

OVERLAND PARK POLICE DEPARTMENT STANDARD OPERATING PROCEDURE



NUMBER: 1280
TOPIC: TOWS & IMPOUNDS
EFFECTIVE DATE: 02/10/2021
SUPERCEDES: 04/03/2019

SIGNATURE: /s/ Frank Donchez
Chief of Police

/s/ Santa Wilburn
Bureau Commander

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I. PURPOSE

The purpose of this procedure is to ensure Members of the Department comply with applicable towing case law, tow regulations [OPMC 12.20, Towing Regulations](#); established vehicle impound and inventory guidelines; and private-property tow regulations [OPMC 12.21, Private Towing Regulations](#).

II. PROCEDURE

A. IMPOUND TOW GUIDELINES [61.4.3\(B\)](#)

Per [OPMC 12.20.001, Authority to Tow or Impound](#), OPPD Members are authorized to remove any motor vehicle via a commercial tow service from any City street to a designated City impound lot when those vehicles are:

- Disabled and constitute a traffic obstruction and drivers or other potential drivers present are impaired, unlicensed, physically incapacitated, cannot safely operate, or otherwise provide for the vehicle's custody or remove it to a secure and lawful location.
- Illegally parked and constitute a hazard or obstruct safe movement of traffic.
- Driven by operators arrested or taken into OPPD custody, and the unattended vehicle would create a traffic hazard or obstruct safe movement of traffic.

- Abandoned or left unattended on a highway or public road in excess of 48 consecutive hours.
- In an unsafe condition and can not be safely driven or removed to a lawful secured location.
- Are recovered stolen vehicles from City streets.
- Are needed as evidence in criminal prosecutions; however, supervisory approval is required.
- Are seized for forfeiture in an authorized case; however, supervisory approval is required.
- Vehicles parked on City property designated for Farmer's Market use in violation of proper posting as required by ordinance.

When an arrested person agrees to leave their vehicle legally parked on a City street, an officer will:

- Affix a 48-Hour sticker to the vehicle
- Tell the arrested person(s) the vehicle is subject to tow if not removed within 48-hours.
- Obtain a signed *Release Form*

B. POLICE-INITIATED OR TIER 1 ROTATION TOW [61.4.3\(A\)](#)

A police-initiated rotation tow may also be referred to as a "tier 1 tow." Tier 1 tows must be ordered via police dispatch, and should be used to tow:

- A vehicle as outlined in Section A of this policy.
- A vehicle upon a public roadway when a previously ordered private tow is unnecessarily or unavoidably delayed.
- A vehicle upon a public roadway when the driver is medically or otherwise incapacitated and can not arrange for needed tow services.

Members will make clear to the owner or operator, he/she is solely responsible for all rotation-tow and tow-storage costs, and the City assumes no responsibility for such fees

Members should provide the owner or operator with a copy of the [Notice of Tow/Impound](#) form. This form will indicate which tow company removed the vehicle and instructions on how to retrieve it. Members should also provide a copy of the [Notice of Tow/Impound](#) form to the tow driver who is removing the vehicle.

If a tow is required, Members should remain, or ensure relief remains, at the scene until the tow arrives and the vehicle is removed.

C. OWNER-INITIATED OR TIER 2 TOW

When an owner-initiates the tow on scene Members will not recommend a specific tow company to the owner. If the responsible person has no tow preference, Members will provide a list of tow companies, which meet established City response-time guidelines (usually within 30 minutes), (see the Patrol Manual for the updated list) and have the responsible person requesting the tow contact the tow company of their preference. If the company the person requests cannot respond within a reasonable time period, and the vehicle

is on a public roadway, the Member should request a police-initiated or tier 1 tow and document his/her decision in the Tow Report.

D. TOW REPORTS

Except for towed police or city vehicles, Members will ensure tow reports or supplemental reports are written for all police-initiated or tier 1 tows arranged via Police Dispatch.

Reports should accurately list information and specific reasons for the tow, as provided in [OPMC 12.20.001, *Authority to Tow or Impound*](#).

The [Notice of Tow/Impound](#) form must be completed and attached to the report before the end of the Member's shift.

E. SUPERVISORY REVIEW OF POLICE HOLDS

Officers placing a hold on a vehicle will include the following information in his/her report:

- OPPD supervisor authorizing or requesting the hold
- Reason for the hold
- Outside agency (if applicable) and OPPD's case numbers

Supervisors will ensure tow and supplemental reports clearly state the legal reason for the tow and impound per [OPMC 12.21.001, *Authority to Tow or Impound*](#). Reports will also include the identifiers and contact information for the person authorizing or requesting a police hold, reasons for the hold, and the outside agency's case number (if applicable).

