



CEDAR PARK POLICE DEPARTMENT
GENERAL ORDER

Tow guidelines

NUMBER: 7.17.01

EFFECTIVE: 02-03-2017

APPROVED: *[Signature]*
Chief of Police

I. POLICY

It is the policy of the Cedar Park Police Department ("Department") to provide guidelines for when vehicles can be towed, who is authorized to tow, and provide guidelines for the proper inventory of towed vehicles.

II. DEFINITIONS

Consent Tow – Towing of a vehicle with the consent of the registered owner or person with care, custody, or the control of the vehicle. An example of this would be a disabled vehicle not blocking traffic or a city vehicle.

Incident Management Tow – Towing of a vehicle from public or private property where the guidelines under "IV Authorization to Tow" have been met.

III. WRECKER GUIDELINES

CITY PERMIT HOLDER – Wreckers operating in the City of Cedar Park for the purposes of Incident Management must be inspected by the Cedar Park Police Department. Inspected wreckers will display a decal in their front windshield. Officers should ensure wreckers are properly displaying a city permit decal before allowing a tow.

IV. AUTHORIZATION TO TOW

Personnel are authorized to release or tow vehicles in the following situations:

1. **TRAFFIC HAZARD** – An officer is authorized to have a vehicle towed by the Incident Management Wrecker Service when an officer finds that a vehicle has been left unattended upon a public roadway in violation of any state laws regulating parking or stopping. This shall apply when said vehicle constitutes a hazard or obstruction to safe movement of traffic. When practical, officers should attempt to locate the owner or operator of said vehicles to assist in having it moved. The officer is authorized to require them to move their vehicle.

2. **PARKING ORDINANCE VIOLATIONS** – An officer is authorized to have a vehicle towed by the Incident Management Wrecker Service or require the owner or operator to move said vehicle pursuant to a violation of a city ordinance or state law regulating parking. Examples that may apply are designated fire zones, certain areas designated as “Tow Away Zones”, etc.)
3. **ABANDONED VEHICLES** – An officer is authorized to tow abandoned or disabled vehicles from public property after the following guidelines have been followed.
 - a. Upon observing a vehicle that appears to be abandoned or disabled, the officer shall inform the dispatcher of the location and vehicle registration in order to have that information logged.
 - b. The officer shall appropriately red tag the vehicle in a conspicuous location, providing notice that the vehicle is illegally parked, and shall be towed after 24 or 48 hours.
 - i. Vehicles parked on the 183a tollway can be towed after 24 hours, all other roadways are limited to 48 hours.
 - c. After 24 or 48 hours have elapsed, an officer should follow up on the vehicle by observing if the vehicle has been moved.
 - i. If the vehicle has been moved the red tag violation notice may be discarded.
 - ii. If the vehicle has not been moved the vehicle may be towed. The dispatcher shall be notified of such towing so that appropriate documentation can be made and the incident management wrecker may be contacted.
4. **DISABLED VEHICLES** – If a vehicle is parked and is not a traffic hazard officers may assist the driver in obtaining a wrecker. This includes providing them the names of the incident management wreckers authorized by the city.
5. **CRASHES** – If an officer determines a vehicle cannot be operated in a safe manner, the officer shall have the vehicle towed by an incident management wrecker in compliance with ordinance.
6. **PUBLIC SAFETY** – An officer is authorized to have a vehicle towed or require the owner or operator to move said vehicle when removal is necessary because of a fire, flood, or other emergency.
7. **RECOVERED STOLEN VEHICLE** – An officer is authorized to have a recovered stolen vehicle towed pursuant to the guidelines described in Collection and Preservation of Evidence and in compliance with [GO 7.06.01 Search and Seizure](#)
8. **EVIDENCE** – An officer is authorized to have a vehicle towed when said vehicle needs to be processed or collected for evidence. This can occur whether the vehicle is legally parked or not and regardless of whether it is parked on public or private property.
9. **SUBSEQUENT TO ARREST** – An officer is authorized to have a vehicle towed subsequent to arrest of the driver. The following options are also available:
 - a. **RELEASE TO THIRD PARTY** – An officer who arrests the driver of a vehicle may permit the prisoner to release the vehicle to a third party if all of the below conditions are met:
 - i. The prisoner was in lawful possession of the vehicle and is not apparently impaired from making a rational decision due to alcohol or drugs;
 - ii. The vehicle is lawfully and mechanically drivable;
 - iii. The vehicle is properly insured according to law;

