TOWING – GENERAL PROCEDURES

POLICY:

It is the policy of the Omaha Police Department (OPD) to tow vehicles when necessary due to a crash, violation, for public safety, or when impounded for evidentiary purposes.

PROCEDURE:

I. General Towing Procedures

A. Officers shall document all tows, other than crash tows, on an OPD Recovered/Impounded Vehicle Report (OPD Form 202)

1. Officers shall clearly document on the report any reason for additional towing costs (i.e., winch required, additional vehicle required etc.).

B. Officers shall use their Body Worn Camera (BWC) during a tow and document in the report(s) that BWC was used. Officers shall use their BWC to:

1. Obtain a 360-degree view of the vehicle showing its location and condition.

2. Record in-person contact with the vehicle driver/owner and any witnesses.

   NOTE: If any phone contact is attempted, officers shall put the call on speakerphone, so the audio of the call and/or voicemail can be heard on the BWC.

3. Clearly show visual evidence of the violation and justification for the tow/impound. This may include, but is not limited to:

   a. Tow Notice (OPD Form 243) placed on the vehicle;

      (1) Tow Notices are stickers and can be obtained through OPD's Police Supply Unit. Tow Notices can also be used as a Dead Storage sticker. See OPD's "Towing – Parking Violations" policy for more information on what constitutes Dead Storage.

   b. Chalk on the vehicle's tire and/or on the ground;

      (1) See OPD's "Towing – Parking Violations" policy for more information on how to chalk tires and how to use BWC when chalking tires.

   c. Vehicle obstructing traffic, parked too far from the curb, parked in a no-parking zone (to include no parking-zone signs), etc.

4. After documenting the above details, officers shall continue recording if the driver/owner and/or witnesses are still on scene.

   a. If the driver/owner and/or witnesses are not on scene, officers may stop recording until the tow truck arrives.

NOTE: If officers are unable to use their BWC, they shall use their MVR.

NOTE: Officers will refer to the OPD "Crashes - General Reporting" policy for procedures regarding documenting crash tows.

C. It is not required that vehicles be towed if they can be locked and legally parked on a public street.

D. Vehicles will be towed only when necessary and never to punish the driver/owner.

E. Vehicles will not be seized and impounded during traffic stops solely on the basis of:

1. Lack of registration.

2. Expired in-transits.

3. Expired registration.

4. No proof of insurance.

5. Improperly displayed plates.

F. All vehicles scheduled for tow shall be run through NCIC/NCIS by the OPD Information Channel Operator(s) prior to being towed.

G. An inventory of the vehicle will be conducted prior to officers towing vehicles. See the OPD "Vehicles – Impound Inventories" policy for procedures.

NOTE: If the vehicle is being impounded for safekeeping and a search warrant is being obtained, officers shall not conduct an inventory of the vehicle. Officers shall maintain custody (i.e., line of sight) of the vehicle until the warrant is obtained. (See the OPD "Searches – Vehicles" policy for procedures).

H. See OPD's "Towing – Parking Violations," "Towing – Recovered Stolen Vehicles," and "Towing – Repossession/Private Property" policies for more information on different types of tows.

I. When disabled vehicles are on a public roadway obstructing a traffic lane or intersection and pose a safety hazard:

1. The vehicles are subject to immediate tow, if an owner/operator is not present. The officer will immediately begin procedures to tow and impound the vehicle.

2. The owner/operator, if present, can contact a private tow, but if that company cannot guarantee a response to the scene within twenty (20) minutes, it will be subject to being towed to the OPD Vehicle Impound Lot.

3. The owner/operator, if present, may request an "owner's request" tow with the OPD contracted responding tow driver, but the owner/operator must remain at the scene to discuss this with the tow driver. Otherwise, the vehicle will be towed and impounded and documented on a OPD Recovered/Impound Report (Form 202).

II. Requests for Tows

A. When an officer requires a tow truck, they will contact the OPD Information Channel and give the Information Operator the following information:

1. Type of tow required (i.e., crash, violation, or impound tow, owner's request)

2. Type of tow truck that is needed. This will be determined based on the type of vehicle and the condition and damage of the vehicle that needs to be towed (i.e., four or all-wheel drive vehicle, motorcycle, trailers, etc.).

3. Location of where the tow is needed.

4. Reason for impounding the vehicle (i.e., stolen vehicle, driver arrested, etc.).

5. Description of the vehicle including the color, year, make, model, body style, license number, and VIN number.

6. When a semi-truck & trailer, or other large vehicle is involved, the size and type of vehicle will also be given to the Information Operator.

7. Serial number of the officer requesting the tow.

– AND –

8. Arrival time of the tow truck at the officer's location.

B. In cases when four or more vehicles need to be towed from one location, officers shall:

1. Contact the Information Channel who will notify the towing contractor.

NOTE: The towing contractor must be notified 24-hours in advance of towing four or more vehicles from one location.

