

Vehicle Towing

503.1 PURPOSE AND SCOPE

This policy provides guidance related to vehicle towing. Nothing in this policy shall require a member of this department to tow a vehicle.

503.1.1 TRAFFIC CRIME IMPOUNDMENT CONSIDERATIONS

Whenever a traffic citation is issued, or an arrest is made for violation of Oregon Vehicle Code or local traffic ordinances and probable cause exists that the driver's license of the operator of the motor vehicle is suspended or revoked, or probable cause exists that the vehicle or its operator are without liability insurance as required by the financial responsibility laws of the state of Oregon, or probable cause exists that the operator of the motor vehicle was under the influence of intoxicants at the time of operation, **and**

- the vehicle jeopardizes public safety, **or**
- the vehicle hinders the efficient movement of vehicular traffic, **or**
- is a hazard to other drivers, **or**
- is a target for vandalism or theft, **or**
- if the driver is unable to remove the vehicle from a public location without continuing the illegal operation of the vehicle,

the vehicle shall be impounded, without prior notice, and towed at the owner's expense, and stored at the owner's expense.

In making the decision to order the vehicle towed, the police officer shall consider the following:

- the location of the vehicle, **and**
- whether the vehicle is impeding traffic, **or**
- the vehicle threatens public safety and convenience of the streets, **or**
- there is a likelihood that the vehicle can be used in an illegal fashion.

503.2 POLICY

The Lebanon Police Department will tow vehicles when appropriate and in accordance with the law.

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503.3 NOTICE PRIOR TO TOW

When circumstances permit, (e.g., when towing a vehicle for parking or ordinance violations and the vehicle does not constitute a hazard), the an officershould make a good-faith effort to provide notice that is reasonably calculated to apprise the owner of the vehicle that it is subject to towing and impoundment.

503.4 REMOVAL OF VEHICLES DUE TO HAZARD

When a vehicle should be towed because it presents a hazard, the owner or operator should arrange for the towing. Department members may assist by communicating requests through Communications Division to expedite the process.

If the owner or operator is unable to arrange for towing and the vehicle presents a hazard, the vehicle may be towed at the direction of the department member when the vehicle is (ORS 819.120):

- (a) Parked so that any part of the vehicle extends into the paved portion of the travel lane.
- (b) Parked so that any part of the vehicle extends into the highway shoulder or bicycle lane of any freeway.

Vehicles that are not the property of the City should not be driven by department members unless it is necessary to move the vehicle a short distance to eliminate a hazard, prevent the obstruction of a fire hydrant, or comply with posted signs.

503.5 ARREST SCENES

Whenever the owner or operator of a vehicle is arrested, the arresting officer should provide reasonable safekeeping by leaving the vehicle secured and lawfully parked at the scene or, when appropriate, by having the vehicle towed, such as when the vehicle presents a traffic hazard or the vehicle would be in jeopardy of theft or damage if left at the scene.

Officers are not required to investigate whether alternatives to towing a vehicle exist after an arrest. However, a vehicle should not be towed if reasonable alternatives exist. When considering whether to leave a vehicle at the scene, officers should take into consideration public safety as well as the reasonable safety of the vehicle and its contents.

While Oregon law may authorize the impoundment of a vehicle for issues such as driving with a suspended or revoked license (ORS 809.720), impounds are only authorized if, in such cases, leaving the vehicle would create a hazard, obstruction, or a risk of loss.

The following are examples of situations where a vehicle should not be towed:

- The vehicle can be legally parked, left in a reasonably secure and safe location, and is not needed as evidence.
- The vehicle is parked on private property, on which the arrestee or owner is legally residing, or the property owner does not object to the vehicle being parked at that location.

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- The arrestee or owner of the vehicle requests that it be released to a person who is present, willing, and able to legally take control of the vehicle.
- The vehicle is legally parked and the arrestee or owner requests that it be left at the scene. In such cases the requester should be informed that the Department will not be responsible for theft or damages.

503.6 VEHICLES RELATED TO CRIMINAL INVESTIGATIONS

Officers should tow vehicles that are needed for the furtherance of an investigation or prosecution of a case, or that are otherwise appropriate for seizure as evidence (ORS 133.535).

Officers should make reasonable efforts to return a recovered stolen vehicle to its owner rather than have it towed, as long as the vehicle is not needed for evidence.

503.6.1 STATE REQUIREMENTS

The impounding officer should take reasonable steps to protect against loss or damage to impounded vehicles and any contents that may have been taken as evidence (ORS 133.537).

If a recovered stolen vehicle is towed, the officer shall share the owner's contact information, including the person's home address and telephone number, with the towing service that assumes control of the vehicle (ORS 98.857).

503.7 RECORDS

Communications Division members shall ensure that pertinent data regarding a towed vehicle is promptly entered into the appropriate database.

