



Colorado Springs Police Department

General Order

1320 Towing and Impound Procedure

Section 1300 – Traffic Enforcement

Effective Date: 2/24/2025

Supersedes Date: 4/30/2021

.01 Purpose

The purpose of this directive is to assist officers in determining when a vehicle should be impounded, and to outline impound tow procedures.

.02 Cross Reference

[GO 1065 Motor Vehicle Thefts](#)

[GO 1206 Bomb Threats and Explosives Incidents](#)

[GO 1415 Evidence Office Procedures](#)

[GO 1620 Enhanced Tactical Communications System \(ETACS\)](#)

[DL-1400-07 Administrative Hold Vehicles](#)

.03 Discussion

A vehicle may be impounded if the vehicle is to be held as evidence and/or processed for evidence. Additionally, a vehicle may be impounded for other reasons not directly related to a criminal investigation. However, the purpose of vehicle impoundment *not related to a criminal investigation* (e.g., vehicles held for a search warrant, etc.), and the subsequent inventory search of impounded vehicles, is to protect against danger or loss, or false claims of loss.

The authority of police to act in a “community caretaking function” does not originate from the same sources as law enforcement’s authority to investigate criminal activity. Community caretaking is not concerned with potential criminal activity, but rather with minimizing the risk to public safety threatened by the vehicle. Where a subject who has not been arrested can mitigate these risks, government seizure of the vehicle is likely not reasonable.

.04 Policy

Colorado Springs Police Department (CSPD) personnel must comply with this policy in addition to city code requirements.

The city of Colorado Springs contracts with a towing vendor or vendors to tow impounded vehicles. The contract tow vendor(s) will be used to impound vehicles unless there are exceptional circumstances where personnel have been directed otherwise by the Impound/Evidence Manager (or chain of command).

Impounding vehicles will not to be used for punitive reasons, minor infractions or for the sole purpose of conducting an inventory search. Impounding a vehicle for these reasons is contrary to the purpose of this policy.

.05 Definitions

Rotational Tow: An approved list of eligible tow contractors maintained by the communications center to conduct tows where the vehicle owner is on the scene and able to enter into an agreement with the tow contractor. These tows are not impounded and are not considered PD tows.

Impound Tow: A tow coordinated through the PD communications center with a contracted tow company (or companies) authorized to impound vehicles at the direction of the City/CSPD.

.10 Legal Requirements

CRS and Colorado Springs municipal code outline circumstances in which an officer may impound a vehicle. The Colorado Public Utilities Commission (PUC) is the state regulatory agency governing towing companies and operations:

- City Code § 10.25.101: Authority to Impound Vehicles
- City Code § 10.25.105: Impounded Vehicle; Post Tow Hearing
- City Code § 10.29.101-10.29.115: Motor Vehicles and Traffic; Vehicular Public Nuisance
- CRS § 42-4-241: Unlawful Removal of Tow-Truck Signage - Unlawful Usage of Tow-Truck Signage
- Public Utilities Commission (PUC) for Tow Vendor Concerns/Complaints

.15 Legal Impound Considerations

As with any investigation, officer articulation and proper documentation are critical. Officers should always document the facts and circumstances surrounding an inventory search and impoundment in the format appropriate for the situation (e.g., case report, traffic crash report, call screen notes, etc.).

There are many situations that may lead to the legal impoundment of a vehicle which require ensuring the safety of items inside the vehicle, reducing the liability of claims of missing items, and protecting against potential hazards. Any vehicle being towed for the purpose of impoundment and storage under the Police Impound Contract, whether to the impound facility/bays or tow contractor storage facility, is subject to an inventory search of the vehicle for the safety and security of citizens, department personnel and ultimately the vehicle owner.

The following covers the most common considerations for what constitutes a legal vehicle impoundment, including the ‘community caretaking function’ justifications. Personnel should refer to the most current Constitutional Training regarding legal vehicle searches for more information and should consult with their chain of command or impound/evidence chain of command with any additional questions.

