

# ASHEVILLE POLICE DEPARTMENT POLICY MANUAL

**Chapter:** 13 - Traffic

**Policy:** 1307 - Vehicle Towing

**Previously:** 1280 - Towing Procedures

**Original Issue:** 6/1/1994

**Last Revision:** 3/20/2023



---

## CONTENTS

INTRODUCTION

POLICY STATEMENT

DEFINITIONS

RULES AND PROCEDURES

1307.1 AUTHORITY

1307.2 DETERMINING WHEN TO TOW

1307.3 SUMMONING A WRECKER

1307.4 OFFICER RESPONSIBILITIES

1307.5 EVIDENTIARY VEHICLE PROCESSING

1307.6 VEHICLE HOLDS

1307.7 OWNER NOTIFICATION

1307.8 ABANDONED VEHICLES [61.4.3 a]

1307.9 PROHIBITIONS

## ASSOCIATED DIRECTIVES

[Asheville City Ordinances, Chap. 10, Article II](#)

[Policy 1502 - Property and Evidence](#)

## INTRODUCTION

The purpose of this directive is to establish standard procedures for towing, releasing, and accounting for motor vehicles that are towed by department members.

## POLICY STATEMENT

It is the policy of the Asheville Police Department (APD) to tow vehicles as necessary using standardized procedures.

## DEFINITIONS

Abandoned Vehicle: per [Asheville City Ordinance Sec. 10-28](#), an abandoned motor vehicle is one that: [16.4.3 a]

1. Has been left upon a public street or highway in violation of a law or ordinance prohibiting parking; or

2. Is left on a public street or highway for longer than seven (7) days; or
3. Is left on property owned or operated by the city for longer than twenty-four (24) hours; or
4. Is left on private property without the owner, occupant, or lessee's consent for longer than two (2) hours.

## **RULES AND PROCEDURES**

### **1307.1 AUTHORITY**

- A. Officers may tow vehicles from public property when required by a legitimate law enforcement purpose. This may include abandoned vehicles presenting a traffic hazard. [61.4.3 b]
- B. Officers may only tow a vehicle from private property in the commission of official business. This may include recovery of stolen vehicles, vehicles used in the commission of a crime, motor vehicle accidents occurring on private property, or those obstructing fire lanes or emergency routes. [61.4.3 b]

### **1307.2 DETERMINING WHEN TO TOW**

- A. Officers may authorize the towing of vehicles for a legitimate police purpose. This may include but is not limited to, the following circumstances: [61.4.3 b]
  1. When a crash occurs on a public roadway or public vehicular area, that renders a vehicle disabled.
  2. When a stolen vehicle is recovered, and the owner or a responsible party is not readily available to take possession.
  3. When the operator of the vehicle has been arrested, and, in the officer's opinion, the judgment of the operator is impaired to the extent that the operator is unable to make a rational decision as to the disposition of the vehicle.
  4. When a disabled vehicle is creating a hazard or obstructing traffic. When possible, officers should attempt to contact the registered owner of the vehicle prior to towing.
  5. When a vehicle has been abandoned and criteria/procedures outlined in Section [1307.8](#) of this policy are met/followed.
  6. When a vehicle needs to be held for investigative purposes.

- B. Officers may tow aesthetic junked motor vehicles at the request of the City of Asheville Planning and Development only as authorized by [Asheville City Ordinances Sec. 10-31 – 10-37](#). [61.4.3 b]
- C. If there is any question about an officer's authority to tow a vehicle from private property, the officer will obtain approval from a supervisor. [61.4.3 b]
- D. If a vehicle is not creating a hazard or obstructing traffic, and the owner/operator of the vehicle is on the scene, he/she should be allowed to decide if the vehicle is to be towed or left at the scene if the situation affords them this discretion; and when, in the officer's opinion, their judgment is not so impaired as to render them incapable of making such a decision. If the owner/operator decides to turn the vehicle over to another person, the arresting officer must confirm that the person taking control of the vehicle has a valid operator's license and is not under the influence of an impairing substance.

### 1307.3 SUMMONING A WRECKER

- A. When requesting a wrecker, officers must provide a license plate number or vehicle descriptors and a reason for the tow.
- B. The officer on scene may cancel a responding wrecker at no charge to the department or vehicle owner if the vehicle does not pose a hazard and the wrecker service has not hooked up the vehicle for towing.
- C. Wreckers **must** respond within thirty (30) minutes from the time they accept the towing request. If a wrecker exceeds the allowable response time, the next wrecker company on the rotation list will be contacted, and the original wrecker company will not be allowed to pick up the vehicle.
- D. Records of all vehicles towed, removed, or stored will be maintained electronically in the department's contracted online towing platform. [61.4.3 c]

### 1307.4 OFFICER RESPONSIBILITIES

- A. **The authorizing officer will check the license plate *and* vehicle identification number (VIN) through the National Crime Information Center (NCIC) database on all vehicles towed.**
- B. The towing officers will conduct an inventory of the vehicle's contents and complete a Vehicle Tow & Inventory Form. The inventory will include all items of removable property with value that could be easily stolen.
- C. If an animal is in the vehicle for which the owner or operator cannot assume responsibility, the authorizing officer will contact Communications and request an

available Animal Services Officer. A note must be made on the Vehicle Tow and Inventory Form.

