

# **BLOOMINGTON POLICE DEPARTMENT**

## **STANDARD OPERATING PROCEDURE**

### **TOWING PROCEDURE AND SERVICE**

Reviewed by: Lieutenant Aaron Veerman	Effective Date: January 29, 1996
Authorized by: Chief Jamal A. Simington	Revision Date: April 12, 2023

#### **PURPOSE**

The purpose of this SOP is to establish procedures for towing and impounding vehicles as permitted under law and city ordinances.

#### **DEFINITIONS**

Authorized Towing Service	Any tow company currently awarded the towing contract by the City of Bloomington. If multiple tow companies are awarded contracts, officers must choose the tow company with the appropriate contract for the vehicle they are towing.
Hold	Delaying the release of a towed vehicle until certain criteria are met.
Release Fee	Administrative fee associated with any tow requiring payment prior to the release of a vehicle (typically \$10).
Impound	The act of towing a vehicle and holding it per ordinance until an impound fee is paid at the Bloomington Police Department.
Impound Fee	A fee required to be collected under city ordinance before a vehicle involved in specific violations can be released. The fee is currently \$400.
Inventory Search	A search of a vehicle completed by a police officer in a consistent manner to shield the Police Department and the City of Bloomington from false claims by requiring officers to note a vehicle's contents and the presence of damage prior to the tow of a vehicle from one place to another at the request of a police department employee.
Tow	The act of requesting a tow company move a vehicle from one place to another.
Tow Officer	The officer responsible for completing the Tow Report and ensuring the vehicle is transferred to the appropriate towing agency. The tow officer may be the same or different from the initial officer assigned to an incident. If the vehicle is to be towed

to the police department, it is the tow officer's responsibility to ensure it is secured in the sally port and pertinent vehicle information is placed on the dry-erase board. The tow officer is also responsible for placing evidence tape on the doors of vehicles considered to have evidentiary value prior to leaving the sally port.

Tow Report

Required documentation completed by police department employees, whether in digital or paper form, for vehicles towed at the request of an employee of the police department. Written Tow Reports are only authorized when digital reports are unavailable. Written tow reports must be inputted manually into the online Tow Report Database by the Tow Officer or CSO whenever it becomes available.

Used in the commission of . . .

Directly related to the incident at hand. As it applies to the impound of vehicles, the vehicle must be a critical component of the crime, and the crime would be unfeasible or impractical without the use of the vehicle.

## PROCEDURE

The following vehicles will be towed by the Authorized Towing Service:

A. Tow Reports **are required** any time a vehicle is towed at the request of the Bloomington Police Department. This includes but is not limited to the towing of:

1. Vehicles to be impounded.
2. Abandoned vehicles that were left in traffic or otherwise pose a traffic hazard.
3. Vehicles involved in a fatal accident or an accident resulting in great bodily harm that is being towed and held for investigative purposes.
4. Vehicles relocated from one location on public property to another without the owner's knowledge and/or consent.
5. Vehicles suspended for Mandatory Insurance Violations.
6. Vehicles towed for violations under city ordinance.

B. Tow Reports **are not** required for the following circumstances:

1. Vehicles towed at the owner's request, provided they can be removed in a reasonable amount of time if they are in traffic or otherwise pose a traffic hazard.
2. Inoperable vehicles involved in traffic crashes. If possible, the officer will ask the owner or his/her agent if a specific tow company is preferred. If the tow company requested by the owner can respond in a reasonable amount of time, the officer must allow this towing company to respond to the scene.

C. Inventory Searches of Vehicles

1. When Required

- a. Any time a vehicle is towed at the request of a Bloomington Police Department employee.
- b. Absent other circumstances, this does not apply to incidents where the vehicle is being towed at the owner's request.

