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| <br><b>Kinston Police<br/>Department</b> | <b><u>POLICY: Vehicle Towing, Storage &amp; Unlocks</u></b> |                 |                 |  |  |  | <b><u>POLICY #:</u></b><br><br><b>400-5</b> |
|   | <b><u>NCLEA Standards:</u></b>                              |                 |                 |  |  |  |   |
|   | <b><u>CALEA Standards: 61.4.3</u></b>                       |                 |                 |  |  |  |   |
|   | <b><u>NCLM Standards:</u></b>                               |                 |                 |  |  |  | <b><u>Effective Date:</u></b>               |
| <input type="checkbox"/> New<br><input checked="" type="checkbox"/> Revised   | <b>Revision</b>   | <b>01/01/21</b> | <b>04/08/25</b> |  |  |  | <b>07-01-2019</b>                           |
|   | <b>Dates:</b>   |                 |                 |  |  |  |   |
| <b>Approval: Chief of Police</b>  |   |                 |                 |  |  |  |   |

## I. PURPOSE AND SCOPE

This policy provides guidance related to vehicle towing, storage, and unlocks, as well as guidelines on the utilization of local wrecker services.

## II. POLICY

This policy is used to establish a departmental procedure for the inventory and storage of vehicles seized, impounded or towed as the result of a vehicle crash or arrest by one of the Kinston Police Department. The Kinston Police Department will tow vehicles when appropriate and in accordance with the law.

## III. REMOVAL OF VEHICLES DUE TO HAZARD

Vehicles abandoned on the right of way of any roadway in the department's jurisdiction should be marked on the front driver side windshield with an orange TOW NOTICE sticker unless the vehicle is an immediate hazard to the safety of other vehicular traffic. The TOW NOTICE sticker should be completed by the officer to provide a date and time that removal of the vehicle should comply by. **(CALEA 61.4.3 a)**

When a vehicle should be towed because it presents a hazard, the owner or operator should arrange for the towing. Department members may assist by communicating requests through 911 Communication Center to expedite the process.

If the owner or operator is unable to arrange for towing and the vehicle presents a hazard, the vehicle may be towed at the direction of the department member (N.C.G.S. § 20-161(d); N.C.G.S. § 20-161(e)).

Vehicles that are not the property of the City should not be driven by department members unless it is necessary to move the vehicle a short distance to eliminate a hazard, prevent the obstruction of a fire hydrant or to comply with posted signs.

#### **IV. REMOVAL OF VEHICLE IN VIOLATION OF CITY CODES**

The Kinston Police Department will be responsible for having vehicles towed that are in violation of NCGS 160A-303, NCGS 160-303.2 and City Codes 15-53, 15-54 and 15-55. The above listed General Statutes and City Codes deal with abandoned, nuisance, and junked vehicles.

The assigned officer will issue an Abandoned, Nuisance or Junked Towing Notice to the owner of the vehicle prior to the vehicle being towed by a rotation wrecker.

If the owner of the nuisance or junked vehicle wishes not to have the vehicle towed, the owner must file an Application for Vehicle Storage Permit (12 months maximum) with the assigned departmental official / Administrative Assistant.

#### **V. ABANDONED VEHICLES ON PRIVATE PROPERTY (CALEA 61.4.3 b)**

Removal of vehicles from private property is the responsibility of the property owner.

Whenever a vehicle is towed at the request of a person other than the owner or operator of the vehicle, the tower shall provide the following information to the local law enforcement agency having jurisdiction through calling the 10-digit telephone number designated by the local law enforcement agency having jurisdiction prior to moving the vehicle: NCGS 20-219.20:

- a. A description of the vehicle.
- b. The place from which the vehicle was towed.
- c. The place where the vehicle will be stored.
- d. The contact information for the person from whom the vehicle owner may retrieve the vehicle. The Police Department shall preserve the information required in the CAD System. **(CALEA 61.4.3 c)**

#### **VI. ACCIDENT SCENES**

Upon arriving at the scene of an accident or other call for service when a wrecker is needed:

- a. The officer(s) shall check to determine if involved party/parties prefer a specific wrecker to be called. If so the police officer will notify the dispatcher of the details. If the party indicates “no preference”, the officer shall notify the dispatcher to call a rotation wrecker.
- b. If rotation tow is needed, the Communications Center shall notify the tow company specified or the next company on the rotation tow list if no preference is given and make required entries into the CAD system.

#### **VII. ARREST SCENES**

Whenever the owner or operator of a vehicle is arrested, the arresting officer should provide reasonable safekeeping by leaving the vehicle secured and lawfully parked at the scene or when appropriate, by having the vehicle towed, such as when the vehicle presents a traffic hazard or the vehicle would be in jeopardy of theft or damage if left at the scene; or if the vehicle may be or contain evidence of a criminal offense.

Officers are not required to investigate whether alternatives to towing a vehicle exist after an arrest. However, a vehicle should not be towed if reasonable alternatives exist. When considering whether to leave a vehicle at the scene, officers should take into consideration public safety as well as the reasonable safety of the vehicle and its contents.

