



# City of Manassas Police Department General Duty Manual



Effective Date: 04-15-2011	<b>GENERAL ORDER</b>	Number: 08-11
Subject: Towing Vehicles		
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Accreditation Standards: 1.2.4/ 61.4.3	By Authority Of:  Douglas W. Keen, Chief of Police	Total Pages: 8

## PURPOSE:

To establish guidelines for the towing, removal, or immobilization of vehicles in the City for various legitimate purposes, such as vehicles parked in violation of local and state ordinances, abandoned vehicles, disabled vehicles, those vehicles where the driver has been arrested and vehicles parked on private property under certain conditions.

## POLICY:

Department officers have the authority under the provisions of the City Code Sections 114-541, 114-542, 114-543, and 114-544 (see Attachment "A"), as well as the Code of Virginia Section 46.2, Chapter 10, to remove, tow or immobilize motor vehicles in certain instances.

Officers should provide for an orderly traffic flow on the highway. In some cases it is necessary to remove or tow vehicles from the highway rapidly and efficiently to a safe location in order to eliminate a traffic hazard. In other cases a vehicle may be towed or immobilized pursuant to an applicable law or ordinance. Officers initiating the tow or immobilization of a vehicle are responsible for providing all necessary documentation concerning its removal, storage and status.

## DISCUSSION:

For the purpose of this General Order, the following definitions apply:

**ABANDONED MOTOR VEHICLE:** A motor vehicle, trailer, or semitrailer or part of a motor vehicle, trailer, or semitrailer that is left unattended on a public property for more than ten (10) days, or has remained for more than four (4) days under certain circumstances may be towed as an abandoned vehicle. Vehicles abandoned on private property without the consent of the owner or person in control of the private property may be towed at the discretion of the private property owner.

**DISABLED VEHICLE:** A motor vehicle on or near the highway that, for any reason cannot be moved by its own power.

**TOWING COMPANY:** A towing company that provides contractual service to the City and is placed on a rotational list.

**HIGHWAY:** The entire width between the boundary lines of every way or place open to the use of the public for purposes of vehicular travel in the Commonwealth, including streets and alleys, and, for law enforcement purposes, the entire width between the boundary lines of all private roads or private streets which have been specifically designated "highways" by an ordinance adopted by City Council.

**PRIVATE ROAD OR DRIVEWAY:** Every way in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not other persons. That property which is not used as a normal thoroughfare for vehicular travel such as a shopping center, church parking lot or other such lot used mainly for parking and lacking traffic control. Any part of a private residence including the yard, driveway, etc.

**EMERGENCY ROUTE:** A route designated by the City as an Emergency Snow Route or other route to be used in the event of inclement weather or other disaster. Usually a main thoroughfare links two major roadways.

**INITIATING OFFICER:** The primary officer responsible for the towing of a vehicle; the assigned officer or arresting officer.

**SEIZED VEHICLE:** A vehicle that the Department permanently takes possession of pursuant to forfeiture laws of the Commonwealth.

**EVIDENTIARY SEIZURE:** A vehicle that the Department either temporarily or permanently takes possession of for search and seizure reasons.

**WRECKER:** Any one of the trucks owned or leased by the towing companies contracted to tow motor vehicles for the City.

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**IMPOUNDED VEHICLE:** The towing of a vehicle by the Department under circumstances where the vehicle may be released to the owner upon payment of towing and storage fees and satisfying other legal requirements, as applicable.

**INOPERATIVE MOTOR VEHICLE:** Any motor vehicle, trailer or semitrailer which is not in operating condition; or which has been left on private property for a period of sixty (60) days or longer has been partially or totally disassembled by the removal of tires and wheels, the engine or other essential parts required for operation of the vehicle or on which there are displayed neither valid license plates nor a valid inspections decal. Enforcement of the inoperative motor vehicle ordinance (City Code Section 130-83) is the responsibility of the City Zoning Department or officers of the Department.

**PROCEDURE:**

**I. Authorized Towing Companies**

- A. The Traffic Services Sergeant is the Department’s towing coordinator.
- B. Officers are prohibited from recommending specific towing services, however vehicle owners may request the services of specific towing companies. The Department has an agreement with several towing companies that specifies availability, response time and security requirements for storage lots. Towing companies are sent to assist officers based on the towing company’s sequential order on a rotational list maintained in the PSCC.
- C. Any member having a complaint concerning a towing company should refer the complaint to the Traffic Services Sergeant.
- D. The PSCC maintains a master list of authorized towing companies and ensures that call outs occur on a rotational basis in an equitable manner.
- E. Towing companies providing inadequate service or violating the agreement with the City may be removed from the rotational list at the discretion of the Chief of Police or designee. Termination of an agreement contract is made in writing to the towing company and a copy of the writing is used to notify the Force.
- F. The City of Manassas Wrecker Policy documents the agreement between individual towing companies and the Department. The Wrecker Policy is maintained in the Traffic Services Section.

