

PSF-2.05 - Vehicle Disposition - Towing, Recovered, Abandoned

VEHICLE DISPOSITION - TOWING, RECOVERED, ABANDONED

Administrative Rules Adopted by Police Bureau Pursuant to Rule-Making Authority

ARB-PSF-2.05

Section 1- Procedure

Towing Without Prior Notice Being Mailed to the Registered Owner

Members may tow a vehicle without prior notice being mailed to the registered owner when one or more of the following conditions exist:

- a. The vehicle is impeding, or is likely to impede, the normal flow of vehicular or pedestrian traffic.
- b. The vehicle is illegally parked in a conspicuously posted restricted space, zone or traffic lane where parking is limited to designated classes of vehicles or is prohibited during certain hours, on designated days, or at any time and where the vehicle is interfering or likely to interfere with the intended use of such a space, zone or traffic lane.
- c. The vehicle poses an immediate danger to the public safety, other than abandoned (see Abandoned Vehicle Tows section).
- d. The member reasonably believes the vehicle is stolen. The criteria constituting a reasonable belief shall consist of tampered or missing vehicle identification number (VIN) only. The Detective Division (Detectives) will be notified, and a temporary hold will be placed on the vehicle through Auto Records. Members must detail the reason(s) for believing the vehicle is stolen in their report.
- e. Towing is reasonably necessary to obtain or preserve evidence and:
 1. It is immediately apparent to the member that the vehicle itself may be evidence of a crime, contraband, or otherwise subject to seizure.
 2. The member has probable cause to believe that the vehicle contains evidence of a crime, contraband, or an item otherwise subject to seizure and exigent circumstances exist which make it reasonably necessary to tow the vehicle to preserve the item(s) or to protect them from interference. Following such a tow, a search warrant must be obtained prior to entering the vehicle, unless exigent circumstances require immediate entry.

f. The vehicle was in the possession of a person taken into custody by a law enforcement officer and no other reasonable manner of securing the vehicle is available.

g. A vehicle shall be towed when:

1. The driver has been cited/arrested for a felony traffic offense.
2. The driver has been arrested for DUII under ORS 813.010.
3. The driver has been cited/arrested for Driving While Suspended/Revoked under ORS 811.175.
4. The driver has been cited for Driving Uninsured under ORS 806.010 (See section titled Driving Uninsured Tows).
5. The driver has been cited for Operating Vehicle Without Driving Privileges (No Operators License) under ORS 807.010, and the officer reasonably believes that the operator's license has been expired for 120 days or more, or that the operator has not had a valid driver's license within the previous 120 days (City Code 16.30.220k3) or a driver's privileges have been suspended/revoked in another state and the driver does not have a valid Oregon license. Failing to display a valid license shall not be authorization to tow unless a definite status can be established that fits the above criteria or the vehicle must be towed as prisoner's property.
6. The member confirmed a warrant for the vehicle over the service talk group.
7. The member reasonably believes that a car alarm disturbs, or is likely to disturb, any person per City Ordinance 16.30.220i.

Towing With Prior Notice Being Mailed to the Registered Owner

Before a vehicle may be towed, prior notice must be mailed to the registered owner in any circumstances involving the violation of a temporary or permanent parking restriction where there is no reasonable need to immediately tow the vehicle (expired meter, in lieu of garage charges, etc.)

Towing Scene Responsibilities

Members will wait at the scene for the tow operator to arrive in all situations except parking violations and private tows. The tow companies do not have to complete the tow if a member is not present. Tow companies must appear at the scene within 30 minutes from the time the tow was ordered or they are in violation of the contract, and an alternate company may be called. To register a complaint for late

arrival, or any other reason, members should direct a memo or Special Report to the Records Division (Records) if the contract is violated.

On all tows for parking violations, members will write the word "TOW" in large letters on the face of the parking tag to notify the tow driver that the vehicle is to be towed.

