and run investigation) should note the report number and make a notation on the tow sheet under Conditions of Release to be contacted by the Information Center when the owner is at headquarters to sign the release. If that officer cannot be contacted a message should be left, and the Info-Center shall request the on-duty road supervisor assign an officer to respond to headquarters to review the report and get a statement from the vehicle owner. The investigating officer can then follow-up with the person to whom the vehicle was released at a later time.



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