**II. Required Forms**

- A. The following forms are used in connection with the towing of vehicles:
  - 1. Motor Vehicle Tow and Storage Sheet form (see the Department Paperwork Manual, published separately): Used to record all vehicles towed by the Department, whether towed by a towing company on the department’s rotation list or not. The top copy of the form serves as the Department’s main record of the tow-in.
  - 2. Incident Based Report form (see the Department Paperwork Manual, published separately): Used in accordance with the IBR Manual to report recovered stolen automobiles, abandoned vehicles or any incident involving a vehicle where a follow-up investigation is necessary. Provides pertinent information on complainants, witnesses, suspects, etc.
  - 3. Abandoned Vehicle Notice: A sticker used to alert the owner / operator of an abandoned or illegally parked vehicle that corrective action is necessary in order to prevent towing or other action.
  - 4. Evidence Sticker (see the Department Paperwork Manual, published separately): An adhesive backed paper sticker applied to the left front door glass of any vehicle towed pursuant to Section XIII.
  - 5. Vehicle Impoundment and Inventory Record (see the Department Paperwork Manual, published separately): Used the document the contents and condition of a vehicle that is impounded subsequent to a seizure as evidence or for purposes of forfeiture (see Section XIII).
- B. Supervisors are responsible for reviewing completed towing forms at the conclusion of each tour of duty.
- C. Officers are responsible for carrying an adequate supply of the above forms and for completing the forms necessary for a particular case.

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**III. Requesting Towing Companies 61.4.3 c**

- A. In the event that an officer initiates a tow for any reason, the PSCC is first contacted in order to report necessary information.
- B. Officers using the following designations in radio transmissions with the PSCC initiate towing company call outs from the rotational list.
  - 1. Next Available: Send the next towing company due from the rotational list.
  - 2. Owner's Request: Send a specific towing company, not necessarily from the rotational list, at the request of the owner / operator of the vehicle. An Owner's Request call does not affect a towing company's position on the rotational list. This type of call should only be made on the owner's request for a specific company, whether on the list or not.
  - 3. Special Services Required: Towing Companies contracted to perform those services that cannot be provided by normal contract towing companies. These include but are not limited to, towing heavy equipment, special handling of unique vehicles or trailers.
- C. When calling for a towing company, the following information must be provided to the PSCC for inclusion on the towing company call-out log:
  - 1. The year of the vehicle.
  - 2. The make / model.
  - 3. The color of the vehicle.
  - 4. The vehicle registration number.
  - 5. Whether or not the registered owner is notified.
- D. When the initiating officer requests a towing company for more than two vehicles, a single towing company may be used to tow a maximum of three vehicles per call if the company is so equipped and has two service vehicles immediately available. If more than three vehicles are in need of tow, a second towing company is contacted.
- E. Officers do not request towing companies other than from the rotational list unless the owner of the vehicle to be towed makes a specific request or a motor club vendor such as AAA or Allstate is required. It should be remembered that motor clubs usually reimburse members if alternate sources are used. Towing companies on the rotational list must respond under time constraints, others do not.
- F. A separate list of special duty service vehicles is provided for PSCC personnel to use for heavy vehicles or special circumstances (hazardous materials, etc.).
- G. Only the service vehicle assigned by PSCC is authorized to tow. Other towing companies making their presence known at the scene, whether they have a towing contract with the Department or not, should be advised to clear the area. Officers who suspect a towing company of attempting to subvert the rotational list (through the use of scanners, etc.) should make such suspicions known to the Traffic Services Sergeant.
- H. The Traffic Services Sergeant assisted by the Records Department monitors the status of all impounded or seized vehicles to ensure registered owners are properly notified as required by City Code Section 114-541.

**IV. Vehicle Inventory**

- A. All vehicles seized as evidence or for forfeiture (see Attachment "A" and Section XIII) by the Department and stored in the Department Impound Lot are documented on a Vehicle Impoundment and Inventory Record form.
- B. The purpose of the inventory is to document the condition of the vehicle and its contents, provide for their safekeeping, and protect the officer and the public by determining whether there are any hazardous substances in the vehicle. Elements of a valid inventory search include the following:
  - 1. There is a lawful basis for taking custody of the vehicle.
  - 2. The inventory is non-investigative.
  - 3. The scope of the search is limited to the protection of valuables for safekeeping and for further protection of the officers, the Department and the owner of the vehicle.

