

PRISONER HANDLING AND TOWING OF VEHICLES

IMPOUNDMENT OF VEHICLES

Purpose: To establish procedures for the North Little Rock Police Department when impounding and towing vehicles.

Policy: Vehicles should be towed only when necessary to remove unattended vehicles which may create hazards from the public way, to remove abandoned vehicles from public property, to remove vehicles required for evidence, or when vehicles are to be seized in accordance with applicable law.

Summary of Changes:

DEFINITIONS:

Unattended Vehicle means any vehicle left on public property without the consent of an authority in charge of such property, or on or near a public way without some person, gratuitous bailee, or bailee for hire in possession of the vehicle; and

- (A) When a vehicle is located within a distance of three feet (3') of the traveled surface of the public way;
- (B) When a vehicle is located on or near a public way at a distance of three feet (3') or more from the traveled surface of the public way for a period of twenty four (24) hours or more;
- (C) When a vehicle is not located on or near a public way, but is left for a period of forty-eight (48) hours or more;
- (D) When a vehicle remains not in the custody of some responsible person, following an accident where the operator has been removed to a hospital or is otherwise unable to make personal arrangements for the vehicle's care;
- (E) When a vehicle was operated to a place of apprehension by law enforcement under police power and the operator thereof removed from the vehicle and taken into police custody;
- (F) When a vehicle is located upon any public right of way and due to geographic location, traffic density, or climatic conditions, creates a substantial hazard to the motoring public, as determined by a law enforcement officer; or
- (G) When a vehicle, whether on public property, on or near a public way or otherwise, is subject to seizure by law enforcement under the Arkansas Rules of Criminal Procedure or pursuant to lawful court order.

Abandoned Vehicle means any vehicle deemed to be unattended as defined in this section; and

- (A) Which the owner has overtly manifested some intention not to retake possession; or
- (B) Which remains unattended, whether in its first-found location or in another location to which it has been removed pursuant to this Policy Directive, for a period of thirty (30) days, during which period the owner has given no evidence of an intent to retake possession;

Public Way means any road, highway or street over which the public may travel, including the traveled surface and any berm or shoulder thereof.

Removal means that an officer of any law enforcement agency may request a towing and storage firm which is licensed by the Arkansas Towing and Recovery Board to engage in non-consent towing of vehicles to;

- (A) Remove and store any unattended or abandoned vehicle pursuant to this subchapter.
- (B) Remove and store any disabled or inoperative vehicle for which the owner or person in charge thereof has waived his or her right to owner preference as defined in this section; or
- (C) Remove and store the vehicle in which the operator was apprehended by law enforcement officers.

Owner Preference means the right of the owner, owner's agent, or any competent occupant of any disabled or inoperative vehicle to request some responsible and reasonable person, gratuitous bailee, or bailee of their choice to take charge and care of the vehicle.

Procedure:

1. Unattended or Abandoned Vehicles

1.1 Any officer observing a vehicle on or near a public way which appears to be unattended or abandoned shall make a stolen vehicle inquiry on the vehicle. If the vehicle is not reported stolen, the officer will tow the vehicle if the vehicle is less than 3 feet off the traveled surface of a public way and is a potential traffic hazard.

[CALEA 61.4.3a, b]

