

**TITLE: TOWING AND WRECKER SERVICES**

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**PURPOSE**

The purpose of this directive is to establish guidelines regarding the towing of vehicles for various legitimate purposes, such as vehicles in violation of provisions regulating stopping, standing or parking, stolen or abandoned vehicles, vehicles of arrested persons, and inoperable vehicles.

**DISCUSSION**

A variety of circumstances arise that require a vehicle to be towed by police personnel. In order to insure procedural and legal requirements are met, a uniform method is required. This procedure will outline the authority and process in meeting this need.

**POLICY AND PROCEDURE**

It is the policy of the Santa Fe Police Department to authorize the towing of vehicles when necessary as a matter of public safety, to protect property, to preserve evidence, and to remove abandoned vehicles from city streets and property.

**50.1.01 A WRITTEN REPORT WILL BE SUBMITTED WHENEVER:**

- A.** A vehicle is towed or removed at the direction of an officer and shall reflect the time, date, location, requesting officer, reason for removal or tow, the towing service or wrecker company, the towed location of the vehicle and any attempts made to contact the registered owner when the situation deems it necessary.
- B.** Exigent circumstances may exist which would prohibit notifying the owner(s) of a vehicle as to the location of their vehicle. Those incidents will be handled on a case by case basis. In those situations, the assigned detective and Communications personnel will be notified so

they may contact, or attempt to contact, the owner and make the necessary notification.

- C.** Prior to removal of any vehicle the owner will first be notified, unless it is causing a traffic or safety hazard. If the owner is notified, a thirty (30) minute grace period will be given to accommodate the owner to have the vehicle removed. If for any reasons the owner of the vehicle takes longer than the thirty (30) minute grace period to remove the vehicle, and the vehicle is impounded, a vehicle impound form will be initiated by the officer and signed by the wrecker driver. Once the vehicle is impounded, the owner will be contacted immediately or as soon as reasonably possible, advising him of the vehicle's location. If the owner cannot be located a registered letter will be sent to the listed owner on the date of impoundment. A complete report will be initiated and turned into the on-duty supervisor.

- D.** If the owner cannot be located, and the vehicle is not causing a safety hazard, a registered letter will be sent to the last known owner of the vehicle as verified by a registration check through the New Mexico Department of Motor Vehicles within 48 hours. After waiting a thirty-(30) day period if the vehicle has not been removed, it will then be deemed abandoned and will then be towed (per N.M. State Statute 66-1-4.1, A, 1,2,3, and 4). Once the vehicle is impounded, another registered letter will be sent notifying the owner of the whereabouts of his/her vehicle. Every attempt to contact the owner prior to removal will be made. Once the owner is located, this information will be given to the owner and a supplemental report will be submitted. The registration inquiry and a copy of the registered letter will be retained and become part of the official police report.

**50.1.02 VEHICLES WILL BE TOWED WHEN:**

- A.** They obstruct traffic and that based on exigent safety concerns must be removed to protect the public from harm.
  - 1.** In these situations, the officer/PSA will check with a commander prior to towing the vehicle. Vehicles shall be impounded if no

other means of removing the hazard are available.

- B.** The vehicle has been stolen, abandoned, vandalized, involved in an accident to the extent that it is inoperable and/or it is in violation of traffic codes whereby it would be unsafe to allow the vehicle to be driven or operated.
- C.** The vehicle is in the department's custody and is needed for evidence processing due to a hit-and-run accident or other criminal investigations.
- D.** The driver has been incapacitated, hospitalized, arrested, taken into custody, or when the vehicle cannot be released to a responsible party.
- E.** When circumstances exist where the vehicle was used in the commission of a felony and forfeiture proceedings will be initiated on said vehicle.
- F.** Any time a vehicle is towed/impounded, the officer handling the incident shall complete an offense/incident report, along with the impound sheet, so there will be a record of the impoundment.

### **50.1.03 PROCEDURES FOR TOWING VEHICLES**

- A.** Requests for wrecker services will be restricted to the wrecker on call in accordance with the wrecker rotation schedule.
  - 1.** This does not preclude owners or operators of vehicles from requesting a specific wrecker company or tow truck operator. Owners or operators will be verbally informed of their right to request a specific wrecker company or tow truck operator.
  - 2.** This also applies to members of automobile clubs. Officers will be required to obtain membership information for wrecker requests.
- B.** Under no circumstances will any officer or employee recommend or suggest that the owner or operator of a vehicle being towed utilize any specific wrecker company or tow truck service.
- C.** No member or employee of the Santa Fe Police Department will, by virtue of his/her employment or service in an official capacity, accept any consideration or gratuity from any wrecker company, tow truck service or its employees.
- D.** Officers, prior to authorizing the towing of a vehicle, will contact their respective on-duty commanding officer or supervisor and brief him/her as to the circumstances requiring the towing of the vehicle. The only exceptions to this rule are:
  - 1.** When the vehicle is being impounded due to an accident, or arrest.
  - 2.** At the request of a vehicle owner.
- E.** Upon impoundment of a vehicle, the officer shall complete the following, ensuring that all pertinent information is included in the report (including date, time, location, requesting officer, reason for impoundment, name of the wrecker service responding, final location of the vehicle and a log of all attempts to contact the owner, indicating dates and times of all negative contacts, if the owner was not notified.)
  - 1.** An offense/incident report shall be completed.
  - 2.** Officers shall ensure that the impound sheet is filled out and a copy left with the wrecker driver after both the officer and the driver sign the impound sheet.
  - 3.** If the owner or operator is present, a completed copy of the impound sheet will be given to the owner or operator. If the owner/operator has left or been removed from the scene, the officer will ensure that the owner/operator receives a copy of the form.
  - 4.** The ignition key will be left with the vehicle. All other keys will be removed and given to the owner or operator, or placed in their property if they are arrested.
  - 5.** Once Emergency Services Dispatch personnel have notified the police officers in the field of the name of the wrecker service or tow service dispatched, no other wrecker service will be allowed to tow the vehicle.

