

## OPD – 21.3

### DEPARTMENTAL GENERAL ORDER

#### OLIVETTE POLICE DEPARTMENT OFFICE OF THE CHIEF OF POLICE

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### TOWED VEHICLES

#### I. PURPOSE:

The purpose of this General Order is to establish procedures for the towing and reporting of towed vehicles in accordance with Olivette Ordinances 222.040 and 385.030, RSMo 304.155 and RSMo 304.157 and Missouri Department of Revenue required forms.

#### II. LAW ENFORCEMENT AUTHORIZATION TO TOW:

A. The vehicle is on a public roadway and has been left wrecked, dilapidated, without motive power and not capable of immediate movement, and has been unattended for at least 48 hours; or

B. The vehicle is left in such a position or under such circumstances as to obstruct the normal movement of traffic; or

C. The vehicle has been reported as stolen, taken without the owner's consent or used in the commission of a crime; or

D. A vehicle driven by a person who has been arrested by this Department may be towed pursuant to arrest; or

E. The vehicle is abandoned on private property, without the consent of the property owner or person in control of the property and the vehicle is creating a safety hazard, or unreasonably interfering with the use of the property.

#### III. POLICE DEPARTMENT TOW PROCEDURES:

A. Officers will notify the Watch Commander of any law enforcement-initiated tow.

B. A CARE or crash report is required any time an officer tows a vehicle.

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1. The officer who initiated the tow shall complete DOR Crime Inquiry and Inspection Report/Authorization to Tow Form 4569, which will be signed by the officer and tow operator.
  2. The tow will be reported under the incident report or accident report to which the tow is related.
  2. The officer will mark the reason for removal in the appropriate box of the DOR Crime Inquiry and Inspection Report/Authorization to Tow Form 4569.
  3. The towing officer will fax the tow sheet to ECDC for entry into the REJIS system as a towed auto. A printout of the REJIS entry will be attached to the original copy of the DOR form 4569 and scanned into CARE scanned documents under the appropriate report number.
- C. If the vehicle owner is not present when the vehicle is towed, the officer will make every effort to notify the owner of the tow and location where it was towed to.
- D. The officer will inspect the vehicle VIN to determine proper registration and theft.
1. The officer will make a REJIS computer inquiry of the NCIC, MULES, and DOR systems to determine theft and ownership of the vehicle license and or VIN. VIN and license numbers used in reports will be recorded from the vehicle not from computer printouts.
  2. If the vehicle has no visible VIN or there is some other registration problem or suspected theft, the officer will immediately notify the Watch Commander.
- E. Arrests: Officers will use discretion in the towing of vehicles driven by drivers arrested by this Department. Vehicles may be left roadside or on private property with the documented permission of the driver. If feasible, officers should obtain permission from property owners before leaving a vehicle on private property. Officers shall inform arrestees whose vehicles are left roadside or on private property pursuant to an arrest by this Department that the vehicle must be removed within 48 hours or this Department will tow the vehicle. While not an exhaustive list, officers should consider whether leaving a vehicle roadside or on private property creates a traffic or safety hazard or unreasonably interferes with the use of the real property by the person in control of the property.
- F. Parking Violations: Vehicles will be towed for parking violations only if the vehicle is in a hazardous position or obstructing traffic, and the officer has attempted to notify the owner to move the vehicle. If the vehicle is towed for a parking violation, a summons will be written and filed with the tow sheet. If present the driver/owner will be issued a Missouri Uniform Traffic Ticket.

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### G. Hold Orders

1. Will be placed on a towed vehicle, and noted on the tow report, only if:
  - a. It is directly involved in a crime and is being held for processing for evidence; or
  - b. Awaiting the owner to appear at the Department to receive a court summons with direct relevance to the reason the vehicle was towed; or
  - c. The Department will initiate a forfeiture action.
2. A hold order will be clearly noted on the DOR-4569 report form.
3. A vehicle with a hold order may only be released by the officer placing the hold, a supervisor, or the Detective assigned to investigate the case.
4. If there is no pending investigative and/or forfeiture interests concerning the vehicle, the hold on the vehicle shall be released. The tow company shall be notified so they can apply for title of the vehicle in accordance with state law.

### H. Vehicle Release

1. All vehicles towed by this Department (not a private tow) require a vehicle release form.
2. When a driver/owner must respond to the station to obtain the release for a vehicle, Department personnel may release a vehicle if there is no hold order on the vehicle and the person has proof of ownership or verifiable authorization to have the vehicle.
3. Once the vehicle has been released, Department personnel will ensure the vehicle is cancelled from REJIS as “towed”. The officer providing a vehicle release shall scan a copy and the cancellation into the CARE scanned documents folder of the original report number associated with the tow.

### IV. PRIVATE PROPERTY OWNER’S AUTHORIZATION TO TOW:

- A. When this Department receives notification from a private property owner about an impending tow, an officer will respond and shall promptly make an inquiry into the NCIC and any statewide Missouri law enforcement computer system to determine if the abandoned property has been reported stolen.
- B. Reporting to Local Law Enforcement of Towed Abandoned Vehicles. “Abandoned Property Report” (DOR – 4669) shall be completed by the tow operator.

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1. Vehicles privately towed from private property should be inspected by an Olivette officer at the site of tow.
3. The assigned officer shall promptly make an inquiry into the NCIC and any statewide Missouri law enforcement computer system to determine if the abandoned property has been reported stolen. The appropriate law enforcement section of DOR - 4669 shall be completed by the officer.
4. The officer will not acknowledge receipt of the copy of the form without physically inspecting the towed vehicle. The tow operator may be provided with a CAD event number if requested.
5. Upon receipt of a copy from the towing company, the officer shall scan the document into CARE scanned documents under the CAD event number.

### V. TOWED VEHICLE RECORDS

A. All completed DOR-4569's, the REJIS towed vehicle entry printout, towed vehicle releases, and the canceled REJIS towed vehicle entries will be forwarded to the Records Technician.

*This General Order supersedes all prior directives and orders inconsistent therewith.*

BY ORDER OF:

Signature on File

Beth M. Andreski

Chief of Police

Effective Date: 12/2/2009

Revised: 7/22/2016

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