Community Caretaking Function

Facts that could be articulated to justify a vehicle inventory search and impoundment under the ‘community caretaking function’ include but are not limited to:

- The vehicle cannot be safely left in its location because it is impeding traffic, inoperable, etc., and it cannot be moved by a person on-scene (including department personnel with owner/driver consent) or who can reasonably be called to the location to move the vehicle, so long as these individuals are licensed, have authority to move the vehicle and the vehicle is registered and insured.
- The vehicle is a threat to public safety and the officer can articulate the threat and need to impound the vehicle (e.g., unsafe motor vehicle).
- The vehicle is abandoned on a public roadway and cannot be safely left in its location because it is impeding traffic, inoperable, etc.
- The vehicle is involved in a traffic accident, the driver/owner/occupants have been transported away from the vehicle (e.g., hospital), and there is no timely ability to have an owner/driver consent to the movement of the vehicle.

Evidentiary

- When a vehicle is to be impounded and held for evidence, an inventory search may be conducted, regardless of custodial status or community caretaking function considerations. When a vehicle is impounded for evidence, the vehicle will be placed on an *admin hold* (to be processed and/or reviewed for evidentiary value). See .35 Administrative Holds and Evidence.

Non-Custodial Detention (served and released at the scene)

If it is a non-custodial detention situation (i.e. served and released at the scene), Officers will **not** make a custodial arrest for the sole purpose of justifying an inventory search and vehicle

impoundment. The impoundment and inventory search of a vehicle whose driver is subjected to a non-custodial detention (not subjected to custodial arrest) may be considered unlawful by the courts, unless the officer is able to articulate facts under the ‘community caretaking function’ that justify an inventory search and impoundment. If the vehicle is not evidentiary, personnel may only impound when the circumstances meet a ‘community caretaking function’.

An owner/driver of a vehicle will not be deprived of custody and control of the vehicle when they are merely served and released at the scene, even if the offense is for driving under suspension or without a valid license.

Custodial Arrest

The custodial arrest of the owner/driver of a vehicle does not always mean an inventory search and impoundment of the vehicle is appropriate.

When officers are considering an inventory search and vehicle impoundment (not for evidence) in a custodial arrest situation, they may do so only when the vehicle is a public safety threat (e.g., on a roadway and impeding traffic). Options for officers in these situations are different from the options afforded in a non-custodial detention situation. This is due to custodial procedure time constraints.

The following options do not unnecessarily delay common and acceptable custodial procedures (e.g., booking into jail, transport for DUI processing, etc.). An owner/driver who is arrested will be offered the following options unless the owner/driver is not competent to make a rational and timely decision.

- Properly parking and, if possible, locking the vehicle by department personnel with owner/driver consent. As this is an option the person may accept or refuse, the department will not assume liability for the vehicle or its contents.
- Releasing the vehicle to another appropriate person who is on scene with owner/driver consent. If this option is chosen, the officer will ensure the person to whom the vehicle is released is a licensed and unimpaired driver, and the vehicle is properly registered and insured.

If neither of these two options is viable, and the vehicle is a public safety threat (e.g., on a roadway and impeding traffic), the vehicle may be inventoried and impounded.

Owner/Operator Request

Tows facilitated by the department to promptly clear a crash scene when the owner is **on scene** fall under the rotational tow contract. There is no police interest in the vehicle for these types of

tows. No Car Card or EoQ entry will be done for these vehicles. Typically, a rotation tow is called when the owner/operator does not have a choice tow company, and these vehicles will be towed to the contractor's storage lot. CSPD personnel will not conduct a search of the vehicle without consent or probable cause.

Additional information about rotational tows is detailed in [DL-1320-01 Rotational Tows](#).

.20 Vehicular Public Nuisance Ordinance (VPNO) Seizure

Seizure of a vehicle pursuant to city Ordinance 10.29.101 – 10.29.115 (Vehicular Public Nuisance Ordinance) will only be as directed by a municipal judge's TRO to seize. Vehicles impounded for this reason do not fall under the same notification requirements or post-tow hearing process as vehicles impounded for other reasons outlined in this directive.

Please refer citizens to the court or the impound facility for questions about a vehicle impounded as a Public Nuisance Seizure.

When impounding for this reason, follow the steps below in addition to all normal vehicle impound procedures:

- Clearly indicate on the car card the vehicle is being impounded as a "VPNO" and place a red "VPNO" tag on the rearview mirror (or on the dash if no mirror).
 - This ensures the vehicle is held for the appropriate time frame and the correct notifications are made pursuant to the ordinance.
 - If this is not properly documented, the vehicle may be inadvertently sold or released in violation of the court's hold order.
- Once the vehicle is inventoried as outlined below, the vehicle shall be properly secured/locked and the keys will accompany the car card to the impound office (not left in the vehicle or submitted to evidence).
- Officers should not provide citizens with an estimate for the holding time or fees, as this is determined by the courts.

