



PAGEDALE POLICE DEPARTMENT
Policy and Procedures Manual

TOW PROCEDURES: 20-082
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TOW PROCEDURES

Pagedale Police Department

PURPOSE:

To establish procedures relating to the towing and reporting of towed vehicles.

POLICY:

All Pagedale Police Department personnel shall follow the guidelines set forth in this General Order when towing and reporting on towed vehicles.

GENERAL:

1. A Missouri Department of Revenue "Crime Inquiry and Inspection Report/Authorization to Tow Form" aka "Tow Form" ([DOR form 4569](#)) shall be completed whenever a vehicle is towed by a member of this department.
2. Any vehicle requiring to be towed within the City of Pagedale by a police officer shall make sure the on-duty supervisor has knowledge of same prior to the vehicle being towed.
3. All towed vehicles shall be inspected for damage and all contents inventoried and noted on the tow form.
4. If the vehicle owner is not present when the vehicle is towed, the officer shall make a reasonable effort to notify the vehicle owner of the tow and the location to where it was towed when possible. Such notifications or attempts to notify shall be documented on the bottom portion of the tow form and included in the officer's report.
5. All towed vehicle reports will be entered into the REJIS system as a towed vehicle by the officer towing the vehicle before the end of his/her shift. The REJIS reference number relating to the tow shall be documented on the tow form in the box at the top of the tow form labeled "REPORT / CASE / INCIDENT NUMBER / TOW NUMBER" and included in the officer's report.
6. Generally, vehicles will be towed for parking violations only if the vehicle is obstructing traffic, is in a hazardous position or otherwise creates a hazardous situation, or has been abandoned in accordance with applicable state or municipal laws AND a twenty-four (24) hour or ten (10) day tow notice has been issued, placed on the windshield, and has expired.

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- A. Officers placing a twenty-four (24) hour or ten (10) day tow notice on a vehicle shall inform dispatch of such including the address, the type of tow notice, and the vehicle information. This will then be documented by a CAD entry via St. Louis County Dispatch and allow a follow up officer to confirm that a tow notice was placed and whether or not it is expired.
 7. If a vehicle is towed relative to a parking violation of the Pagedale Municipal Code, the officer shall prepare a parking ticket and the officer will attach the parking ticket to the tow report to be given to the owner and ***the parking ticket will need to be satisfied by the court PRIOR to obtaining the tow release for the vehicle.***
 8. A vehicle may be towed for any of the following purposes:
 - A. Incident to arrest;
 - B. If the vehicle in question was used in the commission of a crime;
 - C. A wanted vehicle by this agency or another agency with teletype verification;
 - D. If the vehicle is blocking a roadway or intersection impeding the flow of traffic or is creating a hazard or hazardous interference;
 - E. When a vehicle is in violation of permanent or temporary posted no parking signs;
 - F. When the vehicle is located on private property in violation of a Pagedale City ordinance and a ten (10) day letter has been issued;
 - G. Upon expiration of a twenty-four (24) hour or ten (10) day tow notice;
 - H. To secure a vehicle after it has been involved in an accident; or
 - I. To secure a vehicle for the owner's protection or after the driver's arrest at the discretion of the officer:
 - i. The vehicle may be left on scene or near the scene if it does not block traffic or released to a non-owner provided [Form 34 Tow Option / Release of Liability](#) has been properly completed.
 9. A "Hold Order" will only be placed on a towed vehicle if:
 - A. It is directly involved in a crime and is being held as evidence or otherwise needed pending further investigation.

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- B. The officer has probable cause to believe the vehicle contains contraband, evidence, etc. and a search warrant will be necessary to search the vehicle.
 - C. The department is contemplating forfeiture action.
 - D. A parking ticket or summons is attached to the tow report and is to be issued to the registered owner or operator upon claiming the vehicle.
 - E. Any "Hold Orders" placed on a vehicle shall be done with the knowledge of the on-duty supervisor or the detective actively working a case.
 - F. A notation shall be included on the tow report clearly made on the bottom margin of the DOR-4569 form explaining that a "Hold Order" has been placed on the vehicle, the reason for the "hold" and the name of the supervisor or the case detective advised of the hold. A "Hold Order" notation shall also be placed at the top of the tow form.
 - G. Only a supervisor or the case detective may authorize the release of vehicle for which a "Hold Order" has been placed.