2. Process

- a. Officers will have their Body Worn Camera (BWC) and Dash Camera recording during the inventory search and will not stop the recording until the vehicle has been towed by the Authorized Towing Service. For vehicles being towed to the police department, officers will not stop their BWC or Dash Camera until the vehicle has been secured within the police department.
- b. Owners/operators of vehicles subject to impoundment/inventory should be given the opportunity to provide the ignition/door key to the vehicle. If they refuse, document in the report, and admonish them that Joe's employees will be utilized to open the vehicle (if locked) and move it without the use of the vehicle ignition key.
- c. Before towing and/or impounding a vehicle, an itemized inventory shall be taken of the vehicle as soon as possible, unless an articulable reason justifies a delay.
- d. During the inventory, care must be taken to ensure potential evidence is not destroyed in the process. Closed containers must be opened, and the contents inventoried whenever this can be done without causing damage. Officers should seek supervisor approval before causing damage to any container or compartments in a vehicle.
- e. Police employees responsible for completing a Tow Report will check all areas of the interior and exterior of the vehicle for damage and note it on the Tow Report.
- f. On-duty evidence technicians may be tasked with completing an inventory search if a supervisor believes it is warranted for evidentiary purposes. Evidence technicians will respond and complete the inventory search without unnecessary delay.
- g. If a vehicle is moved from one location to another, the tow location must be updated by a supervisor in the tow history section of the tow report.

D. Completion of the Tow Report

- 1. All applicable fields on a Tow Report are required.
- 2. The report shall contain an itemized list of the contents of the vehicle.
- 3. The report will note any damage observed during the inventory search and where said damage was located.
- 4. Every Tow Report will have a report number or incident run number.

5. Tow Reports must be provided/transmitted to the Authorized Towing Service prior to the Tow Officer's departure from the scene unless the vehicle is to be towed to the sally port.
6. Tow Reports must be submitted for supervisor approval prior to the end of the tow officer's shift.
7. If a parking ticket is issued, a hold must be placed on the vehicle. Check the box "indefinite" and type the reason for the hold (e.g., Hold for issuance of a parking ticket). This will let the front desk know to look for a parking ticket.
8. Supervisors are required to review all submitted Tow Reports prior to the end of their shift and notify supervisors of the next shift of any pending or disapproved reports that will be submitted after they leave.
9. Updates to tow records may be made to correct flaws in the original report. Once corrected, the report must be reviewed by a supervisor.
10. Any updates to a vehicle's location or other information pertinent to the vehicle's release must be added to the Tow Record Database as soon as possible.

E. Impound of Vehicles *(\$400 impound fee and \$10 release fee applies. TOW REPORT REQUIRED)*

1. Certain offenses require the impound of the vehicle under Chapter [29-194B](#) of the Bloomington City Code, and fall into three categories:
  - a. Vehicles used in the commission of a misdemeanor or felony offense found in Chapter 720 of the Illinois Criminal Code.
  - b. Vehicles in which the driver commits a very limited number of violations of the Illinois Vehicle Code.
    1. 6-101 (No Valid Driver's License/Expired Driver's License greater than 1 year)
    2. 6-303 (Suspended or Revoked Driver's License)
    3. 11-204.1 (Aggravated Fleeing/Eluding a Peace Officer)
    4. 11-501 (DUI)
    5. 11-503 (Reckless driving strictly as it relates to a funeral procession).
    6. Operation or use of a motor vehicle by a person against whom a warrant has been issued by a circuit clerk in Illinois for failing to answer charges that the driver violated Section 6-101, 6-303, or 11-501 of the Illinois Vehicle Code (625 ILCS 5/).
  - c. Misc. other acts and provisions
    1. Vehicles subject to forfeiture under Section 40 of the Illinois Street Gang Terrorism Omnibus Prevention Act ([740 ILCS 147/40](#)).

2. Any mobile or portable equipment used in the commission of an act which is in violation of Section 7g of the Metropolitan Water Reclamation District Act ([70 ILCS 2605/7g](#)).
3. Vehicles used in the commission of an offense prohibited by Section 21, 22, 23, 24, 26, 28, 29, or 30 of the Cigarette Tax Act and where the vehicle contains more than 10 cartons of such cigarettes ([35 ILCS 130/](#)).
4. Vehicles used in the commission of an offense prohibited by Section 44 of the Environmental Protection Act ([415 ILCS 5/44](#)).

d. Exceptions

1. Pursuant to [625 ILCS 5/11-208.7\(b\)\(6\)](#), vehicles shall not be subjected to seizure or impoundment if the driver's license suspension is for an unpaid citation (parking or moving) or due to failure to comply with emission testing. These may appear in a driver's abstract as suspensions for violations of [6-306.5 \(6 306 05\)](#), [6-306.6 \(6 306 06\)](#), [6-306.7 \(6 306 07\)](#), [6-306.8 \(6 306 08\)](#), or [13C-55](#).

