

CHAMPAIGN POLICE DEPARTMENT

POLICY and PROCEDURE

POLICY NUMBER: 61.5

SUBJECT: REMOVAL AND TOWING OF VEHICLES

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PURPOSE:

The purpose of this policy is to establish guidelines for the removal and towing of vehicles.

DEFINITIONS:

Abandoned Vehicle: An abandoned vehicle is any vehicle that remains parked in one location on a City street or alley for more than 72 consecutive hours; remains parked in a City parking lot or metered space 24 hours in excess of the parking limit for that lot or meter; remains parked on a City street, alley, or other public property and which lacks current, legal registration; remains parked on a City street, alley, or other public property and which has a removed, destroyed, or otherwise defaced VIN plate or identifier.

Arrest Tow: The towing of a vehicle belonging to or used by a lawfully arrested subject when conditions exist which prohibit the custodial transfer of the vehicle to a licensed driver at the scene or the legal relocation of the vehicle from the scene.

Emergency Tow: The towing of a vehicle which has been disabled in the roadway and which is causing a traffic hazard.

Evidence Tow: The towing of any vehicle for evidentiary purposes, i.e., for evidence processing, impoundment, forfeiture, or as a recovered vehicle.

Inoperable Vehicle: An inoperable vehicle is any vehicle that is not in working order. "Working order" shall mean that the vehicle is equipped and contains those parts in proper condition and adjustment necessary for its mechanical operation, and also equipped with and contains such tires, lamps, brakes, mirrors, windshields and other equipment in proper condition and adjustment as required by Chapter 12 of the Illinois Vehicle Code.

Impoundment: The seizure of a vehicle which has been used in the commission of certain criminal and/or traffic

violations. Upon impoundment, the vehicle is not released back to the owner until the fees associated with the impoundment are paid. An impoundment is intended to serve as a deterrent to people who use, or allow their vehicles to be used, in the commission of certain crimes.

Inventory: An inventory is the search of a vehicle lawfully in the custody of the police. The purpose of an inventory is to protect or secure the property of the owner, to ensure that property seized is not dangerous, and to protect the Department against false claims that property was lost, damaged, or stolen while in police custody.

POLICY:

61.5.1 ABANDONED/INOPERABLE VEHICLES

- A. There are two primary categories of abandoned vehicles; those that are considered abandoned because they have been parked beyond the time limits allowed by ordinance, and those that are considered abandoned because they lack valid registration, have altered or destroyed VIN plates, or constitute a hazard.
- B. When an officer is dispatched to or locates an abandoned or inoperable vehicle, the officer shall:
 1. Determine which category the vehicle fits into.
 2. Run the vehicle registration and check the wanted/stolen status of the vehicle by making an inquiry through LEADS/NCIC.
 - a. If the vehicle is not stolen and considered "abandoned" solely because it has been parked in one location on a City street or alley for more than 72 hours or because it has been parked in a metered space or City lot for 24 hours beyond posted time limits, then the officer may only issue a parking citation. City ordinance does not provide for the towing of these vehicles.
 - 1) When vehicles are cited under such circumstances, Traffic Services shall be notified. Traffic Services will then assume responsibility for notifying the registered owner of the violation and making arrangements to have the vehicle moved.
 - b. If the vehicle is not stolen, but classified as "abandoned" because it is inoperable, leaking fluids, lacks valid registration, has an altered or destroyed VIN plate, or is sitting on blocks and has the wheels removed, then the officer will issue a citation and tow the vehicle.

- c. If the vehicle has been entered in LEADS/NCIC as stolen, the officer will have Front Desk staff contact the entering agency to determine how the vehicle needs to be handled.

61.5.2 TRAFFIC CRASH TOWS

- A. Vehicles involved in traffic crashes which cannot be driven from the scene, cannot be properly secured, or constitute a traffic hazard are subject to towing at the discretion of the investigating officer.
 - 1. If the driver of a vehicle requests a specific towing company, the officer will request that METCAD call that company.
 - a. If the requested towing company cannot be contacted or cannot respond to the scene within a reasonable amount of time, then METCAD will contact the next available tow company off of the rotation list and notify the on-scene officer.
 - 2. If the driver does not request a specific towing company, the officer will have METCAD contact the next available tow company off of the rotation list.