Prior to authorizing a towed vehicle being held, a supervisor should consider the totality of circumstances.

F. SEARCHES OF IMPOUNDED VEHICLES

OPPD requires officers to conduct vehicle inventory searches in certain cases to protect the vehicle owner's personal property and to prevent false claims against OPPD for lost property.

Inventory searches will not be conducted in cases where the owner or responsible person is present and not being arrested and the vehicle is either; (1) involved in a motor vehicle collision, or (2) a motorist assist vehicle where the responsible person has no preference on the tow and the Member orders a tier-1 tow.

Inventory searches will:

- Be conducted in a manner which minimizes damage to the vehicle, any containers inventoried, and all items being recovered.
- Include all personal property in the vehicle.
- Be documented on the [Notice of Tow/Impound](#) form.
- Extend to all areas of the impounded vehicle which can be reasonably entered or accessed without damaging the vehicle to include but not be limited to:
 - All items in the vehicle's trunk, glove box, and/or console if these areas are unlocked or a key is available.

- All luggage or containers in the vehicle which can be entered without damage.

The [Notice of Tow/Impound](#) form will still be completed even if an inventory search was not conducted. The [Notice of Tow/Impound](#) form will note that no inventory search was performed and the responsible party accepted responsibility for the contents of the vehicle.

When practical, prior to conducting an inventory search, the officer should discuss the following with the towed vehicle's responsible person:

- Identification and location of any important or valuable items they feel should be removed from the vehicle and stored in Property.
- OPPD's policy requires entry and inventory of the contents of all locked or sealed containers in the vehicle, and encourages the responsible person to provide any keys, access codes, etc. which will minimize damage during such entry and inventory.

If a responsible person is not present, is uncooperative, or non-communicative when a sealed or locked container is encountered, officers will:

- If they suspect the container has flammables, explosives or hazardous materials, proceed per [SOP 2050, Bombs, Threats & Explosives](#).
- If they can make entry without damaging the container, enter and inventory its contents.
- If entry would cause damage:
 - Use reasonable means to determine the nature and value of the contents and obtain a key or an access code to facilitate entry for inventory purposes.
 - If based on a totality of circumstances entry can not be made without damage, contact a supervisor for approval to store the sealed container in a property locker in the Sally Port.
 - Approving supervisors will ensure follow-up is coordinated and will initiate efforts the next business day to open the container and inventory its contents. Efforts will be made to minimize damage to the container or otherwise arrange for its prompt removal from the property locker.

If the following items are discovered during an inventory search, they will either be returned to the owner or collected, packaged and transferred to Property per [SOP 3250, Property Unit Procedures](#):

- Property of substantial value
- Purses, billfolds, and currency
- Potentially dangerous items and contraband
- Evidence or possible evidence.

Officers conducting an inventory search will complete reports detailing:

- Personal property, evidence, possible evidence or contraband collected from the vehicle noted on the [Tow/Impound Form](#).
- Reasons for impounding the vehicle noted on the [Tow/Impound Form](#).
- Actions related to entry and collection of locked, sealed or other containers in the vehicle noted in the police report.

- Areas of the vehicle not searched noted in the police report.
- Containers not opened and inventoried noted in the police report.
- The disposition of all containers encountered and all property recovered noted in the police report.

Members will complete the [Notice of Tow/Impound](#) form, which will be attached to the completed report by the end of the shift. This form will include a complete inventory of the contents of the towed vehicle.

G. PRIVATE PROPERTY TOWS [61.4.3 \(B\)](#)

Tows from private property are regulated by [OPMC 12.21, Private Towing Regulations](#). Upon receipt of a private property tow, Police Dispatch will update the spreadsheet maintained for this purpose.

H. TOWING POLICE OR CITY VEHICLES

OPPD vehicle tows are covered in [SOP 1320, Vehicle Maintenance & Use](#).

If Police Dispatch is contacted reference the need for other City owned vehicle(s) to be towed, a Tier 1 Rotation Tow will be initiated.

I. VEHICLE IMPOUND OFFICE DUTIES [61.4.3\(c\)](#)

Duties for personnel assigned to the Vehicle Impound Office include but may not be limited to monitoring OPPD's compliance with [OPMC 12.20, Towing Regulations, and 12.21, Private Towing Regulations](#).

Investigate complaints regarding tow companies or tow services which include, but are not limited to, discrepancies in tow charges, and verbal abuse or damages caused by tow companies.