VEHICLE RELEASE:

1. Generally, a vehicle may only be released to the registered owner. Missouri State law requires all vehicle dealerships or individuals to complete and sign the reverse side of any title to any vehicle that is sold. Generally, the purchaser has thirty (30) days from the date of purchase to title and pay sales tax on your newly purchased vehicle, but occasionally this can be extended up to a total of ninety (90) days for transfers out of state or when the dealer does not yet have a title to transfer. Complete details can be found in the [Missouri Buying a Vehicle Guide \(MO DOR 5687\)](#).
2. Due to state lawful requirements, civil liability for releasing a vehicle to a person other than the registered owner can result in litigation against the City of Pagedale. Unless judicial action is taken and a court order is obtained specifying certain conditions of the vehicle release that supersedes this General Order, ***the following procedures and requirements are to be strictly adhered to:***
 - A. A vehicle used in the commission of a crime, or having hold orders attached shall not to be released without prior approval of a supervisor.
 - B. To obtain a vehicle release the requesting individual(s) must present the following information in relation to each circumstance:
 - i. For vehicles purchased more than thirty (30) days prior to the date of release; the individual **MUST** present the following information:

- a. Proof of ownership of the vehicle:
 - 1) The title with the owner's name machine printed on the front; OR
 - 2) Valid registration showing proof that registration fees with the state in which the vehicle should be registered have been paid; AND
 - b. Proper identification: A valid driver's license, valid state identification card, or a valid United States Passport in the name of the vehicle owner as machine printed on the front of the title.
 - 1) In the event that this is a business owned vehicle, the person picking up the car may present a duly notarized statement from the business owner or a corporate officer of the business authorizing the release of said vehicle.
 - c. In certain circumstances, Missouri dealerships may issue 60- or 90-day temporary tags due to title issues. However, the owner must produce all other information required in section 2.B.ii "For vehicles purchased within thirty (30) days prior to the date of release" above.
- ii. For vehicles purchased within thirty (30) days prior to the date of release, the vehicle may be released to the legal owner/purchaser providing they submit the following:
 - a. The purchaser's signature must be hand written on the reverse side of the title with the purchase date and amount of purchase completed in the **ASSIGNMENT** box (see [example](#)); and
 - 1) Missouri Titles that have been transferred more than once by other than dealerships are no longer a legal document and are not valid: "If you do not have a properly assigned title, you have no clear legal right to the vehicle."
 - b. Proper identification: A valid driver's license, valid state identification card, or a valid United States Passport in the name of the signed vehicle owner.
 - c. The officer or clerk completing the release will check Missouri Department of Revenue Records to verify that the title presented is the current and valid title. The title number will be listed on the DOR records and should match the title presented.
- 3. Exemptions
 - A. In the event that a vehicle has temporary license tags that are still valid, (temporary tags generally expire thirty (30) days from the date of purchase, however they may be up to ninety (90) days in extenuating circumstance) the owner is not required to have the

vehicle titled or registered. However, the owner must produce all other information required in section 2.B.ii "For vehicles purchased within thirty (30) days prior to the date of release" above.

- B. Requirements if the owner/purchaser is not available to obtain the tow release, and not a fugitive from justice:
- i. [Form 58 Hold Harmless Form for Vehicle Release](#), which may be obtained from a police officer or police clerk. This form is required to be notarized by the purchaser/owner of the vehicle. The form will indicate who the legal owner of the vehicle is which MUST match the Department of Revenue records (the name machine printed on the title), a complete description of the vehicle including, year, make, model, color, VIN, and any registration information, and the name of the party the vehicle is to be released to.
 - ii. Conversely, the owner/purchaser may also submit a notarized letter giving permission to a third party, with valid identification to obtain the vehicle. This letter must be dated after the vehicle was towed with the owner/purchaser's signature and date being notarized.
 - a. Businesses may submit a non-notarized memo/letter on company letterhead signed by the owner or corporate officers of the business. This must contain all the information above.
 - iii. If the Department of Revenue records (the name machine printed on the title) does not match the current owner, the original signed title or a certified copy of the signed title must be submitted with the Hold Harmless form or letter showing the current owner as the signed purchaser.

NOTE: Officers releasing vehicles MUST make copies of all documents and identification submitted. The releasing officer will attach this information to a copy of the tow release.