2. Tow Hearing Notice

- a. The Towed Vehicle Hearing Notice will advise the driver that the vehicle will remain impounded pending the completion of the Impoundment Hearing or the payment of any release/tow fees related to the impoundment.
- b. The tow officer shall provide a Tow Hearing Notice to the driver or responsible party of the vehicle being impounded. The tow officer will document the date of the Tow Hearing on the notice prior to issuing it to the driver or responsible party. The date of the hearing will be no earlier than 21 days and no later than 45 days from the date of tow/impound. The dates, times, and locations of these hearings are predetermined by City Legal.
- c. The issuance of a Tow Hearing Notice must be documented in the incident report along with the scheduled date and time of the Tow Hearing.

3. Probable Cause Hearing

- a. At any time prior to an impoundment hearing, at the request of the owner of a vehicle or a person with authority from an owner, the Police Chief or his designee shall hold a prompt probable cause hearing. Said hearing shall occur within 24 hours of the request for a probable cause hearing, excluding Saturdays, Sundays, and holidays.
- b. At the probable cause hearing, the Police Chief or their designee shall determine whether probable cause exists for the seizure and impoundment of the vehicle pursuant to this section.
  1. If the Police Chief or their designee determines that probable cause exists for the continued impoundment of the vehicle, the Police Chief or their designee shall order the vehicle held pending a Tow Hearing or payment of the bond and any towing and storage fees due.

2. If the Police Chief or their designee determines that probable cause does not exist, they shall order the immediate release of the vehicle without payment of any penalties.

F. Towing and removal of vehicles without impounding (*\$10 release fee applies. TOW REPORT REQUIRED*)

1. These vehicles **are not** subject to an impound fee.
2. Officers may authorize towing removal and storage of any vehicle from a street or highway under the following circumstances:
  - a. When a vehicle left unattended upon bridge, viaduct, or causeway or in any tube or tunnel which constitutes a traffic obstruction ([City Code 29-194A](#)).
  - b. When a vehicle is disabled upon street or highway and constitutes a traffic obstruction or person(s) in charge of the vehicle are incapacitated due to physical injury ([City Code 29-194A](#)).
  - c. When a vehicle is left unattended upon a street and is so parked illegally as to constitute a definite hazard or obstruction to the normal movement of traffic or is left unattended for over 24 hours ([City Code 29-194A](#)).
  - d. When a vehicle is a nuisance under City Code 29-86 ([City Code 29-194A](#)).
  - e. When a vehicle is abandoned on a highway for 10 hours or more in an urban district ([625 ILCS 5/4-203](#))
  - f. When an abandoned, unattended, wrecked, burned, or partially dismantled vehicle is creating a traffic hazard because of its position in relation to the highway or its physical appearance is causing the impeding of traffic, its immediate removal from the highway or private property adjacent to the highway may be authorized ([625 ILCS 5/4-203](#)).
  - g. Vehicles parked in any on-street or off-street parking location or in a lot, **after 24 hours' notice** is provided for:
    1. Any vehicle left for a period of 24 hours in any on-street or off-street public parking location or in any location in a lot or facility maintained or owned by the City ([City Code 29-193](#));
    2. Any motor vehicle or trailer parked in any on-street or off-street public parking location or in any location in a lot or facility maintained or owned by the City that lacks current, legal registration ([City Code 29-193](#)); or
    3. Any motor vehicle or trailer parked in any on-street or off-street public parking location or in any location in a lot or facility maintained or owned by the City that is registered as an antique vehicle pursuant to [625 ILCS 5/3-804](#) ([City Code 29-193](#)).
3. Absent other circumstances, officers may not authorize towing removal and storage of any vehicle from private property without a court order ([City Code 29-194](#)).

G. Vehicle Holds

1. Certain situations and/or violations may require a vehicle hold. The reasons for a hold are as follows:
  - a. Driving Under the Influence of Alcohol ([625 ILCS 5/4-203\(e-5\)](#))
    1. 1st offense - 12-hour hold
    2. 2nd offense - 24-hour hold
    3. 3rd offense - 48-hour hold
  - b. Suspended/Revoked Driver's License ([625 ILCS 5/4-203\(e-5\)](#))
    1. 2nd Offense - 24 hr. hold
    2. 3rd Offense - 48 hr. hold
  - c. Parking citations
    1. Vehicle is only placed on a hold until the officer's parking citation is given to the owner at the time of release. If the officer's parking citation cannot be located, the vehicle will still be released. The CSO or supervisor releasing the vehicle, will email the officer who towed the vehicle notifying them of the missing ticket. It will be the officer's responsibility to resolve the missing citation.
2. Vehicle Holds must be removed before releasing a vehicle and can only be released if the hold condition is met.