6. Exigent circumstances may occur which necessitate the immediate removal of a vehicle from traffic, etc., and such situations will be treated on a case by case basis.
- F.** In all cases in which a vehicle is to be impounded, the investigating officer shall complete a full property inventory of the vehicle, to include the passenger compartment and all storage compartments. Those inventories shall be conducted to ensure against the careless handling or theft of personal property from all impounded vehicles, to assure the safekeeping of any valuables or dangerous instrumentality's located in such vehicles, to protect officers from potentially dangerous items, to assure the community caretaking function by general protection of the public, and to prevent claims against department personnel for lost, stolen, or damaged property.
1. Closed containers shall be inventoried in **ALL** cases in which a vehicle is impounded and the contents shall be itemized on the inventory form.
  2. Locked containers with a key or mechanism to allow entry without causing damage to the container or any contents shall be inventoried in **ALL** cases in which a vehicle is impounded. The contents shall be itemized on the impound form.
  3. Locked containers in which no key or opening mechanism is available, and which cannot be opened without causing damage to the container shall not be opened, nor shall the contents be itemized for inventory purposes. The officer shall list the item as "one locked container and unknown contents" on the inventory form.
  4. If the officer has probable cause to believe that the locked containers hold evidence or fruits of a crime, he/she must obtain a search warrant prior to opening the container. In this instance, the search is no longer for inventory purposes, but shall be based upon the facts and circumstances upon which probable cause is developed.
5. Searches conducted for inventory purposes shall be conducted at the scene, prior to release of the vehicle to the towing company. In cases where officer safety is a concern, the vehicle may be towed to a safe location prior to inventory, however the investigating officer shall keep the vehicle in his/her sight until a safe location is reached.
  6. The officer(s) conducting the inventory shall complete a Santa Fe Police Department towing and impound form, taking care to note all items of personal property located in the impounded vehicle. He/she shall also make the towing/wrecker driver aware of any pre-existing damage to the vehicle, which can be noted on the impound form.
  7. The officer shall be responsible for any decision to store property of excessive value and/or of a dangerous nature separate from the impounded vehicle.
- G.** If a wrecker service is unable to respond or fails to respond to a call within 30 minutes of being called, the next wrecker service on the rotation list will be called. The wrecker service unable to respond will be placed at the bottom of the list, and called by the dispatcher so that they may be advised of their "cancelled" status.
1. An officer or commanding officer may also cancel a wrecker due to reasons that it does not have the proper equipment, or the wrecker size is inadequate to safely remove the vehicle that is being towed.
- 50.1.04 VEHICLES TOWED FOR EVIDENTIARY PURPOSES**
- A.** In those cases that require a vehicle be processed for physical evidence, personnel shall take the necessary steps to process that vehicle at the scene, whenever practical.
- B.** When vehicles belonging to victims or crime suspects must be towed, the following procedures apply:
1. A police hold may be initiated on an impound form authorizing the hold with the proper copy of the impound form marked

- “**HOLD**” and signed by the officer and the wrecker driver. Prior to placing a vehicle on hold, the officer is required to obtain approval from a commander or supervisor. Any tow charges incurred during an investigation will be submitted to the Chief of Police along with a MEMO explaining charges.
2. When the impounded vehicle is evidence or must be held for evidentiary examination, the vehicle will be towed to the Department’s secured impound lot on Siler Road and secured against unauthorized entry and contamination. An investigations commander will be notified, if necessary. Evidence seals will be affixed to doors, windows, engine and trunk compartments. An evidence tag will be filled out for the impounded vehicle and its keys and shall be turned over to the property custodian.
  3. Vehicles held for the above purposes may only be released by a court order or with written authorization from the Office of the District Attorney.
  4. Any vehicle having a police hold placed on it by the investigating officer for reasons other than evidence or forfeiture shall be towed to the Santa Fe Police Department impound lot and the “Hold” status entered into the towing log. The hold must also be authorized by a commanding officer. The Commander must sign the wrecker impound form, along with the officer and the wrecker driver.
  5. The gates to the Santa Fe Police Department impound lot are to be locked at all times. Under no circumstances are they to be left unlocked or open. All Commanders are issued keys to the police impound lot and it shall be their responsibility to allow officers access when needed.
  6. If the vehicle needs to be released from the “Hold” status due to exigent circumstances, and the officer who authorized the tow and placed the hold cannot be contacted to release the vehicle, the vehicle may be released by a supervisor in the investigating officer’s chain of command.
  7. If a vehicle has been reported stolen, and is located by anyone other than the owner, the officer shall:
    - a. Process the vehicle for evidentiary purposes.
    - b. Ascertain if the vehicle is operable.
    - c. Barring exigent circumstances, the owner will be notified so that he/she may call a wrecker of his/her choice, pick up the vehicle personally, or make arrangements for the vehicle’s removal. In the event that the owner(s) cannot be located, the officer will follow procedures in calling for a wrecker as per the above guidelines for rotational wrecker call-outs.
    - d. Prepare the necessary paperwork on supplemental forms with all pertinent information.
    - e. Cancel the vehicle from N.C.I.C. and any other agencies which were notified. This shall be done through the Emergency Dispatch Center.