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- C. The inventory search is limited to those areas that are readily accessible to the officer conducting the inventory. For the purpose of this section, use of a slim-jim or other entry device to effect the lawful tow does not constitute a forcible entry.
    - 1. Locked compartments or containers are within the scope of the inventory only if the keys to those compartments or containers are in the possession of the officer.
    - 2. Forcible entry into locked compartments or containers is not used to effect an inventory.
    - 3. When not in possession of keys for locked compartments or containers, the officer should attempt to obtain a declaration from the owner concerning the nature and value of the contents. The owner should be advised that only that property which is observed would be listed on the inventory.
  - D. The initiating / arresting officers is responsible for performing the inventory and for the submission of all attendant forms at the end of their tour of duty, unless extenuating circumstances exist in which case, another officer may perform these duties.
  - E. The inventory is fully documented on a Vehicle Impoundment and Inventory Record form, and includes:
    - 1. A complete description of the towed vehicle.
    - 2. A description of any damage to the vehicle.
    - 3. The name of the towing company and location of storage.
    - 4. The reason for the tow.
    - 5. The conditions for release of the vehicle.
    - 6. A complete vehicle inventory:
      - a. All items and accessories of value, unusual items, evidentiary items or contraband found during the inventory are listed.
      - b. Any item seized must be documented in accordance with property procedures (see General Orders 9-1 and 9-3, and documented on an IBR.
  - F. Upon completion of the Vehicle Impoundment and Inventory Record form, the copies are distributed as follows:
    - 1. The initiating officer retains the white copy.
    - 2. The yellow copy is forwarded to the Traffic Services Sergeant.
    - 3. The pink copy is the vehicle owner's copy. If the owner is not present, the pink copy is placed within the vehicle.
  - G. The shift supervisor should ensure that officers during the tour of duty have completed the appropriate forms for each tow.
  - H. During snow emergencies, or other declared emergencies, the Duty Supervisor may suspend the inventorying of vehicles and / or parts of this towing procedure. In this case, PSCC maintains a master list of vehicles that were towed during a snow emergency or other declared emergency or may otherwise abbreviate procedures at the direction of the Duty Supervisor.
- V. Outstanding Parking Violations**
- A. Parking violations are towed or immobilized as appropriate pursuant to City Code Section 114-543.
  - B. A standard parking summons may be issued at the time of tow or immobilization at the discretion of the towing officer.
  - C. In the event that a vehicle is towed pursuant to this section, the initiating officer contacts the PSCC and requests the "next available" towing company and a Motor Vehicle Tow and Storage Sheet is completed.
  - D. Vehicles towed pursuant to this section should not be stored in the Department Impound Lot under most conditions.

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- VI. Disabled Vehicles**      61.4.1 a      61.4.1 b      61.4.1 c
- A. Disabled vehicles that are not in violation of law and not posing a traffic hazard, and which are not likely to create a traffic hazard or impede traffic in the near future (pending darkness, etc.) are to be considered according to the definition of abandoned vehicles, and once meeting that definition are handled according to Section VIII of this General Order.
  - B. Officers in order to relieve an immediate traffic hazard posed by an attended disabled vehicle may push the vehicle manually, if possible. Officers do not use Department vehicles to push disabled vehicles. Otherwise, initiating officers contact the PSCC and request the “next available” towing company. Attended disabled vehicles are allowed the owner / operator’s choice of towing company, only if a timely removal can be completed by the company of their choice, and the initiating officer does not remain tied up on the scene unnecessarily. Otherwise, the initiating officer should contact the PSCC and request the “next available” towing company.
  - C. Officers should lay out a flare pattern, give safety instructions to the owner / operator, or otherwise render the scene safe and return to service at their discretion.
  - D. In all instances involving the towing of disabled vehicles, whether the owner/driver is present or not, a Motor Vehicle Tow and Storage Sheet is completed.