If a reasonable suspicion exists that a vehicle may be stolen, the member will check the vehicle license and VIN for stolen. If the VIN is damaged, or there are any questions as to the stolen status, place a temporary hold for Auto Theft Detectives.

Members should ensure that the tow truck arriving on the scene of the request is from the company dispatched for the tow. Except where immediate action is required to protect life or property, members should not allow other tow companies to service the call or stop at the scene to solicit business. Any such attempts to "jump" the tow call should be noted in the Investigation Report or in a Supplemental Report. If no report is written, an inter-office memorandum describing the circumstances should be written with a copy directed to the Towing Review Board c/o Records.

It is not permissible to allow subjects to remove parts from the vehicle prior to towing. In general, this will include any item that is "connected" (bolted, screwed, snapped into place or otherwise attached, and includes radios and sound equipment fitted to the vehicle). Personal items and papers may be removed by the owner prior to towing. The vehicles will be towed to private lots. Any questions regarding costs for towing and storage will be directed to the individual towing company.

The vehicle must be inventoried by the member prior to the tow pursuant to City Code 14.10, Police Duties to Inventory Property, unless evidence could be destroyed in the process. After the evidence has been secured, the assigned investigator will immediately conduct the inventory.

Members will advise citizens requesting release information to contact Auto Records regarding release procedures. Members will advise citizens requesting hearing information on appealing the validity of a tow to contact the Tow Hearing Officer. Citizen complaints regarding individual tow companies should be directed to the Towing Coordinator.

Members will not contact tow companies directly. All tows are to be requested on the BOEC service talk group or via MDC. Exception: Pre-arranged missions that have been coordinated with Records.

Members requesting tows must provide the dispatcher with the following vehicle information:

- a. Specific charge(s) and reasons for the tow.
- b. License number.

- c. Make of the vehicle.
- d. Location of the vehicle.
- e. Hold information (type of hold, detail, etc. when applicable).

Reporting Procedures

Members will complete the vehicle and person section of the Investigative or Custody Report, and a No License/No Insurance Tow Report (tows for Driving While Suspended, Operating Vehicle Without Driving Privileges, and Driving Uninsured) whenever a police action results in vehicles being towed, whether due to private party or member request.

All reports completed for a tow will contain all pertinent information as to the reason the vehicle was towed. The name, address, and date of birth of the driver and other parties claiming an interest in the vehicle should be listed in the report.

Members shall note in the narrative section of their report that an inventory was completed on all police ordered tows and include in the narrative a list of valuable property identified or seized. If property is seized, a Property Receipt will be used.

If the member reasonably believes the vehicle is stolen, a temporary hold will be placed for Auto Theft Detectives. A detailed listing of the criteria supporting the reasonable belief must be included in the report. In those cases where a supervisor approves an exception to the possible stolen criteria, the supervisor's name authorizing the exception will be noted in the report.

Abandoned Vehicle Tows

There are three ways to report an abandoned vehicle. Under no circumstances will a member tow for abandoned.

a. Routine Towing: For abandoned vehicles that do not constitute an immediate and serious public health or safety hazard, vehicles (including oversized vehicles such as boats, motor homes, trailers, etc.) may be tagged by members as follows:

1. Mark the appropriate option on the orange warning tag and fill in the rest of the information (license number, warning date and location of the vehicle):

- a) Stored on the Public Right of Way Instead of Off-Street Parking (City Code 16.20.170)

- b) Prohibited Truck, Trailer, Bus, RV, Boat or Equipment (City Code

16.20.120 H,I)

2. Use the following two step process:

a) Affix the orange “Warning: Vehicle to Be Towed” tag on the affected vehicle, chalk the tires and complete the Abandoned Vehicle Intake Form.

b) Run the vehicle registration and fax the Intake form along with the vehicle registration print-out to the Abandoned Vehicle Section.