The following are examples of situations where a vehicle should not be towed:

- a. The vehicle can be legally parked, left in a reasonably secure and safe location and the vehicle is not needed as evidence.
- b. The vehicle is parked on private property, on which the arrestee or owner is legally residing, or the property owner does not object to the vehicle being parked at that location.
- c. The arrestee or owner of the vehicle requests that it be released to a person who is present, willing and able to legally take control of the vehicle.
- d. The vehicle is legally parked and the arrestee or owner requests that it be left at the scene. In such cases the requestor should be informed that the Department will not be responsible for theft or damages.

## **VIII. VEHICLES TOWED FOR EVIDENCE PURPOSES OR CRIMINAL INVESTIGATIONS**

Upon arriving at the scene where a wrecker for evidence purposes is needed, the officer will notify the on-duty supervisor. After conferring with the officer, the supervisor will notify the Communications Center to call Webb's Automotive for storage and processing. Webb's Automotive is the Department's garage used for inside storage/evidence holdings. An evidence/inventory search should be made before the vehicle leaves the scene.

If a "hold" is desired on the vehicle, or any other instructions pertaining to disposition, they should be clearly made by the officer handling the investigation.

Vehicles seized based on DWI arrests shall be handled according to the requirements defined in North Carolina General Statutes 20-28.3.

Vehicles seized based on the "Run and You're Done" Speeding to Elude Arrest; Seizure and Sale of Vehicles shall be handled according to the requirements defined in North Carolina General Statutes 20-141.5.

Storage fees will accrue based on length of storage and must be satisfied prior to release.

## **IX. RECOVERED STOLEN VEHICLES**

When a vehicle is found to be stolen, the officer should determine if crime scene processing is needed. If crime scene processing is needed it should be done as outlined in the Kinston Police Department Policy and Procedure.

If crime scene processing is not necessary, the officer should attempt to contact the owner and determine if the vehicle can be claimed within a short period of time at the location of recovery. This will be done only if the officer is able to stand by and wait for the owner to arrive. Before releasing the vehicle to the owner, the officer shall conduct an evidence search.

If the vehicle is to be towed, either at the owner's request or in the owner's absence, the officer will conduct an evidence search before the vehicle leaves the scene.

## **X. VEHICLES HELD AS EVIDENCE AFTER A CRASH**

A court order should be obtained in the event a vehicle held as evidence after a crash needs to be stored for more than 20 days. Absent a court order, the vehicle shall be released to the vehicle owner, insurer or lien holder upon payment of towing and storage fees (N.C.G.S. § 20-166.3).

## **XI. VEHICLE STORAGE REPORT (CALEA 61.4.3)**

The officer will complete a Report of Vehicles Stored Form on all vehicles seized, impounded or towed by the Kinston Police Department and turn it into the Records Division; except for vehicles involved in a crash/collision report.

This form must be completed and turned into the Records Division by the end of the seizing officer's tour of duty.

- a. Original will be turned into the Records Office and sent to the Department of Motor Vehicles in Raleigh, NC by Records Office personnel.
- b. A copy will be placed in the "Vehicle Stored" folder in the Records Office.
- c. A copy will be kept by the investigating officer for his/her records.
- d. If the vehicle is towed to be processed for physical evidence, a copy of the Vehicle Storage Report should be forwarded to the Kinston Police Department Crime Lab Supervisor.

## **XII. NOTICE OF TOW (CALEA 61.4.3 c)**

Unless a towed vehicle is subject to seizure pursuant to state law (N.C.G.S. § 20-219.10), notification shall be provided of tow to all registered owners and others having a recorded interest in the vehicle within 24 hours for vehicles registered in North Carolina and within 72 hours for vehicles registered out of state. Notice shall be given by telephone if practicable. Whether or not the owner is reached by telephone, notice shall be mailed to his/her last known address unless the owner or his/her agent waives the notice in writing. The notice shall include (N.C.G.S. § 20-219.11):

- a. The name, address and telephone number of the Kinston Police Department.
- b. The location where the vehicle is stored.
- c. A description of the vehicle, including the following:
  1. Color
  2. Manufacturer year
  3. Make and model
  4. License plate number and/or Vehicle Identification Number (VIN)
  5. Mileage
- d. The authority and purpose for the removal of the vehicle. This should include the violation with which the owner is charged, if any.
- e. An explanation of the procedure for release of the vehicle and for obtaining a vehicle tow hearing.

Whenever a vehicle with neither a valid registration plate nor registration is towed, the Records Section shall make reasonable efforts, including checking the VIN, to determine the last known registered owner of the vehicle in order to notify him/her as required (N.C.G.S. § 20-219.11(b)).

Notice is not required to be given for a vehicle towed for evidence in a criminal proceeding.

