Cocoa Beach Police Department Standard Operating Procedure



Effective Date:	Rescinds:	Number:
October 27, 2020	Amends: January 25, 2017	200.48
Subject:		Re-evaluation Date:
Vehicle Recovery and Towing Pro	ocedures	
Distribution:	Related Standards:	
ALL PERSONNEL	18.13M	
This order consists of the following	numbered sections:	

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- 1. Purpose
- 2. Scope
- 3. Policy
- 4. Definitions
- 5. Procedures
- 6. References

1. PURPOSE

To establish procedure when removal and impounding of vehicles is authorized, the procedure for impoundment, inventory and alternatives to impoundment, and procedure to notify owners of impounded abandoned vehicles.

2. SCOPE

- This policy applies to all members of the Cocoa Beach Police Department.
- 3. POLICY

It is the policy of the Department to ensure that vehicles are towed and removed or impounded in accordance with applicable laws and provisions of this procedure.

4. **DEFINITIONS**

- A. ABANDONED VEHICLE Any vehicle which does not have an identifiable owner and which has been disposed of on public property in a wrecked, inoperative, or partially dismantled condition or which has no intrinsic value to the rightful owner.
- B. OWNER Registered owner of the vehicle.
- C. BOLO A broadcast over all primary talk groups or FCIC/NCIC advising field personnel to be on the lookout for described persons, objects or events.
- D. NCIC National Crime Information Center
- E. FCIC Florida Crime Information Center

5. PROCEDURES

- A. Recovered Stolen Vehicles (no arrest made)
 - When a stolen vehicle is reported within City limits and recovered within the City limits of Cocoa Beach, police personnel will respond and:
 - Examine the recovered vehicle for latent prints and photograph and seize any and all items of a. physical evidence. The exterior and interior of the vehicle will also be photographed and any damage will be noted in the officer's report. If the existing conditions are not conducive to processing (i.e., inclement weather), the vehicle may be towed to the police department impound lot or secure bay until such time processing can be done either by the reporting officer or the Criminal Investigations Division.
 - b. If the vehicle owner cannot be contacted, refuses, or is unable to respond, the vehicle will be impounded and towed by the reporting officer pursuant to this policy.
 - Complete an incident or supplemental report documenting the recovery of the vehicle and ensure c. that the vehicle is cleared or cancelled from the FCIC/NCIC and the BOLO is cancelled, prior to case closure. The officer/detective will note the removal of the vehicle from FCIC/NCIC in the report narrative and attach teletype copies of removal verification.
 - 2. When a vehicle is reported stolen within the City limits and recovered outside the City limits, an officer will be assigned to complete a supplemental report, notify the owner, and make arrangements for return of the vehicle to the owner. If the vehicle is recovered within Brevard County and staffing

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permits an officer or detective will respond to process the vehicle. If a response is not possible or practical, the agency having jurisdiction in which it was recovered should be requested to process the vehicle and may tow the vehicle or release the vehicle to the owner. The officer/detective assigned will document the circumstances of the recovery and note where the vehicle is located or being taken and its general condition. The incident report number of the recovering agency and the names of any personnel involved along with the respective actions taken by them will be documented. Communications personnel will clear the recovered vehicle from FCIC/NCIC and cancel the BOLO. The officer/detective will note the removal of the vehicle from FCIC/NCIC in the report narrative and attach teletype copies of removal verification.