Impoundment Procedures

When a vehicle is impounded, impounding personnel will:

- Complete an Impounded Vehicle Report (Car Card) in its entirety and include it with vehicles towed to the Impound Facility, vehicle bays, and/or tow contractor storage lot. All reports are subject to subpoena.

- Complete a thorough inventory search of the vehicle, for the protection of valuables in the vehicle and for the protection of the public and department personnel from potentially dangerous contents. Items located will be inventoried on the back of the Car Card.
 - If access to the trunk is available from use of the trunk key or through any other means which do not require significant time or causing damage; such as an electronic latch or folding seat, the contents of the trunk will be searched and inventoried.
 - Remove all items of discernible, substantial value, as well as suspected narcotics and weapons from the vehicle and enter them into personal property or evidence including entry into EoQ. See [GO 1415 Evidence Office Procedures](#).
 - Locked containers will be searched and inventoried if they may be opened without requiring significant time or causing damage. Otherwise, locking containers will be secured inside a locking trunk if possible. If not possible (such as with an SUV that does not have a “trunk compartment”), the locking container will be removed and placed as property (or evidence if evidentiary). It is assumed a locking container holds valuable items, and therefore must be treated as other valuable items.
 - Ensure items from the vehicle are not left on the lot. In the event items cannot be secured inside the vehicle, such as items of clothing and/or personal belongings collected from the owner of a motorcycle, those items must be properly packaged and submitted for safekeeping to the EU as property or evidence and require entry into EoQ. These items will not be given to the tow driver to transport to the Impound Facility. They will be taken by impounding personnel and securely locked in a locker at a division temporary evidence room, or the impound facility (during business hours) as with all other personal property items.
 - If an officer has reason to believe a vehicle, or anything inside could contain hazardous materials, the procedures in section .30 of this policy will be followed. Personnel will remain alert to potential hazards of suspicious containers.
- Clearly indicate potential hazards/biohazards such as blood/fluids on the front of the Car Card.
- Complete the "Vehicle Condition" portion on the back of the Car Card to document any visible damages and the overall general condition of the vehicle at the time of impoundment. Document all noticeable missing vehicle items (e.g., stereo system, steering wheel, tires, windows, etc.).

- The ignition key of the impounded vehicle should accompany the vehicle to the storage location and will not be left inside the vehicle.
- If the vehicle is being held as *admin hold*, the officer will enter the vehicle into EoQ in addition to completing the Car Card. Refer to [GO 1410 Administrative Hold Vehicles](#) for further information regarding administrative hold and evidentiary vehicles.
- Items recovered which do not belong to the vehicle owner (typically items recovered in a motor vehicle theft recovery) will be handled per other agency directives.

.25 Motor Vehicle Theft Vehicle Impoundments

When a stolen vehicle is recovered, responding personnel will handle as outlined in [GO 1065 Motor Vehicle Thefts](#).

.30 Explosives and Hazardous Material Considerations

When personnel have reasonable suspicion that a vehicle being seized contains explosives or other toxic/hazardous substances which would pose a risk to facilities or personnel, they will immediately notify an on-duty supervisor who will determine if the REU, HAZMAT or other specialized unit will be called out, and whether evacuation of the surrounding area is necessary. The specialist will respond to the scene and ensure that the vehicle is safe before the vehicle is brought to any police facility. Under no circumstances should a vehicle thought to contain explosives or hazardous materials be placed into any police vehicle bay or left at impound.

Any potentially hazardous items in the vehicle will be removed and entered separately into EoQ and submitted to the EU as property, destruction, or evidence depending on the circumstances only after deemed safe. The items should be stored in an appropriate temporary hazardous/flammable locker at a division, or the Impound Facility.

If any hazardous materials such as gas cans are left inside an impounded vehicle, the officer must indicate this on the Car Card.

.35 Administrative Holds and Evidence

All vehicles held for any investigative purposes will initially be placed on an *admin hold*. This will be documented on the Car Card, and the vehicle will be entered into EoQ with the property type selected as “ADMIN HOLD – VEHICLES ONLY”.

Refer to [DL-1400-07 Administrative Hold Vehicles](#) for further information regarding Admin Hold and evidentiary vehicles.

.40 Impound, Tow and Storage Fees

Tow Bill

If an officer must clear a scene before a contract tow is completed, the officer will ensure the tow bill is filled out in its entirety prior to clearing the scene. No officer will sign an incomplete tow bill.

