

SPRINGFIELD POLICE DEPARTMENT

Standard Operating Guideline

Effective Date: 09/28/2017	Supersedes Policy Dated: 10/06/2015	Rescinds:	SOG Number:
Accreditation Index: 61.4.3 ¹			405.1
Part Title: Operations		Chapter Title: Traffic Operations	
Chief of Police:			

Custody and Non-Custody Tows

I Policy

Numerous situations may occur that require police personnel to have vehicles towed, including custody and non-custody situations, on both public and private property. The Department hereby establishes this policy for impounding motor vehicles and processing custody and non-custody vehicle tows by its employees as required in Municipal Code (Chapter 106) and Missouri Revised Statutes (304.155 and 304.157).

II Definitions

Vehicle – A general term to describe any self-propelled device with a motor and a vehicle identification number (VIN), a boat or vessel, or trailer, designed to carry passengers or property.

Custody Tow – A vehicle towed for any of the following reasons:

- The driver or owner is arrested;
- Illegally parked;
- Recovered after being reported stolen or borrowed and not returned;
- Abandoned;
- Disabled on a public street;
- Ordered removed by the Police Department or other authorized agent of the City because of a violation of law (including trespass on private property);
- Impounded for evidentiary or inventory purposes;
- Ordered removed from private or public property by the Municipal Court under the nuisance ordinances of the City;

¹ Accreditation index revised, 5th Edition removed from CALEA standard, per Policy Change Order 17-038

SOG 405.1

Custody and Non-Custody Tows

Effective Date: 09/28/2017

- Tows resulting from crashes where the operator of a vehicle is not available for contact or incapacitated to the extent that they are unable to request a tow service.

Non-Custody Tow – Where a citizen is requesting assistance in the towing of a vehicle.

III Procedure

1 CONTRACT TOW COMPANY

1.1 General Information

- 1.1.1 All Custody Tows shall be towed by the Contract Tow Company.
- 1.1.2 Police Department vehicles needing to be towed shall be towed by the Contract Tow Company.
- 1.1.3 The Contract Tow Company will tow all Custody Towed vehicles to their storage facility unless otherwise directed by an Officer.
- 1.1.4 The Contract Tow Company is required to respond to the location within forty (40) minutes after notification by the Communications Center.
 - 1.1.4(a) Exception: During periods of extraordinary weather conditions, as determined by the Chief of Police or his designee, the Contract Towing Company's response time can be extended.
 - 1.1.4(b) If the Contract Towing Company is unable to or does not respond within sixty (60) minutes, the officer shall contact their supervisor. The supervisor can request the Communications Center to contact the first tow company listed on the monthly Tow List to tow the vehicle.
- 1.1.5 The Contract Tow Company is responsible for the removal of all vehicle parts, glass, small amounts of vehicular fluids, and other debris from the road and surrounding area; but may do so only after receiving authorization from an officer at the scene.
 - 1.1.5(a) The Contract Tow Company will not be required to clean up large spills of liquids or solid materials.
 - 1.1.5(b) Clean up of debris or spills classified as hazardous materials by the U.S. Department of Transportation will not be a responsibility of the Contract Tow Company.

2 CUSTODY TOWS (CALEA 61.4.3(c))

2.1 General Information

- 2.1.1 When Custody Towing a vehicle, personnel shall complete a Tow Report (Missouri Department of Revenue Crime Inquiry and

SOG 405.1

Custody and Non-Custody Tows

Effective Date: 09/28/2017

Inspection Report / Authorization to Tow, DOR Form # 4569) which shall serve as the written record of all vehicles towed at the direction of police personnel. (CALEA 61.4.3(c))