#### H. Vehicle Release

1. No vehicle may be released out of the custody of the Bloomington Police Department without completing the vehicle release portion of the tow report.
2. Vehicles without a Hold can be released 24 hours a day, 7 days a week, at the front desk. If a Community Service Officer (CSO) is unavailable, a supervisor may release the vehicle. To release a vehicle, employees shall:
  - a. Issue any parking ticket associated with the tow.
  - b. Verify there are no holds or seizures on the vehicle. Vehicles with seizures can only be released with the approval of the Admin Sergeant. Vehicles with holds can only be released with the approval of a supervisor from the division that placed the hold on the vehicle.
  - c. Collect any impound fees associated with the vehicle.
  - d. Issue a receipt for cash received to pay fees. **Only exact change will be accepted. No change will be made.** The white copy of the receipt goes to the payee. The yellow copy and cash are placed into an envelope and labeled with the employee accepting the fund's initials, ID Number, Date, Tow Control Number, Incident Number, and the amount. For payments over \$10, another employee must verify the amount received. The envelope is then sealed with

tape and initialed by the employee(s) who verified the amount received. Funds are then deposited into the appropriate safe.

3. Vehicles may be released to the owner upon proper identification, provided the vehicle's registration is valid. If the vehicle's registration is invalid, the owner must provide proof of ownership (e.g., a title or other official record). The proof of ownership must match the information on the Tow Report. Any discrepancies must be resolved prior to the release of the vehicle. NOTE: Vehicles must still be released if the owner is determined to have an invalid license.
4. Vehicles may be released to other individuals if a Tow Release Form for Absent Owners is completed. However, this individual must also be properly identified.

- a. Completing the Tow Release Form for Absent Owners

1. The top of the form will be completed by the employee releasing the vehicle. Information will be verified through LEADs.
  2. If the owner is out of town, they can fill out the next section on the form and send it back with a copy of a government ID that has a signature.
  3. If the owner of the vehicle is incarcerated, they can fill out the last section of the form inside the box. They can have a representative of the facility where they are incarcerated be a witness. The witness will sign the form, and provide their ID number, and contact information.
  4. Completed Tow Release Form for Absent Owners will then be placed into the Towing Officer's mailbox.
5. When a lienholder of an impounded vehicle desires to claim the vehicle, they must present evidence that the owner is delinquent in payments and that they have the legal right to repossess the vehicle (e.g., a contract with language applying to the present circumstance).
  6. Upon release, the tow agency will receive an email notification that the vehicle may be released.
  7. Upon the release of an impounded vehicle, another Tow Hearing Notice will be issued.
  8. When a vehicle is not released within seven days of it being towed, Records personnel will also send, via first class mail, notice to the driver, owner(s), and any listed lienholder to owner's address registered with the Secretary of State. This notice will contain the same Impoundment Hearing date as noted on the original Tow Report.

#### I. Waiving Impound/Release Fees

1. The \$410 release fee may only be waived by a police supervisor upon review of the circumstances of the tow. Note, this does not waive the associated fees charged by the towing service. If tow and storage collection fees are to be waived, a supervisor must call towing service and instruct them to bill the Police Department. Afterward, an email must be sent to the Office Manager, Front Office Staff, and the Assistant Chief of Administration. The email must include the Case Number, Control Number, VIN Number, and reason the towing service fees should be waived.



2. Regardless of this process, no vehicle may be released out of the custody of the Bloomington Police Department without completing the vehicle release portion of the tow report.
3. Supervisors should only waive the impound/release fees in circumstances where the requirements of the ordinance were not met (it is determined the vehicle was not used in the commission of a qualifying offense, or the vehicle was stolen from the owner).
4. A note must be made in the tow record by the supervisor describing the circumstances whenever fees are waived. Any supporting documentation must have the tow record number written on it and be submitted to the Towing Officer's mailbox.
5. Vehicles may not be released directly from the police department or Sally Port without a supervisor's approval.