


# Fort Collins Police Services Policy Manual

 <b>FORT COLLINS POLICE</b>	<b>POLICY</b>	<b>510</b>
	<b>TITLE</b>	Vehicle Towing and Release Policy

## 510.1 PURPOSE AND SCOPE

This policy provides the procedures for towing a vehicle by or at the direction of the Agency and under the authority of CRS § 42-4-1803 and § 1801 of the City of Fort Collins Traffic Code.

## 510.2 RESPONSIBILITIES

Employees towing a vehicle will obtain the approval of a supervisor, except that supervisory approval is not required to tow vehicles that are damaged as a result of a traffic accident if:

- (a) The vehicle, if not towed, is located in a manner that creates a traffic hazard, or
- (b) The owner/operator of the vehicle consents.

### 510.2.1 MONITORING ABANDONED VEHICLES

Vehicles on public roadways suspected of being abandoned in violation of Colorado laws shall be marked by Fort Collins Police Services and documented via the computer aided dispatch (CAD) system. No case number is required.

- (a) The street side tire position shall be noted in CAD utilizing the tire stem as a point of reference. The position is determined by looking at each tire as if it were the face of a clock and noting at which hour the tire stem is located. An example of a CAD common entry would be, "Front 9, Rear 3."
- (b) If a monitored vehicle has been moved during the 48-hour investigation period, but appears to still be abandoned, the vehicle owner should be contacted and/or the position of the vehicle shall be monitored again for the 48-hour abandonment violation and a CAD entry completed.
- (c) An abandoned vehicle which is a safety hazard to citizens shall be immediately moved from traffic and/or towed.

### 510.2.2 COMPLETION OF A VEHICLE IMPOUND/STORAGE FORM

- (c) Employees requesting towing of an abandoned vehicle shall complete a vehicle impound/storage form that includes written authorization pursuant to CRS § 42-4-1803(1)(b) for the tow truck operator to possess the vehicle. A copy is to be given to the tow truck operator and the original is to be submitted to Records as soon as practicable after the vehicle is stored.
- (d) When a vehicle is towed without the knowledge of an owner/operator, the vehicle information should be entered into the CCIC private tow file by appropriate personnel.

### 510.2.3 REMOVAL OF A VEHICLE DISABLED IN A TRAFFIC ACCIDENT

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When a vehicle has been involved in a traffic accident and must be removed from the scene, the officer shall have the driver select a towing company, if reasonably possible, and shall relay the request for the specified towing company to Fort Collins 911. The requested tow company must be able to arrive at the tow within 30 minutes of the request. When there is no preferred company requested or the company cannot arrive within 30 minutes, a company will be selected from the rotational list of towing companies in Fort Collins 911.

If the owner is incapacitated or for any reason it is necessary for the Agency to assume responsibility for a vehicle involved in an accident, the officer shall request the dispatcher to call a company selected from the rotational list of towing companies. The officer will then secure the vehicle if possible and attempt to secure obvious items of value and store the vehicle using a vehicle impound/storage form.

#### 510.2.4 DRIVING A NON-CITY VEHICLE

Vehicles that have been towed by or at the direction of the Agency 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.

#### 510.2.5 DISPATCHER'S RESPONSIBILITIES

Upon receiving a request for towing by a specified towing company, the dispatcher shall promptly telephone the specified towing company. The officer shall be advised when the request has been made and the towing company has been dispatched.

When there is no preferred company requested, the dispatcher shall call the next firm in rotation from the list of approved towing companies and shall make appropriate entries on that form to ensure the next firm is called.

#### 51.2.6 RECORDS RESPONSIBILITY

Approved vehicle impound/storage forms shall be promptly filed so that they are immediately available for release or review should inquiries be made.

Records personnel should promptly enter pertinent data from a completed vehicle impound/storage form into CCIC to determine if the vehicle has been reported stolen (CRS § 42-4-1804). No later than 10 working days after a vehicle has been towed by this Agency, Records personnel shall report the towing and related information to the Department of Revenue, Motor Vehicle Division as required by CRS § 42-4-1804(1)(b).

Records personnel shall make a good faith attempt to notify the owner or lien holder of abandoned vehicles within 10 working days after receipt of a vehicle impound/storage form pursuant to CRS § 42-4-1804(4)(a) and CRS § 42-4-1804(4)(b). The notice shall inform the owner that he/she can request a hearing concerning the legality of the towing of the abandoned motor vehicle (CRS § 42-4-1804(4)(c)).

Records should use the notice forms available from the Department of Revenue, Motor Vehicle Division when sending the requested notices to the owners or lien holders of stolen or abandoned vehicles (CRS § 42-4-1804(5)).

### 510.3 TOWING SERVICES

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The City of Fort Collins periodically selects one or more firms to act as official towing services and awards contracts to those firms. Those firms will be used in the following situations:

- (a) When it is necessary to safeguard a vehicle due to the inability of the owner or operator to take the required action.
- (b) When a vehicle needs to be brought to Police Services for evidence processing in connection with an investigation (see SOP 304).
- (c) When it is otherwise necessary to store a motor vehicle. This would include situations involving the recovery of stolen or abandoned vehicles and the removal of vehicles obstructing traffic in violation of state or local regulations.

If more than one firm has been awarded contracts, they shall be placed on the rotation list. Nothing in this policy shall require the Agency to tow a vehicle.

#### **510.4 TOWING AT ARREST SCENES**

Whenever a person in charge or in control of a vehicle is arrested, it is the policy of FCPS to provide reasonable safekeeping by towing or towing and storing the arrestee's vehicle.

