
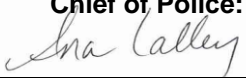
	<h1>ELGIN POLICE DEPARTMENT</h1> <p>151 Douglas Avenue Elgin, Illinois 60120</p>	
<b>Effective Date:</b> 03/15/03	<b>STANDARD OPERATING PROCEDURE</b>	<b>Revised Date:</b> 11/27/2023
<b>Chief of Police:</b> 	Traffic Ancillary Services, 61.4	
<b>Cross Reference:</b> SOP 1.2, Limits of Authority SOP 42.5 Responding to Persons with Mental Illness SOP 46.1 Unusual Occurrences <a href="#">65 ILCS 5/11-40-3.1</a> <a href="#">410 ILCS 705</a> <a href="#">625 ILCS 5/3-707</a> <a href="#">625 ILCS 5/4-203</a> <a href="#">725 ILCS 5/36-1</a> <a href="#">725 ILCS 5/108-1</a> <a href="#">725 ILCS 150/1</a> <a href="#">Elgin Municipal Code 6.84.030, Abandoned Vehicles</a> <a href="#">Elgin Municipal Code 11.40.095, Vehicle Seizures and Impoundment</a>	<b>Policy Sections:</b> 61.4.1 Assistance to Motorists 61.4.2 Hazardous Conditions 61.4.3 Removal and Towing of Vehicles Appendix A: Notice of Tow Appendix B: Tow Receipt and Notice of Vehicle Seizure Appendix C: Notice of Abandoned Vehicle	

## PURPOSE

The purpose of this policy is to establish guidelines for assisting motorists, handling hazardous traffic conditions, abandoned vehicles and the towing of vehicles.

## POLICY STATEMENT

It is the policy of the department to provide practical assistance to users of the roadway and to provide officers with the authority and responsibility to ensure the safe and efficient flow of traffic.

## DEFINITIONS

**Abandoned Vehicle:** Any vehicle that is defined as abandoned under the Elgin Municipal Code, 6.84.030 or Illinois Compiled Statutes 65 ILCS 5/11-40-3.1.

**Administrative Tows:** Tows incident to an arrest or in violation of a local ordinance as identified pursuant to the city of Elgin municipal code 11.40.95 and requiring an administrative cash bond.

**Authorized Tow Companies:** Only those agencies authorized by contract with the City of Elgin and placed on a rotation that shall be utilized for the City of Elgin.

**Cold Zone:** The area where no significant danger or threat can be reasonably anticipated; also referred to as the outer perimeter. The command post, treatment areas, staging, and logical functions are typically located within this zone.

**Fire Hazard:** A condition or material that may start or contribute to the spread of a fire.

**Hazardous Material:** Explosive, flammable, combustible, corrosive, oxidizing, toxic, infectious, or radioactive material as defined by the Federal Emergency Management Agency (FEMA).

**Hazardous Vehicle:** A vehicle that is abandoned, unattended, wrecked, disabled, or partially dismantled that is impeding the flow of traffic or poses a potential danger to others.

**Highway:** Any street, alley, or public way within the City of Elgin.

**Hot Zone:** Any area inside or outside of a structure, or any area surrounding the active threat, that is not under control of the police. Citizen and personal safety is in jeopardy in this area.

**Impounded Vehicle:** Any vehicle ordered towed by the Elgin Police Department.

**Non-Administrative/Immediate Tows:** Immediate tow of the vehicle for investigative purposes or due to its position on the roadway, physical condition or involvement in a hit and run traffic crash.

**Owner:** A person who holds legal title to a vehicle.

**Private Property:** Property owned by someone other than the city or owned by a private/individual corporation.

**Vehicle:** Every device, in, upon or by which any person or property is or may be transported or drawn upon a highway.

**Warm Zone:** This is an area where a potential threat exists, but the threat is not direct or immediate. This area has been searched by law enforcement and has been cleared for fire and EMS personnel to render lifesaving intervention. Victims from the hot zone may be relocated to this area to be treated and evacuated.