- B. Forms and Notifications
 - 1. When a vehicle is towed, impounded, and/or recovered within the City limits, the officer will complete a Vehicle/Property Report (Appendix A) and arrange for either the vehicle owner or a towing service to respond to the scene and take charge of the vehicle. A copy of the Vehicle/Property Report will be provided to the Records Division and to either the towing service driver or vehicle owner upon receipt. 2.
 - The Vehicle/Property Report and or the Incident Report will include the following information:
 - a. Time (CFA 18.13MA)
 - b. Date (CFA 18.13MB)
 - c. Location the vehicle was towed from (CFA 18.13MC)
 - d. Requesting member (CFA 18.13MD)
 - e. Reason for removal or tow (CFA 18.13ME)
 - f. Towing service name (CFA 18.13MF)
 - g. Location the vehicle was towed to (CFA 18.13MG)
 - h. Notification (or attempts) to the registered owner (CFA 18.13MH)
 - i. Inventory of vehicle contents (CFA 18.13MI)
 - Placement and removal of holds (CFA 18.13MJ) j.
 - 3. If the vehicle owner responds to take possession of the vehicle, a *Returned Property Affidavit* (Appendix B) will be obtained prior to release.
 - 4. Whenever the vehicle owner is not notified, or does not respond to the scene to take custody of the vehicle, a Vehicle Impound Notification (Appendix C) letter will be prepared by the assigned officer in accordance with Section 26.2 of the Cocoa Beach City Code and submitted to the Records Division along with the Vehicle/Property Report and Incident Report. The Records Division will mail the letter to the owner by Certified Mail Return Receipt requested and maintain documentation verifying this action was taken and who completed it. (CFA 18.13MH)
 - The officer will request the Communications Center make the appropriate notifications, clearance or 5. cancel of a record in FCIC/NCIC and cancellation of any BOLO teletypes associated with the recovery, towing, and/or impounding of stolen or recovered vehicles. Verification of these actions will be listed by the officer in the report narrative and appropriate copies of teletypes attached to the report. (CFA 18.13MK)
 - 6. When the original case was initiated by any other law enforcement agency, the officer will request that the Communications Center notify that agency by teletype of the recovery. The responsibility for removal is with the original reporting agency. (CFA 18.13MK) Documentation verifying this notice and acknowledgement will be noted in the report narrative and verifying teletypes attached to the officer's report.
- C. Disposition of Property Found in Recovered Stolen Vehicle
 - 1. Whenever evidence is located with a recovered stolen vehicle, the officer will handle this as they would any other evidence, by photographing, preparing a Property Receipt (Appendix D), completing the Property/Evidence Log and placing the evidence in the designated secure evidence storage area. The recovery and storage of the evidence will be noted on the incident or supplemental report.
 - 2. Vehicle License Tags
 - a. Tags that are not assigned to the recovered vehicle and are not reported stolen will be removed and placed in evidence.
 - b. Tags that are not assigned to the recovered vehicle and are reported stolen will be placed in evidence. If they are reported by another department, the officer will prepare a separate incident report for the recovery. The officer will request that the Communications Center notify that agency by teletype of the recovery. The reporting Department is responsible for the removal of the entry in FCIC/NCIC. Documentation verifying this notice and acknowledgement will be noted in the report narrative and verifying teletypes attached to the officer's report.
 - Tags that are not assigned to the recovered vehicle and are reported stolen by this Department will c. be placed in evidence. The officer will prepare a supplemental report to the case related to the stolen

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tag and make the appropriate notifications. The Communications Center will remove the tag entry from FCIC/NCIC. Verification of these actions will be listed by the officer in the report narrative and appropriate copies of teletypes attached to the report.

