



CHATHAM COUNTY POLICE DEPARTMENT

STANDARD OPERATING PROCEDURES

SOP-OPS-007
TOWING VEHICLES

EFFECTIVE: 02/01/18
REVISION: 02/25/2022

PURPOSE

To establish a procedure for towing and impounding privately owned vehicles in the performance of duty.

POLICY

Certain incidents and/or investigations conducted by the Chatham County Police Department (CCPD) require that vehicles be removed or impounded for further investigation or storage pending release to documented owners. Vehicles removed or impounded by the CCPD shall be in accordance with State law and county ordinance governing the removal of vehicles by Police Officers and a Preliminary Incident Report shall be completed and submitted to document the vehicle being towed.

PROCEDURE

I. AUTHORIZATION

- A. Vehicles shall only be impounded in accordance with Georgia law, as well as Chatham County ordinances governing the removal of vehicles by Police Officers.
- B. Officers are authorized to remove a vehicle, or require the driver to remove a vehicle, when the vehicle is stopped, parked, or left standing upon the highway outside a business or residence when it is practical to stop, park, or leave the vehicle off the roadway. Exceptions are when a vehicle is parked close enough to the curb to allow unrestricted access for vehicles to pass or a vehicle is unattended and left illegally standing upon any highway, bridge, causeway, or in any tunnel.
- C. Vehicles may be removed from highways under the authority of OCGA § 40-6-206 (c) for the following reasons:
 1. A police report has been made that such a vehicle has been stolen or taken without the consent of its owner.
 2. The person or persons in charge of such vehicle are unable to provide for its custody or removal.
 3. The person driving or in control of such vehicle is arrested for an alleged offense for which the Officer is required by law to take the arrestee before a proper magistrate without unnecessary delay.
 4. Any vehicle that has been left unattended for 24 hours or more.

5. When a vehicle is stopped, except when traffic congestion makes movement impossible, on a controlled-access highway which is part of Interstate and Defense Highways, for more than eight hours, unless such vehicle constitutes a traffic hazard, in which case it may be removed immediately.
- D. Any law enforcement officer is authorized to remove, or cause to be removed to the nearest garage or other place of safety, the vehicle of a driver who is charged under subsection (a) or (b) of O.C.G.A § 40-6-10 if the driver admits to the law enforcement officer that there is no insurance in effect on the vehicle or if the law enforcement officer verifies that the proof of insurance provided by the driver is fraudulent.
 - E. Officers shall be authorized to remove vehicles from public property under the authority of OCGA 40-11-3, for the following reasons:
 1. Vehicle is left unattended on a public street, road, highway, or other public property for a period of at least five days and the Officer reasonably believes that the person who left such motor vehicle unattended does not intend to remove such motor vehicle (OCGA § 40-11-3).
 2. Vehicle is left unattended on a public street, road, highway, or other public property and such vehicle poses a threat to public health or safety (OCGA § 4011-3).
 3. Vehicle is left at a fire hydrant, in a prohibited area, or in such a manner as to obstruct, impede, or interfere with pedestrian or vehicular traffic or the use of a fire hydrant.

II. TRAFFIC HAZARDS OR OBSTRUCTIONS

- A. Vehicles which are unattended and left upon a highway or public roadway in a manner that obstructs traffic or creates a hazard may be towed and impounded after a reasonable effort has been made to contact the owner to remove the vehicle.
- B. Attended vehicles, which are inoperable, obstructing a highway or public roadway, or otherwise creating a traffic hazard, shall be removed by the owner or the person responsible for the vehicle. If the owner or person responsible for the vehicle is unable or unwilling to remove the hazard within a reasonable time, the vehicle may be impounded.
- C. The vehicle owner or person responsible for the vehicle may remove the vehicle from the roadway and temporarily park the vehicle upon the roadside. The vehicle owner shall retain full responsibility for the timely removal and for the security of the parked vehicle.
- D. The vehicle owner may request a tow service to be called and such request shall be complied with when response can be made within a reasonable amount of time. If no specific tow service is desired, Sapp's wrecker shall be requested.
- E. When vehicles are towed at the owner's request, an Auto Tow Form shall not be filled out.