## **PROCEDURES**

### **61.4.1 ASSISTANCE TO MOTORISTS**

As part of the department's overall traffic management function, a wide range of traffic related services are performed, such services include the following:

A. General Assistance.

1. Provide assistance to a motorist who appears to be in need of aid or information.
2. Use of the push bars on the police vehicle to relocate vehicles off the roadway are subject to the following:
  - a. Vehicle must be in a hazardous position.
  - b. The officer shall inform the operator where the vehicle will be relocated and advise of the possibility of damage.
  - c. Emergency lighting shall be activated.
  - d. Vehicles should be relocated to the nearest location.
  - e. Vehicles must be moveable, all four tires rotate freely, and the steering mechanism must be operational. If the vehicle cannot be moved from the roadway or there is any doubt about utilizing the push bars, it is considered a hazard and shall be towed.
  - f. Push-starting of manual transmission vehicles is prohibited.

B. Mechanical/Tow Assistance.

1. When requested, officers encountering motorists experiencing mechanical or other difficulties shall make a reasonable effort to obtain appropriate assistance for the motorist. When tow services are needed and the motorist does not have a preference, a department authorized tow service shall be requested.
2. If a tow operator is present or arrives where a tow is needed and it has not been requested by the department or the owner/operator of the vehicle, the officer shall advise the tow operator to leave the scene.

3. Officers shall not utilize the police vehicle to jump start any vehicle, unless during the course of an emergency situation.
4. The changing of tires by officers is discretionary. Officers should offer to contact a tow company or tire repair service.
5. In emergency lock-out situations, officers shall notify the fire department in instances in which a person is incapable or incapacitated and cannot unlock the door. In extreme circumstances, police personnel may gain entry to the vehicle prior to the arrival of the fire department. When practicable, officers should obtain permission from a supervisor.
6. In cases of non-emergency lock outs, the Emergency Communications Division shall contact the authorized tow service or service requested by the motorist.

C. Protection for Stranded Motorists.

1. Officers who assist stranded motorists shall advise the Emergency Communications Division.
2. Stranded motorists should not be left unattended when they appear to be exposed to hazardous situations and/or adverse weather. When circumstances do not allow remaining with a stranded motorist, the officer shall make an effort to transport the motorist to another location or arrange for transportation.
3. Motorists may be transported within the city limits at the officer's discretion. Motorists may be transported outside the city limits with supervisory approval. Officers shall utilize the body worn camera or in-car mobile recording device to record the transport.

D. Emergency Assistance.

1. Officers shall render all practical assistance to users of the roadway who are involved in emergency situations.
2. During medical emergencies:
  - a. Request a fire department ambulance be dispatched to the scene. If further medical treatment is needed, the person will be transported by ambulance.
  - b. Administer first aid, when appropriate, until the arrival of fire department personnel.
  - c. When the officer reasonably believes the person is experiencing emotional distress or a mental health crisis, refer to the protocol established in Standard Operating Procedure 42.5 Responding to Persons with Mental Illness.
3. In cases involving gas leaks, vehicle fires, extrications and hazardous materials incidents, the Elgin Fire Department shall be contacted.

#### **61.4.2 HAZARDOUS CONDITIONS**

- A. Officers locating hazardous roadway conditions shall request corrective action to prevent traffic crashes and/or damage to vehicles. Such action shall include, but not limited to:
1. Removing hazards from the roadway, if safe and practical.
  2. Notify Public Works, County Highway Department, or the Illinois Department of Transportation.

3. Remain at the scene, if required, with lights illuminated until additional assistance arrives.
- B. If there is any suspicion of a fire hazard or hazardous materials spill, officers shall take the following precautions and protect the scene to include the following, but not limited to:
1. Notify the Emergency Communications Division, the fire department, and a supervisor.
  2. Stand upwind from the spill or fire hazard and obtain weather conditions such as wind direction and speed.
  3. Avoid inhalation of gases, fumes, and smoke. Use of personal protective equipment such as a protective mask shall be utilized as a safety measure.
  4. If the officer or his/her clothing becomes exposed with any suspected hazardous material or experiences negative side effects from exposure to a fire, he/she should seek assistance for medical treatment and/or disposal of clothing.
  5. Take measures necessary to preserve life, separate those who may have had contact with hazardous materials or fire hazards, and administer first aid until medical help arrives.
  6. Assist with evacuations in the immediate hot zone or as determined by the fire department.
  7. Establish the hot, warm, and cold zones.
  8. Detour all traffic away from the scene and prevent unauthorized personnel from entering the area.
  9. Use traffic cones and barricades, avoiding the use of flares.
- C. In the event the fire or hazardous materials incident is on a larger scale, refer to Standard Operating Procedure 46.1 Unusual Occurrences for guidance.

