
Vehicle Towing Policy

502.1 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.

502.1.1 AUTHORITY

Urbana Police Officers have the authority to tow vehicles under both City traffic ordinances and state law. Officers and Command Officers shall be familiar with these laws and under which circumstances vehicles may be towed. These circumstances include but are not limited to:

- (a) Hazards to normal vehicular traffic - Vehicles left wholly or partially in roadways, alleys and normal traffic lanes, whether disabled or damaged by traffic accidents or illegally parked, shall be removed from the roadway by towing when either unattended or when the driver is unable to move the car.
- (b) Improperly parked - so as to create a hardship for another with a legal right to a parking space on City owned property.
- (c) Safeguard the vehicle - when the rightful owner or person in possession is unable to provide for the movement of the vehicle.
- (d) Specific parking violations - such as blocking access to fire station, unpaid parking tickets, etc.
- (e) Vehicle seized as evidence - cases where a vehicle or a major part thereof constitutes material evidence in a criminal matter, the vehicle may be towed and impounded.
- (f) Vehicle seized pursuant to forfeiture laws - Identified by State Statute.
- (g) Recovered stolen vehicles - recovered stolen vehicles which must be held for processing or for which the owner cannot immediately be located shall be towed and impounded.
- (h) Posted tow away zones - includes bagged meters and temporary signs erected by Public Works.
- (i) Limited impoundment for DUI arrest - Addressed in 625 ILCS, section 5. It is the policy of the Urbana police to impound vehicles for the authorized duration unless a supervisor authorizes otherwise.
- (j) Abandoned vehicles - as defined by State law and/or City ordinances; towed by the Parking Enforcement Section.
- (k) Vehicles impeding emergency access - When vehicles that are otherwise legally parked must be moved to allow emergency access in cases of fire, utility emergencies, they may be towed.
- (l) Rented spaces - for City owned reserved spaces such as on the street, parking deck, City Building, etc.

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- (m) Arrested persons - Vehicles that have been operated by arrested persons shall be towed and impounded under the following general guidelines:
- Private property - When a vehicle is parked on private property and the person under control is arrested for an offense wherein full custody ensues, the person arrested shall be advised that the Department will not accept responsibility for the security of the vehicle and contents unless it is impounded, and that such impoundment shall be voluntary on the part of the arrestee and at his/her expense.
 - Public highway - As above, except that the officer(s) may impound any such vehicle pursuant to the Illinois vehicle Code. Such towing shall be undertaken unless the vehicle is legally parked and the arrestee waives liability on the part of the Department if it is left; OR if another driver licensed and unimpaired in any way, is present and authorized by the arrestee to remove the vehicle. This is all at the discretion of the officer.
 - All waivers sought under this section shall be knowing and intelligent. Such waivers shall be documented. Officers are under no requirement to allow arrested persons to move any vehicle.

502.2 POLICY

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

502.2.1 BAGGED METERS

Officers are sometimes tasked to tow unauthorized vehicles parked at bagged meters. Generally, this requires the presence of the space renter with lease agreement in hand. There may be times when this is not practical (for example, outof- town construction company executes space rental agreement but foreman on-site is without a copy). Officers can verify by contacting the Public Works Facilities Manager's office and, in some cases, the Finance Department.

Whether a meter is bagged "No Parking" or "Reserved," someone with standing or apparent authority must be present to authorize the tow. This person could be the renter, a Parking Enforcement Officer aware of the bagging/posting arrangement, or the Public Works Employee with direct knowledge of the rental agreement. Once an officer secures identifying information, that person need not remain at the scene for the removal.

502.3 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 METCAD 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 (625 ILCS 5/4-203).

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.

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502.4 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.

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.
- 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.

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

502.6 RECORDS

Any time a vehicle is towed, a tow-in report, including an inventory shall be completed by the towing officer. Exceptions to the report requirement include:

- Accidents where the parties are present at the scene and the tow company information has been noted on an accident report. Hit and run accidents where there is an abandoned suspect vehicle require a tow report.
- Motorist assists where the owner/driver is present and a tow company is called at their request.