- iv. The third party accepts responsibility for the vehicle and is properly licensed and not apparently physically or mentally impaired due to alcohol or drugs; and
 - v. The third party is on scene, or able to arrive on scene to take possession of the vehicle in a timely manner.
- b. **LEAVING LEGALLY PARKED** – A prisoner’s vehicle may be left on scene if:
 - i. The prisoner is not apparently impaired from making rational decisions due to alcohol or drugs;
 - ii. The vehicle is legally parked; and
 - iii. They are willing to accept responsibility for any consequence that results from their vehicle being left at a location (consent can be recorded through audio/video equipment).

V. WRECKER SERVICE AUTHORIZATION

When an officer has determined that a vehicle shall be towed in accordance with this directive, then they shall notify the dispatcher that an incident management rotation wrecker is needed. All incident management tows shall be documented in the CAD record.

In the event no wreckers respond to the request after the specified time by city ordinance, the officer may request the dispatcher to contact the next rotation wrecker.

If the officer determines that the estimated time of arrival is too lengthy for the conditions that exist, the officer may instruct the dispatcher to contact the next rotation wrecker and notify the original wrecker service that they have been disregarded.

Prior to release of the wrecker from the scene of an incident management tow, officers should ensure the scene is properly cleaned up consistent with City ordinance.

VI. TOWING PROCEDURES

The following guidelines should be followed when towing vehicles:

1. **REGISTRATION AND STOLEN/WANTED CHECK** – An officer shall attempt to complete a registration and stolen/wanted check on the vehicle prior to the officer's inventory or the wrecker driver handling the vehicle.
2. **ENFORCEMENT** – For incident management tows pursuant to a parking violation, an officer shall issue a warning or citation to the registered owner of the vehicle concerning the parking violation.
3. **TOW DOCUMENTATION** – An officer shall complete an inspection and inventory on all arrests where the vehicle is towed, or any tow where the owner or operator is not present or is incapacitated. Inspection and inventory may be documented through tow slip or body camera recording narrated by the officer regarding the contents and condition.

- a. An officer documenting an inspection and inventory by body camera recording shall tag the video with any relevant incident number and shall ensure the video is categorized as TRAFFIC, OCA-Misdemeanor, or OCA-Felony, as applicable.
- b. Any property removed for evidence, safekeeping, or released to third party shall be properly noted in offense or CAD documentation.
- c. An exception to the preceding is when an officer is towing an abandoned or disabled vehicle that is locked; officers shall not enter said vehicle without the owner or operator's consent except as authorized by current law. The thoroughness of the inventory on vehicles towed may also be limited due to the potential destruction of evidence under some circumstances.

VII. INVENTORY AND INSPECTION

PURPOSE OF INVENTORY AND INSPECTION – Inventory and inspection of towed vehicles will assist in the protection of loss or damage of a citizen's property. Review of the vehicle will assist in protecting the officer and Department against false claims of neglect or loss of property. An inspection and inventory may protect the officer and public from injury or damaged property due to hazardous or explosive materials.

INSPECTION – An officer shall complete an inspection for apparent damage and missing vehicle parts on all vehicles pursuant to tow. Observed damage and missing vehicle parts shall be verbally stated during the inspection to be captured through the body camera or recorded on the tow slip.

INVENTORY GUIDELINES – An officer shall conduct an inventory of items of apparent value. Items of apparent value should be clearly captured on body camera recording, or otherwise documented. The inventory shall include all contents of the vehicle including the items contained in a glove box, console, trunk, and any compartment or container that the vehicle possesses. Officers are not required to check the contents of containers that are readily identifiable such as an unopened soft drink, spray paint can, etc. If an officer has reason to believe that a container possesses hazardous or explosive materials, the officer shall not open the container, but rather take appropriate precautions to ensure the safety of themselves and the public.

If a glove box, console, trunk, or any compartment or container is locked, the officer shall attempt to cause it to be unlocked to complete the inventory if a means is available (i.e., a key, etc.) without causing any damage to said compartment or container.

If an officer locates evidence or contraband during the inventory process, said officer shall seize the property and conduct an investigation. Any seized property, evidence, or contraband shall be documented in compliance with established property and evidence procedures.