### **XIII. INVENTORY OF VEHICLES**

An inventory search is conducted to identify and take possession, for safekeeping, of valuable property from a towed vehicle. If the owner/operator is not present when the vehicle is towed, or due to injury or some other reason is unable to take possession of personal property in the vehicle, an inventory search will be made.

If practical, before the vehicle is removed from the scene, officers will take possession of any obviously valuable property or any contraband found in the vehicle. If it is not practical to search the vehicle at the scene, the officer, with the supervisor's concurrence, will have the vehicle towed by a rotation wrecker and conduct the inventory search at the tow storage facility. The officer must maintain view of the vehicle at all times to insure the chain of custody. The scope of an inventory search will include accessible areas within the vehicle. A locked trunk or glove box, or any other locked container will be searched only if the keys to those areas are in the officer's possession. Luggage, briefcase, and other unlocked containers will be searched for the purpose of locating valuables for safekeeping.

Prior to leaving the scene, the officer will complete a listing of the items removed. Any property taken for safekeeping or seized as evidence will be stored according to the Kinston Police Department Policy and Procedure.

Officers shall complete a departmental Report of Vehicle Stored Form and turn it into the Records Division anytime a vehicle is towed based on officers' request.

### **XIV. ROTATION WRECKERS**

A wrecker service may request to be placed on the rotation wrecker list and must be approved by the Chief of Police. The department nor its employees Officers will not act as agents for any wrecker service recommending pricing on service calls or recommendations on repairing damaged vehicle.

- a. Rotation wreckers will be inspected semiannually, or as needed, based on complaints from officers that the wrecker service has a safety, service, or equipment problem. The Traffic Unit Supervisor of the Kinston Police Department will conduct the inspections.
- b. The Wrecker Service Inspection Form for each rotation wrecker will be kept in the departments Traffic Unit Office or Sergeant's Office.
- c. The rotation wrecker driver will be responsible for cleaning debris from the roadway before leaving the scene of an accident.
- d. In the event that a wrecker is called off before the wrecker has hooked to the vehicle, the wrecker will be put back on top of the rotation wrecker call list. Officers will make every effort to make sure the rotation wrecker is needed before one is called out for service.

A wrecker service on the rotation wrecker list may be terminated on the following areas:

- a. Failing Inspections: If a wrecker fails any portion of the safety equipment or service equipment section of the Wrecker Service Inspection Form, the wrecker service can be suspended until the problem is corrected or up to 30 days.
- b. Numerous complaints of long response times: Daytime - 20 minutes Nighttime - 30 minutes
- c. The following is the action that will be taken involving complaints of long response times: (The Operations Major will review and take action on all of these complaints)
  - First Offense: Verbal Warning
  - Second Offense: 14-day Suspension
  - Third Offense: 30-day Suspension Fourth Offense:
  - Removal from Rotation Towing List

**NOTE:** The four offenses must occur within a six months period. A wrecker service that has been removed from the rotation towing list can request reinstatement to the rotation towing list one year from the date of removal and after passing a wrecker service inspection. The final decision for termination will be made by the Chief of Police.

- d. Failure to answer phone when called out
- e. Criminal charges filed against owner/employees
- f. Three substantiated complaints for i.e., overcharging, poor service, inappropriate conduct, or other unreasonable conduct within a six (6) month period will require removal from the rotation tow list. Final disposition will be made by the Chief of Police.

## **XV. UNLOCKING VEHICLES**

Under certain situations and when calls for service allow, the Kinston Police Department will provide lock-out service to individuals in need of having their vehicle opened.

In order for the Kinston Police Department to unlock a vehicle, the following criteria should be met:

- b. Vehicle's motor is running
- c. A child or animal is locked in the vehicle

If the above criteria have not been met, an officer shall not attempt to unlock a vehicle without the consent from the on duty supervisor.

This service will be provided contingent upon the above criteria, officer staffing and activity needs of the squad at the time of the request. The responding officer will provide the owner or operator of the vehicle with an unlock vehicle waiver form that must be signed before the officer attempts to unlock the vehicle. The waiver will explain that damage to the vehicle may occur as a result of the attempt to gain entry.

The officer should only attempt entry into the vehicle if it can be done safely, efficiently and without risk of damage to the vehicle or occupants. Unfortunately, the continued development of locks with anti-theft devices, side air-bags and other technological developments have created a situation where risk to the safety of the police personnel, the vehicle occupant (small child), even the vehicle itself exceeds our ability to provide effective and safe service. In such cases the vehicle owner/operator will be informed that entry is unsafe and we suggest calling a locksmith or retrieving a spare key to avoid damage. "Slim-Jim" door tools are prohibited for officer use due to the side airbag deployment and the injury that may occur as a result of the deployment

The waiver will be turned in at the end of each shift. If the vehicle was damaged, the officer will note the damage on the lock - out liability waiver form. The officer will inform dispatch of the corresponding registration information for inclusion in the respective CAD entry

**Exception: Department members shall unlock a vehicle when there poses a risk of serious injury or death if the vehicle is not unlocked.**