## 1. PURPOSE

This policy establishes towing guidelines for Mesa Police Department (MPD) members. [ALEAP 25.5]

## 2. GENERAL

### 2.1 Towing Guidelines

A. Refer to DPM 3.1F50 Mesa PD Tow Form or Mesa PD Vehicle Tow Form generated from RMS for procedures related to the removal and impoundments of vehicles for violations of ARS 28-3511.
B. Do not recommend any tow or body repair shop, nor become involved in selecting a location to which a vehicle will be towed.
C. Wrecked vehicles shall be towed to either a location selected by the owner/driver or to the towing company's Mesa storage lot.
    1. Whenever possible, drivers or owners involved in accidents may make their own arrangements for towing with the tow company.
D. Request that the driver leave the ignition key in the vehicle being towed at an accident scene.
    1. If the driver does not wish to do so, the matter will be resolved between the driver of the vehicle and the tow operator.
E. Tow the vehicle(s) seized as evidence or vehicles to be examined by the auto theft detail to:
    1. The MPD Impound Lot, or the Identification Bays at the Main Station (by the police impound towing contractor).
    2. Follow submission guidelines in DPM 3.2.30 Vehicle Impound Lot and DPM 3.2.35 Vehicle Forensic Exam Bays.
F. Inventory all vehicles according to DPM 2.7.45 Vehicle Inventory that are impounded or authorized by a Department member to be towed.
    1. Do not submit "Found" or "Safekeeping" vehicles to the Impound Lot. Submit these vehicles to the towing company.
G. Do not place police holds on any vehicle at a private lot.
    1. Vehicles held for search warrants, Vehicle Identification Number (VIN) confirmation, etc., should be stored in accordance with DPM 3.2.30 Vehicle Impound Lot and DPM 3.2.35 Vehicle Forensic Exam Bays.

### 2.2 Requesting Tow Service

A. Request a contract tow company respond to the scene.

B. Identify the type of tow requested: DUI, Arrest, No Driver License, Stolen, Abandon, Collision, 20-Day Impound, or Request.
C. Notify Communications of the tow company time of arrival.
D. Remain with the vehicle until it is removed. Cone or flare off the vehicle as appropriate.

### 2.3 Tow Form

A. Complete DPM 3.1F50 Mesa PD Tow Form or Mesa PD Vehicle Tow Form generated from RMS on:
   1. All accident recoveries.
   2. All stolen vehicle recoveries requiring towing.
   3. All vehicles at the request or direction of the Department.
B. Complete DPM 3.1F50 Mesa PD Tow Form or Mesa PD Vehicle Tow Form generated from RMS in its entirety:
   1. List exiting damage.
   2. If the owner is unable to take custody of the property, remove and place personal property of obvious value into Safekeeping.
   3. List hazardous material or any other potentially dangerous or toxic chemicals or compounds.
   4. Document the tow zone and response time on all contact towing requests.
C. Copies of form:
   1. One copy to driver/owner of vehicle.
   2. One copy to tow operator.
   3. Forward remaining copies to the Criminal Justice Information Division (CJID).

### 2.4 Towing Company "Release Authorization Form"

A. Give the contract tow company Release Authorization Form to all drivers or owners of vehicles authorized for contract tows.
   1. This includes vehicles in which a tow inventory report has been completed, and where the driver/owner are present (i.e., accident scenes including those individuals who are transported to local hospitals, arrests, etc.).

### 2.5 Towing Post Card

A. If the registered owner was not previously notified in person or by phone, send DPM 3.1F55 Towing Post Card via outgoing mail to the registered owner of any vehicle towed or impounded by a Department member to:
   1. Advise that their vehicle has been towed.
   2. The location of the recovery.
   3. Its condition (operable or inoperable).

4. Where it can be located (address and phone number of the tow company).
5. Attach a copy of DPM 3.1F55 Towing Post Card to the General Offense (GO).
6. Complete notification prior to the end of shift.

### 2.6 Clearing Wreckage [ALEAP 25.2]

A. Remove wreckage and debris from the roadway as quickly as possible.
   1. The first member to arrive at the scene will take immediate steps to clear the location.
   2. Instruct the first arriving tow to remove any vehicle from the roadway, if necessary.
B. Prior to their departure from the scene, tow operators are required to remove all debris.
   1. Tow truck operators are required to wear a safety vest when on the roadway.
   2. Provide necessary traffic control to ensure the safety of the operators.
C. If towing services are not utilized, notify Street Maintenance to clear debris. Request the assistance of any City Department if such action is warranted.
   1. Instances may include, but are not limited to:
      a. Damaged streetlight poles.
      b. Broken fire hydrants.
      c. Hazardous material spillage.
      d. An extensive area of clean up requiring more manpower than is available from a tow operator.
D. If it can be done safely, the member may use police vehicles equipped with push bars to move disabled vehicles off the traveled portion of the roadway.

### 2.7 Tows Requested by Member

A. Enter all vehicles authorized to be towed by the Department, when the registered owner is not present, into ACIC as a towed vehicle. This includes, but is not limited to:
   1. Accident vehicles.
   2. Abandoned vehicles.
   3. Seizure vehicles.
   4. 20-Day Impounds. See DPM 2.7.40 20-Day Impound Tow.
B. Send a Computer Aided Dispatch (CAD) message to Communications requesting the vehicle be entered into ACIC as a towed vehicle.
C. Give Communications the following information for the ACIC entry:
   1. License plate number and/or VIN.
   2. Vehicle make, style, and year.

