


GAINESVILLE POLICE DEPARTMENT

GENERAL ORDER

	TITLE Vehicle Inventory, Tow and Release Procedures		ACCREDITATION CALEA 61.4.3, 1.2.4
	PROponent UNIT Logistics Division		PRIOR REVISIONS 04/27/10, 04/21/16, 03/23/20
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I. PURPOSE: This Order establishes procedures for towing, inventorying and releasing vehicles impounded by the Department.

II. POLICY: Authorized Gainesville Police Department members shall tow vehicles when lawfully appropriate, such as when vehicles are illegally parked, abandoned and/or dangerous; seized and/or needed as evidence to further a criminal investigation; and towed as prisoner property. All Department-ordered tows shall be accomplished utilizing the contractual wrecker, and shall be in accordance with applicable State and municipal law, as well as with this Order, to ensure proper tow, storage, inventory, and release of vehicles.

III. DEFINITIONS:

City Property: Any property owned by the City, including all streets, parking lots and rights-of-way.

Contractual Wrecker: The wrecker service currently under contract to tow and store vehicles at the direction of Department members pursuant to a law enforcement action.

Department-Ordered Tow: A tow ordered by a member of the Gainesville Police Department to remove a vehicle, pursuant to a law enforcement action to a designated storage compound.

Impound: To take [a vehicle] into legal custody.

Private Property: Property owned by an individual, corporation or other entity (not the City) onto which the general public is not openly invited.

Quasi-Public Property: Private property not owned by the City but onto which the general public is invited to travel by motor vehicle (includes parking lots such as those at the Oaks Mall and Wal-Mart, but does NOT include private doctors' office parking lots, for example).

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Rotation Wrecker: Wrecker services, on an approved list, that are called, on a rotating basis via a law enforcement request, to send tow trucks to a citizen's need for service.

Tow Administrator: Designated Department Member who serves as, the evidence custodian for vehicles towed via the contract tow company as evidence.

Vehicle Hold: A Department-ordered tow involving the placement of a 'HOLD' on a vehicle until the need for further law enforcement action (processing, forfeiture, etc.) can be determined or can occur.

IV PROCEDURE: The following actions shall be performed when a vehicle is impounded.

A. Member's Responsibility:

1. Members are responsible for ensuring that towing decisions are within the guidelines, policies and practices of the Department when initiating a tow.
2. Members unfamiliar with the policies and/or the current situation shall contact a supervisor for guidance.

B. Impound Documentation: The following documentation will be required:

1. **Vehicle Tow Report:** The Department member ordering the tow will complete, or cause to be completed, a *Vehicle Tow Report*. The Vehicle Tow Report shall be completed within Visual MCT through the MFR function. Members shall obtain a case report number for the vehicle tow.
 - i. Within the MFR menu, the department member will click on the Tow/Impound module and complete all required fields. At a minimum, all of the following information is required:
 - a. Vehicle owner information
 - b. Vehicle information
 - c. Time, date and location of the tow;
 - d. Department member requesting the tow;
 - e. Reason for the removal or tow;
 - f. Towing service's name;
 - g. Location of the vehicle
 - ii. Within the notes section of the vehicle tow report the member shall note:
 - a. Notification (or attempts) to notify the registered owner (within notes or report narrative);
 - b. Inventory of contents; and items recovered