- D. Authority to Tow Vehicles (Cocoa Beach City Code, Section 26.1 in part) Vehicles may be towed under the following circumstances:
 - 1. When any vehicle is left upon any bridge, causeway, or viaduct, where such vehicle constitutes an obstruction to traffic.
 - 2. When a vehicle upon a street is so disabled as to constitute an obstruction to traffic, or the person or persons in charge of the vehicle are by reason of physical injury incapacitated to such an extent as to be unable to provide for its safeguard, custody, and removal. This includes traffic crash reports where persons are incapacitated.
 - 3. When a vehicle is found being operated upon the streets and is not in proper condition. This condition must present an immediate hazard to the safety of other motorists or pedestrians.
 - 4. When any 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.
 - 5. When any vehicle is left unattended upon a city street or right-of-way continuously for more than twentyfour (24) hours and may be presumed abandoned. The officer will attempt to contact the owner of the vehicle to have it removed. The officer will complete and place an orange "Tow Sticker" (Appendix E) conspicuously on the vehicle noting the date/time and case number for the incident. After 24 hours have passed since the vehicle was tagged, the officer will make another attempt to contact the owner to remove the vehicle before towing. If the owner cannot be contacted, the officer will have the vehicle removed by a towing service. All actions will be documented on applicable departmental forms.
 - 6. When the driver of such vehicle is taken into custody by the police department and such vehicle would thereby be left unattended and all reasonable efforts to provide the vehicle driver with alternatives to impoundment have been unsuccessful or impractical due to time or staffing constraint.
 - 7. When removal is necessary in the interest of public safety because of fire, flood, storm, or other emergency.
 - 8. When a vehicle is parked/abandoned on private property, the telecommunications officer will:
 - a. Determine that the location is private property
 - b. Verify that the vehicle has not been reported as stolen or wanted
 - c. If the vehicle is not wanted by any law enforcement department, the telecommunications officer should inform the owner/agent that he/she may have the vehicle towed by a tow company of their choosing and the owner of the vehicle is responsible for any expenses incurred.
 - d. If the vehicle is reported as stolen or wanted, the telecommunications officer will follow the Cocoa Beach Call Taker Guidelines for Stolen Vehicle.
 - e. If the caller is insistent on making contact with an officer, the officer will:
 - 1) Respond to the location and determine that the location is private property and make contact with the owner/agent of the property.
 - 2) The officer should inform the owner/agent that he/she may have the vehicle towed by a tow company of their choosing and the owner of the vehicle is responsible for any expenses incurred.
 - f. Abandoned vehicles are not entered into FCIC (CFA 18.13MK)
 - 9. When a vehicle is abandoned on public property, the officer will comply with all provisions set forth in Florida State Statute 705.103 before towing and after verifying the following:
 - a. The vehicle is not reported stolen or wanted
 - b. There is no BOLO for the vehicle
 - c. Abandoned vehicles are not entered into FCIC
 - 10. Towing vehicles for evidence and/or forfeiture
 - a. The On-Duty Shift Supervisor will be notified and consulted prior to impoundment
 - b. When a vehicle is towed for forfeiture refer to SOP 299.10 Forfeitures.
 - c. When a vehicle is towed for evidentiary reasons or evidentiary processing reasons, the officer will notify the On-Duty Shift Supervisor, prepare the appropriate reports, and have vehicle removed to a secure City owned or Department approved facility for processing and storage unless directed otherwise by the On-Duty Shift Supervisor. The On-Duty Shift Supervisor will notify the Records and Evidence Supervisor. If the owner cannot be contacted when the vehicle is ready for release, the procedure set forth above will be followed.
 - d. Records Division personnel will be ultimately responsible for tracking vehicle impounds and ensuring owner notifications have been complied with and documented investigating personnel.