#### 50.1.05 NOTIFICATION OF OWNER(S)

- A. After a vehicle is no longer needed for investigatory purposes and processing is complete, the investigating officer will notify the owner or legal representative of its release by:
  1. Personal Contact
    - a. The officer will complete a release form filling out all information authorizing the release after the person requesting the release produces satisfactory proof of ownership. Prior to release, the officer will check the wrecker log to ascertain if there is a hold placed on the vehicle by another officer(s).
  2. Telephone Contact
    - a. The officer will contact the owner concerning the impending release by

telephone, and mail a copy of the release by certified mail.

- B.** The departmental member authorizing or releasing any vehicle impounded by this department will complete a supplemental report.

**50.1.06 AUTHORITY TO RELEASE (ON-SITE) A VEHICLE, UPON THE REQUEST OF THE OWNER/DRIVER TO A THIRD PARTY**

- A.** An officer may decide to release a vehicle to a third party based upon the following criteria, after having consulted with his/her immediate supervisor who, when possible, shall act as a witness.
- B.** The officer may release to a third party after having observed all of the following:
1. Proof that the driver of the vehicle is in legal possession of the vehicle by examination of the vehicle registration, title, vehicle registration inquiry, N.C.I.C. inquiry, etc.
  2. The written consent form shall be completely filled out and signed by the owner/driver in order to transfer custody of the vehicle to a third party, thereby releasing the department and officer(s) from liability for the release of the vehicle.
  3. A signed statement from the third party accepting responsibility for the vehicle.
  4. The release form shall be made part of the report, as well as the name, address, and phone number(s) of the person to whom the vehicle was released.

**50.1.07 ABANDONED VEHICLES ON PRIVATE PROPERTY**

- A.** Vehicles abandoned on private property will not be towed unless they are needed for evidentiary purposes involving a criminal offense, or they are being confiscated subject to forfeiture proceedings. All such impoundments will be authorized by a commanding officer.

**50.1.08 TOWING POLICE VEHICLES**

- A.** If a police vehicle is wrecked or disabled and it is necessary to tow the vehicle, the

transportation officer is to be notified so that arrangements can be made to tow the vehicle. If he/she is unavailable, the next wrecker on the rotation list will be utilized.

**50.1.09 ABANDONED VEHICLES ON PUBLIC/CITY PROPERTY**

- A.** Prior to towing any vehicle on public or city property, the following steps are required:

1. The officer/P.S.A. will make a stolen vehicle inquiry giving the communications dispatcher the VIN and license number, and will also attempt to contact the owner.
2. The officer/P.S.A. will determine if the vehicle is violating parking restrictions.
3. The officer/P.S.A. will determine if the vehicle is obstructing traffic, private or public driveway(s), or is a hazard to other motorists.
4. Laws concerning and identification of abandoned vehicles as per State of New Mexico and City of Santa Fe Municipal Ordinances will be followed prior to having any motor vehicle removed.
5. If the owner cannot be located, and the vehicle is not causing a safety hazard, a registered letter will be sent to the last known owner of the vehicle as verified by a registration check through the New Mexico Department of Motor Vehicles within 48 hours. After waiting a thirty- (30) day period if the vehicle has not been removed, it will then be deemed abandoned and will then be towed (per N.M. State Statute 66-1-4.1, A, 1,2,3, and 4). Once the vehicle is impounded, another registered letter will be sent notifying the owner of the whereabouts of his/her vehicle. Every attempt to contact the owner prior to removal will be made. Once the owner is located, this information will be given to the owner and a supplemental report will be submitted. The registration inquiry and a copy of the registered letter will be retained and become part of the official police report

**50.1.10 MISCELLANEOUS**

The regulations as set by the City of Santa Fe City Manager relating to wrecker services within the jurisdictional boundaries of the Santa Fe Police Department and the City of Santa Fe Ordinance #65, 1986, with regard to the regulations supervising towing services will be followed when dealing with any wrecker service or tow service within the City of Santa Fe, as well as any regulations promulgated by the State of New Mexico Public Regulations Commission.

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Drafted (awm) 01/03

APPROVED:   
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Chief of Police

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