503.7.1 NOTICE AFTER TOW

Within 48 hours, excluding weekends and holidays, of a vehicle being towed, it shall be the responsibility of the Records Division to send a notice of tow to all registered owners and others having a recorded interest in the vehicle. Notice shall be sent to all such individuals by certified mail. The notice shall include (ORS 819.180):

- (a) That the vehicle has been taken into custody and towed; the identity of the appropriate towing authority; and the statute, ordinance, or rule under which the vehicle has been taken into custody and towed.
- (b) The location of the vehicle, or the telephone number and address of the authority that will provide that information.
- (c) That the vehicle is subject to towing and storage charges, the amount of charges that have accrued to the date of the notice, and the daily storage charges.
- (d) That the vehicle and its contents are subject to a lien for payment of the towing and storage charges, and that the vehicle and its contents will be sold to cover the charges if the charges are not paid by a date specified by the appropriate authority.
- (e) That the owner, possessor, or person having an interest in the vehicle and its contents is entitled to a prompt hearing to contest the validity of taking the vehicle into custody

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and towing it, and to contest the reasonableness of the charges for towing and storage if a hearing is requested in a timely manner.

- (f) The time within which a hearing must be requested and the method for requesting a hearing.
- (g) That the vehicle and its contents may be immediately reclaimed by presentation to the appropriate authority of satisfactory proof of ownership or right to possession, and either payment of the towing and storage charges or the deposit of cash security or a bond equal to the charges with the appropriate authority.

503.7.2 VEHICLE STORAGE REPORT

Department members towing a vehicle shall complete a vehicle tow report. The report should be submitted to the Records Division as soon as practicable after the vehicle is towed.

503.8 TOWING SERVICES

Members shall not show preference among towing services that have been authorized for use by the Department. A rotation system established by the Department for tow services should be followed. Tow companies on the rotation must have storage facilities within a 15 mile radius of Lebanon. Tow companies should be able to respond within a reasonable time frame, if not, Lebanon Police Officers may request to move to the next tow company on the rotational list.

503.9 VEHICLE INVENTORIES

The contents of all vehicles towed at the request of department members shall be inventoried and listed on the inventory report. When reasonably practicable, photographs may be taken to assist in the inventory.

- (a) An inventory of personal property and the contents of open containers will be conducted throughout the passenger and engine compartments of the vehicle, including but not limited to the glove box, other accessible areas under or within the dashboard area, any pockets in the doors or in the back of the front seat, in any console between the seats, under any floor mats, and under the seats.
- (b) In addition to the passenger and engine compartments as described above, an inventory of personal property and the contents of open containers will also be conducted in any other type of unlocked compartments that are a part of the vehicle, including but not limited to unlocked glove compartments, unlocked vehicle trunks, and unlocked car-top containers.
- (c) Any locked compartments, including but not limited to locked glove compartments, locked vehicle trunks, locked hatchbacks, and locked car-top containers, should be inventoried, provided the keys are available and are to be released with the vehicle to the third-party towing company or an unlocking mechanism for such compartment is available within the vehicle.
- (d) Closed containers located either within the vehicle or any of the vehicle's compartments will not be opened for inventory purposes except for the following: wallets, purses, coin purses, fanny packs, personal organizers, briefcases, or other

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closed containers designed for carrying money, small valuables, or hazardous materials.

Members should ask the occupants whether the vehicle contains any valuables or hazardous materials. Responses should be noted in the inventory report. If the occupant acknowledges that any closed container contains valuables or a hazardous material, the container shall be opened and inventoried. When practicable and appropriate, such items should be removed from the vehicle and given to the owner or booked into property for safekeeping.

Any cash, jewelry, or other small valuables located during the inventory process will be held for safekeeping, in accordance with the Property and Evidence Policy. A copy of the property receipt should be given to the person in control of the vehicle or, if that person is not present, left in the vehicle.

A copy of the vehicle inventory will be given to the tow truck operator.

These inventory procedures are for the purpose of protecting the vehicle owner's property, providing for the safety of department members, and protecting the Department against fraudulent claims of lost, stolen, or damaged property.

Towing a vehicle in order to perform an inventory should not be used as a pretext for an evidence search. Nothing in this policy prevents the towing of a vehicle that would occur for reasons independent of any suspicion that the vehicle may contain evidence if it is otherwise justified by law or this policy.

503.9.1 OPPORTUNITY TO REMOVE PROPERTY

In the event that the owner, operator, or occupant of a vehicle to be impounded is present at the scene and not subject to arrest, prior to commencing the inventory the officer shall provide notice and opportunity to that person to take readily retrievable personal belongings (e.g., purse, backpack, cigarette pack) from the vehicle that are not considered evidence or contraband.

503.10 SECURITY OF VEHICLES AND RETRIEVAL OF PROPERTY

If the search of a vehicle leaves the vehicle or any property contained therein vulnerable to unauthorized entry, theft, or damage, the department member conducting the search shall take such steps as are reasonably necessary to secure or protect the vehicle or property from such hazards.

Unless it would cause an unreasonable delay in towing the vehicle or create an issue of officer safety, reasonable accommodations should be made to permit the owner, operator, or occupant to retrieve small items of value or personal need (e.g., cash, jewelry, cell phone, prescriptions) that are not considered evidence or contraband.

Members who become aware that a vehicle may have been towed by the Department in error should promptly advise a supervisor. Supervisors should approve, when appropriate, the release of the vehicle without requiring the owner or the owner's agent to request a hearing to contest the tow.