- VII. Abandoned Vehicles**      **61.4.3 a**
- A. On the highway:
    - 1. Officers observing suspected abandoned vehicles on the highway investigate to determine if the vehicle is stolen, and if in fact, it has been abandoned. If the vehicle presents a traffic hazard it is towed immediately.
    - 2. Once suspecting a vehicle is abandoned, the initiating officer should cause the registered owner to be contacted. If the registered owner resides nearby, a reasonable attempt to make personal contact may be made or contact by telephone to offer the owner the opportunity to remove the vehicle prior to towing or ticketing. A Tow notice is placed on vehicle. The date and time are to be noted by the officer.
    - 3. The officer placing the notice on the abandoned vehicle is responsible for ensuring follow-up with impoundment if necessary.
    - 4. If the vehicle is not removed by the predetermined date, the initiating officer contacts the PSCC and requests the “next available” towing company, completes a Motor Vehicle Tow and Storage Sheet, and a parking summons as appropriate, and places the owner / violator copy in the vehicle with the owner’s copy of the Motor Vehicle Tow and Storage Sheet.
    - 5. The vehicle should not be stored in the Department Impound Lot under most circumstances.
  - B. On private property.
    - 1. Owner’s right to tow:
      - a. An owner, operator, lessee or authorized agent of private property should be advised of his right to effect the tow of any trespassing vehicle in accordance with City Code Section 114-544.
    - 2. An officer need not respond in person to a private property tow of an abandoned vehicle pursuant to City Code Section 114-544. The property owner, operator, lessee or authorized agent or the towing company must contemporaneously report the tow of the vehicle to PSCC. The towing company becomes responsible for contacting the owner of the vehicle. Upon notification of the tow, the ECS should:
      - a. Check NCIC / VCIN for stolen status.
      - b. Enter the vehicle into VCIN as a tow-in.
    - 3. The Motor Vehicle Tow and Storage Sheet is not completed.
    - 4. Vehicles towed pursuant to this section are never stored in the Department Impound Lot.
    - 5. Copies of applicable City Code Sections are found in Attachment “A.”
  - C. On public property.

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1. An abandoned motor vehicle on public property is impounded once it is determined that it is, in fact, abandoned.
2. Any motor vehicle left unattended on public property for a period of ten (10) days, or four (4) days under certain circumstances, may be likewise impounded regardless of its condition.
3. Officers should place a Tow notice and may attempt to contact the owner to effect a voluntary removal prior to impoundment.
4. The officer placing the warning sticker is to note the date and time, and follow-up with the impoundment when necessary.
5. Any motor vehicle blocking access to public property or otherwise in violation of law may be towed immediately.
6. In all other respects, the towing procedure noted in Section A, above, is followed.
7. Vehicles towed pursuant to this section should not be stored in the Department Impound Lot under most circumstances.

**VIII. Inoperative Motor Vehicles**

- A. Vehicles towed pursuant to City Code 130-83 are towed on the initiative and under the direction of City Zoning officials. Inquiries / complaints are referred to that department.
- B. The Department may assist zoning officials with the removal / tow of inoperative vehicles. When assistance is provided, the following procedures apply:
  1. The PSCC assigns an officer to respond to the location of the tow to witness and record the incident, and help ensure the safety of the zoning official.
  2. Arrangements for towing companies and storage should be made by the Zoning official.
  3. Responsibility for notification of the owner rests with the Zoning official.
- C. Vehicles towed pursuant to this section are never stored in the Department Impound Lot.

**IX. Arrests**

- A. When the driver of a vehicle is arrested, and the vehicle is not seized as evidence, the vehicle may be released to an on-scene person designated by the owner / driver in accordance with Code of Virginia Section 19.2-80.1.
  1. In this event, the officer does not complete the Motor Vehicle Tow and Storage form.
- B. If this is not possible or the future security of the vehicle is in question, PSCC is notified, the “next available” towing company on the list is requested, and the vehicle is towed to a storage facility.
  1. In this event, the officer completes the Motor Vehicle Tow and Storage form, and delivers a copy of the form to the driver / owner, as appropriate.
- C. The arresting officer need not stand by for the arrival of a service vehicle when a secondary officer is available for this purpose, but remains responsible for submitting the necessary forms.
- D. Vehicles towed pursuant to this section should not be stored in the Department Impound Lot under most circumstances.

