
Vehicle Towing and Release

502.1 PURPOSE AND SCOPE

This policy provides the procedures for towing a vehicle by or at the direction of the Beloit Police Department.

502.2 TRAFFIC HAZARD AND ABANDONED VEHICLE TOWS

When circumstances permit, for example when towing a vehicle for parking or registration violations, the handling employee should, prior to having the vehicle towed, make a good faith effort to notify the owner of the vehicle that it is subject to removal. This may be accomplished by personal contact, telephone or by leaving a notice attached to the vehicle at least 36 hours prior to removal as applicable (City of Beloit Ordinances 13-03 & 13-14).

If a vehicle presents a hazard, such as being abandoned on the roadway or in violation of a declared snow emergency (City of Beloit Ordinance 13-04) it may be towed immediately (Wis. Stat. § 349.13(3)).

The responsibilities of those employees towing a vehicle are as follows.

502.2.1 VEHICLE TOW REPORT

Department members requesting towing of a vehicle shall complete a Vehicle Tow Report form, when applicable. A copy shall be given to the tow truck operator and the original submitted to the Records Bureau to be attached to the incident report. Regardless of the towing preference, any vehicle towed as the result of a Department action (traffic crash per 502.2.2 abandoned, evidence, etc) will require a Vehicle Tow Report. The Vehicle Tow Report will be accessible from the squad laptop and printer.

502.2.2 REMOVAL FROM A TRAFFIC CRASH SCENE

When a vehicle has been involved in a traffic crash and must be removed from the scene, the officer shall have the driver select a towing company, if reasonably possible, and shall relay the request for the specified towing company to the Communications Center. When there is no preferred company requested, a company will be selected from the Department's No Preference Tow List (NPTL). The NPTL is a rotational list of towing companies that is maintained by the Department and provided to the Communications Center.

A vehicle tow report shall be completed when;

- (a) The driver or owner is not present and/or capable of taking responsibility for the vehicle.
- (b) If the owner is incapacitated or for any reason it is necessary for the Department to request a tow for a vehicle involved in a crash, the officer shall request the dispatcher to call a company selected from the NPTL. The officer will then conduct an inventory search of the vehicle and turn the vehicle over to the tow company along with the Vehicle Tow Report.

Beloit Police Department

WI LE Policy Manual

Vehicle Towing and Release

502.2.3 TOWING AT AN ARREST SCENE

Whenever a person in charge or in control of a vehicle is arrested, it is the policy of this department to provide reasonable safekeeping by towing the arrestee's vehicle subject to the exceptions described below. The vehicle, however, shall be towed whenever it is needed for the furtherance of an investigation or prosecution of the case (evidence tow), or when the vehicle should be towed under this policy (e.g., traffic hazard, traffic crash).

Situations where consideration should be given to leaving a vehicle at the scene in lieu of towing, provided the vehicle can be lawfully parked and left in a reasonably secured and safe condition, include:

- Situations where the vehicle was not used to further the offense for which the driver was arrested.
- Whenever the licensed owner of the vehicle is present, willing, and able to take control of any vehicle not involved in criminal activity or if the licensed owner is arrested, they may designate a licensed passenger or person at the scene to remove the vehicle. Members are not required to spend an unreasonable amount of time waiting for a designee before towing the vehicle.
- Whenever the vehicle otherwise does not need to be towed (i.e. is legally parked and in a reasonably secured and safe condition) and the owner requests that it be left at the scene. In such cases the owner shall be informed that the Department will not be responsible for theft or damages.

To prevent liability and potential injury, Department members should not drive a vehicle that is subject to tow to another location.

502.2.4 COMMUNICATIONS CENTER RESPONSIBILITIES

Upon receiving a request for towing, the dispatcher shall promptly notify the specified towing service. The officer shall be advised when the request has been made, the towing service that has been dispatched and the estimated time of arrival (ETA). The dispatcher should document what tow contractor was requested and approved in the notes of the call.

When there is no preferred tow contractor requested or if the ETA is not acceptable under the circumstances, the dispatcher shall call the next tow contractor from the Department's No Preference Tow List (NPTL). The dispatcher shall make appropriate entries on that list to ensure the correct contractor is called.

Regardless of whether the tow request is for a specified contractor or from the NPTL, officers shall provide the dispatcher with sufficient information regarding any decision to pass over a tow contractor due to an ETA deemed to be unreasonable (i.e. extensive traffic backup, etc.).

When calling tow contractors from the NPTL, dispatchers should note contractor accepted (CA) or contractor declined (CD). If the contractor is declined due to what is deemed to be an unreasonable ETA, the dispatcher should note the reported ETA provided by the company. If the tow company does not answer when called, the dispatcher should leave a voicemail informing the

Beloit Police Department

WI LE Policy Manual

Vehicle Towing and Release

contractor they are being passed over and document a "CD" on the list. The dispatcher shall then notify the next tow contractor on the list.