- C. The State of Missouri will only create a repossession title for a vehicle if the proper application is submitted. The sworn affidavit sent to the State of Missouri by the dealership requires the applicant to have in their possession/custody the vehicle in which they are applying for a repossession title. If a dealer responds to obtain a release with a repossession title that was obtained while the vehicle has been in the custody of the Pagedale Police Department, the officer should obtain a copy of the repossession title, dealership name and a copy of the agent's driver license or state identification.

This information will be forwarded to the Missouri Department of Revenue for investigation.

- i. Exception- Abandoned vehicle- If a vehicle was towed after being abandoned for 24 hours or more, in addition to the owner being able to claim the vehicle, a lien holder may claim the vehicle upon proof of lien.
 - ii. Exception- Unclaimed vehicle with lien in default- if a vehicle is not subject to the foregoing exception and has not been claimed by the owner within 48 hours after towing, a lien holder may claim the vehicle upon proof of lien in default and agreement to indemnify and hold harmless the City of Pagedale and the Pagedale Police Department from any liability for such release, using approved forms or corporate letters.
- D. After the owner/designee provides proof of ownership, he/she will obtain a copy of the tow release form.
- E. When a vehicle has been released, the police officer/police clerk authorizing its release shall be responsible for having the towed entry cancelled from the REJIS system if the vehicle was previously entered. This information shall be documented on the vehicle tow form and the vehicle tow release form.
- F. The police clerk is responsible for the tow files and will check on vehicles not released after 90 days to check the status and update in REJIS as appropriate.

ARRESTED PERSON'S VEHICLES:

1. When a person who was operating a motor vehicle is arrested, the vehicle shall be towed.
2. The officer shall notify the on-duty supervisor prior to towing vehicles whenever possible.
3. The vehicle shall be inspected and inventoried prior to being removed by the towing company. Only items of value need be listed in the inventory. This information shall be documented on the DOR 4569 Tow Form. Valuable items or other items that may be susceptible to loss or theft shall be seized and tagged into evidence pending claim. In cases wherein perishable items are located, a reasonable attempt should be made to forward those items to a location that will prohibit damage or loss.

RECOVERED STOLEN VEHICLES:

1. A recovered stolen/wanted vehicle is to be towed pending further investigation (e.g., processing) or release unless, the owner or other authorized person can respond to the scene of the recovery and take possession of the vehicle in a timely manner. The timely manner will be left to the discretion of the on-duty supervisor, in which he/she will weigh manpower, calls for service, etc.

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2. If the recovered vehicle is to be processed for fingerprints, searched for evidence, etc., when practical, the towing should occur after the processing is accomplished. However, the circumstances (time of day, location and weather) at the time will dictate when the vehicle is to be towed or processed first.

ACCIDENTS:

1. If a vehicle is involved in an accident and towed by and at the request of the owner/operator, the tow will be classified as a private tow and no tow form will need to be completed by the officer handling the accident. The officer handling the call will ensure a CAD entry is made reflecting the status as a "Private Tow".
2. If the officer requires the vehicle to be towed, a tow report and proper documentation will be necessary prior to the release. Additionally, if the owner is injured in the accident and is not aware of the tow, the officer will make a reasonable effort to contact the owner, a relative or friend to advise the vehicle was towed.

INJURED OR ILL PERSON'S VEHICLES:

1. When persons are injured or ill and desire to have their vehicle towed, subsequent towing and storage fees shall be their responsibility. The victim should be informed as to the location of the vehicle. If the vehicle was towed at the request of the owner/operator and there is no other purpose for the tow, the tow will be classified as a private tow and no vehicle release form needs to be obtained from the police department prior to release.

LAW ENFORCEMENT AUTHORIZATION TO TOW:

1. The vehicle is on a public roadway and has been left wrecked, derelict, dilapidated, without motive power and not capable of immediate movement, and has been unattended for at least 48 hours. Note: The officer will first make a reasonable effort to notify the owner of the vehicle and request it be moved; or,
2. The vehicle is left in such a position or under such circumstances as to obstruct the normal movement of traffic; or,
3. The vehicle has been reported stolen or taken without owner's consent; or,
4. Generally, the city, including the police department, may tow motor vehicles from real property when such vehicles are deemed a public safety hazard or are otherwise harmful to the public health or are derelict, junk, scrapped, disassembled, etc. as defined by state and/or municipal law. The city shall perform such tows in accordance with applicable state and/or municipal laws. Tows shall be reported to the police department within two (2) hours.

