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1. AUTHORIZED TOW TRUCKS

A. Authorized tow trucks are either:

- (1) Contract Tow trucks - Tow trucks owned by towing companies that have been awarded towing contracts by the City.
- (2) Citizen-Initiated Tow trucks - Tow trucks that are present at an collision scene at the specific request of a driver/owner of one of the involved vehicles.

B. Specific Tow truck Information

(1) Contract Tow trucks	- The authorized towing contractors (list tow trucks) have exclusive rights for <u>police requested</u> towing within their respective precincts and will be the only tow trucks <u>dispatched</u> by the Department. - An Information Channel may be contacted for current information on authorized tow trucks. - Tow trucks should not be called before they are needed. - The employee will describe to the communications operator the size or type of vehicle, as well as any special circumstances, such as vehicle stuck in a ditch, to allow the contractor to determine the type of tow truck needed. - Each contractor is responsible for towing throughout a given precinct and is required to maintain a 30-minute response time for light duty vehicles (gross vehicle weight rating (GVWR) under 10,000 pounds) and less than 40 minutes for medium and heavy duty vehicles (GVWR over 10,000 pounds). * When employees experience unsatisfactory tow truck service other than poor response time, employees should submit an email to impound@phoenix.gov, explaining the issue. - To comply with Arizona Revised Statute (ARS 28-872), employees must provide a Impound Slip to the tow truck driver at the time a vehicle, or obstruction in the roadway, is removed. - See sections 5.B and 5.C of this order for required procedures on ALL police requested tows. <u>Tow truck Bill</u> - Required when a: * Department owned or operated vehicle is towed (the employee will sign the tow truck bill and list the employee's serial number, vehicle number, and destination of the vehicle). * Tow is cancelled (the employee will mark the tow truck bill as a "dry run" and sign the tow truck bill). - A Impound Slip is not necessary - The tow truck driver will retain all copies of the bill.
(2) Citizen-Initiated Tow trucks	- Employees may request <u>non-contract or specific tow trucks</u> via police communications at the request of a driver/owner of an involved vehicle. - The Communications Bureau will attempt to comply by contacting the requested tow truck company. - If the Communications Bureau is unable to contact the requested tow truck company, drivers/owners will be so advised and may make their own towing arrangements (providing traffic is not blocked). - If this is not possible, an authorized contract tow truck will be dispatched. - Requests from citizens for tow trucks with a base operation in another jurisdiction will be honored only if the vehicle is not blocking traffic or if it can be moved from the roadway without a tow truck.

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1. B. Specific Tow truck Information (Continued)

(2) Citizen-Initiated Tow trucks (Continued)	• The requesting person will be responsible for remaining with the vehicle until the tow truck arrives. • A tow truck under contract to a particular repair agency will be permitted to tow vehicles when a specific request is made for such a company to store or repair a vehicle. • Employees will not recommend any tow truck or body repair shop, nor will they allow themselves to become involved in selecting a location to which a disabled vehicle will be taken.
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2. **ENFORCEMENT POLICY** - The operation of tow trucks in Arizona is governed by [Arizona Administrative Code \(ACC\), Title 13, Public Safety, Chapter 3, Department of Public Safety \(DPS\) – Tow Trucks \(ACC section R13-3\)](#) in accordance with [Arizona Revised Statute \(ARS\) 28-1108](#).

- A tow truck is defined as a motor vehicle that is altered or designed for use in the business of towing vehicles by means of a flatbed or other specially designed truck that is equipped with a tow sling, tow bar, tow plate, or wheel lift apparatus attached to the rear of the truck, or a crane or hoist that is attached to the bed or frame of the tow truck.

A. Permits and Decals

- (1) All tow trucks operated on public roadways must pass an inspection by DPS before being issued a permit to operate.
 - (a) Permits are filed by company name.
 - (b) One copy of the permit is given to the applicant along with a decal.
 - The decal must be displayed in the lower right corner of the front windshield of the tow truck.
 - The month and year in which the permit expires will be punched out.
- (2) Tow truck operators may be cited under ARS 28-1108.C when they are observed towing a vehicle without a current permit.