#### **61.4.3 REMOVAL AND TOWING OF VEHICLES**

- A. Prior to tow, all vehicles shall be inventoried and documented on the general incident report in accordance with department procedures as specified in Standard Operating Procedure 1.2, Limits of Authority. In all instances, officers are responsible for ensuring vehicles are secured prior to leaving a vehicle unattended.
- B. Non-Administrative/Immediate Tows.
1. A vehicle may be towed immediately without any notice to the owner due to the following:
    - a. Position on the roadway.
    - b. Physical condition is causing a hazard.
    - c. Investigative purposes.
    - d. Involved in a hit and run traffic crash.
  2. An officer requesting a vehicle tow for evidentiary examination shall contact a supervisor and arrange for the vehicle to be examined for such evidence.

3. If a person arrives at the scene and purports to be the owner of the vehicle involved in a hit and run traffic crash, the officer shall verify ownership and the person's identification.
  - a. If the examination of the vehicle is conducted at the scene and ownership of the vehicle is verified, the vehicle shall be returned to the owner, even if the owner refuses to identify the driver of the vehicle.
  - b. However, if the vehicle requires further evidence collection, the vehicle will be placed on an investigative hold.
- C. Officers shall notify the Traffic Unit Sergeant via email or in person of all vehicles towed to the department with an investigative hold.
  1. These vehicles cannot be released until the examination of the vehicle is complete.
  2. The Traffic Unit Sergeant will notify the tow company that the vehicle can be released to the owner upon receipt of all applicable tow charges.
  3. If the owner is not available, the originating tow company shall be notified to remove the vehicle for transport to their location.
  4. When a vehicle is towed without prior notice, attempts to notify the vehicle's last registered owner shall be made.
    - a. If notification cannot be made, the city's Administrative Adjudication Office or its designees shall provide written notice to the last registered owner and any of the vehicle's lessors or security interest holders as indicated by the records maintained by the Illinois Secretary of State or the applicable governmental agency for vehicles registered outside the State of Illinois. Refer to Appendix A to view the Notice to Tow letter.
    - b. The written notice shall be sent within the time frame established in City of Elgin Ordinance, Section 11.40.095, excluding holidays and weekends. The notice shall be sent by certified mail, return receipt requested.
      1. Date, time, and location where the vehicle was towed.
      2. Report number.
      3. Reference to the statute, ordinance or department rule authorizing the tow.
      4. A statement that the vehicle is subject to towing and storage charges; and, that the vehicle and its contents may be immediately reclaimed upon proof of ownership.
      5. The name, address, and telephone number of the storage facility where the vehicle can be claimed upon payment of towing and storage fees.
  5. If an officer encounters an unoccupied vehicle that has been reported stolen, the reporting agency or case detective shall be notified immediately.
    - a. The agency or detective responsible shall make the determination on the appropriate course of action.
    - b. If the agency or detective cannot be reached in a reasonable period of time, the officer assigned shall attempt contact with the owner of the vehicle and determine the appropriate course of action.

