

208 VEHICLES - MOVING, TOWING, IMPOUNDING

1. General Comments During a tour of duty, a Breckenridge Police Officer may be faced with the problem of deciding to tow, move or impound a motor vehicle. These terms are many times used interchangeably and for the most part are nearly the same thing. This policy should clarify this Department's definition and assist the officer by providing this Department's definition and assist the officer by providing guidelines and procedures on how to handle the situation.
2. When may a Motor Vehicle be "Towed" by Police Officers?
 - A. When it has been "abandoned" as defined in City Ordinance.
 - B. When the vehicle is in violation of local ordinances and/or state regulations.
 - C. When the vehicle is determined to be stolen.
 - D. When the owner or operator has been taken into custody by police as a result of an arrest (i.e. DWI, DAR, etc.) And the vehicle involved will subsequently be in violation of law as a result of the arrest.
 - E. When the vehicle has been involved in an accident and the owner or operator is unable to make necessary arrangements or the vehicle constitutes a traffic hazard.
 - F. When it is believed that the vehicle may become damaged by unusual circumstances and for the protection of the property inside. (fire, flood, etc.)
 - G. When the vehicle is believed to be evidence or used in the commission of a felonious crime.
 - H. In any other case that the law requires or court orders the vehicle's safekeeping.
 - I. "Moving" vehicles may not always require a "tow". Each officer shall use his judgment as to how he moves the vehicle and where he moves it.
3. What wrecker service should "tow" the vehicle?
 - A. When the officer is giving a motorist assistance or at an accident. The officer will advise the responsible party that a wrecker be contacted for him at his expense. The officer should ask for a preference from the party requesting the tow. If the officer has taken responsibility under Section 2 above, he shall contact a wrecker service that he feels will provide the best service. The party requesting the tow should make the decision as to where the vehicle is to be towed. If the officer has not taken responsibility for the vehicle and is requesting a wrecker on behalf of

the party, it should be clearly understood that the party will pay for the call.ce business location.

4. Who pays for the wrecker? Generally speaking, if the officer has taken responsibility for the vehicle under conditions noted in Section 2, the Police Department will be billed and will, in turn, be responsible for collection. If the vehicle tow was requested for a party, that party will be responsible to pay the wrecker firm directly or make arrangements for payment.
5. When is a vehicle impounded? Impounded means that a vehicle is taken into police custody and becomes that responsibility of the City through the impoundment officer's actions. Except as provided herein, the impoundment shall occur when the officer directs the vehicle to be towed to the impound area (on City property). When this occurs, additional procedural requirements are necessary. Although a vehicle could be impounded under the same conditions a when a vehicle can be towed, this may not always be the case. The impoundment procedure will require the following actions of the officer and staff:
 - A. An ICR must be made for each vehicle impound unless there is already and ICR controlling the case.
 - B. If the vehicle is impounded as a result of a parking violation, a parking citation must also be issued. When the ICR is made for the citation, it will also be used for the impounding.
 - C. A copy of the tow bill must be signed by the impounding officer and returned to the office for filing. When many vehicles are towed, it may be necessary for the wrecker operator to bring tow bills to the office later.
 - D. A vehicle impoundment and inventory record must be completed during or after the search of the vehicle.
 - E. The vehicle must be searched and personal property of significant value inside the vehicle must be properly recorded and cared for to prevent damage or theft. Trunks need not be forced. If no key or inside release works, then it may be left unsearched.
 - F. If the vehicle is impounded as an abandoned vehicle, the impounding officer shall see that the proper notice be sent to the registered owner and person believed to be the owner, as provided in City Ordinance.
 - G. If the vehicle is impounded and kept the required time, then Item F, above, shall

be done.

- H. Proper notation of fees shall be made in the case file, i.e. parking, impound, tow, storage, and what has and has not been paid according to City Ordinance.
- I. There may be instances when Items D through F, above, may be deleted. They are as follows:
 - a. For emergency removal of large numbers of vehicle from the streets and avenues for cleaning and snow removal. Vehicles may be towed to City property or other locations as a matter of practicality.
 - b. When vehicles may be damaged by unusual circumstances, such as fire, flood, etc.
 - c. When the vehicle is impounded at a private storage facility. This action must be justified by the impound officer.

