

CITY OF ANDERSON POLICE DEPARTMENT

Anderson, South Carolina

DIRECTIVE TYPE General Order	EFFECTIVE DATE March 20, 2006	NUMBER 182.2
SUBJECT Towing and Inventory of Vehicles		
REVISED September 11, 2020		
This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this department for non-judicial administrative action in accordance with the laws governing employee discipline.		
REFERENCE General Order 105.1 & SCLEA 2 nd Edition 1.5	AMENDS/SUPERSEDES 182, 182.1	
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A. Purpose

It is the purpose of this policy to provide guidelines for towing and impounding of motor vehicles. The purpose of this policy is to direct officers in seizures of vehicles, evaluation of warrantless searches and inventories and options other than towing and impoundment.

B. Policy

Officers are routinely faced with the question of whether to impound or tow motor vehicles for purposes of safekeeping property, securing evidence, protecting the public, or securing property under asset forfeiture statutes, or protecting the public among other reasons. This policy provides guidelines that officers should use to decide issues related to the propriety of and procedures for impounding motor vehicles.

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When considering impoundment of a vehicle by members of this department officers will take into consideration the purpose of the impoundment and the reasons for conducting an inventory of the contents of the vehicle.

C. Discussion

D. Definitions

Rotational List Wrecker - A towing service on the police department's rotation list of authorized wreckers.

Impoundment - For purposes of this policy, the seizing and temporary custody of a motor vehicle for a legitimate police purpose, such as for evidentiary purposes.

Public Assistance Towing - Impoundment should be contrasted with towing of disabled and other motor vehicles for public assistance or for purposes of public safety. While these may involve a legitimate police purpose, they normally do not involve custody of the vehicle by the police agency or authorization of the police for its release.

Placing a Hold - The securing of a vehicle, until such time as it can be processed, as in the case of a recovered stolen vehicle, a seized vehicle, or a vehicle, which contains evidence. These vehicles are not available for immediate pick-up by the owner, they are held in possession of the agency. These vehicles may be stored at the agency facility.

E. Procedure

A. Impoundment of motor vehicles shall use the City of Anderson wrecker.

B. Vehicles impounded by or otherwise taken into the custody of this Department shall be inventoried in a manner consistent with policy on motor vehicle inventories.

C. Inventories should be performed at the scene or at a safe place nearby whenever this can be done safely and effectively.

D. Officers shall complete vehicle tow inventory form and photographs whenever a vehicle is towed for impoundment as evidence or for other purposes.

E. Motor vehicles shall not be impounded for purposes other than those defined by statute or ordinance, (e.g., not as a form of punishment, or as a means of conducting vehicle searches when probable cause does not exist or consent to search cannot be obtained).

F. When impoundments are ordered, the operator and any passengers should not be stranded. Officers shall take those measures necessary to ensure that the operator and any passengers of the vehicle are provided transportation.

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- G. Vehicle operators may be permitted to remove unsecured valuables of a non-evidentiary nature from the vehicle prior to its removal for impoundment. The nature of these valuables shall be noted on the inventory form.
- H. Impounded vehicles shall only be released to owners with proof of ownership and personal identification.
- I. Anderson County Emergency Services shall maintain a record of all vehicles removed, stored or towed at the direction of a Police officer.

2. Public Assistance

- A. Public assistance towing of motor vehicles should be distinguished from impoundment as it does not typically involve police custody of the motor vehicle. Officers may order that vehicles be towed under the following types of circumstances:
 - 1. Upon request of a citizen, an officer may summon wreckers for disabled vehicles. The police department maintains a list of towing (wrecker) services that are authorized to provide services or tow stranded vehicles at the request of the police department or a motorist.
 - 2. Under normal conditions, City of Anderson Police Department personnel should not attempt to make mechanical repairs to disabled vehicles. Instead, officers should refer motorists to a licensed professional.
 - 3. At the officers' discretion and if they can safely perform the service, officers may assist motorists with incidental mechanical assistance such as (1) Jump starting and (2) Changing flat tires, if the assistance will get the motorist safely on their way. When jump starting vehicles, officers must wear, at a minimum, safety glasses and gloves. Officers are also permitted to push vehicles from the roadway if in the officers' discretion, he or she is physically capable of doing it and can do it safely. Calls-for-service of this type are performed while motorists are engaged in some sort of travel, not when they are parked at their residences.