The vehicle, however, may be towed, or towed and stored, whenever it is needed for additional investigation or prosecution of the case, or when the community caretaker doctrine would reasonably suggest that the vehicle should be towed (i.e. vehicles impeding traffic or threatening public safety).

The vehicle should be towed pursuant to this policy if the vehicle was unlawfully parked, and/or could pose a traffic hazard to other vehicles. A notation articulating the authority for the tow shall be made on the Vehicle Report Form.

However, there are times when it may be most appropriate not to tow the arrestee's vehicle. The following are examples of situations where consideration should be given to leaving a vehicle at the scene in lieu of towing, provided the vehicle can be lawfully parked and left in a reasonably secured and safe condition:

- (a) Traffic-related warrant arrest.
- (b) Situation where the vehicle was not used for furtherance of the offense for which the driver was arrested or is not subject to forfeiture proceedings. Consideration may be given to releasing the vehicle to a licensed passenger if the registered owner gives consent.
- (c) Whenever the vehicle otherwise does not need to be stored and the owner requests that it be left at the scene. In such cases, the owner shall be informed that FCPS will not be responsible for theft or damages.
- (d) Whenever the registered owner of the vehicle is present, willing, and able to take control of a vehicle that was not involved in criminal activity.

In such cases, the handling employee shall note in the report that the owner was informed that the Agency will not be responsible for theft or damages.

#### **510.5 VEHICLE INVENTORY**

All property in a stored or impounded vehicle shall be inventoried and items of obvious value listed on the Vehicle Report Form. If possible and/or relevant, input from the vehicle occupant(s)

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for listing property of note or high value should be solicited. The inventory shall include the trunk and any compartments or containers, even if closed and/or locked. If a container is closed or locked, then the container should be opened if it can be done with minimal damage to the container and an officer should consider whether a warrant should be obtained if there is probable cause to believe the container holds contraband. Members conducting the inventory should be as thorough and accurate as practical in preparing an itemized inventory. These inventory procedures are for the purpose of protecting an owner's property while in police custody, to provide for the safety of officers, and to protect the Agency against fraudulent claims of lost, stolen, or damaged property.

However, if either contraband or evidence of a crime is discovered during the inventory of the vehicle, the officer discovering the contraband or evidence of a crime should consider whether it is most prudent to seek a search warrant, or collect and document the items under one of the exceptions to the 4<sup>th</sup> Amendment.

### **510.6 TOWING AND STORAGE**

Any vehicle in violation of Municipal Traffic Code 1801 regarding abandoned vehicles shall be towed or towed and stored by an authorized towing service and a vehicle impound/storage form shall be completed by the officer authorizing the storage of the vehicle.

Unless it would cause an unreasonable delay in the completion of a vehicle impound/storage or create an issue of officer safety, an officer should make reasonable accommodations to permit a driver/owner to retrieve small items of value or personal need (e.g. cash, jewelry, cellular phone, prescriptions) that are not considered evidence or contraband.

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

### **510.7 TOW AUTHORITY**

Authorized Fort Collins Police Services employees have the authority to tow, or tow and store, vehicles pursuant to the following:

- (a) When a vehicle is parked or left on a public roadway in a position so as to obstruct the normal movement of traffic or in a condition so as to create a hazard to other traffic on the public roadway.
- (b) When a vehicle is found, and a report has previously been made that the vehicle is stolen and/or a complaint has been filed.
- (c) When it is necessary to seize the vehicle for an investigation.
- (d) When a vehicle is illegally parked so as to block the entrance to a private driveway, and all practical means to locate the owner or a responsible party to move the vehicle have been exhausted.
- (e) When a vehicle is illegally parked so as to prevent access of fire-fighting equipment to a fire hydrant. If possible, with time permitting, all practical means to locate the owner or a responsible part to move the vehicle should be exhausted.
- (f) When a vehicle is parked or left on a public roadway for 48 or more consecutive hours in violation of City Code.

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- (g) When a vehicle is illegally parked and blocks the movement of a legally parked vehicle.
- (h) When a vehicle is disabled in a traffic accident.
- (i) When a vehicle is operated on a public roadway, or public land, under the following circumstances:
  1. When the registration expiration date in excess of six months before the date it is operated on a public roadway or public lands.
  2. Displaying in, or upon, the vehicle a registration card, identification card, temporary receipt, license plate, special plate, registration sticker, or permit that was not issued for that vehicle, or is not otherwise lawfully used on that vehicle.
  3. Displaying in, or upon, the vehicle an altered, forged, counterfeit, or falsified registration card, identification card, temporary receipt, license plate, special plate, registration sticker, or permit.
  4. The officer is able to determine there is no insurance for the vehicle.
- (j) When an officer arrests a person driving or in control of a vehicle for an alleged offense and the officer is lawfully permitted to take, and does take, the person into custody.
- (k) When an officer arrests a person driving or in control of a vehicle for an alleged Public Safety Traffic Offense. A Public Safety Traffic Offense shall constitute a violation or combination of multiple violations during which the driver displays willful and wanton disregard for the safety of the public. Public Safety Traffic Offenses are defined as follows and supported by probable cause to arrest:
  1. Driving Under the Influence;
  2. Vehicular Eluding;
  3. Exhibition of Speed;
  4. Speed Contest violations;
  5. 40+ mph over the posted speed limit;
  6. Violations where the totality of the incident results in a point violation totaling 8 points or higher, in which the officer can articulate the willful and wanton disregard for the safety of the public.
- (l) At the request of the registered owner or their designated agent.
- (m) If a supervisor determines the removal of a vehicle necessary for articulable reasons based on necessary police action not previously listed in this policy.