### 1307.5 EVIDENTIARY VEHICLE PROCESSING

- A. Officers may tow vehicles to the municipal building or other approved facility for secured storage and forensics processing if necessary to protect evidence and **with approval from the Watch Commander or a Criminal Investigations supervisor**. Vehicles stored in this manner will be handled and documented per [Policy 1502 - Property and Evidence](#) via completing a property voucher.
- B. Officers will complete a limited Vehicle Tow and Inventory Form for the vehicle. **Officers** will not conduct an inventory of a vehicle's contents prior to the execution of a search warrant or forensics processing.
- C. The department's designated towing service for forensic processing and storage of vehicles must be used. Officers must follow the wrecker from the scene to the secure storage area to maintain the chain of custody.
- D. A vehicle inventory must be conducted and documented during the formal search/processing of the vehicle by the person conducting the search.
- E. When processing is complete, the wrecker service that provided the initial tow will be contacted to transport the vehicle to their wrecker storage facility.
  1. Any sensitive items (e.g., weapons, money, prescription drugs) will be submitted to the Evidence Unit for safekeeping before the vehicle is released.
  2. A second Vehicle Tow and Inventory Form will be completed with the complete inventory and noting any items stored for safekeeping.
- F. Vehicles requiring towing for the purpose of evidence processing will be towed at department expense.

### 1307.6 VEHICLE HOLDS

- A. A hold **may be placed** on a towed vehicle for **law enforcement** purposes. This may include but is not limited to:
  1. Vehicles used in the commission of a crime.
  2. Vehicles that require forensics processing.
  3. DWI or drug seizures.
  4. Any other investigative situation requiring a hold.

- B. A Watch Commander or Criminal Investigations supervisor must approve vehicle holds, including all vehicles towed as evidence.**
- C. Vehicles towed as evidence must be documented per [Policy 1502 - Property and Evidence](#) via completing a property voucher.
- D. Vehicles classified and marked as evidence require approval from the District Attorney before being released to the owner. The release of evidentiary vehicles must be coordinated with the department's Evidence Unit.

### **1307.7 OWNER NOTIFICATION**

- A. [N.C. Gen. Stat. § 20-219.11](#) requires officers to provide the last registered owner of any towed vehicle with a valid plate or registration with the following information:
  - 1. A description of the vehicle.
  - 2. The place where the vehicle is stored.
  - 3. The violation with which the owner is charged, if any.
  - 4. The procedure the owner must follow to have the vehicle returned.
  - 5. The procedure the owner must follow to request a probable cause hearing on the towing.
- B. If the vehicle's registered owner is present, the towing officer will provide the owner with the above information in writing. Whenever possible, this will be a copy of the Vehicle Tow and Inventory Form.
- C. If the registered owner is not on the scene, the authorizing officer will make reasonable attempts to notify the registered owner of the vehicle with the information required by [N.C. Gen. Stat. § 20-219.11](#).
  - 1. If the vehicle is registered in North Carolina, the officer must attempt to contact the registered owner as soon as possible and always within twenty-four (24) hours of the towing.
  - 2. If the vehicle is registered outside of North Carolina, a notification will be attempted as soon as possible and always within seventy-two (72) hours of the towing.
  - 3. If initial attempts to contact the owner are unsuccessful, written notification must be mailed to the last address listed on the vehicle's registration within the above time frames.

- D. If a vehicle has neither a valid license plate nor registration, a reasonable effort must be made, including checking the VIN to determine the last known registered owner of the vehicle to provide the information required by [N.C. Gen. Stat. § 20-219.11](#). If a seven (7) day notice has been issued as outlined in Section 1307.7(A), no additional notification efforts are required.
- E. Owner notification is not required for most seizure and forfeiture situations; see [N.C. Gen. Stat. § 20-219.10](#).

#### **1307.8 ABANDONED VEHICLES [61.4.3 a]**

- A. Per [Asheville City Ordinance Sec. 10-32\(b\)](#), officers addressing an abandoned vehicle on public property that does not create an immediate hazard will issue a seven (7) day notice by affixing the notice on the windshield or some other conspicuous place on the vehicle. If seven (7) days elapse and the vehicle has not been removed, officers will have the vehicle towed according to the procedures outlined in this policy.
- B. Abandoned vehicles not creating an immediate hazard may be towed from private property only after prerequisites outlined in [Asheville City Ordinance Sec. 10-35](#) are met.
- C. Per [Asheville City Ordinance Sec. 10-33](#), abandoned vehicles requiring prompt action to eliminate traffic obstructions or to otherwise maintain and protect public safety and welfare may be immediately removed without prior notice.

#### **1307.9 PROHIBITIONS**

- A. Department employees will not suggest, recommend or advise the use of any wrecker or vehicle towing service to any person as a result of police business.
- B. Department employees may not own, co-own or work for any towing service contracted for department towing.
- C. No employee will solicit, receive, or accept goods, services, or money from any towing service. Violation of this policy may subject both the department member and the wrecker service to disciplinary action or criminal prosecution.
- D. Officers will not drive or move any vehicle requiring a tow while performing an official duty.

BY ORDER OF:

A handwritten signature in dark ink, reading "David J. Zack". The signature is fluid and cursive, with the first name "David" and last name "Zack" clearly legible, and a middle initial "J." in between.

David Zack  
Chief of Police