61.5.3 EVIDENCE TOWS AND RECOVERED STOLEN VEHICLES

- A. Whenever any vehicle, including a recovered stolen vehicle, is to be towed for evidence processing, the investigating officer will:
 - 1. Obtain supervisory approval and determine the location to be used for evidence processing.
 - 2. Request that METCAD contact the next available towing company on the rotation list.
 - 3. Complete a Vehicle Tow-In report.
 - 4. Notify the Front Desk that the vehicle has been towed and, as soon as possible, deliver a copy of the tow sheet to the front desk.
 - 5. Provide the tow truck operator with the appropriate copy of the tow sheet.
 - 6. Keep the vehicle under continual observation during the tow in order to preserve the integrity of any evidence located within the vehicle.
 - 7. Complete a police report.
 - 8. If the vehicle is towed to the Department for processing, a copy of the tow sheet shall be placed in the box on the door of the Crime Scene bay and a Crime Scene Unit member shall be notified that the vehicle requires processing.
 - a. The Crime Scene Technician who processes the vehicle shall be responsible for conducting an inventory of the vehicle.
- B. After the vehicle has been processed, the following procedures will be followed:

- 1. The officer who processed the vehicle will notify the Front Desk that processing has been completed and advise them that the vehicle can be released.
- 2. The Front Desk will contact the registered owner and make arrangements for them to come in and pick up their vehicle.
- 3. If the owner can not be reached or can not pick the vehicle up within a reasonable period of time, the Front Desk will contact the original tow company and request that they pick the vehicle up and place it into storage.
- 4. If the vehicle is not claimed within ten days after authorization of release, disposal of the vehicle will be in accordance with the Illinois Compiled Statutes.

61.5.4 VEHICLE SEIZURES

- A. The seizure of vehicles is authorized by Illinois law according to 720 ILCS 5/36-1, 720 ILCS 550/12, 720 ILCS 570/505, and 725 ILCS 150/6, which list the offenses for which vehicles may be seized for forfeiture.
- B. The Chief of Police will designate a Deputy Chief to process each individual vehicle seizure.
- C. Vehicle seizures will be coordinated with the appropriate State's Attorney's office or United State's Attorney's Office.

61.5.5 MANDATORY TOWING

- A. Vehicles shall be towed whenever any of the following circumstances apply:
 - 1. The driver of the vehicle has been arrested and taken into custody, the vehicle is not parked legally at the scene, and there is not a passenger or family member present and capable of immediately removing the vehicle.
 - 2. The driver of the vehicle was arrested for a DUI-related offense. (Note that a 12-hour hold shall also be placed on the vehicle).
 - 3. The driver of the vehicle was arrested and the vehicle has no valid registration.
 - 4. The vehicle registration is suspended.
 - 5. The driver of the vehicle was arrested and the vehicle does not have valid insurance.
 - 6. The vehicle is a recovered stolen vehicle.
 - 7. The vehicle is in itself a crime scene.
 - 8. The vehicle is being seized for evidentiary purposes.
 - 9. The vehicle is being seized for forfeiture.
- B. An officer may elect not to tow a vehicle under any of the above circumstances only upon the approval of a supervisor.

61.5.6 VEHICLE IMPOUNDMENT

A. A motor vehicle used in violation of the statutes listed below shall be subject to seizure and impoundment under Section 33-189 of the Municipal Code of the City of Champaign.

1. Fleeing or attempting to elude a police officer (626 ILCS 5/11-204).
2. Aggravated fleeing or attempting to elude a police officer (625 ILCS 5/11-204.1).
3. Leaving the scene of an accident involving death, injury, or a felony "failure to report" violation (625 ILCS 5/11-401(a)).
4. Leaving the scene of an accident involving vehicle damage (625 ILCS 5/11-402(a)).
5. Driving under the influence (625 ILCS 5/11-501).
6. Reckless driving (625 ILCS 5/11-503).
7. Driving with a suspended or revoked driver's license (625 ILCS 5/6-303). (Note – A supervisor may authorize a release of the vehicle to a parent or guardian who is present at the scene and immediately capable of arranging for the removal of the vehicle).
8. Suspension of driver's license: person under age 21 (625 ILCS 5/11-501.8). (Note – A supervisor may authorize a release of the vehicle to a parent or guardian who is present at the scene and immediately capable of arranging for the removal of the vehicle).
9. Driving with no valid license (625 ILCS 5/6-101). (Note - This does not include cases where the driver has a valid license but does not have the license on his person, cases where the driver's license has been expired for less than 12 months, or cases where the driver's license is invalid due to a violation of graduated driving privileges).
10. Suspended or revoked registration plate (625 ILCS 5/3-702).
11. Operation of an uninsured motor vehicle (625 ILCS 5/3-707). (Note – This does not include cases where the insurance card is expired or the driver is unable to show proof of insurance. In order for an officer to impound the vehicle, the officer must have proof that the vehicle is not insured).
12. Any violation of Article IV of the Controlled Substances Act (720 ILCS 570 Article IV).
13. Any felony violation of the Illinois Cannabis Control Act (720 ILCS 550).
14. Any violation of Article 24 (deadly weapons) of the Illinois Criminal Code of 1961, as amended (720 ILCS 5/25-1 et. sec.).
15. Any violation of the Illinois Criminal Code of 1961, 5/11-14 (720 ILCS 5/11-14; Prostitution).