3. Do not re-warn the vehicle as this may cause delays up to ten days prior to towing. There is a 10-day due process notification letter mandated by law. The Parking Patrol Division performs this notification process after the completed form and vehicle registration is faxed. The uniform member may request a status check after 15 days by calling the Parking Patrol Division.

b. 24-Hour Towing: For abandoned vehicles that are an immediate public health or safety hazard or constitute an attractive nuisance (does not mean ugly vehicle), the uniform member will:

1. Complete the Abandoned Vehicle Intake form (do not chalk the tires).

2. Write “24-Hour Tow” at the bottom, “Not Warned” on the date line.

3. List hazardous conditions (required to comply with code).

4. Fax the completed form to the Parking Patrol Division within 24 hours.

5. Do not place a warning tag on vehicle.

6. It is not necessary to issue a parking citation. Abandoned vehicles handled in this manner can be removed by the Parking Patrol Division within two to three days if the inspector determines that the vehicle is hazardous.

c. Parking Patrol Towing: A third option for the uniform member is to simply telephone the 24-hour Abandoned Vehicle Hotline. Parking Patrol will do the rest.

Abandoned Vehicle Intake Forms will be distributed to each precinct. Additional forms are stored in the Bureau Support Services supply room. Any questions you may have regarding the Abandoned Vehicle Program may be directed to the Parking Patrol Supervisor.

Driving Uninsured Tows

A member shall tow a vehicle when the member reasonably believes, that the vehicle's operator has no insurance and cites the operator for Driving Uninsured (ORS 806.010). Proof of insurance can be established by showing one of the following:

- a. A current insurance policy covering the driver, registered owner, or vehicle.
- b. A card from an insurance company verifying the issuance validity and current status of a policy (i.e. issue date, expiration date and VIN).
- c. Proof of a bond approved by a judge, as provided under ORS 806.090.
- d. Proof of a deposit with the state treasurer, as provided under ORS 806.115.
- e. Proof of a DMV policy for self-insurance, as provided under ORS 806.13.
- f. Copy of fleet insurance on rental vehicles and company vehicles.

Any time a member issues a citation for Driving Uninsured, they will tow the vehicle, except where the vehicle is specifically equipped for and operated by a handicapped driver or when a supervisor approves an exception where member safety or the efficacy of a mission would be jeopardized. Supervisors should exercise caution in exempting a vehicle from being towed since it is the intent of this policy to tow all uninsured vehicles. Refer to DIR 630.31 Assisting Motorists. The tow will be requested on the service talk group or via MDC and the service talk group will be informed via radio or MDC that it is a "Driving Uninsured" tow. Members may also cite for Fail to Carry Proof of Insurance (ORS 806.012), but this does not mandate a tow.

- a. Members towing vehicles for "Driving Uninsured" are required to wait for the tow operator to respond before leaving the scene.
- b. Members will check the vehicle license and VIN for stolen. If the VIN is damaged, or there are any questions as to the stolen status, place a temporary hold for Auto Theft detectives.
- c. When ordering a tow for "Driving Uninsured" only, the correct description is "Towed for Driving Uninsured". When the vehicle is towed for "Driving Uninsured" and some other towable offense, it should be indicated. An example would be "Towed for DUII and for Driving Uninsured".
- d. Write "TOW" on the top right corner of the citation in the area reserved for DA use.

The member should provide an Instruction Form – Uninsured Vehicle Tows and advise the driver that in order to obtain the vehicle, the owner must get a release from Auto Records. Prior to getting the release, the owner must show proof of insurance and proof of ownership for the vehicle. An assessment fee of \$15.00 cash, money order or certified check is charged for a “Driving Uninsured” tow release.

The state law requiring insurance applies to all motorists in Oregon. It makes no exception for motorists who are not residents of Portland or Oregon. Each rental car operator also needs to carry proof of insurance. Motorists should carry the original insurance card with them at all times. For crime prevention reasons, motorists are encouraged to carry the insurance card with their driver’s license rather than keeping it in the vehicle.