B. Tow Truck Equipment

- (1) Each tow truck shall display the company name and ten-digit telephone number and the full name of the town or city in which the company is located, on both sides of the truck.
 - (a) The letters or numbers shall contrast sharply in color with the background on which the letters are placed, be readily legible during daylight hours from a distance of 50 feet while the tow truck is stationary and be maintained in a manner that retains the legibility.
 - (b) Magnetic signs are acceptable, but they must be in place while a vehicle is being towed.
 - When a tow truck without proper lettering is observed towing a vehicle, a Field Interview (FI) will be completed and routed to "WF Public Records and Services Unit Supervisors".
 - Pertinent information about the driver, tow truck, and vehicle in tow will be included in the FI.
- (2) Tow truck operators must affix two taillights, two stop lights, and two signal lights to the rear-most vehicle of any train of vehicles towed or operated on any street or highway ([ARS 28-925\(A\)](#), [28-927](#), and [28-939](#)).



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2. B. (3) All tow trucks with collision recovery capabilities must be equipped with:
 - One #2 or larger square-point shovel and one 14-inch-wide or larger push broom
 - Five gallons or 20 pounds of fluid absorbent material stored in a weatherproof container
 - One appropriately sized and rated snatch block for each installed winch on the tow truck
 - Electric lantern or flashlight
 - Fire extinguisher
 - Steering wheel clamp or its equivalent that adequately locks the steering mechanism of a towed vehicle in a straightforward position
- C. Tow truck operators are not required to have a commercial driver license unless they are operating a vehicle with a GVWR of 26,001 or more pounds.
- D. Enforcement
 - (1) Employees observing violations of ACC section R13-3 (DPS tow truck rules) will describe the violations in an FI routed to "WF Public Records and Services Unit Supervisors".
 - (2) Employees will cite for ARS 28-1108.C or complete an Case Report (CR) and either book or issue a citation in lieu of detention (CLD), for the criminal violations under [Phoenix City Code \(PCC\) 36-144](#).
3. **UNAUTHORIZED TOW TRUCKS**
 - A. Unauthorized tow trucks that appear at an collision will not be allowed to solicit business from anyone involved in the collision.
 - (1) They may be used to clear a scene if traffic conditions preclude waiting for an authorized tow truck and the unauthorized tow truck driver volunteers the service.
 - (2) The investigator will advise the unauthorized tow truck driver that the investigator can neither authorize compensation nor allow the unauthorized tow truck to drive towed vehicles from the scene.
 - B. An FI will be completed and routed to "WF Public Records and Services Unit Supervisors" when one of the following applies:
 - An unauthorized tow truck driver solicits business at an collision scene
 - An unauthorized tow truck driver clears an collision scene
4. **CLEARING WRECKAGE**
 - A. Although the first priority at an collision scene is checking for injuries and rendering aid, employees should try to remove wreckage and debris from streets as quickly as possible to clear the scene.
 - B. Police vehicles equipped with push bars will move disabled vehicles off the traveled portion of the roadway only when it can be done safely.
 - C. Employees need to remember they may need to preserve the scene on serious injury collisions for evidence purposes.
 - D. When an collision scene cannot be cleared for a lengthy period of time, tow trucks will not be requested until the investigator is ready to release the vehicle.

NOTE: When an emergency exists and a vehicle must be moved for safety purposes prior to the arrival of the investigating officer or team, a tow truck may be requested immediately.



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4. E. Prior to their departure from an collision scene, tow truck operators are required to remove all debris as part of the general police towing services contract and in accordance with [ARS 28-898.C](#).

- Employees will provide necessary traffic control to ensure the safety of the tow truck operator.

5. IMPOUNDS AND TOWS

A. Towed vehicles are defined as either:

- (1) Private Tows - Anytime a vehicle is transported to any location by a non-contract tow truck.

- Employees **will not** sign the tow truck bill.

- (2) Police Requested Tows - **Anytime** a vehicle is transported **by** a **contract tow truck**.

(a) Examples of police requested tows:

- Removing inoperable vehicles disabled in the roadway or involved in a collision
- Securing abandoned or recovered stolen vehicles
- Enforcing parking ordinances and impounding vehicles involved in specific statutory violations

NOTE: All police requested tows require a supervisor's approval and a completed Impound Slip.

- (b) Owner/operators of vehicles involved in a collision or disabled in the roadway may request their vehicle be taken to a location other than a contract tow truck storage lot, such as a residence or auto shop.

- Vehicle owner/operators must make arrangements with the contract tow truck to pay all towing fees at the time the vehicle is released.
- Employees **will** provide the tow truck driver with an Impound Slip documenting in the "Officer Notes" that the vehicle is being taken to a location other than a contract tow truck storage lot at the driver's request.