- 1.2 If the vehicle is more than 3 feet from the traveled surface of a public way, the officer will tag it by completing an Unattended Vehicle Check Tag and affix it to the center portion of the front or rear window. Tagged vehicles will be towed 24 hours after tagging. [CALEA 61.4.3a, b]
- 1.2.1 The Unattended Vehicle Check Tag will show date and time of tagging, that the vehicle will be towed and impounded, unless it is removed within twenty-four (24) hours, the location and telephone number where more information may be obtained, and the identification of the officer.
- 1.3 Vehicles that are reported stolen may be towed if contact with the owner cannot be made in a reasonable amount of time.
- 1.3.1 If an officer cannot make contact with the registered owner of the vehicle, the officer will ask Community Service Assistants (CSAs) at the desk to attempt to make contact with the owner. If contact with the owner is not made, the CSA will advise an on duty supervisor that contact cannot be made with the owner. The CSA will complete a supplemental report which will be forwarded to Investigations.
- 1.4 Unattended vehicles that are parked or stopped contrary to law and constitute a traffic hazard or substantial public inconvenience will be towed after a reasonable effort has been made to locate the owner or operator and moving the vehicle to a safe location is not possible or practical. A supervisor will be contacted to approve the tow.
- 1.5 Any order issued by an officer to a towing company and storage firm to remove and store an unattended or abandoned vehicle shall provide information supplied from the records of the Office of Motor Vehicles, Arkansas Crime Information Center records, or the motor vehicle records of any other state indicating the name and address of the last registered owner, the name and address of the holder of and recorded lien or the vehicle, and the vehicle identification or the serial number of the vehicle. If there is evidence in the vehicle indicating that the vehicle is registered in another state, the information shall be supplied from the motor vehicle records of that state. In the event that readily available records fail to disclose the name of the owner or of any lien holder of records, the officer or a designee of the police department shall notify the towing and storage firm in no more than 24 hours from the order to remove. The officer involved or a designee of the police department, shall contact the towing and storage firm and advise of any unusual circumstances causing the delay of the required information that was not available to the officer at the time the order to remove was issued. The officer or the department designee shall provide the delayed information immediately upon receipt.
- 1.6 When an unattended or abandoned vehicle is removed, the officer shall provide to the towing and storage firm a written statement setting forth the conditions of release of the vehicle.
- 1.7 When a vehicle is towed pursuant to this policy, officers shall provide that owner preference, as defined by this Policy Directive, be offered to the owner, to his or her agent or to any competent occupant of a disabled or inoperative vehicle unless an emergency exists or where the immediate clearing of the public thoroughfare mandates an expedited towing service. The officer shall not suggest or recommend any particular towing and storage firm to the owner, to his or her agent or to any occupant of a disabled or inoperative vehicle, except when advising of the towing firms having a contract with the City of North Little Rock.

2 Guidelines for Impoundment of Vehicles

- 2.1 In all instances where a vehicle may be impounded under the authority of the Impoundment of Vehicles Policy, the officer will use discretion in making a sound decision based on the individual situation, the facts known to the officer at the time of the incident in determining whether or not to impound a vehicle.
- 2.2 When an officer initiates a traffic stop or when investigating an accident on the streets or highways within the city limits of the City of North Little Rock and the officer has reasonable cause to believe that a driver or owner of a vehicle is in violation of any one or more of the statutes or ordinances in section 2.3, the motor vehicle involved may be impounded and towed by one of the contracted towing companies for the City of North Little Rock.
- 2.2.1 In the event that registration or license tag of the vehicle has been expired for less than 60 days, the officer may exercise his/her discretion based on the circumstances stated by the violator concerning the expiration, other factors relevant to the situation at hand, or the officer's knowledge of the history of the defendant's violation record, if any, and forego the impoundment of the vehicle in connection with the issuance of a citation to the violator.
- 2.2.2 If the driver has a driver's license that is expired and has been expired for less than 60 days, the officer may exercise his/her discretion based on the circumstances stated by the violator concerning the expiration, other factors relevant to the situation at hand, or the officer's knowledge of the history of the defendant's violation record, if any, and forego the impoundment of the vehicle in connection with the issuance of a citation.

2.3 Violations of the following statutes or ordinances may be grounds for impoundment under this policy.

- 2.3.1 Theft by Receiving involving license tags or tabs. (A.C.A 5-36-106);
- 2.3.2 Been assessed with three (3) or more violations for no proof of insurance;
- 2.3.3 Improper use of tags or registration. (A.C.A.27-14-306);
- 2.3.4 Fictitious Tags (A.C.A. 27-14-305);
- 2.3.5 Giving false evidence of title or registration. (A.C.A. 27-14-307) ;
- 2.3.6 Vehicle not maintained in proper mechanical or safe condition and is unsafe for occupants and other motorists. (A.C.A. 27-32.101);
- 2.3.7 Failure to obtain registration (A.C.A. 27-14-701);
- 2.3.8 Suspended driver's license (A.C.A. 27-16-303);
- 2.3.9 When the vehicle is needed as evidence and/or is used in the commission of a felony.
If the vehicle is also to be seized, an Investigative supervisor will be called. The Investigative supervisor or designee will contact the appropriate towing service, which has been approved by the Pulaski County Prosecutor's Office. [CALEA61.4.3b]

