

COLUMBIA POLICE DEPARTMENT

Policy and Procedure Manual

VEHICLE TOWING AND RELEASE

Approved By: Kenneth Burton Chief of Police

CALEA 6th Edition Standard: 61.4.3

510 VEHICLE TOWING AND RELEASE

510.1 PURPOSE AND SCOPE

This policy provides specific procedures for the towing and removal of vehicles and provides specific circumstances under which vehicles may be towed to include the following:

- a. Handling of abandoned motor vehicles;
- b. Removal and towing of vehicles from public and private property;
- c. Procedures for removing/towing city owned vehicles and privately owned vehicles for Department purposes.
- d. Maintaining records of all vehicles removed, stored or towed.

510.2 POLICY

It is the policy of the Columbia Police Department to tow or remove vehicles from roadways, and public, and/or private property pursuant to applicable City of Columbia Ordinance (Sec. 14-546 and 14-549) and State law (§ 304.155, RSMo; § 304.157, RSMo; § 304.158, RSMo; § 577.080 RSMo). The following are common conditions requiring the removal or towing of vehicles:

- Vehicles blocking traffic or are a safety hazard;
- Criminal violations/investigations/evidence;
- Traffic violations;
- Vehicle crashes;
- Abandoned vehicle;
- Parking in marked tow-away zones or handicap space.
- Vehicles blocking access to fire hydrants, dumpsters or other utilities.

510.3 DEFINITIONS

Contract Wrecker Light Tow – The private tow company that has a contract with the City of Columbia to tow all vehicles considered passenger cars or light trucks and are owned by the city or for the purposes of city business.

Contract Wrecker Heavy Tow – The private tow company that has a contract with the City of Columbia to tow all vehicles which are larger than your typical passenger vehicle or light duty truck and are owned by the city or for the purposes of city business.

Tow sheet - Missouri Department of Revenue Motor Vehicle Division “Crime Inquiry and Inspection Report/Authorization Form” (Form 4569) or the Columbia Police Department RMS electronic equivalent to

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be used and completed any time a member of this department requests the towing of a vehicle and the following conditions exist:

- Vehicle removed from public roadway and vehicle owner/responsible party is not present or aware of the tow.
- Vehicle towed for department purposes such as ongoing investigative hold and /or is considered evidence required for prosecution.

Wrecker of the Week – A private tow company that has an agreement with the city to be on a rotation list for police tows that are not for city related business and is at the top of this list.

510.4 RESPONSIBILITIES

Towing decisions will be based on location of the vehicle, circumstances at hand, and applicable City Ordinance, state law, and procedures contained in this directive. The following are common responsibilities associated with the authorization or arrangement of a vehicle tow by members of this department.

510.4.1 COMPLETION OF CRIME INQUIRY AND INSPECTION REPORT/AUTHORIZATION FORM (TOW SHEET)

Department members requesting towing of a vehicle for applicable circumstances shall complete a tow sheet that includes written authorization pursuant to § 304.155.3, RSMo for the tow truck operator to possess the vehicle and a description of property within the vehicle. A copy is to be given to the tow truck operator or sent electronically to the tow company in a timely manner. The original is to be submitted or made available electronically to Information Center personnel or the Station Master as soon as practicable, but no later than the end of the officer's shift.

Tow Sheet information shall be promptly entered into the records management system in use at the time so that the information is retrievable should inquiries be made.

510.4.2 ACCEPTANCE OF ABANDONED PROPERTY REPORT FORM

Department members shall accept Abandoned Property Reports, form 4669, from a towing company that has removed a vehicle from private property (§ 304.157.7, RSMo). The report shall be signed by a Department member and a copy provided to the towing company.

Department members receiving an Abandoned Property Report shall search the records of the Department of Revenue and provide the towing company with the latest owner and lien holder information (§ 304.157.8, RSMo).