- (c) See [sections 5.C.\(2\)](#) and [5.C.\(3\)](#) of this order for more information on completing the Impound Slip and documenting the tow.

B. Police Requested Vehicle Tow/Impound Procedures

- (1) When requesting a contract tow truck, employees will advise the Communications operator of the following:

- Vehicle description, to include weight/size, such as passenger car, pickup truck, or dump truck
- Vehicle condition which may require additional equipment: for example, missing wheels
- Destination (contract tow truck storage lot, police impound lot, private residence/auto shop, etc.)

- (2) A **Notice of Right to Hearing** Form 80-43D (English) or 80-43.2D (Spanish) will be given to the driver or left in the vehicle of **every** police requested tow except for vehicles being impounded as evidence, such as vehicles subject to seizure for forfeiture or involved in a fatal collision.

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5. B. (3) Employees **will** ensure police requested tows are properly documented and provide the tow truck driver with a copy of the Impound Slip by following the procedures outlined below in [section 5.C](#) of this order.

NOTE: When listing the statutory authority used to tow/impound the vehicle (ARS or PCC), officers will use a PCC, in lieu of an ARS code, whenever possible; for example:

- [PCC 36-136](#), impeding traffic (for collision hazards or safekeeping when a driver is arrested and his/her unattended vehicle is obstructing the roadway) instead of [ARS 28-871](#), stopping, standing, or parking prohibited.

C. Documenting Police Requested Towed/Impounded Vehicles

- (1) Employees will provide the tow truck driver with a copy of a completed Impound Slip.
- (a) Employees with access to an MDC will complete the Impound Slip in RMS:
- From the Case Folder, select “Add Record” and then “Add Impounds Record”
 - Ensure all required information is entered
 - Submit the Impound Slip to Workflow
 - Give a printed copy of the Impound Slip to the tow truck driver
 - One of the below forms/reports will also be completed and will list the vehicle, the reason for the tow, and the address of the vehicle’s destination.
 - * Arizona Crash Report (ACR)
 - * Citation [Arizona Traffic Ticket and Complaint (ATTC) or Notice of Violation (NOV)]
 - * CR or FI
- (b) Employees without access to an MDC (or in the event RMS is unavailable) will complete a handwritten Impound Slip (usually provided by the tow truck driver) **ensuring** the below information is listed.
- Case Folder Number
 - Vehicle pick up location
 - Supervisor’s serial number
 - Officer’s serial number
 - Driver’s name (if known)
 - Statutory authority used to tow/impound the vehicle (ARS or PCC)
 - Vehicle make, style, color, year, vehicle identification number (VIN), model
 - License plate number, state, year, type (passenger, truck, motorcycle, etc.)
 - Name of the towing company
 - Tow driver’s name
 - Address of the vehicle’s destination
 - Tow company’s phone number
 - Date and time tow company called
 - Date and time vehicle picked up
 - Tow receipt number
 - Comments: Reason vehicle is being towed/impounded and vehicle condition
- (2) After the police requested tow has been completed, employees without access to an MDC will:
- (a) Immediately contact the CARS Unit at 602-262-6257 and provide the information listed above in [5.C.\(2\)\(b\)](#).



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5. C. (2) (b) Prior to the end of shift, complete one of the below forms/reports which will list the vehicle, the reason for the tow, and the storage/impound lot address.
 - ACR
 - Citation (ATTC or NOV)
 - CR or FI
 - (c) Prior to completing and submitting the forms/reports, scan and add the completed handwritten Impound Slip as an "Attachment" to the Case Folder.
 - (3) Employees will receive a NCIC FIL number from the CARS Unit once the vehicle information has been entered into Arizona Crime Information Center (ACIC)/National Crime Information Center (NCIC) and/or National Insurance Crime Bureau (NICB) via the Centrally Linked Information for Public Safety (CLIPS) application.
- D. Towing Incident to Arrest
- (1) Operable vehicles of arrested drivers will be released to the owner's family or friends with the owner's consent, except when the tow is mandated or as stated in [Operations Order 7.5.04, Driving Under the Influence Investigations](#).
 - (2) Vehicles may also be legally parked and locked with the owner's consent after being inventoried following the procedures outlined in [section 5.E](#) of this order.
 - (3) If satisfactory arrangements cannot be made or the vehicle is disabled and a hazard, the vehicle will be towed to a contract tow truck storage lot following the procedures outlined in [sections 5.B](#) and [5.C](#) of this order.
- E. Impounding Property from Towed Vehicles
- (1) All vehicles coming under the control of officers will be inventoried, including the trunk, prior to being towed.
 - (2) Items determined to be evidence or contraband, such as drugs or paraphernalia, will be impounded.
 - (3) Employees will ensure all personal property found in vehicles valued at \$200 or more, such as jewelry, weapons and/or money (except miscellaneous loose change), will be impounded separately from the vehicle for safekeeping or as prisoner's property.
 - If more than one of the same type item grouped together would raise the value to more than \$200, the items will be impounded for safekeeping.
 - If there is question as to an object's monetary value, officers will impound the item.
- F. Towing Vehicles as Evidence
- (1) Vehicles may be impounded as Evidence incidental to an arrest, as an instrumentality or fruit of a crime, such as vehicles subject to seizure for forfeiture or involved in a fatal collision, but not for proof of ownership.
 - (2) Vehicles impounded as evidence in connection with an offense will be stored in the Police Impound Lot located at 100 East Elwood, unless the vehicles are too large for the lot; see [Operations Order 5.8.00, Evidence, Impounding, and Property](#) for further instructions and procedures for large vehicles.
 - (3) Vehicles that have been involved in a crime, but have no evidentiary value, should not be impounded.