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- c. Hold Request: Yes or No- If Yes-Reason hold placed or removed on a vehicle is required.
 - d. Criminal offense
 - e. *Vehicle Tow Reports* requiring a hold, require to be approved by a supervisor. The name of the approving supervisor shall be documented in the notes section of the tow report.
 - f. Request for vehicle to be processed, (type of processing and reason)
 - g. Vehicle damage
 - h. Tow information
 - i. Parking violations.
- iii. The Records Section will be responsible for creating a report shell in RMS to document the Vehicle Tow Report if no original report is generated by the member.
- 2. Tow Receipt:** The Department member ordering the tow shall sign the tow receipt. The contractual tow company shall be responsible for maintaining copies of the receipts. The Department member shall place a copy of the signed tow receipt into records documenting the related CR number.
- C. Inventory:** Members shall conduct an inventory of the contents of contracted towed vehicles to protect the owner's property and to protect officers from dangerous items or substances. [CALEA 1.2.4]
- 1. Restrictions on Conducting Inventories:** (See G. O. 1.4 regarding warrantless vehicle searches.)
- i. The inventory shall not be conducted in lieu of a search for the purpose of discovering evidence or contraband.
 - ii. If the vehicle is to be searched for contraband or evidence, the vehicle inventory shall follow a lawful search.
 - iii. If probable cause for a search or evidence of contraband is developed during an inventory, the vehicle may then be searched.
 - iv. Rare exceptions may require that the vehicle be secured and a warrant obtained. Contact a supervisor for guidance.
- 2. Inventory Documentation:** Actions (e.g., extent of areas/items inventoried and disposition) and findings shall be listed on the *Vehicle Tow Report-Notes section*. Items removed for placement into property shall be noted, along with the case report number, on the *Vehicle Tow Report-Notes Section*.
- 3. Disposition of Items of Value:** Items of value (i.e., money, cameras, firearms) that are

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neither evidence nor part of the vehicle shall be removed and submitted pursuant to the procedures in G.O. 84.2 as personal property, using a *Property and Evidence Voucher*.

4. Property/Evidence Items Removed From Vehicle: A Property and Evidence Voucher shall be completed for property or evidence items that are removed from impounded vehicles.
5. **Area Accessibility:** Accessible areas (interior, trunk, glove box) and containers (boxes, briefcases, etc.) shall be opened and inventoried. Locked areas/containers shall be opened if keys are available, but shall not be forcibly opened. Note all conditions in the report.
 - i. Add-on equipment or other valuable auto accessories which cannot be removed should be listed and described on the *Vehicle Tow Report*, and should, when applicable, include manufacturer's name, model number, serial number, and condition.
 - ii. Containers should be collected, if the container or its contents could reasonably be considered valuable, and disposed of as outlined in Section **IV, C, 3** (above) of this Order.

D. Vehicles Impounded as Evidence:

1. The storage of vehicles towed as evidence will depend upon whether processing has occurred, whether additional or follow-up processing may occur or is needed, the nature of the crime committed and the evidentiary value of the vehicle and/or its contents.
2. **Secure Storage:** Vehicles shall be placed in secure storage when the vehicle itself is evidence, contains evidence to be collected pursuant to a search, or needs to be processed for evidence
3. If a vehicle is towed as evidence a hold must be placed on the motor vehicle. **All holds require supervisor approval.**
4. Recovered Stolen Vehicles should be processed on scene if possible. If patrol is unable to process on scene due to weather conditions then the vehicle can be towed for processing at a later time. Department members towing vehicles for processing by FCU shall place a copy of the tow report in the FCU tray, located in the property and evidence temporary storage room.
5. If a search warrant is needed, officers will conduct a cursory inventory for dangerous items or signs of life with as little intrusion as possible, (see section C, iv. inventory), while activating their Body Worn Cameras or taking photographs. **Unless** an exigency exists to preserve life or prevent destruction of evidence (a hot firearm placed near a gas tank, etc), the inventory should be visual only, being careful to not disrupt any location of any item. After this inventory, the officer should then have the vehicle towed for processing. The officer may indicate in their report that the vehicle owner(s) did or are willing to sign a consent to search form to allow expedited evidence processing which may show investigative cooperation.
6. An officer shall follow the tow truck with the vehicle to the impound location to maintain the chain of custody.

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The officer shall complete a brief narrative documenting their actions in a supplement report to include the original and final locations, dates and times of the tow. For example: "I completed a tow form for a vehicle make/model/tag. On date/time the contract tow company arrived on scene. I followed the contract tow company to their facility, (or GPD headquarters), where the vehicle was locked in secure storage. A copy of the tow form was then placed in the FCU tray in the Property & Evidence temporary storage room".

7. If the vehicle cannot be put into the secured building of the tow company the vehicle shall be placed in the secured area of the tow yard.

8. The vehicle, if being kept by the agency for further investigation, may be moved to the secure impound lot designated for GPD impounded vehicles.

E. Vehicles Seized for Possible Forfeiture: See G.O. 40.20 for procedures related to forfeitures. Vehicles towed for forfeiture shall have a hold placed on it with notes indicating it is being held for forfeiture.