Original tow reports will be kept in the case jacket in the master records file. Copies of active tow reports are kept at the front counter for release purposes.

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Officers towing a vehicle pursuant to City Ordinance 23-277 (Vehicles used in the commission of certain offenses) shall fill out the Vehicle Seizure & Impoundment Report tow-in report rather than the regular tow-in report.

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

Whenever a vehicle is repossessed or relocated and the Department is notified, the employee receiving the notification shall note the appropriate information on the relocation log at the front desk. This log should be checked prior to taking any stolen vehicle reports.

502.6.1 VEHICLE STORAGE REPORT

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

A copy of the vehicle tow report for a vehicle towed pursuant to 625 ILCS 5/4-202 or 625 ILCS 5/4-203 shall be provided to the tow service (625 ILCS 5/4-204).

502.6.2 NOTICE OF TOW

The Services Division should send a notice of tow to all registered owners, lienholders and others having a recorded interest in the vehicle within 48 hours, excluding weekends and holidays, but in no event shall the notice be sent later than 10 business days after the tow. Notice shall be sent to all such individuals by certified mail (625 ILCS 5/4-205). The notice shall include:

- (a) The name, address and telephone number of the Urbana Police Department.
- (b) The location where the vehicle is stored.
- (c) A description of the vehicle, including:
 1. Color.
 2. Manufacturer year.
 3. Make and model.
 4. License plate number and/or Vehicle Identification Number (VIN).
 5. Mileage.
- (d) The authority and purpose for the removal of the vehicle.
- (e) An explanation of the procedure for release of the vehicle and for obtaining a vehicle tow hearing.
- (f) A request for disposition for the vehicle and any information regarding a public sale of the vehicle, if applicable.

If the registered owner, lienholder or other persons having a recorded interest in the vehicle cannot be immediately determined, the notice shall be sent no later than two days after such determination can be made (625 ILCS 5/4-205).

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502.6.3 RELEASE OF VEHICLE

Vehicles may be released only after there has been contact with the Police Department. Employees should not reveal the location where vehicles were towed until the owner arrives at the station and signs for the vehicle. For further on the release procedure, see the Front Desk Manuals. All releases must have the appropriate paperwork completed and requires the owner of the vehicle to provide photo ID.

Members of the public should not be directed to the Police impound lot to release a vehicle. To release a vehicle held at the impound lot, the [CityCounty] contract tow service should be contacted to tow the vehicle to the city parking lot adjacent to the police department. This should only be done after the owner/designee arrives at the police department to take custody of the vehicle. Vehicles are NOT to be towed to the city lot and left to be picked-up at a later time/date.

502.7 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 (625 ILCS 5/4-203.5).

502.7.1 TOW ROTATION LIST

The Patrol supervisor is responsible for ensuring that tow rotation lists to be used by department members when authorizing tows is established and maintained (625 ILCS 5/4-203.5). All complaints regarding the process for inclusion on a tow rotation list or the use of a tow rotation list shall be forwarded to the Chief of Police.

Members should only deviate from the rotation list in the following circumstances (625 ILCS 5/4-203.5):

- (a) A safety emergency justifies deviation.
- (b) The tow service next on the list is incapable of or not properly equipped for handling a specific task related to the tow that requires special skills or equipment.

Members should document the reason for any deviation.

Towing firms are prohibited from soliciting tows that have not been requested by a member or the owner or operator of a disabled vehicle. Members should tell any such tow operator who is present or arrives to leave the scene (625 ILCS 5/4-203.5).

502.8 VEHICLE INVENTORY

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, any unlocked 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.

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- (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 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 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 be opened for inventory purposes if the container can be opened without damaging it.

Members should ask the occupants whether the vehicle contains any valuables or hazardous materials. Responses should be noted in the inventory report.

When practicable and appropriate, cash, jewelry or other small valuables located during the inventory process should be removed from the vehicle and given to the owner, or booked into property for safekeeping in accordance with the Property and Evidence Division Policy. A copy of the property record 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.

502.9 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 his/her agent to request a hearing to contest the tow.