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5. G. [ARS 28-3511](#) Mandated Tows

- (1) **ARS 28-3511(A)** mandates a peace officer shall cause the removal and either the immobilization or impoundment of a vehicle if an officer determines that a person is driving the vehicle while **any** of the following applies:
 - The person's driving privilege is revoked for any reason, **or**
 - The person has never been issued a valid driver license or permit by this state and the person does not produce evidence of ever having a valid driver license or permit issued by another jurisdiction (not applicable to the operation of an implement of husbandry), **or**
 - The person driving is subject to an ignition interlock device requirement and is operating a vehicle without a functioning certified ignition interlock device (not applicable to company vehicle or the operation of a vehicle due to a substantial emergency as defined by [ARS 28-1464](#)).
 - The person is driving a vehicle in violation of [ARS 28-693](#) Reckless Driving (3511.A.2), or [ARS 28-708](#) Racing on Highways (3511.A.3); or the person is obstructing a highway or other public thoroughfare in violation of [ARS 13-2906](#) (3511.A.4); and the peace officer reasonably believes that allowing the person to continue driving the vehicle would expose other persons to the risk of serious bodily injury or death.
- (2) **ARS 28-3511(B)** mandates a peace officer shall cause the removal and impoundment of a vehicle if the peace officer determines a person is driving the vehicle when **all** of the following apply:
 - The person's driving privilege is canceled or revoked, or does not produce evidence of a driver license or permit issued by another jurisdiction, **and**
 - The person does not have or provide proof of insurance, **and**
 - The person is driving a vehicle that is involved in an collision resulting in either property damage or injury or death to another person.
- (3) **ARS 28-3511(C)** mandates a peace officer shall cause the removal and either the immobilization or impoundment of a vehicle if the driver is arrested for aggravated or extreme DUI, **or** for operating a vehicle while under the age of 21 with any spirituous liquor in the person's body **unless**:
 - The vehicle is currently registered and insured, **and**
 - Another person is with the driver at the time of the arrest and the officer can determine the person has a valid license, is not impaired, and if under twenty-one years of age, has no spirituous liquor in their body **and**,
 - The other person, who is with the driver at the time of the arrest, notifies the officer they will drive the vehicle from the place of arrest to the driver's home or other place of safety.
- (4) Employees **will not** tow a vehicle if:
 - The driver has an expired license.
 - The driver has a restricted license.
 - The driver has a suspended license for any reason.
 - The driver has a driver license from another country that appears to be valid even if the validity of the license cannot be confirmed with the other country.
 - The driver has a valid or expired permit.
 - The driver is charged with DUI or DUI – Drugs ([ARS 28-1381A1, A2, A3](#)).

H. Investigative and Impounding Procedures for ARS 28-3511A, 28-3511B, and 28-3511C

- (1) Employees investigating vehicle impoundment under ARS 28-3511 **will** verify through an MVD records check that any of the conditions mandating vehicle impoundment are present and/or applicable by completing the "Person's Query" screen on the MDC.