F. Illegally Parked Vehicles: When permitted by [City Ordinance \(26-53\)](#), a member may have an illegally parked vehicle towed from public or quasi-public property for parking violations. (See G. O. 61.9)

G. Dangerous Vehicles: Members may have a dangerous vehicle immediately towed from public or private property pursuant to the requirements of G.O. 61.9

H. Vehicles Towed from Public or Private Property:

1. Vehicles on Public Property:

- i. Members are authorized by [City Ordinance \(26-139\)](#) to tow abandoned dangerous vehicles from public property. [CALEA 61.4.3.a]
- ii. Members should only tow vehicles posing a hazard from quasi-public property as a last resort; normally, the property owners or their agent should initiate the tow.

2. Vehicles on Private Property: [CALEA 61.4.3.a,b]

- i. **Department-Initiated Tows:** Department members shall not tow vehicles from a private property unless:
 - a. The vehicle is stolen, evidence, instrumentality of a crime, etc.;
 - b. The vehicle is determined to be dangerous, or abandoned, and proper notice to the registered owner, when required, is given.
 - ii. **Owner-Initiated Tows:** If a property owner desires to have a vehicle towed from their private property, the property owner may contact a towing service of their choice.
- I. Prisoner Property:** When arresting a person who is in possession of a vehicle, the member shall impound or release the vehicle as follows:
1. **Impound:** An arrestee's vehicle shall be impounded if it is:
 - i. Towed as prisoner property,

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- ii. Evidence and/or subject to forfeiture (i.e., an instrumentality of a crime). See G.O. 40.20 for forfeiture procedures.
 - iii. Of questionable or unverifiable ownership or registration.
 - iv. Not disposed of by one of the options listed in the following section, titled '**non-impound**'.
2. **Non-Impound:** When a Department member determines that an arrestee's vehicle will not be impounded, the member may offer the vehicle's owner options regarding the disposition of the vehicle. Refer to General Order 1.3, Arrests, for further information.
- J. **Holds:** If a vehicle is being held for further investigation (evidence, possible forfeiture, etc.), the investigating member shall note this on the *Vehicle Tow Report* and *Incident/Investigation Report* in addition to the supervisor's name who approved the hold.
- K. **Owner Notification: All Tows:** The contractual tow company shall be responsible for notifications to registered owners, as required by law, regarding all vehicles towed by the Department. **Members**, however, are responsible for attempting notification at the time of the tow for all tows.
- 1. **Members** are responsible for attempting owner notification at the time of the tow for *all* tows. (If he or she is not present to receive such notification).
 - 2. The owner's name and results of the attempt shall be recorded on the appropriate section of the *Vehicle Tow Report* in the notes section.
 - 3. The **contractual tow company** is responsible for notifications to registered owners, as required by law (via certified mail), regarding all vehicles towed by the department.
 - 4. **Outside Agency Tows:** (ie Recovered stolen vehicle in another jurisdiction)
Refer to GO 40.16 Recovered Stolen Vehicles. The Department Member assigned to the call for service shall contact the registered owner to notify them of the recovery and location of the vehicle. The Department Member shall complete a supplement documenting the notification.
 - i. If the Department Member cannot make contact, the efforts shall be notated in the supplement and an email sent to the tow administrator for follow up. Department Member shall also document in their supplement who the email was sent to (tow administrator's name).
- L. **GPD Tow Administrator:**
- 1. The GPD Tow Administrator is the designated evidence custodian for
 - 2. Vehicles towed as evidence and serves as the point-of-contact

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between the Department and the contractual tow company.

3. The GPD Tow Administrator is responsible for completing a property and evidence voucher in the RMS Evidence module for each vehicle towed with a hold. The tow sheet shall be used for entering the information into the voucher. If a vehicle is moved to GPD Evidence Vehicle Storage- the tow administrator shall document the location change in the evidence module for chain-of-custody.
4. The GPD Tow Administrator shall coordinate with members ordering holds.
5. If a vehicle is held for processing only, the hold shall be released once the vehicle has been processed and subsequently released to the owner. The processor will attempt to contact the owner via phone.
6. The Tow Administrator shall coordinate transport of evidence vehicles to and from the secure GPD evidence lot.