- 2.1.1(a) The inventory section of the Tow Report shall be completed as follows:
 - 2.1.1(a.1) The inventory section must be completed in all cases.
 - 2.1.1(a.2) Vehicles that are locked or otherwise inaccessible shall be noted as such on the Tow Report and a plain view inventory shall be conducted.
 - 2.1.1(a.3) All property with an estimated value of \$25 or more shall be documented.
 - 2.1.1(a.4) All property with an estimated value of less than \$25.00 shall be entered as “Miscellaneous...” (articles, papers, effects, etc.).
 - 2.1.1(a.5) Any situation that prevents an inventory from being completed shall be documented in the inventory section.
 - 2.1.1(a.6) Closed containers, whose contents are unascertainable from examining the containers’ exterior, found in the vehicle during inventory may be opened by the officer to properly log the contents of said container.
- 2.1.1(b) When there is a need to maintain custody of a towed vehicle, personnel completing the Tow Report shall contact their supervisor and request permission to place a hold on the vehicle. If approved by the supervisor, the officer will write “Hold for [Criminal Investigations Persons Section, Criminal Investigations Property Section, Special Investigations Section, LSOC, etc.]” in large letters on top of the tow sheet. The officer shall also document in their report the reason for the hold and who approved it. ²
 - 2.1.1(b.1) The release of such vehicles must be authorized by the officer assigned to the follow-up investigation in the incident or an appropriate supervisor at or above the

² Section 2.1.1(b) revised, vehicle hold procedure modified, per Policy Change Order 17-038.

SOG 405.1

Custody and Non-Custody Tows

Effective Date: 09/28/2017

- rank of sergeant.
- 2.1.1(c) Appropriate copies of the Tow Report shall be provided to the tow driver with the remaining copies being turned in to the MULES desk at HQ Central Records as soon as possible.
 - 2.1.2 When the violator is not physically contacted (such as in cases of abandoned vehicles, illegal parking, etc.), the officer shall issue a summons for the appropriate charge and give the violator's copy to the tow operator to present to the owner upon claiming the vehicle:
 - 2.1.2(a) All remaining copies of the summons shall be forwarded to the Records Section.
 - 2.1.3 When conducting a Custody Tow, a member of the police department shall remain with the vehicle until the Contract Tow Company removes it from the scene.
 - 2.1.4 In cases where the vehicle to be Custody Towed has been attached to or loaded onto the Contract Tow Company truck but has not yet been removed from the scene, a person with a legal right to the vehicle may gain release of the vehicle at the scene.
 - 2.1.4(a) The claimant is responsible for all tow charges.
 - 2.1.4(b) The officer shall complete a Property Release Form ([SPD Form #02-SP-0454](#)) and forward it to Central Records with the Tow Report.³
 - 2.1.5 If a person with a legal right to the vehicle to be towed arrives on the scene prior to the Contract Tow Company attaching to the vehicle in any manner, no charges shall be incurred, and the vehicle can be released.
 - 2.2 Officers Towing from Public Right-of-Way or City-Owned Property (CALEA 61.4.3(b))
 - 2.2.1 Officers (to include Traffic Service Officers) may immediately tow a vehicle from the public right-of-way or City-owned property under the following circumstances:
 - 2.2.1(a) When the vehicle creates a safety hazard;
 - 2.2.1(b) The vehicle has been reported as stolen, taken without consent of the owner, or borrowed and not returned;
 - 2.2.1(c) When the driver is arrested and cannot arrange for timely removal of the vehicle;
 - 2.2.1(d) The driver of the vehicle is incapacitated as a result of a motor vehicle crash and is not capable of requesting a tow service;

³ Section 2.1.4(b) revised, form reference changed for consistency, per Policy Change Order 17-038.

