



POLICY & PROCEDURES

HOLMEN POLICE DEPARTMENT

SUBJECT: **TOWING**

NUMBER: 13.1

SCOPE: ALL DEPARTMENT PERSONEL

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PURPOSE

The purpose of this document is to establish guidelines for towing vehicles that need to be removed from private or public property after being abandoned, becoming disabled due to an accident, mechanical failure, an arrest, seizing a vehicle for evidentiary purposes.

POLICY

It is the policy of the Holmen Police Department to tow certain vehicles determined to be abandoned, disabled, damaged, seized for evidentiary purpose, and recovered as stolen or otherwise in need of being transported to a place of safekeeping, to correct a traffic hazard or to eliminate a public nuisance.

PROCEDURE

A. ABANDONED VEHICLE TOWING

- a. Officers assigned a complaint of an abandoned vehicle shall check the vehicle for wanted/stolen status and make reasonable attempts to contact the owner to resolve the situation.
- b. Suspected abandoned vehicles will be marked via chalked tires or similar methods to determine movement. After 48 hours, a parking citation will be issued, and a Tow Warning Notice applied. The Tow Warning Notice will be applied to the driver's side front or rear window or mirror, but not in the line of sight of an operator.
- c. A vehicle is considered abandoned if not moved within 48 hours per Ord 180-11 and WI Statues 342.40 and is subject to tow.
- d. Upon determining a vehicle is abandoned officer's shall:
 - i. Issue parking citation to the registered owner for abandoned vehicle under WI State Statue 342.40. A certified letter will be sent to registered owner.
 - ii. Complete a towed vehicle form.
- e. If the Officer is unable to identify the owner or has identified the owner and is unable to contact the owner or the owner has been contacted but is unable to or unwilling to remove the vehicle, the officer will have the vehicle removed to a place of safety. This being Paul's Towing or to any other place designated by a supervisor where it will be tagged and inventoried and held pending sale or release.
- f. Photograph the vehicle prior to tow and note any damage.
- g. Unclaimed vehicles will be disposed of by the police department in accordance with the Village Ordinance and State Statues.
- h. The owner of the vehicle will be responsible for all costs of towing and storage.

B. ARREST TOWING

- a. When an officer makes a custodial arrest of a person in or with his/her motor vehicle and the vehicle has no evidentiary value the officer should safeguard the person's vehicle or property by contacting the towing service of the persons' choice. If there is no preference to who should tow, generally the closest service, or most available should be contacted except under circumstances where:
 - i. The vehicle is released to another party at the scene who is not intoxicated and who possesses a valid driver's license. The owner/operator under arrest must consent to the release of vehicle to that person.
 - ii. The vehicle is released to a responsible party not at the scene with a maximum half hour response time. This will be officer discretion if officer has time to wait for responsible party.
 - iii. The vehicle stopped and would remain parked on property owned, leased or rented by the person arrested or the property owner gives consent for the vehicle to be secured at that location
 - iv. An on duty supervisor authorizes an alternative disposition
- b. Parking and securing the arrested person's vehicle on public streets or in nearby parking lots is not authorized.
- c. When an officer takes a vehicle operator into physical custody for any reasons, the vehicle is being towed and there are other occupants in the vehicle, the officer shall attempt to make reasonable arrangements for the other occupants to reach their destination. Officers shall not transport these persons under normal circumstances. However, officers should attempt to make arrangements for a third party or commercial carrier to come to the scene, if requested by the passengers.
- d. The disposition of the arrested person's vehicle subsequent to an arrest shall be documented in the officer's written report and on the header sheet.
- e. The owner of the vehicle will be responsible for all costs of towing and storage.

C. ACCIDENT AND TRAFFIC HAZARD

- a. Officers investigating accidents or who encounter a disabled vehicle, where towing services are required shall ask the owner/operator at the scene if they have a preference for towing services. Towing services within a reasonable distance will be summoned at the request of the owner/operator.
- b. Vehicles disabled in an accident or mechanically disabled may be left at the scene for later repair or removal by owner if:
 - i. The owner/operator requests
 - ii. The vehicle is legally parked or is placed on private property with the consent of the property owner.
 - iii. The vehicle does not otherwise present a hazard to the public or the safer movement of traffic.
- c. If no preference for towing services is stated, if the owner/operator is not at the scene or if the requested towing service is not within a reasonable distance from the scene, the closest or most available tow service will be contacted.
- d. Officer shall use discretion when determining whether the requested towing services is within a reasonable distance based on the following criteria:
 - i. Time of day and traffic volume
 - ii. Whether there is road blockage or a traffic hazard
 - iii. Other calls for service
- e. In the event the officer cannot identify or contact the owner/operator and the vehicle must be removed immediately, the officer will contact the nearest qualified wrecker service to have them remove the vehicle to their business and secure the vehicle until contacted by the owner/operator of the insurance company.
- f. The owner of the vehicle will be responsible for all costs of towing and storage.

