

CITY OF ANDERSON POLICE DEPARTMENT

Anderson, South Carolina

DIRECTIVE TYPE General Order	EFFECTIVE DATE March 20, 2006	NUMBER 182
SUBJECT Towing and Inventory of Vehicles		
REVISED		
REFERENCE General Order 105 & SCLEA 1.1.5	AMENDS/SUPERSEDES All Others	
DISTRIBUTION All Personnel	RE-EVALUATION DATE Annual	NO. PAGES 6

A. Purpose

To provide Officers with guidelines on towing and inventorying vehicles.

B. Policy

It is the policy of the City of Anderson Police Department to ensure that wreckers are utilized to their maximum effectiveness, while maintaining a fair and impartial method of administering their use. Moreover, it is the policy of the police department to safeguard vehicles and their contents while in department custody, and to protect the department against claims of lost, stolen or damaged property.

C. Definitions

Next on the List Wrecker - A towing service on the police department's list of authorized wreckers.

Owner's Request - When a citizen, due to an accident or breakdown, requests a specific wrecker company for assistance.

Impound - The towing and securing of a vehicle until such time as the owner, or his/her designee, can take possession of the vehicle. These vehicles are generally towed by the city garage to the city impound or the *Next on the List* wrecker to a storage location managed by the wrecker company.

Placing a Hold - The securing of a vehicle, until such time as it can be processed, as in the case of a recovered stolen vehicle, a seized vehicle, or a vehicle, which contains evidence. These vehicles are not available for pick-up by the owner, they are held in possession of the agency. These vehicles may be stored at an agency facility or a wrecker company storage location, depending on the circumstances of the hold.

D. Procedures

1. Organization
 - a. The police department maintains a list of towing (wrecker) services that are authorized to provide services or tow stranded vehicles at the request of the police department or a motorist.
 - b. All towing services on the police department's rotation list must comply with regulations set forth by the police department and the City Manager, including but not limited to twenty-four (24) hour availability.
 - c. Prior to placing a wrecker company on the City of Anderson Police Department's rotation list, a police department representative must verify that the wrecker company will:
 1. Comply with police department and city management wrecker regulations, and
 2. Comply with a thirty (30) minute response time.
3. Officers requesting a *next on the list* wrecker will make such requests to the on-duty communications operator, who in turn contacts the next wrecker service available on the rotation list. Dispatch will ensure that each wrecker summoned will be able to comply with a thirty (30) minute time limit. Each request for service made by communications operators is documented on the rotation list. At the end of the period (defined by City Management), the subsequently listed wrecker service effectively moves to the top of the rotation list.
4. The communications center shall maintain a record of all vehicles removed, stored or towed at the direction of a Police officer.
5. Motor Vehicle Accidents:
 - a. In the event that a wrecker is needed at an accident scene, the operator of the vehicle may request any wrecker company in Anderson City.
 - b. If the owner/operator does not have a preference on a towing service, or the owner/operator's preference is for a service that is not located in Anderson City, a *next on the list* wrecker will be summoned.
 - c. If a vehicle is disabled and the owner/operator does not wish for it to be towed, it is acceptable for him/ her to move the vehicle from the roadway long enough to effect minor repairs, providing the vehicle is not a traffic or safety hazard and/or owners of private property do not object.

- d. In those cases where a Officer summons a list wrecker to tow a vehicle involved in an accident where a responsible party cannot be immediately contacted, the Officer shall:
 1. Check the vehicle in NCIC;
 2. Complete any necessary accident reports;
 3. Complete a vehicle tow/impoundment record;
 4. Attempt to notify the registered owner.

6. Public Assistance:
 - a. Upon request of a citizen, an officer may summon wreckers for disabled vehicles.
 - b. Under normal conditions, City of Anderson Police Department personnel should not attempt to make mechanical repairs to disabled vehicles. Instead, officers should refer motorists to a licensed professional.
 - c. At the officers' discretion and if they can safely perform the service, officers may assist motorists with incidental mechanical assistance such as (1) Jump starting and (2) Changing flat tires, if the assistance will get the motorist safely on their way. When jump starting vehicles, officers must wear, at a minimum, safety glasses and gloves. Officers are also permitted to push vehicles from the roadway if in the officers' discretion, he or she is physically capable of doing it and can do it safely. Calls-for-service of this type are performed while motorists are engaged in some sort of travel, not when they are parked at their abodes.

7. Impound:
 - a. Vehicles may be impounded via the city wrecker or the *next on the list* wrecker in any of the following instances:
 1. Arrest situations (including DUI) where the driver has not opted to release the vehicle to a sober, licensed driver.
 2. When it is necessary to insure the safekeeping of a vehicle, as in the case of a recovered stolen vehicle when the owner is not immediately available. An attempt should be made to contact the owner, who may prefer a specific towing service or wish to pick up the vehicle.
 3. When it is necessary to move a vehicle that is abandoned or is a traffic hazard. See South Carolina Code of Laws 56-5-5810 for the correct procedure in this matter.
 4. When a vehicle is unsafe to operate and the owner/operator has no preference on the towing service. For it to be considered unsafe, the vehicle must have

substantial defects such as, but not limited to defective brakes, frame damage or no operable lights after dark.