2. Obtain a supervisor's approval if towing more than four vehicles from one location.

C. OPD employees will adhere to the following procedures if an OPD vehicle or City-owned vehicle requires a tow either due to a crash or a vehicle malfunction:

1. Employees will adhere to all procedures in the OPD "Crashes – General Reporting" and "Crashes – Investigation Procedures" policies if the vehicle needs to be towed as the result of a crash.

2. Employees will complete the "Police Equipment – Accountability" form (OPD Form 24) in accordance with the OPD "Equipment" policy.

3. OPD vehicles and City-owned vehicles will be towed to the appropriate location based on the particular incident.

4. If the vehicle is to be held for evidentiary purposes the appropriate Criminal Investigations Bureau (CIB) Unit will tow and place a hold on the vehicle accordingly.

D. When vehicles need to be towed in relation to criminal investigations, CIB investigators will communicate any specific procedures and/or directives to the Uniform Patrol Bureau (UPB) officers handling the tow.

III. Release of Vehicles

A. The contract between the owner of a vehicle and the contract tow company is considered a private agreement when the vehicle is towed to the OPD Vehicle Impound Lot.

B. "Owner request" tows with private tow companies are private agreements between the owner of the vehicle and their chosen towing company and require no follow-up.

C. The OPD Vehicle Impound Lot will be responsible for releasing vehicles that have been towed to its facility.

1. Vehicles held as evidence shall be released in accordance with OPD evidence and property procedures (see the OPD "Evidence and Property – Handling" and "Evidence and Property – Management" policies for further details).

2. Vehicles that were towed as the result of unpaid parking tickets will only be released after the OPD Vehicle Impound Lot confirms that the tickets have been paid.

D. Citizens whose vehicles have been towed to the OPD Vehicle Impound Lot will be referred to the OPD Vehicle Impound Lot with questions about fees.

E. If there is a dispute about the fees/tow charges citizens will complete a "Fee Waiver Request" form provided by the OPD Vehicle Impound Lot.

1. The Manager of the OPD Vehicle Impound Lot will review such disputes and may waive a fee within their authority.

2. If the fee is not waived and an explanation regarding the fee to the citizen fails to resolve the situation, the request will be sent to the Neighborhood Services Unit (NSU) Lieutenant for review.

a. The NSU Lieutenant will have ultimate authority to either deny or approve the fee waiver.

NOTE: Proper and thorough documentation of an officer's decision to tow a vehicle is critical to enable the Manager of the OPD Vehicle Impound Lot and the NSU Lieutenant to make an informed decision regarding such complaints and to avoid having to contact the officer for more information.

IV. Street Release of Vehicles

A. Officers will not release a vehicle to anyone without first having established their right to possession of the vehicle.

B. If the owner or legal custodian of the vehicle appears on the scene of a tow prior to the vehicle being hooked to the tow truck the vehicle will be released to its owner if:

1. There is no hold on the vehicle.

– AND –

2. The violation can be immediately corrected.

a. Certain violations may be immediately corrected via an online/electronic payment. Officers will allow the citizen to pay a fee/ticket online at the scene and will confirm the payment via the online receipt.

C. When an officer releases a vehicle to any authorized person, they will complete a Supplementary Report and include the following information about the authorized person in order to clear the vehicle from the record if any prior report(s) was made:

1. Full name.

2. Address.

3. Phone Number.

EXCEPTION: The Supplementary Report is not required if the vehicle is being released by the originating officer of the original report.

D. Dead Runs.

1. Officers will cancel tow trucks immediately if they are not needed. The Contract Tow Company receives compensation for each contractually authorized dead run if the tow truck operator arrives on the scene.

   NOTE: Once the vehicle has been hooked to the tow truck it cannot be classified as a dead run and the vehicle will be towed.

2. If the services of the tow vehicle will not be necessary after it has arrived at the scene (i.e., an authorized person has claimed the vehicle as the tow truck arrives) the tow truck operator will be responsible for having the Dead Run Ticket completed.

3. At the request of the tow truck driver the officer will verify the dead run and make certain that the ticket clearly shows the following:

   a. Date, time, and location of the dead run.

   b. Time the tow was canceled by the Operator or the police officer on the scene.

   c. Whether the dead run occurred during the 24-hour period of a federal or state recognized holiday.

   d. If it is between 1801-2400 on a Monday through Thursday.

   e. If it is between 2400-0559 on a Tuesday through Friday.

   e. If it is between 1801 Friday and 0559 Monday.

4. Officers will not sign any ticket that does not have proper documentation as noted above and no payment will be made to the Contract Tow operator.

NOTE: Per contract, dead runs are compensated at different rates based on the day/time. It is critical that officers verify the date/time of the dead run on the tow ticket.

REFERENCES:

I. Previous OPD Orders

A. Previous General Orders: #65-77, 96-77, 91-83, 81-84, 101-89, 42-90, 43-90, 34-93, 8-94, 54-94, 27-97, 20-98, 20-05, 22-05, 39-06, 39-06 Supplement #1, 10-07, 45-16, 35-17, 38-25, and 71-26.

B. Previous Information Orders: #287-92, 307-92, and 278-93.

II. Other

A. PPM Monthly Updates: #07-2016, 04-2021, 05-2022.