D. EVIDENCE OR IMPOUNDED VEHICLE TOWING

- a. Vehicles seized or impounded shall be towed to the police impound area. An evidence form must be completed for all seized or impounded vehicles and a copy of the form shall be left with the vehicle and original top copy of form left with the evidence technician.
- b. Vehicles seized for evidentiary purposes, or otherwise impounded, shall be accompanied by an officer from the point of seizure until secured to ensure the chain of custody.
- c. Vehicles seized under this section shall be documented in the officer's written report of the incident.
- d. For serious crimes or accidents, impound vehicles will be towed to the Holmen Police Department garage or other secured tow yard designated by supervisor. If vehicles cannot fit into the garage, arrangements will be made with the other secured facilities. Vehicles may be seized as fruits of the crime which were used to transport any property or weapons to be used in a felony. Examples are the following:
 - i. Burglaries, robberies, gang crimes, etc.
 1. Vehicles used to facilitate
 - a. Impersonating a police officer
 - b. Prostitution crimes
 - c. Damage to cemetery over \$2500
 - d. Restraining order violations (except harassment)
 - e. Stalking
 2. Vehicles involving drugs
 - a. Manufacture
 - b. Delivery
 - c. Possession with intent to deliver
 - d. Simple possessions of Schedule I or II narcotics
 - i. Oxycodone, OxyContin, hydromorphone, Demerol, methadone, Percocet, morphine, fentanyl, etc.
 - ii. Vehicles seized as evidence shall be released by the Chief or Lieutenant with the consent of the District Attorney's office.

E. RECOVERED STOLEN VEHICLE TOWING

- a. Other jurisdictions reporting stolen vehicles later recovered in Holmen shall immediately be notified by teletype of the recovery. The reporting agency shall provide a requested disposition of the vehicle including any special handling instructions such as:
 - i. Hold the vehicle for evidence or fingerprinting.
 - ii. The owner will pick up the vehicle at the scene if reasonable delay will not result.
 - iii. The vehicle should be towed, including the vehicle owner's preference for towing service, if known.
- b. The disposition of a vehicle stolen from and recovered in Holmen shall be determined through department records or thorough assigned officer.
- c. Vehicles held for evidence of fingerprinting shall be processed in accordance with Section E above and shall be taken to the department evidence storage area. The vehicle's release will be through the Chief or Lieutenant with the consent of the jurisdiction originally reporting the vehicle stolen.
- d. Vehicles not held for evidentiary purposes, but not immediately released to the owner, shall be processed in accordance to Section E above as an impounded vehicle and shall be taken to the police storage area or other designated facility.

F. ILLEGALLY PARKED, SPECIAL EVENT AND SNOW EMERGENCY TOWING

- a. Vehicles may be towed when illegally parked, including those illegally parked during special events or in violation of the snow emergency ordinance. An on-duty supervisor must approve the towing of vehicles that are illegally parked except where the vehicle presents a traffic hazard or appears to be abandoned.

G. SELECTION OF WRECKER

- a. If owner/operator is at the scene ask the owner/operator if he/she has preference of a towing service. If no preference, name a couple of authorized services so the owner operator can choose one.
- b. In the event the owner/operator is unable or unwilling to cooperate, the officer will call the nearest qualified wrecker service and have the vehicle removed to its place of business where it will be secured pending its release.
- c. If there are special circumstances that require special equipment or quick response to a call the officer feels that the time factor, or special circumstances, require a specific towing services to be called because of known availability of service and equipment, the officer may have the dispatcher notify the towing service he specifies. The officer at the scene shall inform the owner/operator of the vehicle to be towed of his reasons, if possible.
- d. Officers may use thirty minutes as a reasonable waiting time for a wrecker under normal circumstances. If a special situation exists, officers may vary from this guideline.

H. NOTE

Anywhere in this policy listed as **“inventory”**, photograph all items and any serial numbers associated with items.

Chief of Police
Shane Collins