Fees

Officers should **not** provide fee information to the public and are not authorized to waive fees. Fees are subject to change. Citizens may utilize the public Impound Facility website found on the CSPD website for information about fees.

Fee Waivers

City Code § 10.25.105, Impounded Vehicle; Post Tow Hearing, outlines the process for owners to request a Post-Tow Hearing regarding the waiving of fees through municipal court.

Victims

- Inquiries about victim fees will be referred to the Impound Facility.
- Motor Vehicle Theft (MVT) victims with a valid case number prior to impoundment will typically not be responsible for the tow, impound and first 5 days of storage fees.
- If personnel believe the vehicle owner is a victim/witness and should not be charged, they may submit a written request for waiver of fees to the impound supervisor/manager. The supervisor/manager will make a fee waiver determination based on the circumstances. This waiver is not to exceed the standard victim fee waiver unless exceptional circumstances exist. In these circumstances, the commander over the Evidence Section will be consulted for final determination.

.45 Impound Contact Information

The Impound Facility is located at 2725 E Las Vegas. The impound technicians are often on the lot and not available to answer the phone. Below are the best ways to contact the unit, direct the public for contacts, and gain impound vehicle information:

- The public phone number is 719-667-2777. The message played for callers provides general information about the Impound Facility as well as the public website for citizens to search for their vehicle, see their fees and get information about claiming vehicles.

- The Impound group email address is impound@coloradosprings.gov . This will ensure all impound technicians receive an e-mail message and respond in a timely manner. This is the quickest way to reach a technician.
- The public Impound internet site is accessible through the public CSPD internet site.
- There is also an internal CSPD intranet link to the Impound Tracking System on the CSPD intranet Impound page. Officers can search for impounded vehicles using a variety of fields.
- All impound technicians have desk numbers which can be located by inputting "Impound" in the Unit search field of the PD Employee directory. Officers may leave a message and an impound technician will respond as soon as possible. This page includes contact information for the Impound supervisor/manager if no one can be reached at the Impound Facility, and/or it is after-hours.

.50 Private Property Tow Information

Periodically, officers respond to disturbances involving tow truck drivers and vehicle owners for vehicles being towed (or "boxed in", "booted") on private property by private tow truck companies.

The CSPD has consulted with the City Attorney's Office, the District Attorney's Office (DAO), and the PUC for guidance on what an officer's role should be on these types of disturbances.

When officers respond to these disputes their role is to keep the peace; unless the charge of CRS § 42-4-241 - Unlawful Removal of Tow-Truck Signage - Unlawful Usage of Tow-Truck Signage (from the Allen Rose Tow-Truck Safety Act), is applicable.

Currently, there are no municipal ordinances that prohibit the private booting or blocking of these vehicles on private property. The DAO may review cases for possible filing of criminal charges where spotters are using "boxing in" tactics and are blocking in vehicles before a tow truck arrives and attempts to negotiate a "drop" fee. These types of incidents will be documented in a case report and sent to the DAO for review, if a person on-scene requests criminal charges against a tow operator or other involved person. When documenting these types of incidents, the appropriate "Occurred Incident Type" is "CSPD Incident Non-Criminal". The officer is responsible for ensuring the case is filed and following up with the DAO on the result of their review.

If probable cause exists for a separate crime (e.g., assault) use the applicable ordinance or statute title for the appropriate crime, in lieu of "CSPD Incident Non-Criminal". Enforcement action may then be taken for the separate allegation, and the tow truck dispute details may be documented in the case report for that offense.

The PUC is the agency responsible for monitoring tow truck companies and can assess fines for regulatory violations. Tow truck companies are required to provide information to citizens on how to report problems or file complaints with the PUC. The public may contact the PUC via their website to report problems or file complaints.

Officer concerns or questions regarding tow companies on the rotation tow or impound tow contract list may be referred to the police impound/evidence manager.

.55 Towing of City Owned Vehicles

City vehicles requiring tow services will be coordinated by contacting the communications center to request the city tow contractor transport the vehicle. Inoperable vehicles that are not impounded as evidence in an investigation should be towed directly to the city body shop. Damaged but operable vehicles not impounded for evidentiary purposes may be driven back to the vehicle's assigned division.

Information about damaged vehicles should be documented in accordance with [GO 1620 Enhanced Tactical Communications System \(ETACS\)](#).