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- 11. Towing vehicle for violations of F.S. 322.34 (8) (b) involving habitual traffic offenders
 - a. The officer making an arrest and impounding the vehicle will prepare a Vehicle/Property Report. All pertinent facts and circumstances will be included in the narrative portion of the report. The towing service company must, by law, notify the registered owner with seven (7) business days by Certified Mail – Return Receipt requested.
 - b. Whenever the driver arrested is not the owner of the vehicle, a decision to tow the vehicle will be made after reasonable effort has been made to notify the owner in person or by phone to retrieve the vehicle. All actions taken will be noted in the narrative portion of the report.
 - c. The towing service operator will be notified that the vehicle will not be released to the owner without proper identification. This information will be written on the tow sheet.
 - d. The responsibility for the date and time of the release are the towing service companies, based upon their hours of operations for such transactions. The Police Officer will not interfere with the normal business transaction of the towing service company unless there is a need for the immediate release of the vehicle.
 - e. The criteria for towing a vehicle for suspended driver's license: (Habitual Traffic Offender)
 - 1) Upon the arrest of a person for the offense of driving while the person's driver's license or driving privilege is suspended or revoked, the arresting officer will determine that the requirements set forth in Florida State Statute 322.34 (8)(a) are met.
 - 2) If the arresting officer finds in the affirmative as to all of the criteria set forth in 322.34 (8) (a), then the officer is authorized to immediately impound or immobilize the vehicle. The impounding officer will document all actions and continue to coordinate with the Records Division to ensure that provisions of Florida State Statute 322.34 are complied with.
 - 3) Consideration should be made to determine if the vehicle is subject to seizure pursuant to \$932.703 Florida Contraband Forfeiture Act.
- 12. A hold on a towed and impounded vehicle may be placed after receiving the approval of the On-Duty Shift Supervisor. Reason for the hold will be entered on the towing portion of the Vehicle/Property Report. The hold release must be authorized by the On-Duty Shift Supervisor that originally granted its approval unless exigent circumstances exist. A hold release will be documented on a supplemental narrative outlining the circumstances.
- 13. All vehicles towed will be entered into the Computer Aided Dispatch (CAD) system and the Vehicle Tow Log maintained by the Communications Center.
- E. Inventory Search of Vehicle
 - 1. All vehicles impounded or seized by the Cocoa Beach Police Department must be searched and inventoried. Inventory searches are conducted to preserve an accurate description of all items located within the vehicle. Whenever practical the property will remain with the vehicle. Any weapons or contraband will be seized and placed into evidence. Items such as firearms, money, expensive jewelry, etc., will be placed in evidence for safekeeping. These items will be noted on a *Property Receipt* and logged in. In the case of an arrest, a copy of the *Vehicle/Property Report* and *Property Receipt* (if applicable) will be given to the arrestee. A copy of the *Vehicle/Property Report* and *Property Receipt* (if applicable) will become an enclosure in the investigative report.
 - 2. Whenever possible, inventory searches will be conducted prior to the vehicle being removed from the scene. In the event that an inventory is not possible at the scene, the inventory search will be conducted immediately upon delivery of the vehicle to the impound location.
- F. Wrecker Files and Wrecker Logs:
 - The Department shall maintain wrecker files and logs within the Records Division. There shall be an individual wrecker services file kept on all approved wrecker operators contracted with the City. The Major or designee shall be responsible for an <u>initial inspection</u>, and <u>contract renewal inspection</u>, of a City contracted wrecker service's wrecker(s), equipment, and facility(ies). Each wrecker file shall include, but not be limited to, the following information:
 - a. Current contract between the wrecker service and the City
 - b. Current insurance required by the City per Contract
 - c. Wrecker inspection form(s):
 - 1) HSMV 60314 Wrecker Driver Information Form (Appendix F)
 - 2) HSMV 60316 Place of Business/Storage Facility Inspection Form (Appendix G)
 - 3) HSMV 60305 Roll-Back or Slide-Back Carrier Inspection Form (Appendix H)
 - 4) HSMV 60308 Class A Wrecker Inspection Form (if applicable) (Appendix I)
 - 5) HSMV 60307 Class B Wrecker Inspection Form (if applicable) (Appendix J)

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6. APPENDICES

- A. Vehicle/Property Report
- B. Returned Property Affidavit
- C. Vehicle Impound Notification
- D. Property Receipt
- E. Tow Sticker
- F. HSMV 60314 Wrecker Driver Information Form https://powerdms.com/link/COCOAB/document/?id=2166662
- G. HSMV 60316 Place of Business/Storage Facility Inspection Form https://powerdms.com/link/COCOAB/document/?id=2166640
- H. HSMV 60305 Roll-Back or Slide-Back Carrier Inspection Form https://powerdms.com/link/COCOAB/document/?id=2166645
- I. HSMV 60308 Class A Wrecker Inspection Form (if applicable)<u>https://powerdms.com/link/COCOAB/document/?id=2166628</u>
- J. HSMV 60307 Class B Wrecker Inspection Form (if applicable)<u>https://powerdms.com/link/COCOAB/document/?id=2166654</u>
- K. HSMV 60306 Class C Wrecker Inspection Form (if applicable)<u>https://powerdms.com/link/COCOAB/document/?id=2166658</u>

7. **REFERENCES**

- City of Cocoa Beach (2016). City Code 26.1 Authority to Impound. Retrieved January 10, 2017from: <u>https://www.municode.com/library/fl/cocoa beach/codes/code of ordinances?nodeId=PTIICOOR CH26T</u> <u>R_ARTIINGE_S26-1AUIM</u>
- Florida Senate (2017). Florida Statute 322.34 Driving while license suspended, revoked, canceled, or disqualified. Retrieved March 21, 2018 from: <u>https://www.flsenate.gov/Laws/Statutes/2017/322.34</u>
- Florida Senate (2017). Florida Statute 705.103 Procedure for abandoned or lost property. Retrieved March 21, 2018 from: <u>https://www.flsenate.gov/Laws/Statutes/2017/705.103</u>