Recovered Stolen Tows

After verifying stolen status by VIN, recovered stolen vehicles will be towed pending owner notification. If the owner is available, the member may wait a reasonable period of time (usually 30 minutes) for the owner to come to the scene with proof of ownership.

If the owner of a recovered stolen vehicle is present at the time of recovery, the vehicle may be released to him/her after obtaining proof of ownership, signature, and residence phone number in the appropriate place on the Investigation Report. To avoid liability to the City, the member will immediately notify Auto Records upon releasing a stolen vehicle to the owner at the recovery scene so the stolen status can be removed in PPDS, LEDS and NCIC.

Whenever a stolen vehicle is recovered or a member is dispatched on a stolen vehicle call, the member must notify Auto Records immediately advising them of the recovered vehicle information or the disposition of the call.

Examining Vehicle for Fingerprints

Vehicles may be examined for fingerprints when:

- a. A stolen and recovered vehicle is used in another crime.
- b. There is a known suspect in a stolen/recovered case, and the fingerprints are needed to place the suspect in the car.
- c. A larceny from a vehicle case has a known suspect possessing property from the vehicle and the prints are needed to place the suspect in the vehicle.
- d. The vehicle is involved in a crime such as rape, robbery, burglary, etc., and the prints are needed to help identify a suspect.

Specific Examples When Vehicles Should Not Be Printed

- a. The vehicle is a recovered stolen vehicle with no suspects and no other crime involved.
- b. The case involves a larceny from a vehicle with no known suspect.

Any exceptions to this policy for an examination for fingerprints on any vehicle must be approved by a detective supervisor.

Bureau Vehicle Tows

- a. Members will fill out an Investigation Report when their police vehicle is towed or receives services for which the Bureau is billed (flat repairs, jump start, etc.). The narrative need only include a brief explanation as to the reason for the tow or service.
- b. If the vehicle is towed by a private tow company, members will obtain a copy of the receipt and attach it to the completed Investigation Report.
- c. The distribution box will be marked with a copy to Fleet Management.

Private Request Tows

Members should order private request tows only when towing assistance is specifically requested by the driver, owner or other person in charge of a disabled vehicle. If the vehicle owner is present but unable to request towing assistance due to injuries or other circumstances, the member will request a private tow when:

- a. Removal of the vehicle is necessary to protect the vehicle and/or its contents or because it is a hazard.
- b. It is reasonable to believe that the person in charge of the vehicle would request the towing assistance if able to do so.

If possible, the member ordering a private request tow should notify the responsible party of the vehicle disposition (location of tow lot, etc.). It is not necessary to complete an Investigation Report for private request tows when the member provides only telephone service to the private party.

Holds

Police holds will be placed on vehicles only when necessary to further an investigation (locate or identify a suspect, gather or preserve evidence which was not processed at the scene of an incident) or hold for the asset forfeiture unit. Holds for evidence must be designated for a specific unit or detail.

Temporary Hold

Temporary holds will expire 72 hours following placement, excluding weekends (1601 hours Friday to 0800 hours Monday) and holidays.

It is the responsibility of the member ordering the tow to notify the proper investigative unit by phone or in person when any temporary hold is placed on a vehicle. Notification will be noted on the Investigation or Custody Report. If the member places a temporary hold on the vehicle after it has been towed, the member will contact Auto Records as soon as possible within their same shift to advise them of the hold and the investigative detail for which the hold was placed.

Members placing holds on vehicles for fingerprinting will notify ID as soon as possible and will advise the tow operator to avoid unnecessary touching of surfaces and to place the vehicle out of the weather until the printing is completed. All vehicles with a temporary hold will be towed to the tow company's lot.

The initiating member can lift a temporary hold within his/her shift if the hold is no longer necessary. The investigative unit for whom the hold was placed can lift a temporary hold at any time.

If a formal hold has not been placed on a vehicle before the temporary hold expires, Auto Records will notify the owner that the temporary hold has expired and that the vehicle may be released. A second temporary hold cannot be placed.