16. Any violation of the Illinois Criminal Code of 1961, 5/11-14.1 (720 ILCS 5/11-14.1; Solicitation of a Sexual Act).
17. Any violation of the Illinois Criminal Code of 1961, 5/11-15 (720 ILCS 5/11-15; Solicitation of a Prostitute).
18. Any felony for which seizure is authorized under the Illinois Criminal Code of 1961, 5/36-1 (720 ILCS 5/36-1).
19. Operation of motor vehicle when registration suspended for noninsurance. (625 ILCS 5/3-708)

B. When probable cause exists for an officer to impound a vehicle under Section 33-189 of the Municipal Code, the officer shall impound the vehicle and remove it to a secure location. If an officer finds reason to believe an impound is not appropriate, that officer shall consult a supervisor and obtain permission to deviate from this policy.

1. When a vehicle is impounded, the officer shall tell the owner or, if the owner is not present, the person in control of the vehicle of the owner's right to a prompt probable cause hearing.
2. Within 48 hours of the impoundment of the vehicle, the police department shall also send notice by first class U.S. mail to all record owners and lien holders of the vehicle of their right to a prompt probable cause hearing.

61.5.7 TOWING OFF PRIVATE PROPERTY

A. Officers may tow vehicles off of private property ONLY under the following circumstances:

1. When the vehicle is being seized as evidence of a crime.
2. When the vehicle is being temporarily seized for evidence processing.
3. When the vehicle is being seized for forfeiture, pursuant to applicable statutes.
4. When the driver of the vehicle has been arrested for a violation of DUI laws and a 12-hour hold has been placed on the vehicle.
5. When the driver of the vehicle has been placed under arrest for Driving Under Suspension (DUS) or Driving Under Revocation (DUR), the owner of the vehicle does not have valid insurance, and a corresponding hold has been placed on the vehicle.
6. When a search warrant has been issued for the vehicle.
7. When the vehicle is being impounded for any reason listed in section 61.5.6 of this policy.

61.5.8 TOW SHEETS AND INVENTORY REQUIREMENT

A. Whenever an officer tows a vehicle, that officer shall:



Anthony D. Cobb
Chief of Police
Champaign Police Department

1. Immediately upon taking legal control of the vehicle conduct an inventory of the passenger compartment and trunk of the vehicle. Each item of property having a value of more than one-hundred dollars (\$100.00) shall be noted on the tow sheet.
 - a. All closed and/or locked containers shall be opened and inventoried when the content(s) of the container are not immediately apparent to the officer conducting the inventory.
 2. Request a tow truck off of the rotation list through METCAD.
 3. Complete a tow sheet and place any applicable hold on the vehicle.
 4. Notify the Front Desk that the vehicle is being towed and, as soon as possible, deliver a copy of the tow sheet to the Front Desk.
 5. Provide the tow truck operator with the appropriate copy of the tow sheet.
- B. The only exception to the requirement for an immediate inventory is when a vehicle is being towed for processing by a Crime Scene Technician. In such instances, the Crime Scene Technician who processes the vehicle shall be responsible for completing the inventory.

61.5.9 MAINTENANCE OF RECORDS

- A. The Front Desk will maintain records of vehicles towed, including those towed:
1. At the direction of an officer.
 2. At the direction of a Parking Enforcement officer.
 3. At the direction of the Neighborhood Services Department.
 4. As a result of relocation off of private property or leased space at the direction of the property owner.
- B. The records will include, at a minimum, the following information:
1. The date, time, and location of the tow.
 2. The name of the person who requested/authorized the tow.
 3. The name of the towing company.
 4. The location where the vehicle is being stored.
 5. The vehicle description, including make, model, color, VIN, license plate number, and license state.
 6. A list of any hold(s) that may have been placed on the vehicle.

ISSUING AUTHORITY