Date: 10/27/20

Scott Rosenfeld Chief of Police Cocoa Beach Police Department

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Appendix A

Cocoa Beach Police Department SOP 200.48: Vehicle Towing and Impound Page 6 of 10

Affidavit of Return Property FSS. 90.91

Written description:	
Name of property owner:	
Location where property taken:	
Name of investigating LEO:	
Date of photo taken:	
Name of the photographer:	
Signature of photographer:	· · · · · · · · · · · · · · · · · · ·

Sworn to and subscribed before me, the Undersigned Authority, this ______day of ______, 20_____.

Law Enforcement Officer, Sec. 943.10 F.S., In performance of Official Duties or Netary Public

Appendix B

Cocoa Beach Police Department SOP 200.48: Vehicle Towing and Impound Page 7 of 10

CODA BEACK	City of Cocc	EPARTM a Beach, Flo		
P.O. Box 322430 20 South Orlando Avenue COCOA BEACH, FL 32932-2	2430		FAX	(321) 868-3271 (321) 868-3205 cocoabeach.com
	VEHICLE IMPO	OUND NOTIFICAT	TION	
Date://_				
CR	_			
Name of Owner:				
Street Address:				
City/State:			Zipcode:	
Dear		an forward and in		
Section 26-1 and 26	ribed vehicle has be 3-2 of the City Code o	f Cocoa Beach, Fl	pounded in accorda orida:	ance with
Year/Mał	(e	/Model	/Туре	
Color/Tag		/State		
Vehicle Identification	n Number			
Date and Time Tow	ed//; _	: Hours		
Address Towed From	m			
Address Towed To				

Signature/ID# of Towing/Impounding Officer

cc: Case File

Revieed May 2011

Appendix C

Cocoa Beach Police Department SOP 200.48: Vehicle Towing and Impound Page 8 of 10

20 SO. ORLANDO AVE. COCOA BEACH, FLA.

PROPERTY RECEIPT

										_	
CR NO.		IO BE L		YED			ENCE S	TOLEN - RE	COVERED	CI	VIL CITATION
ADDRE	SS WHERE PROF	PERTY IMP	POUNDED	(Give exa	act location where pr	operty was	located).				
DISCOVERED BY (Name) ADDRESS (City, State, Zip Code) PHONE NO.							E NO.				
OWNER'S NAME ADDRESS (City, State, Zip Code) PHONE NO.							E NO.				
ITEM NO.	QUANTITY					DESCRI	PTION				LOCATION STORED
						_					
					· · · · · · · · · · · · · · · · · · ·						
I he from m	ereby acknowled y possession a	ge that th Ind that I	e above lis have rece	t represe eived a o	ents all property take copy of this receip	n t.	I hereby ack by me in the offici	nowledge that t ial performance	he above list repre- of duty as a Coco	sents all j a Beach	property impounded Police Officer.
							I.D. NO				
	TURE (X)						IMPOUNDING	OFFICER ()	<)		
RECEN	VED BY						REASON		DATE AND TIME	RECEIVE	 D
RECEI	VED BY						REASON		DATE AND TIME	RECEIVE	D
RECEIN	/ED BY						REASON		DATE AND TIME	RECEIVE	D
RECEIN	/ED BY						REASON		DATE AND TIME	RECEIVED	<u> </u>

PROPERTY RETURNED TO OWNER BY APPOINTMENT ONLY

REMAIN WITH EVIDENCE CUSTODIAN

Appedix D

Cocoa Beach Police Department SOP 200.48: Vehicle Towing and Impound Page 9 of 10 -

QUIC VIC
WARNING: This vehicle will be towed in accordance with ORDINANCE #
CR #OFFICER DATE:TIME DFFICER COCOA BEACH POLICE DEPT.
FOR INFORMATION CALL: 868-3251 or 868-3260

Appendix E

Cocoa Beach Police Department SOP 200.48: Vehicle Towing and Impound Page 10 of 10