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5. H. (2) Employees will follow all procedures outlined in [sections 5.B](#) and [5.C](#) of this order when impounding a vehicle for a violation of ARS 28-3511.
- I. [PCC 23-55, Impoundment of Vehicles for Purposes of Prostitution](#) - PCC 23-55 dictates officers may cause the removal and either the immobilization or impoundment of a vehicle if an officer determines the vehicle was used to transport a person for the purpose of soliciting or engaging in an act of prostitution and the person is arrested for the violating section 23-52(A)(1), 23-52(A)(2), or [ARS 13-3214](#).
- Vehicles will only be towed following the procedures outlined in [sections 5.B](#) and [5.C](#) of this order.
- J. [Release of Vehicles Impounded Under ARS 28-3511](#) and, PCC 23-55
- (1) Citizens should be advised to read the information provided on the Notice of Right to Hearing form and may be referred to the Department's website.
- Citizens may also be referred to the Public Records and Services Bureau (PRSB) at 602-495-2096.
- (2) Release of a vehicle impounded under ARS 28-3511 and, PCC 23-55 shall only occur when the provisions of the statute or code regarding the release of a vehicle has been satisfied, or if the Post Storage Hearing officer determines there was no lawful authority for the tow or it was improperly impounded.
- (a) The release of the vehicle will **only** be authorized by PRSB.
- (b) If officers impound a vehicle incorrectly for an ARS 28-3511 or PCC 23-55 violation, they will contact PRSB and **PRSB** will coordinate the release with the owner and tow company.
- (3) The tow company will not release a vehicle to its owner without the appropriate release paperwork from the Department.
- Officers **will not** advise the owner to go to the tow company to request the release of the vehicle.
6. **STORING VEHICLES**
- A. Wrecked vehicles (not needed as evidence/contraband) will be towed to either a location requested by the driver/owner or to the contract tow truck's storage lot.
- B. Drivers/owners involved in collisions will make their own arrangements for the towing and storing of their vehicle with the tow company whenever possible.
- (1) Employees will request the driver/owner leave the ignition key in the vehicle being towed from an collision scene.
- (2) If the driver/owner does not wish to do this, the matter will be resolved between the driver/owner and the tow truck operator.
7. **HOLDING VEHICLES FOR TOWING/STORAGE FEES**
- A. Police Requested Tows
- In accordance with [ARS 28-872.H.2](#), if a vehicle has been towed and stored at the direction of a peace officer, the vehicle owner or owner's agent **shall pay**, or make satisfactory arrangements to pay, for any reasonable towing and storage costs before the towing service will release the vehicle.

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7. B. Private Tows

- (1) If the owner or any person authorized to represent the owner of the vehicle agrees to the tow, that person has agreed to make appropriate payments for the tow.
 - A “Possessory” lien would then exist.
 - (2) As described in [PCC 36-144](#), when a property owner/agent requests a vehicle be towed from a private driveway, private property, or a private parking area without the vehicle's owner/operator's consent, the tow company cannot hold the vehicle for payment of towing and storage fees and **must release** the vehicle upon request from the vehicle owner or any person authorized to represent the owner.
 - (a) A tow company may require the vehicle owner or any person authorized to represent the owner, to display a driver license or other reliable means of identification to assist in the billing and collection of towing and storage charges.
 - (b) Pursuant to PCC 36-144.E, it is a class 1 misdemeanor to hold or attempt to hold a vehicle as security for accrued towing and storage charges.
 - Officers should first determine the person attempting to retrieve the vehicle is the owner or any person authorized to represent the owner.
 - Officers should then explain PCC 36-144.E to the tow company employee and the possible criminal charge for failure to release the vehicle.
 - Except in extreme circumstances, officers should not take immediate enforcement action beyond completing a CR for the PCC violation.
- * Detectives from PRSB will review the case and submit for prosecution.

8. **POST STORAGE HEARINGS (PSH)**

- A. The PSH is a process mandated by [ARS 28-872](#), [ARS 28-3514](#), [PCC 23-56](#), or other applicable laws relating to the impoundment of vehicles.
 - (1) These laws require police departments to provide the owner of a towed vehicle with the opportunity for a hearing to determine the validity of the removal.
 - (2) The PSH must be provided within 48 hours of a request from the vehicle owner/agent.
 - (3) The purpose of the PSH is to determine if there was probable cause for the tow.
 - (a) The owner/agent is responsible for towing and storage fees if it is determined there was probable cause for removal.
 - (b) The Department is responsible for towing and storage fees if there was no probable cause for removal.
 - (4) A PSH only applies in cases where a vehicle has been removed by the police pursuant to statute.
 - (5) Vehicles towed and stored as evidence are not subject to the hearing process.

Last Organizational Review:
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