

DALTON POLICE DEPARTMENT

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Subject Impounding, Towing, and Inventory of Vehicles			
Reference CALEA Standards – 1.2.4, 61.4.3		Revised November 17, 2020 22, 2022	
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I. Policy

It is the policy of the Dalton Police Department that vehicles only be impounded in accordance with state laws governing the removal of vehicles by police officers, and then only after all other reasonable options to keep from impounding a vehicle have been exhausted. (O.C.G.A. 40-6-202, 40-11-03, 40-6-206).

II. Definitions

- A. *Highway (Street)* – The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.
- B. *Impounded Vehicle* – Any vehicle which is towed to the Police Services Center or to the tow service's storage lot that is to be held or processed for evidence.
- C. *Private Property* – Any property that is not owned or leased by any government that the public may or may not have access to. (i.e. private driveways, shopping center lots, church lots).
- D. *Roadway* – That portion of the highway or street improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder.
- ~~E. *Street* – The entire width between boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.~~

III. Procedure

- A. An approved "list" tow truck service shall be utilized by the Department and shall be on-call 24 hours a day. The list tow truck service shall be dispatched by the Whitfield County 911 Center.
- B. The service shall rotate on a weekly basis, and the list tow truck service shall be used unless the owner or operator requests a different tow truck service or unless

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the Officer deems it necessary to use a different tow truck service due to the list being unavailable.

- C. If the Officer determines that a tow truck is needed:
1. The Officer shall ask the owner or operator of the vehicle that is to be towed if he / she has a preference of which tow truck service tows the vehicle. If the owner or operator is injured or impaired to the point where he / she could not make a reasonable decision, the list tow service shall be used.
 2. The Officer does not have to honor a request for a tow truck service other than the list tow truck if:
 - a. The response time of the requested tow truck service is unreasonable (more than 20 minutes).
 - b. The response time of the requested tow truck service is greater than the response time of the list tow truck service, and there is a need to remove the vehicle quickly to restore traffic flow or in the interest of public safety.
- D. The owner may elect to turn the vehicle over to another person, provided a responsible person is present. Prior to a release, the Officer shall check to ensure that such a person has a valid driver's license and is not impaired.
- E. The owner may elect to leave the vehicle on public or private property. This may be granted at the discretion of the Officer.
- F. If the vehicle is not towed, the Officer shall inform the owner that the Department and the Officer are not responsible or liable for any loss or damage to the vehicle or its contents.

IV. **Removal of Vehicles from Roadways, Highways, or Streets**

- A. Pursuant to O.C.G.A. 40-6-202 and 40-6-206, Officers are authorized to remove vehicles or require drivers to remove vehicles from roadways, highways, or streets for the following reasons:
1. A vehicle is left stopped, parked, or standing upon the roadway, highway, or street outside of a business or residential district, and it is not practical to stop, park, or leave the vehicle off the roadway.
 2. A vehicle is unattended and left illegally standing upon any highway or bridge.
- B. Any Officer is authorized to remove or cause to be removed to the nearest garage or other place of safety any vehicle found upon a highway when:
1. A report has been made that such a vehicle has been stolen or taken without the consent of its owner.

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2. The driver or owner of such vehicle is unable to provide for its custody or removal.
 3. The person driving or in control of such vehicle is arrested for an alleged offense for which the Officer is required by law to take the person arrested before a municipal court judge or a proper magistrate without unnecessary delay.
 4. Any such vehicle has been left inoperable or unattended for 24 hours or more
 5. Such vehicle is stopped, except when traffic congestion makes movement impossible, on a controlled access highway, which is part of the National System of Interstate and Defense Highways, for more than eight hours, unless such vehicle constitutes a traffic hazard, in which case it may be removed immediately.
- C. Because uninsured vehicles pose a threat to public safety and health, any Officer is authorized to have such vehicle towed to the nearest garage or other place of safety when the driver is charged under subsection (a) or (b) of O.C.G.A. 40-6-10, if:
1. Such person admits to the Officer that there is no insurance in effect on the vehicle
 2. The Officer verifies that the proof of insurance provided by such person is fraudulent
 3. It is determined otherwise that there is no insurance on the vehicle
- D. If a question concerning the legality of such removal or tow arises, the owner shall be directed by the Officer to contact the Watch Commander or other Supervisor.

V. **Removal of Abandoned Vehicles from Public Property**

- A. Any Officer who finds a motor vehicle that has been left unattended on a public street, road, or highway or other public property for a period of at least five (5) days shall be authorized to cause such motor vehicle to be removed to a garage or other place of safety, if such Officer reasonably believes that the person who left such motor vehicle unattended does not intend to return and remove such motor vehicle.
1. A registration check shall be made to determine the identity of the owner and whether the vehicle is stolen.
 2. If the owner of the vehicle cannot be contacted and the vehicle is not obstructing traffic or causing a hazard, the Officer shall affix a tow sticker to the front or rear of the vehicle, marking it as abandoned and subject to tow in five (5) days, and a miscellaneous incident report shall be completed.
- B. Any Officer who finds a motor vehicle that has been left unattended on a public street, road, or highway or other public property, after reasonable, but

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unsuccessful, effort has been made to contact the owner to have the vehicle removed, shall be authorized to cause such motor vehicle to be removed immediately to a garage or other place of safety or pushed to the side of the road when such motor vehicle poses a threat to public health or safety. This includes vehicles that pose a traffic hazard.