D. Administrative Tows.

1. When an arrest is made and the circumstances meet the criteria outlined in City of Elgin Municipal Code 11.40.095, the vehicle will be subject to an administrative tow.
2. Any vehicle impounded incident to an arrest shall be inventoried at the scene or as soon as practical thereafter. Cross reference to Standard Operating Procedure 1.2 Limits of Authority and 725 ILCS 5/108-1.
3. To ensure the safety of all involved and safeguard the contents of the vehicle, any containers that are found during the inventory shall be opened and the contents included in the inventory.
4. When a vehicle is towed incident to an arrest, the officer prepares a Tow Receipt and Notice of Vehicle Seizure shall be completed and issued to the violator. Refer to Appendix B to view the Tow Receipt and Notice of Vehicle Seizure.
5. When a person that has standing for a vehicle involved in an administrative tow feels that the department towed the vehicle by mistake or without following department guidelines or state law, that person may request a preliminary hearing with corporate council or designee within the timeframe established in City of Elgin Municipal Code 11.40.095, from the time the vehicle was seized.
  - a. If, after the hearing, it is determined that there is preponderance of the evidence to believe the motor vehicle was used in violation of section 11.40.095 of the Elgin Municipal Code, the vehicle will remain impounded unless the necessary administrative bond is posted.
  - b. If it is found that there is no such preponderance of the evidence the vehicle will be returned, without penalty.
6. A final hearing will be provided within the time frame established in City of Elgin Municipal Code 11.40.095.
  - a. If, after the hearing, it is determined by preponderance of the evidence that the motor vehicle was used in violation of section 11.40.095 of the Elgin Municipal Code, the vehicle shall continue to be impounded.
  - b. If the owner is found not liable, the vehicle shall be returned without penalty or other fees. If the owner fails to appear, the case may continue and the owner may be found liable.

E. Abandoned Vehicles.

1. Private Property
  - a. A vehicle abandoned and not posing a hazard is the property owner or agent's responsibility to remove.
  - b. Officers have discretion to investigate the circumstances to ascertain if police involvement is appropriate.
  - c. Notwithstanding the provisions set forth in 625 ILCS 5/4-203, a vehicle parked on private property may be towed without a Pre-Tow Notice if ingress and/or egress is prohibited.

2. Public Highway.

- a. Abandoned vehicles located on a public highway may be towed after nine days from the issuance of a Notice of Violation and a Pre-Tow Notice from the Department to the last registered owner, subject to the provisions of the Elgin Municipal Code.
  - b. Notice may also be accomplished by personal service to the registered owner or person lawfully in possession of the vehicle or by the officer affixing a Tow Notice in a conspicuous place on the vehicle. Refer to Appendix C to view the Notice of Abandoned Vehicle.
  - c. After towing an abandoned vehicle on a public highway, the last registered owner shall be sent a Post-Tow Notice as prescribed under the Elgin Municipal Code.
    1. The notice shall inform the registered owner or person legally entitled to possession of a vehicle impounded of the:
      - a. Name, location and telephone number of the agency holding the vehicle.
      - b. Date, time, and the location where the vehicle was towed.
      - c. Reason for the tow.
      - d. Officer authorizing the vehicle to be towed, and the case number.
    2. The owner or other person shall also be informed of the provisions of the Elgin Municipal Code relating to disposition and sale of unclaimed vehicles.
    3. The Post-Tow Notice shall also specify the disposition alternatives and time limits applicable, if the owner or other person fails to take steps to satisfy the towing and storage charges applicable, or otherwise attempts to lawfully reclaim the vehicle.
  - d. Post-Tow Notices shall be sent by certified or registered mail, return receipt requested.
3. Officers may, in addition to removal of abandoned vehicles, issue citations where appropriate.
  4. Tow Receipts shall be used to track the towing, removal and storage of all vehicles caused to be towed by the department.
    1. Tow Receipts shall include the reason for any administrative or investigative holds placed on the vehicle and the name of the officer and supervisor authorizing the hold for the tow service.
    2. Tow Receipt information is maintained in the department's electronic citation system which has the capability to generate reports.

F. Authorized Towing Services.

The city's legal department is responsible for implementing the tow company requirements set forth in the applicable portions of the Illinois Vehicle Code and determining the tow companies to

be placed on the tow rotation. The respective companies are on call for a period of two weeks, with the other companies being available for back-up.

G. Vehicle Disposition.

All vehicles not claimed by persons lawfully entitled to possession and/or ownership of same shall be disposed of at public sale or destroyed in accordance with the provisions of the Illinois Compiled Statutes or the Elgin Municipal Code.