2.4 When the driver of a vehicle is taken into police custody and is unable to make a legitimate disposition of the vehicle, the vehicle will be towed. EXAMPLE: DWI or minor.

3 Vehicle Tow/Impoundment Report

- 3.1 The officer impounding the vehicle will issue a citation for the violation resulting in the impoundment of the vehicle.
- 3.2 A complete inventory of the vehicle to be impounded will be conducted. The inventory will include all spaces within the vehicle and the trunk or bed. All containers within the vehicle will be inventoried (locked and unlocked). [CALEA1.2.4f]
- 3.3 The vehicle tow/impoundment report should have all sections completed prior to removal of the vehicle from the scene.
 - 3.3.1 A vehicle tow/impoundment report will be completed, and a report number will be assigned to the report. The reason and remarks section must be completed to fully explain the reasons the vehicle was towed.
 - 3.3.2 A copy of the vehicle tow/impoundment report should be given to the wrecker driver and to the violator.
 - 3.3.3 The white and yellow copies of the vehicle tow/impoundment report should be turned into the reporting officer's supervisor.
- 3.4 If the officer seizes a driver's license or vehicle license plate, a photocopy of the completed vehicle tow/impoundment report is to be turned in with the property in lieu of a property slip.
- 3.5 Officers will assist the operator and any passengers in gaining access to a working telephone to make arrangements for transportation.
 - 3.5.1 If it appears that impounding a vehicle would cause undue hardship or endanger the lives of the occupants of that vehicle, and it by far outweighs the importance of towing the vehicle, the officer is to contact a supervisor.
- 3.6 Supervisors are responsible for ensuring officers follow the above listed procedures and make sure the vehicle tow/impoundment report is completed correctly.
- 3.7 Supervisors will ensure a copy of the completed vehicle tow/impoundment report is given to the CSAs and should be separated from other paperwork. [CALEA 61.4.3c].
- 3.8 Community Service Assistants (CSA's) are responsible for entering the vehicle into the local system upon receiving an impoundment report. The vehicle should be entered as soon as practical and prior to the end of the shift during which it was received. [CALEA 61.4.3c]
- 3.9 When receiving release information from the impound lot, the release information is to be entered into the local computer system as soon as practical and prior to the end of the shift during which it was received.
 - 3.9.1 When a vehicle is impounded, the vehicle tow/impoundment report will be maintained in a file in the front desk area. Upon the entry of the release information of a vehicle into the computer system, the vehicle tow/impoundment report for that vehicle will be held for 30 days, after which the original will be discarded.
 - 3.9.2 If the lien information cannot be completed by the patrol division, it is to be completed by the desk personnel.
- 3.10 When a completed vehicle tow/impoundment report is received, the document is to be stored in the imaging system following established Support Service Division procedures.
 - 3.10.1 After the vehicle tow/impoundment report is entered into the imaging system, it is to be filed following established Service Division procedures. [CALEA 61.4.3c]

3.11 Pursuant to ACA 27-50-1207, should the owner or lienholder of an impounded vehicle consider that the removal of the vehicle was not legally justified or properly subject to a law enforcement hold, the owner or lienholder may within 30 days after removal or within 30 days after receipt of notification of any law enforcement hold from the towing and storage firm, whichever is later, seek an administrative review with the North Little Rock Police Department to determine whether the vehicle was wrongfully removed or withheld from the owner. The owner or lienholder shall submit a written request for review to the office of the Chief of Police who shall conduct, or have conducted, an investigation to determine if the impoundment or hold was administered in accordance with state law. The owner or lienholder requesting the review will be notified of the results of the investigation within 10 working days.

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