510.5 PROCEDURE FOR HANDLING ABANDONED VEHICLES

In the case of abandoned or disabled vehicles, reasonable attempts should be made to contact the owner prior to towing unless the vehicle poses a hazard and requires immediate removal. The following procedures should be followed when handling abandoned or disabled vehicles:

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1. Locate the abandoned or disabled vehicle and determine if it is on private property or on a public roadway;
2. Run the registration and Vehicle Identification Number (VIN) to ensure the vehicle is not stolen and obtain owner information;
3. Look for signs of criminal activity or other indicators that may have lead to the vehicle being disabled or abandoned (e.g. bullet holes, missing or damaged parts);
4. Check the Columbia Police Department records system for possible owner contact information. Attempt to contact by phone if possible;
5. Check with Information Center personnel to confirm the owner has not reported issues with the vehicle;
6. If the vehicle is blocking traffic:
 - a. Employee may use discretion in issuing applicable citations
 - b. Request Boone County Joint Communications contact the Wrecker of the Week to tow the vehicle to their impound lot.
 - c. Complete an inventory of the vehicle, as complete as possible, and tow sheet. Provide the tow driver a copy of the tow sheet and submit the other copy to the station master for immediate entry into the auto-file system so the information is available should inquiries be made.
7. If the vehicle is not blocking traffic and does not pose a hazard:
 - a. Attach a 24 hour tow notice to the vehicle;
 - b. Mark a tire with chalk or pen in some manner so as to be able to determine if the vehicle has moved since it was marked.
 - c. Return after 24 hours has elapsed and determine if the vehicle has moved.
 - i. If the vehicle has moved, no further action is necessary;
 - ii. If the vehicle has not moved, issue necessary citation and contact wrecker of the week to have vehicle towed.
 - iii. Complete an inventory search of the vehicle, as complete as possible, and tow sheet. Provide the tow driver with a copy of the tow sheet and submit the other to the Station Master for immediate entry into the auto-file system so the information is available should inquiries be made.
8. If the vehicle is trespassing on private property:
 - a. Issue any necessary citations. It is always an option to use information from our records system and DOR in an attempt to contact the vehicle owner if no immediacy is involved.
 - b. Inform property owner/manager that they can contact a tow company of their choice and have the vehicle removed at the vehicle owners expense;
 - c. Request the property owner/manager contact the front desk/Station Master and provide information on the tow company used and the description of the vehicle.

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510.6 REMOVAL OF A VEHICLE DISABLED IN A TRAFFIC CRASH

When a vehicle has been involved in a traffic crash and must be removed from the scene, the officer shall ask the driver if he/she has a preferred towing company. If the driver has a preference, the tow request is to be done by the driver, if able, and not through Boone County Joint Communications. When there is no preferred tow company, the officer shall ask Boone County Joint Communications to send Wrecker of the Week on their behalf. The vehicle driver/person in charge of the vehicle will determine where the vehicle should be towed and arrange all details once the tow company arrives.

If the vehicle driver/person in charge of the vehicle is incapacitated and unable to indicate a preference in tow companies, the officer shall request Boone County Joint Communications send the Wrecker of the Week. The officer will then conduct an inventory of the vehicle contents and complete a tow sheet prior to the vehicle being towed. A copy of the tow sheet should be provided to the tow truck operator and the other copy turned in to Information Center Personnel or the Station Master as soon as practicable so the information is available should inquiries be made.

510.7 TOWING AT ARREST SCENES

Whenever a person in charge or in control of a vehicle on the roadway is arrested, provided the vehicle does not pose a hazard or is not needed for further investigation or evidence, the arrestee should be given the following choices concerning the safekeeping of the vehicle:

1. Tow the vehicle by a local wrecker service.
2. Secure the vehicle as much as possible.
3. Relinquish control to a reasonably available person.

Whenever a vehicle is located on private property and the person in charge or in control of a vehicle is arrested and no one to relinquish control is reasonably available, the property owner will be given the choice to allow the vehicle to remain on the property or have it removed. If the property owner wants the vehicle removed, it shall be towed regardless of the arrestee's request. The vehicle will be towed using wrecker of the week. The officer will conduct an inventory of the vehicle contents and complete a tow sheet prior to the vehicle being towed. A copy of the tow sheet should be provided to the tow truck operator and the other copy turned in to the Station Master as soon as practicable so the information is available should inquiries be made.

If the vehicle is needed for further investigation, evidence collection, or needs to be held for prosecution, it shall be towed regardless of the arrestee's request using the contract wrecker and procedure provided in section 510.8.