3. Date and time vehicle towed.
4. Location from which the vehicle was towed.
5. Tow company name and phone number.

D. Complete the appropriate notification boxes on:
1. DPM 3.1F55 Mesa PD Tow Form or Mesa PD Vehicle Tow Form generated from RMS per DPM 2.7.40 20-Day Impound Tow.

### 2.8 Disabled Motorist [ALEAP 25.1] [ALEAP 25.2]

A. Officers, when in uniform, will assist any stranded motorist that poses a traffic hazard on a City of Mesa (COM) street.
1. Take immediate action to prevent collisions from occurring with the disabled vehicle.
2. MPD vehicles with push bars may be utilized to push disabled vehicles off the street, as long as it can be done safely.
3. Tow trucks may be requested for stranded motorists in accordance with Department towing procedures.
4. Citizens from disabled vehicles may be transported a short distance in order to facilitate the use of a telephone, or in obtaining other needed assistance.

B. The Mesa Fire & Medical Department (MFMD) provides a community service truck from 1300 hours to 2100 hours, seven days a week, to provide assistance to disabled motorists.
1. These community service trucks carry gas and jumper cables (utilize, if available).
2. Contact Communications to have them respond.

## 3. ENTERING & REMOVING TOWED VEHICLES

### 3.1 Entering a Towed Vehicle into ACIC

A. Repossessed/private property tows:
1. The tow company calls the tow information into Communications.
2. Communications obtains all pertinent information to enter the towed vehicle into ACIC:
a. License plate number and/or VIN.
b. Vehicle make, style, and year.
c. Date and time towed.
d. Location from which the vehicle was towed.
e. Tow company's name and phone number.

B. Enter pertinent information into ACIC under the appropriate format in a timely manner.
   1. This can be done by using the Department of Public Safety (DPS) courier CRT in Communications.
   2. A timely manner is two hours, except in cases of equipment or systems failure.
C. Enter the tow company's name and phone number in the MIS field, as well as the location from which the vehicle was towed.
D. Use one generic GO number that is generated annually for repossessed and private property tows.
   1. If a GO is made, then that GO is to be used.
E. If Communications personnel encounter a problem that requires follow-up before the information can be entered, a Communications Supervisor will be contacted, or an officer may be dispatched.

### 3.2 Removing a Towed Vehicle from ACIC

A. After six months, ACIC automatically purges the towed vehicles from the system. If a citizen requests their vehicle be removed from ACIC prior to the automatic purge, the citizen will be referred to Communications.
   1. An officer may be dispatched to resolve the matter.

## 4. POST TOW HEARINGS

### 4.1 Post Tow Hearings for Contract Towing

A. Entitled to a hearing:
   1. Vehicles towed under the authority of ARS 28-872 will result in a right to a hearing. Authority to tow under ARS 28-872 includes:
      a. Vehicles stolen or taken without consent of the owner.
      b. When a person in charge of a vehicle is unable to provide for the vehicle custody or removal.
         - Most commonly this will be at accident scenes where the driver is unable to provide guidance for the officer as to where the vehicle should be towed.
      c. When the person driving is arrested, and the vehicle is towed rather than secured and left at the scene.
   2. The Traffic Program Coordinator or designee is responsible for setting the hearing date and holding the hearings.
      a. Hearings will be scheduled within 48 hours after a request excluding weekends and holidays.

b. Only the registered owner or an agent of the owner is entitled to a hearing.
c. Other parties are not entitled to speak on behalf of the owner.

B. Not entitled to a hearing:
1. Vehicles towed under the following authority will not result in a right to a hearing:
a. ARS 28-4801:
- Generally, these are vehicles that are abandoned and/or junk vehicles and are towed under the Department's abandoned vehicle contract.

b. Mesa City Code 10-3-26:
- This section provides for the towing of a vehicle:
  - When it is left on the street in excess of 48 hours.
  - Parked so as to constitute a hazard or obstruction.
  - Parked in front of a driveway.
- This section overlaps some of the sections in ARS 28-872.

C. If both ARS 28-872 and MCC 10-3-26 authorizes the reason for the tow, then the registered owner is entitled to a hearing.

### 4.2 Post Tow Hearings for 20-Day Impoundment

A. Vehicles towed under the authority of ARS 28-3511 may have a right to a hearing, pursuant to ARS 28-3514.
1. The Towing Unit is required to provide a Post Tow Hearing within five business days after the request was received.
2. All reports and forms must be completed before the Post Tow Hearing is conducted.
3. Refer to DPM 2.7.40 20 Day Impound Tow for further information.

## REFERENCES

- ARS 28-872, 28-3511, 28-3514 & 28-4801
- DPM 3.1F50 Mesa PD Tow Form
- DPM 3.1F55 Towing Post Card
- DPM 2.7.40 20-Day Impound Tow
- DPM 2.7.45 Vehicle Inventory
- DPM 3.2.30 Vehicle Impound Lot
- DPM 3.2.35 Vehicle Forensic Exam Bays
- MCC 10-3-26