6. Where will vehicles be towed or impounded?

- A. Generally, vehicles that have been picked up as a result of police action will be taken to City properties or areas under City control. This will include that area near the City Street Department garage and inside the building referred to as the impound garage. Officers must make a determination based on their best judgments and subject to conditions at the impound area.
- B. The garage will be used to store vehicles on a priority as follows:
 - a. Evidence shall have first priority. Vehicles stored inside will be moved out or rearranged to provide space.
 - b. Salvageable vehicles - new cars that may be damaged by vandals if left outside.
 - c. To protect property from theft.
- C. Officers are authorized to retain wrecker service to make/meet these priorities.
- D. A private storage facility may be used such as those provided by towing service. Special circumstances may require this choice.

7. In the Event That Procedural Requirements Referred to in Section 5 are not Clear, This Explanation Should Help.

- A. Since the ICR is the case control, this will be most important in all future references to the case. When it says that an ICR must be made for each vehicle impounded it is merely a result of the investigation or additional action taken on the complaint, a second ICR should not be made just for the actual impound action. All forms that are made out by officers on the impounding will be controlled by the original ICR. In most cases there will already be an ICR for a traffic violation or some other proceeding complaint. If not, then an ICR must be made for the impounding action.
- B. The officer who impounds the vehicle for whatever reason must have an ICR to control the case file. He should check department files or obtain dispatch assistance to determine if any reports had been made previously concerning the vehicle in question that would be related to his intended impound action.
- C. The Vehicle Impoundment and Inventory Record (VIIR) used by this department is made up of an original (white) and two copies (yellow and pink). This form is self-explanatory and is completed by answering the questions. There are only two notations that must be written on the VIIR - the amount of the tow and if a Notice of Taking of Abandoned Motor Vehicle has or has not been sent.
- D. Once this form is completed and returned to the office, it is important to understand what happens to it and all additional reports and documents later generated as a result of the impoundment. Forms such as the Notice of Taking of Abandoned Motor Vehicle, Supplemental Inventory of Personal Property, etc.
- E. The officer complete the ICR after the impoundment is completed, Upon return to the office, the following procedure is necessary to maintain control
 - a. The controlling ICR should receive a notation that the vehicle has been impounded. (In the case of an old ICR, such as stolen car report from several weeks back, both date and type files must receive the notation.) This notation should at least include the license number.
 - b. In event that the impounding came after the ICR controlling the case has been numbered, that number could be put on the form. If the impoundment ICR and everything is available, the notation on ICR that the vehicle was impounded will tie the two together so that the Records Technician can file them properly.
 - c. The officer will then place the copy of the tow bill in the cash drawer after making a note on it as to the name or the vehicle owner or operator. This receipt will stay in the cash drawer until the bill is paid by responsible parties that come in to pay the bill, they will be issued our receipts for their

money as in the present policy and a copy of the VIIR (yellow) and the remaining pink copy and attachments may be destroyed. The money received for the tow, storage and impound fee will be enclosed in an envelope, properly marked, along with the receipt from the cash drawer and taken to the City Clerk. In the event that the tow bill is never paid by the responsible parties, it will be included in the envelope containing the money received in the resulting sale of the vehicle. In theory, the only receipts in the cash drawer will be for vehicles in our custody and our responsibility to pay for. This will have the result of the department collecting the bill before the vehicle is released.

- d. When the Notice of Taking of Abandoned Motor Vehicle is sent to the proper party, the original of that notice will become part of the case file. This notice will be completed in original and two copies. One copy will be sent certified mail return receipt, and the third copy will be attached to the pink copy of the VIIR posted in the dispatch area. In the event that the notice gets the desired results, then the responsible party will come and hopefully pay all fees and regain custody of the vehicle. This will result in only vehicles in police custody being posted as described.
- e. When the officer in charge of the impounded vehicles feels that a sale is necessary, he will remove the qualifying vehicles VIIR's from the posting board and make the necessary arrangements.
- f. What does this mean?
 - 1. ICR made, old or new, given proper notation.
 - 2. ICR completed, note on tow fee and if notice sent, original in case file, copies posted.
 - 3. Tow bill in cash drawer with note as to owner or operator.
 - 4. If notice sent, original in case file and copy attached to pink VIIR.
 - 5. If paid, yellow VIIR to responsible party and pink VIIR and copy of notice canned.Result: Only tow receipt and post VIIR will be for cars in custody.