510.8 PROCEDURE TOWING VEHICLES FOR DEPARTMENT PURPOSES

This procedure is intended to establish the process for towing vehicles for Columbia Police Department purposes. These purposes may include but are not limited to, damaged/malfunctioning city owned vehicles, vehicles moved for investigations/evidence, and other approved purposes. These procedures follow the guidelines set forth in contracts established with the City of Columbia and specific private tow companies.

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510.8.1 REQUESTING A CONTRACT WRECKER

The appropriate tow company based on vehicle weight that currently has a contract with the City of Columbia should be contacted when wrecker services are required. Examples of such circumstances include but are not limited to:

- A city owned vehicle is damaged and no longer drivable
- A city owned vehicle requires roadside service such as changing a flat tire
- A vehicle is involved in a criminal offense (e.g. shooting, homicide etc.) and needs to be held for further investigation, evidence processing, or criminal prosecution.

Vehicles requiring evidence processing only, should only be towed if the processing would be extensive, specialized, and/or needs to be controlled/protected from environmental elements.

510.8.2 CONTRACT WRECKER EXCEPTIONS

There are instances where a police tow is necessary but Wrecker of the Week should be contacted instead of the Contract Wrecker. Such circumstances include but are not limited to:

- A non-city owned vehicle is not drivable and is blocking traffic
- A non-city owned vehicle that was stolen is located but the owner is unable to respond

510.9 DRIVING A NON-CITY VEHICLE

Vehicles that have been towed by or at the direction of the Department should not be driven by police personnel unless it is necessary to move a vehicle a short distance to eliminate a hazard, prevent the obstruction of a fire hydrant or to comply with parking regulations.

510.10 INFORMATION CENTER RESPONSIBILITY

Tow Sheets and Abandoned Property Reports shall be promptly filed so that they are immediately available for release or review should inquiries be made.

Information Center personnel should promptly enter pertinent data from a completed Tow Sheet or an Abandoned Property Report into the National Crime Information Center (NCIC) and Missouri Uniform Law Enforcement System (MULES) to determine if the vehicle has been reported stolen (§ 304.155.6, RSMo; § 304.157.7, RSMo). In addition, Information Center personnel should report the towing and related information to the Department of Revenue, Motor Vehicle Bureau.

Information Center personnel shall notify the registered owner and any lien holder of abandoned vehicles in writing within five working days after removal of the vehicle (§ 304.158.1, RSMo). The notice shall indicate the vehicle was towed, the grounds for the towing and the place where the vehicle is being stored.

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510.11 VEHICLE INVENTORY

All property in a vehicle towed at the request of a department employee, and not on behalf of the person in charge of the vehicle, shall be inventoried and listed on the Tow Sheet. This includes the trunk and any obvious compartments or containers, even if they are closed and/or locked. Members conducting inventory searches should be as thorough and accurate as practicable in preparing an itemized inventory. Conducting such an inventory shall only be for the intended purpose of protecting an owner's property while the owner is in police custody, to provide for the safety of officers and the public, and to protect the Department against fraudulent claims of lost, stolen or damaged property.

If the apparent potential for damage to a locked container reasonably appears to outweigh the protection of the items inside, other options to consider regarding locked containers include, but are not limited to:

- Obtaining access to the locked container from the owner,
- Placing the locked container into safekeeping,
- Obtaining a written waiver of responsibility for the contents of the locked container.

510.12 PRESERVATION OF EVIDENCE

An officer towing a vehicle who has probable cause to believe that the vehicle or its contents constitute any evidence which tends to show that a criminal offense has been committed, or tends to show that a particular person has committed a criminal offense, should ensure that all legally required and reasonably necessary efforts to preserve the evidence, including but not limited to, safe storage, are taken until the evidence is released to the owner or otherwise disposed of according to law.

510.13 SECURITY OF VEHICLES AND PROPERTY

If a search of a vehicle leaves the vehicle or any property contained therein vulnerable to unauthorized entry, theft or damage, then the personnel conducting the search shall take such steps as are reasonably necessary to secure and/or preserve the vehicle or property.