M. Vehicle Disposition: Depending upon the type of incident and the progress/movement of the investigation, one member (the member initiating the tow, the investigator assigned the case, the Legal Advisor, etc.) should be in control of the vehicle at any one time (e.g. the one to authorize its release, its continued hold, etc.). Therefore, whoever is in control of the vehicle shall be responsible for periodic checks as well as determination of the final status of the vehicle. The responsible member shall ensure that all other Department subcomponents/agencies with potential interest (such as the initiating officer, the Forensic Crime Unit, the State Attorney's Office, the Investigations Bureau, and/or the Property and Evidence Section) are in agreement as to when the vehicle can be released.

1. **Vehicle Status:** When the vehicle no longer needs to be held (as evidence, for forfeiture proceedings, etc.), the member who ordered the 'hold' or the assigned investigator/Legal Advisor shall release the vehicle and:
 - i. Notify the Tow Administrator if the vehicle is transferred from secure covered storage to open secure storage at the GPD secure lot, unless the vehicle is immediately returned to the owner.
 - ii. Ensure that all proper notations are updated and have been entered on the Vehicle Tow Report in the 'Vehicle Release Section' as soon as possible.
 - iii. The Towing Administrator shall review the contractual tow company's inventory on a weekly basis to ensure compliance with this policy.
 - iv. Ensure the release paperwork has been noted for the owner(s).

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2. Conditions for Release:

- i. Vehicles shall only be released with proper authorization from the member responsible for declaring the hold. Vehicles may also be released by a supervisor when needed.
- ii. Vehicles held for forfeiture shall be released only with authorization from the Department Legal Advisor (see G.O. 40.20).
- iii. Vehicles held only for processing (e.g., stolen vehicle) may be released, after processing, without the SAO's permission.
- iv. Vehicles shall be released by the contractual wrecker company as required by city contract and state law.

3. Vehicle Release: The following procedure shall be used to release a vehicle once it is verified that the vehicle is authorized to be released (all 'holds' are lifted, etc.):

- i. Members responsible for holds or the continuation of a hold shall ensure a vehicle is released when the hold is no longer needed.
- ii. Members shall notify the Tow Administrator when the hold is no longer needed and document that they notified or attempted to notify the owner at least one time that the vehicle was released.

N. Routing and Disposition of Documentation:

- 1. **Tow Reports:** All completed original tow sheets for vehicles held as evidence, shall be forwarded through the member's (or available on-duty) supervisor, for approval, and then placed in the FCU tray in the Evidence Packaging Room.
- 2. Copies of documentation required regarding forfeitures as identified in G.O 40.20 will be routed accordingly. [CALEA 61.4.3.c]
- 3. Documentation Regarding Abandoned Vehicles: See G.O. 61

O. Vehicles Towed by Citizen Request / Rotation Wrecker:

Citizens will be responsible for deciding which wrecker to call regarding vehicles disabled as a result of a crash, mechanical breakdown, or other cause.

- 1. Whether or not there is a related criminal investigation and/or arrest, vehicles disabled

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as a result of a crash should normally be towed by citizen request or a tow rotation wrecker, **UNLESS** the vehicle is evidence or an instrumentality of a crime, and is ordered to be towed by a Department member.

2. Department members shall make every reasonable effort to ascertain a citizen's preference for a wrecker service.
3. Should the citizen not express a preference for a particular wrecker service, then the Department member may request that personnel in the Combined Communications Center contact a rotation wrecker from the **Gainesville Police Department's Tow Rotation List** to tow the vehicle to the place of the owner's/driver's choosing. Department members shall:
 - i. Confirm the tow company dispatched is the same company that respond to the location to tow the vehicle.
 - ii. Confirm the tow truck driver has the proper permit.
 - iii. Confirm the tow truck has the proper inspection sticker applied to the window.
 - iv. Inspect the scene prior to the departure of the tow truck to make sure all debris has been cleared from the roadway.
 - v. Confirm the tow truck driver has secured the vehicle using straps and lights in accordance with [FSS 316.525](#) and [FSS 316.222](#).
 - vi. Provide specific location and contact information regarding the wrecker service to any owner who was not available on-scene to receive it.

By Order of

*Signed Original on File in the
Accreditation Unit*

Tony R. Jones
Chief of Police