Formal Hold

Investigative sergeants and Auto Theft Task Force (ATTF) sergeants (supervisory and investigative) can, if warranted, place a formal hold on an impounded vehicle. ATTF members assigned to conduct VIN inspections will be considered "investigative personnel" and are authorized to place and/or remove formal, temporary, or administrative holds on towed vehicles they are inspecting. This is accomplished by calling Auto Records. A formal hold may be placed immediately upon a vehicle being towed, prior to the expiration of a temporary hold or at any time as long as the vehicle is still in the possession of the tow company. Auto Records will then order the vehicle re-towed to the Rivergate Storage Facility.

After a formal hold is placed on a vehicle, the hold must be verified by sending a completed Formal Hold form to Auto Records.

The investigative unit placing a formal hold on a vehicle is responsible for removing it. The removal can be made by telephoning Auto Records. The call must be followed by a completed Formal Hold form.

Release Procedures

Motor vehicle releases will not be issued to any person who is visibly under the influence of

intoxicants.

“Police Tows” must be released by Records and persons inquiring about vehicles in this category will be referred to Auto Records. A tow company cannot release these vehicles without a written release from Records.

The tow company operator must provide access to the owner of a vehicle during regular business hours for removal of personal effects (including vehicle title, insurance policy, etc. with sufficient proof/identification) or perishables necessary for the immediate safety and health of the owner unless such access is prohibited by a police hold or other police instruction. If non-owners request access, they must provide sufficient proof of the owner’s permission to remove property.

Tag warrant releases are obtained from Circuit Court Parking Tags Division after fines are paid. Information regarding tag warrant tows can be obtained from Circuit Court Parking Tags Division.

Towing Company Contract Violations

Members with complaints against tow companies will note the specific nature of the complaint in an Investigation Report and indicate “Towing Review Board” in the distribution box. Records will forward a copy of the report to the Towing Review Board.

Tow Classifications

To ensure that proper tow equipment is dispatched, members should use the following codes when ordering a tow:

- a. Class A: Any vehicle with a gross vehicle weight (GVW) less than 10,000 lbs.
- b. Class B: Any vehicle with a GVW between 10,000 and 20,000 lbs. and equipped with a single rear axle.
- c. Class C: Any vehicle with a GVW in excess 20,000 lbs. or equipped with dual rear axles regardless of the GVW.

In any situation where the member believes that the recovery of a vehicle cannot be handled by the class of tow that would normally be ordered, a higher class tow may be called. For example, a full-size, American-made auto can be handled by a Class A tow; however, the same auto over a steep embankment could easily require a Class B truck in order to get the vehicle back on the road.

The GVW of commercial vehicles is usually listed on the doors. If it is not, the GVW is stamped on a plate on the door pillar. Class C vehicles may require air bags to raise them if they have tipped over.

When ordering tows for utility trailers, members should specify if it is equipped with a ball hitch or a

pindle hook hitch. This information is important for the tow company because different equipment is required for each type of hitch.

The following is a list of vehicles and the class of tow that would generally be called:

VEHICLE TOW	CLASS
Motor Home (specify length and make)	B
Light Truck	B
Step Van	B
Implement Trailer (empty)	A
School Bus	B
Inter-City/Tour Bus	C
Dump Truck	C
Garbage Truck	C
Utility Body Truck	B
Tractor Trailer Combination (doubles, triples)	C
Truck and Trailer	C
Tanker	C
Tractor only	C
Trailer only	C

Section 2- References

ORS 806.090 Bond
ORS 806.115 Methods of Satisfying Deposit Requirements
ORS 806.130 Self-Insurance
City Code 14.10 Police Duties to Inventory Property
City Code 16.04.020 Car Alarms
City Code 16.30 Towing and Disposition of Vehicles
DIR 630.31 Assisting Motorists
DIR 640.57 Stolen and Locate Vehicle Reports

HISTORY

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