- b. Officers seeking to have a vehicle impounded for any other reason should consult with a supervisor.

8. "Placing a Hold" on a Vehicle

- a. Officers may place a hold on a vehicle for the following reasons:
 - 1. Evidence must be removed from the vehicle and the procedure cannot be accomplished at the scene or a specially trained technician must do it.
 - 2. Vehicles which are subject to seizure shall be towed to the Anderson Police Department impound lot.
 - 3. For a vehicle involved in a hit and run accident.
 - 4. For a vehicle involved in a traffic fatality.
 - 5. For other reasons as approved by a field supervisor.
- b. Officers shall complete and submit an incident report, before the end of that Officer's shift, indicating the reason that the vehicle was placed on hold.
 - 1. Hold information, the reason for the hold and the release requirements must be relayed to the personnel who manage the tow and impound business at the City Garage (or other entity) when the vehicle is towed. Officers should document to whom they spoke, the time and date.
 - 2. The officer who initiated a hold on a vehicle should notify the personnel who manage the tow and impound business at the City Garage (or other entity) immediately when a vehicle is cleared for release. Officers should document to whom they spoke, the time and date.
 - 3. The officer who places a vehicle on hold should follow up with the personnel who manage the tow and impound business at the City Garage (or other entity) at least once weekly to verify and/or update vehicle status.
- c. Vehicles placed on hold should be towed to the impound lot via the city wrecker. If a vehicle that has been placed on hold is to be towed to a location other than the City of Anderson's impound lot (i.e. outside storage, headquarters, etc), the officer shall inform the communications center when requesting the tow.
- d. Officers placing a hold on a vehicle in situations that require a follow-up (i.e. evidence processing, seizure, etc see agency policy # 105, regarding vehicle seizures and seizures) shall ensure:
 - 1. The location of the vehicle and keys are noted in the incident report; and
 - 2. The proper copy of the tow/impound record is placed in/on the vehicle.

9. Inventory of Towed Vehicles

a. Legal Authority to Inventory

1. An authorized member of the police department shall conduct a motor vehicle inventory without a warrant or probable cause when:
 - a. A vehicle has been lawfully seized or impounded pursuant to the arrest of the driver, after towing a vehicle for violations, or for related enforcement or safety reasons as defined by state law including but not limited to 56-5-5810.
 - b. When Officers conduct the inventory within the scope of this policy as an administrative procedure.
2. The Officer conducting the inventory shall:
 - a. Check the vehicle in NCIC;
 - b. Complete a vehicle/tow impoundment record;
 - c. Attempt to notify the registered owner.
3. Examination of the contents of a motor vehicle pursuant to a criminal investigation or with the intent of discovering evidence of a crime is a search, not an administrative inventory. Officers shall be guided by the police department's policy on motor vehicle searches when engaged in these actions.

b. Scope of Inventory

1. The contents of all motor vehicles that are lawfully seized and/or impounded by the agency shall be subject to inventory in accordance with the provisions of General Order 180.
2. An inventory should be conducted in the location at which the vehicle is seized unless limited by reasons of safety or practicality. If so, it may be inventoried at a later time following impoundment.
3. The owner or operator of the vehicle shall be asked to remove, if possible, all valuables from the vehicle prior to impoundment. If such items cannot be removed, they shall be inventoried before the vehicle is removed, and the owner/operator shall be requested to verify the completeness of the inventory by signature, if practical.
4. If a key is available, the trunk and glove box shall also be inventoried.

Officers shall not break any locking device to conduct an inventory; rather, the Officer shall indicate on the vehicle/tow impoundment record the compartment(s) were locked.

5. All closed containers found within the vehicle shall be opened for the purposes of the inventory. Closed and locked containers shall not be forced open but shall be logged on the vehicle/tow impoundment record as such. If a key or lock combination is available, locked containers may be opened and inventoried.

c. Property Control

1. All items of value shall be itemized on Form APD 180.
2. Any hazardous materials found shall be itemized on Form APD 180 and the towing service shall be properly notified of such items.
3. Contraband and evidence discovered during the course of a motor vehicle inventory shall be processed in accordance with the police department's policy in section 2600, which addresses "Property and Evidence Control."

10. Canceling a Wrecker

- a. If an officer must cancel a wrecker, it should be done as soon as possible.
- b. If possible, the wrecker will be canceled prior to arrival through the communication center and be placed first on the rotation list.
- c. If the wrecker driver arrives and there is no longer a need for towing the wrecker will be placed first on the rotation list.
- d. Wrecker companies have thirty (30) minutes to respond to calls for service.

11. Wrecker Service Delays

- a. In the event that the tardy wrecker company arrives after cancellation and summoning of another company, the tardy wrecker company will be turned away.

By order of:


Martin D. Brown, Chief of Police

3-6-2006
Date