Investigative reports will be sent to the Chief of Police, or a designee, and copied to the appropriate Division Commander and the Police Legal Advisor (PLA), if applicable. Investigative reports will be filed in the Vehicle Impound files.

Maintain Vehicle Impound files for each Tier 1 Tow Company which are searchable by the vehicle owner's last name, vehicle make, Vehicle Identification Number (VIN) or license tag.

Impounded vehicles will be listed by make, model, color, year, license number, VIN, registered owner, and Tow Company involved.

Each day Vehicle Impound Office personnel will ensure:

- Review and cross reference Towed Vehicle reports. A *Notice of Tow Form* is mailed to all registered owners; legal owners, possessors or lien holders for vehicles towed at OPPD's request.
- Letters are sent via Certified Mail, which ensure registered owners know the tow lot where their vehicle is located.

- If the owner or responsible party for a towed vehicle was provided a [Notice of Tow/Impound](#) by an officer on scene, and this form was signed by the owner or responsible party that will serve to satisfy the city requirements set forth in [OPMC 12.20.002](#).

Complete a weekly records check of all towed vehicles' VIN numbers, in order to check for vehicles which might have been reported stolen.

When a tow company notifies OPPD an intent to auction a vehicle previously towed at OPPD's request:

- An investigation should be completed within 21 days, or written notification should be made to the tow company indicating additional time will be required. The investigation will ensure:
 - Compliance with all ordinance and statutory notice requirements
 - Reasonable efforts were made to notify the registered owners or other responsible parties.
 - The vehicle has not been reported stolen.
- The Chief of Police or a designee is provided with a recommendation to authorize or deny the auction.
- Upon the Chief's, or a designee's, approval, provide written authorization for the tow company to auction the towed vehicle.

Ensure effective communications with the Municipal Court Clerk, so tow hearings are scheduled and issues regarding impounded vehicles are promptly and appropriately resolved.

Maintain familiarity with all tow-related policies, procedures, resolutions and ordinances. Ensure any recommended improvements or needed changes are communicated via the chain of command.

Conduct quarterly on-site inspections of Police Rotation or Tier 1 Tow Companies to ensure their compliance with [OPMC 12.20, Towing Regulations](#).

Date of origin: 12/18/2007
 Revision date: 01/06/2015
 Revision date: 10/19/2016
 Revision date: 11/12/2018
 Revision date: 04/03/2019
 Revision date: 02/10/2021

[CALEA references:](#)
[61.4.3 \(A\)\(B\)\(C\)](#)

Case Number: _____

OVERLAND PARK POLICE DEPARTMENT
SIGNATURE PAGE ATTACHMENT

Medical Information and Consent

1. Are you presently ill or injured? _____ if so, state the nature of illness (es)/injury (ies)
_____.
2. Are you taking medication? _____. If so, list the medication(s) and the prescribing doctor's name(s):

3. When and why were you last treated or seen by a doctor?

I understand that emergency medical and dental treatment is available while I am being detained by the Overland Park Police Department. If I should require emergency treatment, I hereby consent to such treatment at a medical facility designated by the City of Overland Park.

Consenting Person's Signature: _____ Printed Name: _____

Witnessing Officer's Signature: _____

Custody Release Form

I hereby assume responsibility for _____ and agree to transport him/her directly home.

Receiving Person's Signature: _____ Date: _____

Receiving Person's Printed Name: _____ Telephone No. _____

Address: _____ Witnessing Officer's Signature: _____

Health Hazards of OC Spray

Signs & Symptoms of Exposure:

Ingredients cause irritation through all routes of entry. Repeated contact may cause Dermatitis. Ingestion may cause nausea, vomiting and/or diarrhea.

Medical Conditions Generally Aggravated by Exposure:

May cause more severe, temporary effects on those persons who are asthmatics or suffer from emphysema.

Emergency and First Aid Procedures:

Provide fresh air, irrigate with copious amounts of cool water. Obtain medical advice if symptoms persist.

Routes of Entry:

1. **Inhalation** - Provide Fresh Air
2. **Eyes** - Irrigate with cool water at least 15 minutes, or until relieved
3. **Skin** - Flush with cool water. Wash with mild soap and water
4. **Ingestion** - Rinse with water. Ingest milk, or water. Obtain medical advice immediately

Vehicle Liability and Tow Waiver

Vehicle Description: Color: _____ Year: _____ Make: _____ Model: _____
Style: _____

License Number: _____ State: _____ Year: _____

Vehicle Condition: _____ Vehicle Location: _____

The above-described vehicle has been left at the above-listed location with my permission. By signing this form, I am releasing the City of Overland Park, Kansas, its Officers and employees from any and all claims of liability, including, but not limited to, theft or damage to the above-listed vehicle and/or any contents contained therein.