G. Towing Services – Rotational List

- 1. All towing services on the police department's rotation list must comply with regulations set forth by the Chief of Police and the City Manager, including but not limited to twenty-four (24) hour availability. The Traffic Lieutenant or designee will inspect and approve the businesses on the rotation list yearly for compliance with the police department and city management wrecker regulations and comply with a thirty (30) minute response time.
- 2. Officers requesting a rotational list wrecker will make such requests to the on-duty communications operator at Anderson County Emergency Services, who in turn contacts the next wrecker service available on the rotation list. Anderson County Emergency Services will

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ensure that each wrecker summoned will be able to comply with a thirty (30) minute time limit. Each request for service made by Anderson County Emergency Services communications operators is documented on the rotation list wrecker log. At the end of the period (defined by City Management), the subsequently listed wrecker service effectively moves to the top of the rotation list.

H. Motor Vehicle Accidents

1. If a rotational wrecker is needed at an accident scene, the operator of the vehicle may request any wrecker company that can respond within thirty minutes.

2. If an arrest is effected of the driver in the vehicle accident the City of Anderson wrecker shall impound the vehicle.

3. Following motor vehicle crashes, an officer may request impoundment by rotational wrecker when the operator is unwilling or unable to take charge of the vehicle, and the vehicle cannot be legally parked and sufficiently secured at the scene, or there is property in or attached to the vehicle that cannot sufficiently secured at the scene or placed in custody of a responsible third party.

4. If a vehicle is disabled and the owner/operator does not wish for it to be towed, it is acceptable for him/her to move the vehicle from the roadway long enough to effect minor repairs, providing the vehicle is not a traffic or safety hazard and/or owners of private property do not object.

5. Vehicles may be impounded if the vehicle is needed for purposes of the investigation following a vehicle crash. Such cases may but do not necessarily involve custody of the operator.

6. In those cases where an Officer summons a rotational wrecker to tow a vehicle involved in an accident where a responsible party cannot be immediately contacted, the Officer shall:

- A. Check the vehicle in NCIC;
- B. Complete any necessary accident reports;
- C. Complete a vehicle tow/impoundment form APD 110;
- D. Attempt to notify the registered owner.

I. Impoundment for Evidence by City of Anderson

1. A vehicle shall be towed if a subject is arrested for purposes of incarceration.

2. Officers should not unnecessarily impound motor vehicles for purposes of gathering evidence when such processing can be reasonably, effectively, and safely conducted at or near the scene.

3. A "hold" may be placed on any vehicle impounded for evidence for such period of time

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necessary to collect evidence from the vehicle and the procedure cannot be accomplished at the scene or a specially trained technician must do it.

- A. Holds on vehicles must be approved by a Supervisor.
 - B. Investigating officers shall complete their investigation of the vehicle in a timely manner so that it can be released to the owner.
 - C. Recovered Stolen Vehicles.
4. Officers may place a hold on a vehicle for the following reasons:
- A. Vehicles which are subject to seizure shall be towed to the Anderson Police Department impound lot.
 - B. For a vehicle involved in a hit and run accident.
 - C. For a vehicle involved in a traffic fatality.
 - D. For a vehicle in operation with no insurance until proof of insurance can be obtained by the owner.
 - E. For other reasons as approved by a field supervisor.
5. Officers shall complete and submit an incident report, before the end of that Officer's shift, indicating the reason that the vehicle was placed on hold.
- A. Hold information, the reason for the hold and the release requirements must be relayed to the public works personnel who manage the tow and impound business at the City Garage (or other entity) when the vehicle is towed. Officers should document to whom they spoke, the time and date.
 - B. The officer who initiated a hold on a vehicle should notify the personnel who manage the tow and impound business at the City Garage (or other entity) immediately when a vehicle is cleared for release. Officers should document to whom they spoke, the time and date.
 - C. The officer who places a vehicle on hold should follow up with the personnel who manage the tow and impound business at the City Garage (or other entity) at least once weekly to verify and/or update vehicle status.
6. Impoundment of stolen vehicles or is appropriate when the following circumstances exist:
- A. The owner cannot be contacted,
 - B. The owner is contacted and cannot or will not respond in a reasonable amount of time, or
 - C. Immediate removal is necessary for safety reasons or purposes of safekeeping.
7. Officers should document reasonable efforts to contact owners with means readily available.
8. Danger to the public. Vehicles that present a danger to the public may be towed. These include abandoned or inoperable vehicles that have been left on or cannot otherwise be moved from the

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roadway and that are in a position where they may impede traffic or create a hazard. When it is necessary to move a vehicle that is abandoned on the roadway or is a traffic hazard see South Carolina Code of Laws 56-5-5810 for the correct procedure in this matter.

9. When a vehicle is unsafe to operate, and the owner/operator has no preference on the towing service. For it to be considered unsafe, the vehicle must have substantial defects such as but not limited to defective brakes, frame damage or no operable lights after dark.