Absent extraordinary circumstances, each tow contractor called on the NPTL should only take one vehicle. If two vehicles need to be towed from one scene or location, two companies should be called.

502.2.5 TOW CONTRACTOR APPLICATION PROCESS

Effective April 1, 2019, tow contractors must apply and meet all requirements of the City of Beloit NPTL application process in order to be placed on the Department's NPTL. This includes, but is not limited to, meeting all requirements of the most recently published Wisconsin Department of Transportation (DOT) Emergency Traffic Control and Scene Management Guideline, Appendix G, unless otherwise denoted in the Department application form. Violations or non-compliance with the application provisions may be cause for suspension or removal from the NPTL, as denoted in the application.

Tow contractors on the NPTL shall be inspected by the Department on an annual basis to ensure compliance with all provisions of the application procedure.

Tow contractors shall be responsible for towing and storing all abandoned, hazard, accident, or parking violation tows within the parameters established in the NPTL application provisions.

The Department shall ensure all evidence tows are properly secured and stored upon completion of the tow.

502.2.6 NO PREFERENCE TOW LIST COORDINATOR

The Patrol Division Captain shall assign a supervisor to perform the duties of the No Preference Tow List Coordinator. This individual shall be responsible for the following duties:

- (a) Conduct annual inspections of NPTL contractor equipment and document same on a Department approved form.
- (b) Receive, verify and update any changes submitted relative to contractor employees.
- (c) Review, on an annual basis, contractor employees for compliance with those portions of the NPTL application related to criminal justice contacts including, but not limited to arrests, judgments, and/or convictions.
- (d) Pursuant to the NPTL application, recommending suspension or removal from the NPTL.

502.3 VEHICLE INVENTORY SEARCH

It is the policy of the Beloit Police Department to conduct an inventory search of all vehicles subject to tow in which the operator of said vehicle is taken into custody or otherwise incapacitated or unavailable. The purpose of the inventory search is to safeguard valuables from damage, loss, or theft. Any contraband or evidence of a crime located during an inventory search is actionable by sworn members and appropriate action should be taken by the member conducting the inventory search. An inventory search shall not be used as a ruse to search a vehicle. If contraband or

Beloit Police Department

WI LE Policy Manual

Vehicle Towing and Release

potential evidence is discovered by a non-sworn member during an inventory search, a sworn member shall be requested to properly take custody of the items and take appropriate enforcement action.

All property of significant value in a vehicle towed as applicable to the provisions of this policy shall be listed on the Vehicle Inventory Search Form and inventoried at the Department. This includes the trunk and any compartments or containers, even if they are closed and/or locked. Members conducting inventory searches should be as thorough and accurate as practicable in preparing an itemized inventory. These inventory procedures are for the purpose of protecting an owner's property while the owner is in police custody, to provide for the safety of officers and the public, and to protect the Department against fraudulent claims of lost, stolen or damaged property.

Before forcing a locked compartment or container, officers should attempt to obtain access via the owner and/or person in control of the vehicle if a key is available at the scene. Officers should refrain from causing damage to a locked compartment or container unless, under the circumstances, the protection of the items inside outweigh the potential for damage. In such cases all damage shall be detailed on the Vehicle Tow Report and a supervisor notified.

All items recovered during the inventory search shall be booked into the property room as appropriate (safekeeping, prisoner property, evidence, etc.).

502.4 PRESERVATION OF EVIDENCE

An officer towing a vehicle, who has probable cause to believe that the vehicle or its contents constitute any evidence which tends to show that a criminal offense has been committed, or tends to show that a particular person has committed a criminal offense, should ensure that all legally required and reasonably necessary efforts to preserve the evidence, including but not limited to, safe storage, are taken until the evidence is released to the owner or otherwise disposed of according to law. These circumstances are referred to as an evidence tow.

All evidence tows require Shift Commander approval. The Shift Commander will designate which secure storage location the vehicle will be towed to based on the circumstances (processed at scene or towed to Department for processing, etc.). In all instances, a sworn member shall follow the towed vehicle from the location of the tow to the final storage location. A Vehicle Tow Report shall be completed, however, in order to preserve evidence, an inventory search of the vehicle should not be completed. A cursory search for movable evidence (weapons, etc.) may be authorized by the Shift Commander after consultation with the Lieutenant of Detectives as applicable.

502.5 RETURN OF PROPERTY

Any personal property shall be returned to the owner of the vehicle during regular office hours upon presentation of proper identification (Wis. Stat. § 349.13(5)(b)(2)).