Signature: _____ Date: _____

Witnessing Officer's Signature: _____

Missing Persons Attachment

Missing Person's Name: _____

Reporting Person's Name: _____

My signature verifies I have reported the above-listed person as a missing person to the Overland Park Police Department

Reporting Person's Signature: _____ Date: _____

NOTICE OF TOWING

DATE: _____

REPORT NUMBER _____

OWNER'S NAME: _____

OWNER'S ADDRESS: _____

CITY/STATE/ZIP: _____

TO WHOM IT MAY CONCERN:

This is to inform you that the motor vehicle described below was towed at the request of the Overland Park Police Department. Our initial investigation and record's search indicates that you are the registered owner, a person in legal possession of said motor vehicle, or a lien holder on said motor vehicle. The following information is provided to you to secure the release of this motor vehicle.

1. Vehicle description:

Color: _____
 Model Year: _____
 Make: _____
 Model: _____
 VIN: _____

2. The motor vehicle was towed from _____ on _____ the vehicle was towed for one or more of the reason(s) listed and described on the following page.

Reason code(s) for towing: _____

3. The motor vehicle was towed by the _____ to their storage facility located at _____, Overland Park, KS. Their telephone number is _____.

Most tow companies accept payments of cash only. Contact the tow company prior to responding to their storage facility to determine total tow and storage fees as prorated by the hour NE THE TOWING AND OTHER RELATED CHARGES. THE TOWING COMPANIES CHARGE A DAILY STORAGE FEE (PRORATED BY THE HOUR) FOR EVERY DAY THE VEHICLE IS LEFT AT THE STORAGE FACILITY. THE MAXIMUM AMOUNT A TOW COMPANY MAY CHARGE IS REGULATED BY CITY RESOLUTION 3984. TO RECLAIM YOUR VEHICLE YOU WILL NEED TO HAVE WITH YOU:

- Proof of ownership to the vehicle by lawful title or other proof of lawful entitlement to the vehicle.
- Current proof of liability insurance on the vehicle.
- Proof of current registration of the vehicle.

Date: _____

Reason for Towing

- A. The vehicle was found upon a street disabled so as to constitute an obstruction to traffic and the person or persons in charge of the vehicle could not safely operate the motor vehicle or were unable to provide for its custody or removal to a lawfully secure location; or,
- B. The vehicle was found illegally parked in such a manner as to constitute a hazard or obstruction to the safe movement of traffic; or,
- C. The operator of the vehicle was taken into custody by the Overland Park Police Department and such vehicle, if left unattended, would create a hazard or obstruction to the safe movement of traffic; or,
- D. The vehicle was found abandoned or left unattended on a highway or public road for a period of time in excess of forty-eight (48) consecutive hours; or,
- E. The vehicle was found being driven on the streets while not in proper or safe condition to be driven and cannot be removed safely to a lawfully secured location by the owner or operator; or,
- F. The vehicle has been determined to have been reported stolen; or,
- G. The motor vehicle was subject to seizure as evidence in a criminal prosecution; or,
- H. The motor vehicle was subject to seizure or forfeiture under the laws of this state or federal law; or,
- I. When any motor vehicle is parked in violation of notice indicting that the area used as the Farmer's Market is unavailable by parking during the hours posted and vehicles parked in that area during posted hours will be towed at the owner or operator's expense.

The described vehicle may be recovered by contacting the identified tow service and making full payment of the towing charges and storage charges due. If you dispute the basis for the towing of your vehicle, you may request a hearing. A hearing date will be set within three working days after receipt of the request.

In addition, you may retrieve the impounded vehicle prior to the hearing by posting a bond with the Clerk of the Municipal Court. If a bond is not posted, the vehicle shall remain in storage until the hearing is held. If the court determines the vehicle was towed improperly, you will not be liable for the charges and the vehicle will be released to you. If the court determines the vehicle was properly towed, the vehicle will not be released until the towing and storage charges have been paid. Failure to appear at the hearing within five days of the receipt of the Tow Hearing Notice may result in the placing of a lien against the motor vehicle for the towing and storage charges without further notices to the owner.

Failure to retrieve the motor vehicle from the tow service within thirty (30) days may result in the disposal of the vehicle at public auction.

Please contact the Overland Park Police Department as soon as possible, if you have any questions regarding this matter. We will be happy to assist you within the limits of the law in securing the release of your vehicle.

Sincerely,
Vehicle Impound Officer
(913) 895-6405