- C. The Officer that has a motor vehicle towed to a garage or other place of safety or which is notified of the removal of a motor vehicle from private property, and the owner is unknown, shall within 72 hours from the time of removal or notice notify the Department of Revenue and the Georgia Crime Information Center (GCIC) of the description of the vehicle and the location to which such motor vehicle has been removed. This is accomplished through the vehicle being entered into GCIC as "Abandoned".
- D. If the name and address of the last known registered owner of the motor vehicle is obtained from GCIC, the Officer who causes the motor vehicle to be removed shall, within three (3) calendar days, make available to the person removing such motor vehicle the name and address of the last known registered owner of such motor vehicle. If such information is not available, the Officer shall, within three (3) calendar days, notify the person removing or storing such vehicle of such fact.

VI. **Removal of Abandoned Vehicles upon Private Property**

- A. The Officer shall check the vehicle's registration to determine if the vehicle is stolen.
- B. An abandoned vehicle on private property shall not be towed or impounded by Officers. Removal shall be the responsibility of the property owner.

VII. **Traffic Hazards or Obstructions**

- A. Attended vehicles that are inoperable and obstructing a highway or public roadway, or otherwise creating a traffic hazard, shall be removed by the owner or the person responsible for the vehicle. If the owner or person responsible for the vehicle is unable or unwilling to remove the hazard within a reasonable time, based on an Officer's discretion, the vehicle may be towed. However, if possible and practical, the Officer shall assist in removing the vehicle from the roadway.
 - 1. The vehicle owner or person responsible for the vehicle may remove the vehicle from the roadway and temporarily park the vehicle upon the roadside. Vehicle owners shall retain full responsibility for the timely removal (within 24 hours) and for the security of the parked vehicle.
 - 2. The vehicle owner may request a tow service to be called and each request shall be complied with when response can be made within a reasonable time (20 minutes). If no specific tow service is desired, the list tow service shall be notified.
- B. When a traffic hazard or obstruction exists, the Officer shall remain on the scene until the hazard or obstruction has been neutralized and no further danger exists.

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VIII. **Stolen Vehicle Recovery and Vehicles to be Held or Processed for Evidence**

- A. If possible and practical, recovered vehicles should be processed at the recovery site and released to the owner without towing.
- B. When the Officer is unable to contact the owner to take custody of the vehicle within a reasonable time and / or when the vehicle cannot be processed on-site, the vehicle may be impounded at the Police Services Center and entered into Property and Evidence.
 - 1. When a stolen vehicle has been recovered, an Investigator shall be notified by phone if said vehicle has been used in a major crime.
 - 2. An incident report or supplemental report shall be completed by the recovering Officer.
 - 3. A Vehicle Tow and Inventory form (Appendix A) shall be completed. The tow service copy and the tow service invoice shall be attached to the Property Record Receipt and submitted to the Property and Evidence Section.

IX. **Towing and Impounding of Vehicles Following Arrest**

- A. When the operator of a vehicle is arrested for a violation of state or local law, the vehicle may be impounded or towed for safekeeping.
- B. In cases where the driver is taken into custody and another person is authorized and capable of taking control of the vehicle, it is unnecessary for the Officer to tow or impound it. If the driver is impaired to the point where the arresting Officer feels he / she cannot make a reasonable decision about the welfare of his / her vehicle, the vehicle shall be towed.
- C. If the driver is arrested and requests a particular towing service, the Officer shall comply with the request, if practical, and shall complete the Vehicle Tow and Inventory form.

X. **Inventory of Seized, Towed, or Impounded Vehicles or Property**

Inventories of vehicles are not required when the tow is a result of a courtesy request for the operator, i.e. an inoperable vehicle involved in a collision and otherwise would be released to the operator or a disabled vehicle with the operator present requesting the summoning of a tow truck. In all other instances, an Officer shall inventory the property contained in a vehicle or property that is being seized, towed, or impounded. Documentation of the property shall be listed on a Vehicle Tow and Inventory form and forwarded to the Records Section.

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This policy supersedes any previous policies issued.

BY ORDER OF

CHIEF OF POLICE

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Vehicle Tow and Inventory

DATE	TIME	LOCATION	
YEAR	MAKE	MODEL	COLOR(S)
LICENSE		VIN	
TOW TRUCK		TOWED TO	
DRIVER			PHONE
ADDRESS			
OWNER			PHONE
ADDRESS			
REASON FOR TOW			
STANDARD EQUIPMENT:			
() RADIO () TAPE DECK () C.B. () ADDITIONAL SPEAKERS		() BATTERY () ANTENNA () HUB CAPS () SPARE TIRE	() JACK () LUG WRENCH () OTHER: _____
INVENTORY LIST			
() WRECKER ON CALL () OWNER'S REQUEST () HOLD FOR EVIDENCE			
VEHICLE CONDITION: () OPERATIONAL () NOT OPERATIONAL			
DRIVER'S SIGNATURE		OFFICER	BADGE #
WRECKER DRIVER'S SIGNATURE			
RELEASED BY		DATE	TIME
RELEASED TO		DATE	TIME

(Yellow) Tow Service copy
(Gold) Communications copy

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