SOG 405.1

Custody and Non-Custody Tows

Effective Date: 09/28/2017

- 2.2.1(e) The vehicle is parked in a no parking zone and the officer has supervisory approval to tow;
- 2.2.1(f) The vehicle is parked in the designated route of a special event or dignitary visit and the officer has supervisory approval to tow;
- 2.2.1(g) The vehicle is parked/abandoned in a prohibited area, on City-owned property, which is posted in a manner giving notice to the public that such action is a violation of City ordinance. (CALEA 61.4.3(a))
 - 2.2.1(g.1) If the City-owned property is not posted; it will be treated as if it were privately owned.
- 2.2.1(h) Any other situation as listed in Municipal Code, Section 106-101 and allowed under RSMO 304.155.
- 2.2.2 Officers may tow an abandoned vehicle (Municipal Code, Sections 106-34 & 106-101) from the public right-of-way, after 48 hours, once the following criteria have been met. (CALEA 61.4.3(a))
 - 2.2.2(a) The officer will obtain an event number and place an Abandoned Vehicle Sticker ([SPD Form # 94-OP-0112](#)) on the window.
 - 2.2.2(b) The officer shall mark the vehicle tire and roadway in a manner that will allow for determination as to whether the vehicle has moved during the 48-hour period.
 - 2.2.2(c) The officer shall return after 48 hours to check the vehicle and tow it if in violation or make arrangements with another officer to do so.
 - 2.2.2(d) The original event number will be referenced to obtain a corresponding case number for reporting purposes.
 - 2.2.2(e) An operable vehicle which displays a valid license and current inspection certificate, when legally parked in view of owner's residence, is not to be considered abandoned/unattended under Municipal Ordinance Section 106-34, even if it is not moved for 48 hours.
- 2.3 Officers Towing from Private Property (CALEA 61.4.3(b))
 - 2.3.1 Missouri Revised Statute 304.157 determines when officers may tow from private property and enacts criminal penalty for removal of an abandoned vehicle in violation of this statute.
 - 2.3.2 Officers may tow from private property if a vehicle has been abandoned for 48 hours and the property owner or their designee did not give permission for the vehicle to be left there. The same rules as for tagging and marking a vehicle on the public right-of-way apply. (CALEA

SOG 405.1

Custody and Non-Custody Tows

Effective Date: 09/28/2017

- 61.4.3(a)
- 2.3.2(a) In accordance with Municipal Code (Sections 106-532 and 106-533), the owner or their designee in charge of the property must have previously posted signs using the words “no trespassing,” “no parking,” or words with similar meaning in order for there to be a presumption that the registered owner committed the violation of vehicular trespass.
 - 2.3.2(a.1) If the property is not posted and the officer is not able to determine who parked/abandoned the vehicle, the officer should explain to the owner or their designee the procedure for having the vehicle towed on their own behalf, as outlined in Section 3.1 of this policy.
- 2.3.2(b) Unless it is creating a safety hazard or causing unreasonable interference, officers shall not tow vehicles from apartment complex lots OR rental properties at the request of a landlord, due to the difficulties in determining whether a trespassing violation has occurred. Officers will advise the property owner/manager how to have the vehicle towed on their own behalf, as explained in Section 3.1.
- 2.3.2(c) The property owner or their designee must co-sign a summons for vehicular trespassing (Section 106-532) with the officer.
- 2.3.3 Officers may tow immediately from private property under the following circumstances:
 - 2.3.3(a) The vehicle unreasonably interferes with immediate use of the real property by the person in possession, the property was previously posted “no trespassing” or “no parking”, and the property owner or their designee did not give permission for the vehicle to be left there.
 - 2.3.3(a.1) If the property is not posted, the officer must conduct follow-up to determine who parked/abandoned the vehicle.
 - 2.3.3(a.2) Depending on the level of inconvenience being created; the officer may, as an alternative, explain to the owner or their designee the procedure for having the vehicle towed on their own behalf, as outlined in Section 3.1 of this policy.

SOG 405.1

Custody and Non-Custody Tows

Effective Date: 09/28/2017

2.3.3(a.3) The property owner or their designee must co-sign a summons for vehicular trespassing (Section 106-532) with the officer.

2.3.3(b) Any vehicle which has been reported as stolen, taken without the owner's consent, borrowed and not returned, or based on the condition of the vehicle gives the officer reason to believe it has been stolen but not yet reported as such (e.g. punched lock, etc.).