**APPENDIX A: NOTICE OF TOW**

City of Elgin  
150 Dexter Court  
Elgin, IL 60120



**NOTICE OF TOW**

June 01, 2021



PALATINE, IL 60067-3632

**Disposal Date**  
**Tuesday, June 15, 2021**

Tow Date: <b>Tuesday, May 25, 2021</b>	Report #: <b>202</b> [REDACTED]
Vehicle: <b>2010 TAN HYUNDAI SONATA</b>	Plate: [REDACTED]
Owner: [REDACTED]	Tow Location: <b>ROUTE 20 &amp; SHALES PKWY</b>

You are hereby notified that the above described vehicle was towed by the City of Elgin on the above date and is currently being stored on behalf of the City of Elgin at:

**Redmon's Towing**  
**1275 Spaulding Road**  
**Elgin, IL 60120**  
**8478956162**

You may recover the vehicle by going to the above tow company and paying all applicable towing expenses and daily storage fees. If you do not pick up the vehicle by the above disposal date, it will be disposed of in accordance with 625 ILCS 5/4-208.

**IF YOU NO LONGER OWN THIS VEHICLE PLEASE DISREGARD THIS LETTER.**

Additional questions concerning this order may be directed to the Elgin Police Department Adjudication Division at (847) 289-2664.

## APPENDIX B: TOW RECEIPT AND NOTICE OF VEHICLE SEIZURE

### CITY OF ELGIN TOW RECEIPT

Officer Name/Badge#: **RAIMAN, D #428**

Tow Date/Time: **5/15/2021 12:49 AM** Report#: 2021- [REDACTED]

Citation Number: [REDACTED]

Location Of Tow: **SHERMAN AVE AND S LIBERTY ST**

<b>VEHICLE DESCRIPTION</b>		
Year: <b>2004</b>	Make: <b>FORD</b>	Color: <b>BLACK</b>
Model: <b>CROWN VICTORIA</b>		
Plate: [REDACTED]	Plate State: <b>IL</b>	VIN: [REDACTED]
Reason for Tow: <b>Arrest</b>		
Towed By: <b>Arties Towing</b> <b>150 Woodview Drive</b> <b>Elgin, IL 60120</b> <b>8478880611</b>		

#### INSURANCE HOLD



**MUST PROVIDE PROOF OF INSURANCE TO TOW  
COMPANY PRIOR TO RELEASE**

#### ADMINISTRATIVE TOW HOLDS

**DUI**

**MUST POST \$500 CASH BOND AT POLICE STATION AND**

If your vehicle has been impounded pursuant to City of Elgin Municipal Code 11.40.095 sections A1, A3 or A10, your vehicle is eligible for release upon posting a \$250.00 administrative cash bond or if your vehicle was impounded pursuant to City of Elgin Municipal Code 11.45.095 sections A2, A5, A6, A7, A8, A11, A12, your vehicle is eligible for release upon posting a \$500.00 administrative cash bond. If your vehicle has been impounded pursuant to City of Elgin Municipal Code 11.45.030 your vehicle is eligible for release upon posting a \$100.00 cash bond. If your vehicle has been impounded pursuant to City of Elgin Municipal Code 10.37.071, your vehicle is eligible for release upon posting \$1000.00. The cash bond can be posted at the ELGIN POLICE DEPARTMENT, 151 Douglas Ave., Elgin, IL 60120, 24 hours a day. AFTER paying the applicable charges to the tow company your vehicle can be released to the registered owner.

A preliminary hearing may be requested within 12 hours of your vehicle being impounded. To request a hearing call (847) 931-5600, voice mail box 8250, and leave the name of the requestor, report number, and a return call back number. A hearing will be held within 24 hours, EXCLUDING SUNDAYS AND HOLIDAYS. The vehicle may be released without fees ONLY if there is no probable cause.

#### THIS HEARING IS NOT IN LIEU OF GOING TO COURT.

If the citation issued for this offense is a "MUST APPEAR," it WILL REQUIRE AN APPEARANCE IN COURT for the case to be heard and decided upon by the sitting judge at that time.