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5. If “No Parking” signs are posted on a public street due to, but not limited to road work, grass cutting or special events including but not limited to parades, the Pagedale community fair or block parties, and vehicles not removed by the date and time posted. In the event that a vehicle is in violation of these “No Parking” signs the officer responding will make an effort to locate the owner and have him/her move the vehicle prior to towing the vehicle in violation.

PRIVATE PROPERTY OWNER’S AUTHORIZATION TO TOW:

1. Generally, it is the policy of the Pagedale Police Department that abandoned vehicles left on private property shall be the responsibility of the property owner or person in possession of the property.
2. Although the police department does not sanction the removal of such vehicles, pursuant to state law, “the owner or lessee in lawful possession of real property may authorize a towing company to remove abandoned property without authorization by a “law enforcement officer” under the following conditions:
 - A. The owner or lessee of the property is present.
 - B. The abandoned property is left unattended for more than forty-eight hours; or
 - C. In the judgment of a law enforcement officer, the abandoned property constitutes a safety hazard or unreasonably interferes with the use of the real property by the person in possession; or
 - D. There is displayed, in plain view at all entrances to the property, a sign not less than seventeen by twenty-two inches in size, with lettering not less than one inch in height, prohibiting public parking and indicating that unauthorized abandoned property will be removed at the owner’s expense, disclosing the maximum fee for all charges related to towing and storage, and containing the telephone number of the local law enforcement agency where information can be obtained; or
 - E. The abandoned property is left unattended on private property without consent and the owner, lessee, or agent of the real property in lawful possession of real property has notified the police department and ninety-six (96) hours have elapsed since that notification; or
 - F. The abandoned property is left unattended on private property without consent and the owner, lessee, or agent of the real property in lawful possession of real property has notified the police department and ten (10) days have elapsed since that notification.

REPORTING OF TOWED ABANDONED VEHICLES TO LOCAL LAW ENFORCEMENT:

1. The private property owner or person in control of the property must report the tow to local law enforcement within two (2) hours of the tow if the tow was made from a location displaying a 17 by 22-inch sign as described above. Otherwise, the tow operator must report the tow to local law enforcement within twenty-four (24) hours of the tow.
2. Pursuant to applicable state and/or municipal laws, any property owner or lessee that requests a towing company to tow abandoned property without authorization from a Pagedale law enforcement officer shall at that time complete the Department of Revenue "Abandoned Property Report Form" (DOR form 4669) and shall cause a copy of the completed form to be forwarded to the police department.
3. The police department, upon receiving an abandoned property report, shall record the date on which the abandoned property report is filed with the police and shall promptly make an inquiry into the National Crime Information Center (NCIC) and any statewide Missouri law enforcement computer system to determine if the abandoned property has been reported stolen. The police department shall enter the information pertaining to the towed property into the REJIS computer system and a police officer shall sign the abandoned property report and shall provide the towing company with a signed copy. The completed paperwork shall be forwarded to the police clerk who shall be responsible for maintaining a file of all such reports.
4. The police clerk, after receiving notification that abandoned property has been towed by a towing company, shall search the records of the Missouri Department of Revenue and provide the towing company with the latest owner and lien holder information on the abandoned property. If the abandoned property is not claimed within ten (10) working days, the towing company shall send a copy of the abandoned property report signed by a law enforcement officer to the Department of Revenue.

REPOSSESSION:

1. If a lien holder repossesses any motor vehicle, trailer, all-terrain vehicle, outboard motor, or vessel without the knowledge or cooperation of the owner, then the reposessor shall notify the police department within two (2) hours of the repossession and shall further provide the police department with any additional information the police department deems appropriate. The police department shall make an inquiry into the National Crime Information Center and the Missouri statewide law enforcement computer system and shall enter the repossessed vehicle into the REJIS computer system.
2. There are basically two (2) ways that a vehicle or other property can be repossessed:
 - A. The first is what is known as a self-help repossession. It occurs when an agent of the creditor, usually a tow truck driver in the case of a vehicle, removes the property without detection from a public or private place. Officers should not become involved in self-help

repossessions nor should officers “stand by” to prevent a breach of peace. Once a breach of peace has occurred and Officers have been called to the scene, the repossession ***MUST STOP***.

- B. The alternative to the so-called self-help repossession is repossession which is authorized by a court order. Officers should not become involved in repossessions except to the extent necessary to prevent a breach of the peace.

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

By Order Of:

Signature on File

Colonel Anthony T. Huckleberry
Chief of Police
Pagedale Police Department

Distribution: All Police Personnel