**X. Accidents 61.2.2 h**

- A. The investigating officer should take reasonable care to ensure the safekeeping of vehicles and contents on the accident scene. Officers may take custody of valuables in the vehicle, at their discretion. When this is done, the valuables are logged into the Property Management System for safekeeping. See General Orders 9-1 and 9-3.
- B. Vehicles involved in accidents are removed from the highway as soon as possible and as soon as the investigation permits. By using paint or other marking device, the vehicle locations can be marked on the highway and the vehicles moved off the highway to better facilitate traffic flow while the officer continues the investigation.
- C. Towing procedure.
  1. A vehicle that is inoperable or is towed from the accident scene at the expense of the owner.
    - a. The owner / driver may request a specific towing company.
      - (1) If the owner/driver requests a tow company that is on the Department’s list of authorized wreckers, a Motor Vehicle Tow and Storage Sheet **must** be

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completed. Otherwise, the initiating officer notifies PSCC that the “next available” towing company on the list is needed.

- b. In either event, the officer ensures that the owner / driver receive information to contact the towing company.
- 2. A vehicle that is operable, but the owner or driver is unable to drive the vehicle due to injuries or illnesses, is transported from the scene or unconscious, is towed from the accident scene at the expense of the owner.
  - a. The owner / driver may request a specific towing company (if physically able to do so). Otherwise, the initiating officer notifies PSCC that the “next available” towing company on the list is needed
  - b. In either event, the officer ensures that the owner / driver receive information to contact the towing company.

The owner / driver may select an “owner’s request” towing company only under the following circumstances:

- 1. The owner / driver is able to accompany the vehicle or otherwise arrange for the safekeeping of the vehicle and its contents.
- 2. The towing company chosen is able to remove the vehicle within a reasonable time (usually no longer than the time it takes to conduct an on-scene investigation).
- D. Accidents involving oversize vehicles or vehicles carrying hazardous materials require “special service” vehicles. Hazardous material tows from accident scenes are conducted at the direction of the on-scene Fire Commander when the Fire Department is on the scene.
- E. Vehicles towed pursuant to this section that are not seized as evidence should not be stored in the Department Impound Lot under most circumstances.
- F. In the examples above, and for all instances involving traffic accidents when an inoperable vehicle is towed, a Motor Vehicle and Storage sheet **must** be completed whether the registered owner is present or not

#### **XI. Stolen Vehicles**

- A. Stolen vehicles recovered in this jurisdiction from any jurisdiction are towed by the “next available” towing company and a Motor Vehicle Storage Sheet is completed.
- B. Upon verification of stolen status, caution should be used to protect potential physical evidence. Officers should keep in mind that stolen vehicles are sometimes used in supplemental crimes. It is preferable to process a vehicle prior to towing, if possible.
- C. PSCC is notified as soon as possible of pertinent information to send to the appropriate agency, through VCIN. Such information includes:
  - 1. The location of the vehicle.
  - 2. The time and date of recovery.
  - 3. A complete description of the vehicle.
  - 4. The condition of the vehicle.
  - 5. The location of storage.
  - 6. Whether apprehensions were made.
- D. Vehicles towed pursuant to this section need not always be stored in the Department Impound Lot, but such storage is evaluated on a case-by-case basis (see Section XIII).
- E. See General Order 6-26.

#### **XII. Evidence / Evidentiary Seizure**

- A. Vehicles that must be processed for evidence, or that were involved in the commission of a crime, are normally processed as found or are towed by the “next available” towing company to their storage lot or the Department Impoundment Lot, as appropriate for processing. The inventory may be delayed until after processing when safekeeping can be assured.
  - 1. In the event that the vehicle is towed before processing as noted above, an officer shall follow the vehicle during the towing process in order to preserve the chain of custody of any possible evidence.

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- B. When all evidentiary processing has been completed, vehicles should be released to their owner as soon as possible. The owner is responsible for the tow bill.
- C. Except for inventory requirements, vehicles are searched in accordance with Fourth Amendment considerations, and a search warrant is obtained where applicable.
- D. The seizure of a motor vehicle for the purpose of forfeiture, such as following narcotics transactions is conducted in compliance with General Order 9-06 Asset Forfeiture. The Administrative Services Captain is notified of seizure/ forfeiture so the vehicle may be included in Departmental inventory and fleet management records.
- E. Impounded vehicles seized for the purpose of forfeiture proceedings are towed to the Department Impound Lot, or driven to the lot upon permission of a supervisor, and secured in the interior locked lot. No other vehicles are stored in the lot without the permission of the Technical Services Sergeant.
- F. Any officer placing a hold on an impounded vehicle shall affix an Evidence Sticker on the vehicle and ensures the Property and Evidence Section, as well as the Records Section, receives notice by noting the appropriate disposition code on the tow sheet.

Attachments: "A" Parking Ordinances and Applicable State Codes.

Index as: Towing Vehicles.  
Wreckers.

References: N/A