**CITY OF ELGIN  
NOTICE OF VEHICLE SEIZURE**

Report#: 2021- [REDACTED] Citation#: [REDACTED]  
Vehicle Info: 2004 [REDACTED]  
Driver Info: [REDACTED]

The aforementioned vehicle has been seized because there is probable cause to believe that the vehicle was used in violation of section 11.40.095 of the Elgin Municipal Code as the driver was arrested for the following:

**11.40.095/A2  
Vehicle Seizure And Impoundment/DUI**

**EMERGENCY/PRELIMINARY HEARING**

The owner of record of any vehicle seized pursuant to violation of section 11.40.095, section 11.45.030 or section 10.37.070 of the Elgin Municipal Code has the right to appeal seizure of this vehicle. To request a preliminary hearing, you must call 847-931-5600, extension 8250 within 12 hours of the time that the vehicle was seized. If after the hearing it is determined that there is probable cause to believe the motor vehicle was used in violation of section 11.40.095 or section 11.45.030 of the Elgin Municipal Code, the vehicle will remain impounded unless the necessary bond is posted. If it is found that there is no such probable cause, the vehicle will be returned without penalty or fees.

**FINAL HEARING**

If after a hearing it is determined by a preponderance of evidence that the motor vehicle was used in the commission of the aforementioned violations, the vehicle shall continue to be impounded. If the owner is found not liable, the vehicle shall be returned without penalty or other fees. If the owner fails to appear, the case will continue and the owner may be found liable.

YOUR FINAL HEARING WILL BE AT 150 DEXTER COURT, ELGIN  
ON:

**Friday, June 4, 2021 at 9:00 AM**

**IF YOU HAVE ALREADY POSTED YOUR BOND AND DO NOT  
WISH TO CONTEST THIS VIOLATION YOU DO NOT NEED  
TO APPEAR AT THIS HEARING.**

For release of the vehicle, you must post a \$250.00 administrative bond if your vehicle was impounded pursuant to 11.40.095 sections A1, A3 or A10. For release of the vehicle, you must post a \$500.00 administrative bond if your vehicle was impounded pursuant to 11.40.095 sections A2, A5, A6, A7, A8, A11, A12. For release of the vehicle, you must post a \$100 administrative bond if your vehicle was impounded pursuant to section 11.45.030. For release of the vehicle, you must post a \$1000.00 administrative bond if your vehicle was impounded pursuant to section 10.37.070. The administrative bond may be paid in cash, 24 hours per day, seven days per week, at the Elgin Police Department, 151 Douglas Avenue, Elgin, IL. The bond may be paid with money order or credit card Monday - Friday, 8 a.m. - 5 p.m. at the Finance Department, 150 Dexter Court, Elgin, IL. All towing and DAILY storage fees must then be paid directly to the towing company.

I certify that I personally handed a copy of the above notice to the driver identified above at the time of the alleged violation.

Officer Name/Badge#: **RAIMAN, D #428**

Date: **5/15/2021**



**APPENDIX C: NOTICE OF ABANDONED VEHICLE**

**ELGIN POLICE DEPARTMENT  
151 Douglas Avenue**



**NOTICE OF ABANDONED VEHICLE**

[REDACTED]  
ELGIN, IL 60123-2542

Letter Date: **February 04, 2021 08:59 AM**  
Vehicle: **2005** [REDACTED]  
Plate Info: [REDACTED]  
VIN: [REDACTED]  
Owner Name: [REDACTED]  
Vehicle Location: **COLORADO AVE & ROYAL BLVD**

You are hereby notified that the above described vehicle was found to be in violation of Illinois Vehicle Code 625 ILCS 5/4-201(a) declaring this vehicle as abandoned.

Said vehicle will be towed and disposed of if it is not removed or otherwise brought into compliance with the above described section of the Illinois Vehicle Code and/or Elgin Municipal Code. In the event said vehicle is brought into compliance without being removed, you must appear at the Elgin Police Department and provide reasonable proof of compliance or other reasonable evidence of facts to demonstrate why the vehicle should not be towed and disposed of.

Failure to remove the above described vehicle or to otherwise produce reasonable evidence of compliance as described above within nine (9) days from the issuing of this letter shall result in the vehicle being towed and disposed of in accordance with 625 ILCS 5/4-208. The owner of the vehicle will be required to pay all expenses incurred by the towing, storage and disposal of the vehicle.

IF YOU NO LONGER OWN THIS VEHICLE PLEASE DISREGARD THIS LETTER.

Questions concerning this order may be directed to the Elgin Police Department Traffic Investigation Unit, (847) 289-2573.

Elgin Police Department Traffic Investigation Unit