10. Officers seeking a vehicle impounded for any other reason should consult with a supervisor.

11. Vehicles placed on hold should be towed to the impound lot via the city wrecker. If a vehicle that has been placed on hold is to be towed to a location other than the City of Anderson's impound lot the officer shall inform Anderson County Emergency Services when requesting the tow.

A. Officers placing a hold on a vehicle in situations that require a follow-up (i.e. evidence processing, seizure, etc see General Order 105, regarding vehicle searches and seizures) shall ensure:

1. The location of the vehicle and keys are noted in the incident report; and
2. The proper copy of the tow/impound record is placed in/on the vehicle.

12. Inventory of Towed Vehicles - Legal Authority to Inventory

A. An authorized member of the police department shall conduct a motor vehicle inventory without a warrant or probable cause when:

1. A vehicle has been lawfully seized or impounded pursuant to the arrest of the driver, after towing a vehicle for violations, or for related enforcement or safety reasons as defined by state law including but not limited to 56-5-5810.
2. When Officers conduct the inventory within the scope of this policy as an administrative procedure.

B. The Officer conducting the inventory shall:

1. Check the vehicle in NCIC;
2. Complete a vehicle/tow impoundment record APD 110;
3. Attempt to notify the registered owner.
4. Complete an incident report or include in the original report as documentation detailing the reason for inventory of a vehicle lawfully seized or impounded pursuant to the arrest of the driver, after towing a vehicle for violations, or for related enforcement or safety reasons as defined by state law including but not limited to 56-5-5810.
3. Examination of the contents of a motor vehicle pursuant to a criminal

investigation or with the intent of discovering evidence of a crime is a search, not an administrative inventory. Officers shall be guided by the police department's policy on motor vehicle searches when engaged in these actions.

C. Scope of Inventory

1. The contents of all motor vehicles that are lawfully seized and/or impounded by the agency shall be subject to inventory in accordance with the provisions of General Order 105.
2. An inventory should be conducted in the location at which the vehicle is seized unless limited by reasons of safety. If the officer is not able to conduct the inventory on location it must be approved by a field supervisor.
3. The owner or operator of the vehicle shall be asked to remove, if possible, all valuables from the vehicle prior to impoundment. If such items cannot be removed, they shall be inventoried before the vehicle is removed, and the owner/operator shall be requested to verify the completeness of the inventory by signature, if practical.
4. If a key is available, the trunk and glove box shall also be inventoried. Officers shall not break any locking device to conduct an inventory; rather, the Officer shall indicate on the vehicle/tow impoundment record the compartment(s) were locked.
5. All closed containers found within the vehicle shall be opened for the purposes of the inventory. Closed and locked containers shall not be forced open but shall be logged on the vehicle/tow impoundment record as such. If a key or lock combination is available, locked containers may be opened and inventoried.

D. Property Control

1. All items of value shall be itemized on Form APD 110.
2. Any hazardous materials found shall be itemized on Form APD 110 and the towing service shall be properly notified of such items.
3. Contraband and evidence discovered during a motor vehicle inventory shall be processed in accordance with the police department's policy in section 2600, which addresses "Property and Evidence Control."

J. Canceling a Wrecker

1. If an officer must cancel a wrecker, it should be done as soon as possible.
2. If possible, the wrecker will be canceled prior to arrival through the communication center.
3. If the wrecker driver arrives and there is no longer a need for towing the vehicle, the wrecker driver will be advised by the officer. The wrecker driver will handle the business issue with the owner/operator of the vehicle.

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4. Wrecker companies have thirty (30) minutes to respond to calls for service.

K. Wrecker Service Delays

1. If the overdue wrecker company arrives after cancellation and summoning of another company, the tardy wrecker company will be turned away.

L. Impoundment for Forfeiture

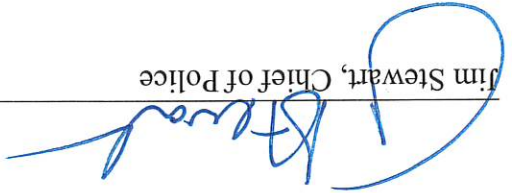
1. Officers may impound a motor vehicle with the intent of initiating forfeiture proceedings when the vehicle is used in the commission of a crime as specified by state law. Officers should contact a supervisor and the detective before initiating forfeiture proceedings and shall follow forfeiture procedures as provided by this agency. The vehicle shall be transported to a secure facility.

M. Other Bases for Impoundment

1. Officers may cause the impoundment of a vehicle in other circumstances as follows:

- A. When a VIN number has been removed, replaced, or purposely modified;
- B. When otherwise permitted by state or local law.

By order of:



Jim Stewart, Chief of Police

9-11-20
Date