- F. When a traffic hazard or obstruction exists, the Officer shall remain on the scene until the hazard or obstruction has been neutralized and no further danger exists.
- G. When the vehicle owner or the person responsible for the vehicle cannot be located in the immediate vicinity or cannot be contacted for disposition or if the person responsible for the vehicle cannot immediately remove the vehicle, the vehicle may be towed to an impound lot by the towing service on call.
- H. The impounding Officer shall fill out an Auto Tow Slip at the scene. This form is to be turned in to the CCPD Records Unit.

III. REMOVAL OF ABANDONED VEHICLES ON PRIVATE PROPERTY

- A. In unincorporated Chatham County, vehicles may be removed and impounded that are abandoned on private property and which are without valid, current state tags and decals as defined in the Code of Chatham County, Georgia, Chapter 12, Article II, § 201-208.
 - 1. Any motor vehicle which is parked on private property and which does not have a valid current state motor vehicle tag or a permit issued by Chatham County Inspections, unless said vehicle is partially dismantled or wrecked or incapable of self-propulsion or being moved in the manner for which it was originally intended, is an abandoned vehicle and may be towed.
 - 2. Vehicles abandoned upon private property shall be checked to determine if the vehicle is stolen.

IV. REMOVAL OF ABANDONED VEHICLES ON PUBLIC PROPERTY

- A. Vehicles which are abandoned or parked upon public property or a public highway shall be handled as follows for Unincorporated Chatham County:
 - 1. Registration and wanted checks shall be done on all vehicles abandoned on public or private property to determine the identity of owners or whether a vehicle is stolen.
 - 2. The Patrol Division must be notified when an abandoned vehicle is discovered on public property. At the expiration of 24 hours a notice to remove the vehicle may be posted on the vehicle. At the expiration of 5 days the vehicle may be removed and impounded.
 - 3. Vehicles abandoned on public property, which poses a threat to public health and safety, may be removed and impounded.
 - 4. Vehicles abandoned on public property in a manner that obstructs traffic or creates a hazard may be removed and impounded after a reasonable effort has been made to contact the owner to have it removed. When the vehicle owner or the person responsible for the vehicle cannot be located in the immediate vicinity or otherwise be contacted, the vehicle may be removed and impounded. If the person responsible for the vehicle cannot immediately remove the vehicle, it may be removed and impounded.

V. STOLEN VEHICLE RECOVERY

- A. If possible and practical, recovered vehicles should be processed by forensics at the recovery site and released to the owner without towing.
- B. When the vehicle is recovered, the responding officer must obtain the following information upon making contact with the owner:
 - 1. Ask the owner if the loss has been reported to their insurance company.
 - 2. Give the owner the choice of coming to the scene to retrieve their vehicle within a reasonable time (1 hour) or have the owner advice on which towing company to use and where the car should be towed.
- D. If the responding officer is unable to contact the owner immediately upon the recovery of the vehicle, then:
 - 1. Tow the vehicle to storage using the “Head-Out” list.
 - 2. Make several attempts to contact the owner within 12 hours of the recovery to advise them that the vehicle has been towed to (*provide the name of the storage company*). Document the attempt to contact, or the attempts to contact, the owner in a supplemental incident report.
 - 3. Ask the owner if the loss has been reported to their insurance company.
- E. If there is a “Hold Order” on the vehicle for a criminal investigation, towing and storage fees may be the responsibility of the CCPD.
- F. The Chatham County Board of Commission’s may accept responsibility for reimbursing/paying towing fees if the CCPD does not follow the established procedures.

VI. TOWING AND IMPOUNDING OF VEHICLES FOLLOWING ARREST

- A. At the discretion of the Officer, when the driver of a vehicle is arrested for a violation of State or Local law, the vehicle may be impounded for safekeeping, or left legally parked at the request of the driver. The Officer shall exercise discretion based on the totality of the circumstances of the case such as driver impairment, arrest environment, etc.
- B. In cases where the driver is taken into custody and another capable person is authorized by the vehicle owner to take control of the vehicle in a reasonable amount of time, the Officer shall not impound the vehicle.
- C. If the driver is arrested and requests a particular towing service, the Officer shall comply with the request within reason and shall not complete an Auto Tow Form.
- D. If the driver is arrested and does not request a particular towing service, the Officer shall request Sapp’s Wrecker Service ~~list~~ and shall complete an Auto Tow Form. The keys shall be placed in the custody of the wrecker driver at the scene of the arrest.