2.3.3(c) In the judgment of the officer, the abandoned vehicle constitutes a safety hazard.

2.3.2(d) The driver is arrested and cannot arrange for timely removal of the vehicle.

3 NON-CUSTODY TOWS

3.1 Towing of Vehicles by Private Citizens Without Authorization from Law Enforcement

3.1.1 In certain situations, Missouri Revised Statute 304.157 allows private citizens to have vehicles towed from property legally under their control. The owner, lessee, property manager, or security manager of the private property may have vehicles towed under the following circumstances.

3.1.1(a) Abandoned property is left unattended on owner-occupied residential property with four residential units or less and the owner, lessee, or agent in lawful control of the real property has notified the Springfield Police Department Telcom desk, obtained an event number, and 10 hours have elapsed since notification.

3.1.1(b) Abandoned property is left unattended on private property and the owner, lessee, or agent in lawful control of the real property has notified the Springfield Police Department Telcom desk, obtained an event number, and 96 hours have elapsed since notification.

3.1.1(c) Signs are displayed in plain view at all entrances to the property stating public parking is prohibited. [In this circumstance, no waiting period or notification of the police department is required prior to removal.] Signs shall meet the following requirements.

3.1.1(c.1) Signs shall be no less than 17 by 22 inches in size.

3.1.1(c.2) Lettering shall not be less than one inch

SOG 405.1

Custody and Non-Custody Tows

Effective Date: 09/28/2017

- in height.
 - 3.1.1(c.3) Language shall clearly state public parking is prohibited and unauthorized abandoned property or property parked in a restricted or assigned area will be removed at the owner's expense.
 - 3.1.1(c.4) Signs shall disclose the maximum fee for all charges relating to towing and storage.
 - 3.1.1(c.5) Signs shall also include the telephone number for the Springfield Police Department or a 24-hour staffed emergency number which the owner of the removed property may call to receive information regarding its location.
 - 3.1.2 Any owner, lessee, property manager, or security manager in lawful control of real property who requests a towing company to tow abandoned property without authorization from a law enforcement officer shall complete an Abandoned Property Report, DOR Form #4669.
 - 3.1.2(a) Tow operators will typically have Abandoned Property Report forms available.
 - 3.1.2(b) Once completed, the Abandoned Property Report must be delivered to the Springfield Police Department Records Section by the tow company. If the vehicle is towed from property where there is signage, the report must be delivered within two (2) hours of the vehicle's removal. Otherwise, the report must be delivered within 24 hours of the vehicle being towed.
 - 3.1.2(c) Upon delivery to the Records Section, the report must be signed by a sworn officer. If available, the information concerning ownership and lien holders of the vehicle will be completed.
 - 3.1.2(d) A copy of the report will be returned to the tow company and a copy will be retained by the Records Section for entry into the MULES System.
- 3.2 Towing Motor Vehicles at the Request of the Owner
 - 3.2.1 The owner of a motor vehicle may request any tow company to tow their vehicle if it is not in the custody of law enforcement.
 - 3.2.2 Consideration should be given to the situation and the amount of time needed by a particular tow service to respond. For example, if the

SOG 405.1

Custody and Non-Custody Tows

Effective Date: 09/28/2017

vehicle is creating a traffic congestion problem, the tow service should be able to respond within 40 minutes.

- 3.2.3 If the vehicle driver/owner has no preference for a tow company, police personnel shall have the owner select a tow company from the authorized Non-Custody Tow List.
- 3.2.4. The Inspections and Internal Affairs Unit shall publish and distribute the Non-Custody Tow List monthly.
- 3.2.5 Police Personnel shall not recommend any tow service.

4 RELEASE OF CUSTODY TOWED VEHICLES

- 4.1 The Records Section is responsible for owner notification and the release of custody towed vehicles in accordance with applicable City Ordinances and State Statutes.

IV Attachments