VII. CHATHAM COUNTY HEAD OUT WRECKERS

- A. Chatham County Code § 12-201 through § 12-208 governs the Head Out wrecker services contract with one wrecker service.
- B. If a vehicle operator has no preference of wreckers, the Head Out Wrecker service shall be requested.
- C. Once the Head Out wrecker is dispatched, no other wrecker service shall provide the service for which the Head Out wrecker is under contract to perform.
- D. The Head Out wrecker **must** be allowed a maximum of 30 minutes to respond to the call. Officers should not request an estimated time of arrival until 30 minutes from the time of request has elapsed.
- E. An Officer requesting Head Out wrecker service **must** remain with the vehicle to be removed until the Head-Out Wrecker clears the scene. The **only** exception shall be in case of an emergency. Shift change **does not** constitute an emergency. An Officer's decision to resume patrol **does not** constitute an emergency.

VII. DISPATCHING WRECKERS

- A. A wrecker must be dispatched when requested by a CCPD Officer.
 - 1. It is the requesting officer's responsibility to advise the communication specialist That Sapp's Wrecker Service is needed for the towing of vehicles.
- B. The Communications Specialist must make prompt contact with Sapp's Wrecker service or the wrecker service requested.
- C. The Communications Specialist must appropriately log the following wrecker notification information:
 - 1. The date and time the wrecker company was notified.
 - 2. The location where the wrecker was dispatched.
 - 3. The Unit number of the Police Officer making the request.
 - 4. The payroll number of the Specialist handling the request.
 - 5. A response time in excess of 45 minutes.

IX. AUTO TOW FORM

- A. An Auto Tow Form shall be filled out by the impounding Officer on all vehicles towed except those towed by request of the owner/operator.
- B. The Auto Tow Form shall be turned in to the CCPD Records Unit or during nonbusiness hours to the Teletype Operator, as soon as possible and will not be held past shift change.
- C. The Records Technician/Teletype Operator shall document the time the Auto Tow Form is received.
- D. Auto Tow Forms submitted shall be completely filled out. If the vehicle is to be held for investigation, the Auto Tow Form will state the reason, the name of the officer/investigator placing the hold and the authorizing supervisor.

X. INVENTORY

- A. Inventory searches are a well-defined exception to the warrant requirement of the Fourth Amendment and their scope is limited to property taken into protective custody of the CCPD. The scope of the search is not discretionary with the Officer. All areas of the vehicle, including closed containers and locked compartments (trunk and glove box) must be searched.
 - 1. Locked containers will not be opened without the owner's consent. Locked containers will be listed in the inventory of items, and it will be noted that the item was not searched.
- B. For a vehicle inventory search to be valid the law enforcement custody of the property to be inventoried must be lawful and the inventory search conducted to protect the contents of the property and the Officers taking custody of the property. If a vehicle to be impounded is locked and there is no key available, a licensed locksmith shall be contacted to assist in gaining entry without causing damage to the vehicle or contents of the vehicle.
- C. Inventory procedures not only serve to protect an owner's property while it is in the custody of the CCPD and Officers from potential danger, but also to insure against claims or disputes over lost, stolen, or vandalized property. If contraband or the fruits or instrumentalities of a crime are discovered, pursuant to a valid inventory search, they are subject to valid seizure and are admissible as evidence.
- D. All vehicles towed by CCPD will be inventoried prior to releasing it to the wrecker or anyone else requested by the owner.
- E. Officers shall remove any contraband or evidence of a crime from an impounded vehicle if the property removed was discovered during the inventory of the vehicle.
- F. All property of a valuable nature shall be removed from an impounded vehicle and turned in to the property room to be returned to the owner.
- G. Any property removed or left in the vehicle shall be noted on the Auto Tow Form and in the Preliminary Report.

XI. HOLD ORDERS

- A. Officers placing a "hold" on a vehicle shall obtain permission from their supervisor.
- B. Vehicles may be held if the vehicle was involved in a crime and needs to be processed for evidence, if the vehicle is stolen and ownership cannot be established, if the vehicle is subject to condemnation proceedings, or if the Vehicle Identification Number (VIN) has been altered. **NOTE: The reason for the "hold" shall be written on the Auto Tow Form.**
- C. Vehicles placed on "hold" may only be released upon the approval of the Investigator conducting the follow-up investigation.
- D. When impounded vehicles are to be held for investigation, the requesting Officer must provide the wrecker company with the name and address of the person under

investigation. As a normal rule, no vehicle shall be held for investigation by the CCPD in excess of 30 days.

1. If there is an exception to this rule and the vehicle needs to be held in excess of 30 days, the Officer/Investigator shall make a determination, as soon as possible, for the extended amount of time and will obtain approval through their chain of command.
2. The Division Commander or designee shall then send written notification to the wrecker company of the extended amount of time for the investigative hold and the reason for the extension.
3. A copy of this written notification shall also be sent to the owner of the impounded vehicle.
4. The CCPD Records Unit shall review **all** Auto Towing and Impoundment Forms at the end of each month to notify any Officer or Investigator of any vehicle they still have being held for investigation and to inquire if the hold is still in effect and why it is still in effect.

XII. RELEASING VEHICLES

- A. An impounded vehicle shall be released to the owner or their authorized representative upon proof of ownership, unless it is being held for investigation.
 1. Proof of ownership may be the title, registration, or tag receipt.
 2. If possible, Officers shall release vehicles at the scene.
 3. A vehicle shall not be released to a family member or other party unless they are on the scene, legally capable of operating the vehicle, and the prescribed owner approves of releasing the vehicle to them.
- B. If the vehicle is released on the scene, the "Releasing Information" section on the "Auto Tow Form" must be completed and a copy given to the vehicle operator on the scene, unless the vehicle is being held for investigation.
- C. If practical, field Officers shall release motor vehicles to their lawful owners or operators at the scenes of incidents.
- D. When releasing a vehicle at the scene, Officers shall complete the vehicle tow sheet and mark "Released on Scene." The Officer shall also sign the form and list the name of the person accepting release of the vehicle. The vehicle operator shall receive a copy of the sheet along with an explanation of where the vehicle will be towed.
- E. The tow sheet shall be forwarded to the CCPD Records Unit or during none business hours to the Teletype Operator, as soon as possible. Whether the vehicle was released at the scene or held, the tow sheet shall not be held past shift change.
- F. CCPD Records Technicians/Teletype Operators have the authority to release motor vehicles to legal owners upon presentation of proof of ownership and verification of identity, except on vehicles that have a police hold.
- G. Detectives have the authority to release motor vehicles to legal owners as part of their investigation.

XIII. RELEASE REQUIREMENTS

- A. The person requesting release of a motor vehicle must produce legal proof of ownership and photo identification before a vehicle can be released. Proof of ownership may be the title, registration, or tag receipt.
- B. Persons seeking the release of a vehicle in the place of the legal owner shall present the documents listed above along with a notarized document giving permission to obtain the release.
- C. Persons seeking the release of a vehicle for the purpose of repossession (finance companies with liens on the vehicles, etc.) shall present a written order from Superior Court, State Court, or Magistrate's Court, which specifically identifies the vehicle to be repossessed.
 - 1. The form will be completed by the company wishing to repossess the vehicle and notarized.
 - 2. The person releasing the vehicle will make copies of all documents submitted with the form and attach them to the original of the Hold Harmless Agreement. All paperwork will then be attached to the CCPD copy of the tow slip and become part of the department record.
- D. The CCPD Records Technicians/Teletype Operators are responsible for ensuring the "Hold for Investigation" block of the Auto Form has not been checked before releasing a motor vehicle. If the "Hold for Investigation" block has been checked, the Records Technician/Teletype Operator shall refer the owner to a Detective, the primary investigating Officer, or the supervisor identified on the tow form.

XIV. HEADOUT REQUESTS TO OTHER JURISDICTIONS

- A. Any request by other jurisdictions for Head-Out Wreckers for stolen autos or for investigating Officers shall first be referred to the Precinct Commander on duty.
- B. Requests by other jurisdictions for CCPD personnel to investigate incidents involving vehicles stolen from CCPD shall be referred to the Precinct Commander or designee.
- C. Should a Precinct Commander or designee authorize a wrecker to go to another jurisdiction to pull a vehicle, all wrecker procedures shall be followed as if it were a County Head Out Wrecker call and the authorizing commander will be notified.

BY ORDER OF:

Electronically Signed in PowerDMS on 02/25/2022

Jeffrey M. Hadley

Chief of Police