



Newport News Police Department - Operational Manual

OPS-340 - TOWING, INVENTORY & IMPOUNDMENT OF VEHICLES

Amends/Supersedes: OPS-340 (06/08/2015)

Date of Issue: 08/14/2019

I. GENERAL

(See also: Newport News ordinance section 26-16 et. seq., and §46.2-1200 of the Code of Virginia.)

A. As used within this policy the following definitions apply:

1. *Tow Sheet*: "Newport News Police Department Towed Vehicle - Notice of Impoundment/Confiscation" (NNPD Form #2).
2. *Towing Officer*: Police officers, police aides, and parking enforcement officers.
3. *District Towing List*: A list of wrecker companies approved for use by the Chief of Police, or his designee, after having met specific Police Department standards. It is maintained by the Department's Towing Enforcement Officer, and includes heavy duty wreckers capable of towing large vehicles (e.g. tractor trailer trucks and buses).
4. *Contract Wrecker*: A specific wrecker company under contract with the City of Newport News to provide services. Contract wreckers are separate from wreckers listed on the "District Towing List". Categorized as "light", "medium", and "heavy", corresponding with the size of vehicles towed.
5. *P & E Vehicle Lot*: The off-site vehicle storage lot, commonly referred to as the "Impound Lot", and accessed primarily by P & E Personnel.
6. *Forensic Services Bay*: The garage in the Forensic Services bay at Police Headquarters (HQ), accessed primarily by Forensic Services Unit personnel.

B. The Towing Officer shall refrain from requesting a specific type of wrecker (e.g. rollback) when a wrecker is requested to respond. If a wrecker is requested and the vehicle's size/weight is excessive (i.e., tractor and trailer, fully loaded delivery truck, etc.) the Towing Officer shall advise this information when making the request.

II. PROCEDURE

A. The Towing Officer may tow a vehicle when:

1. The owner/operator is arrested, and:
 - a. The accompanying person with the owner/operator of the vehicle is physically, mentally or legally unable to assume responsibility for the illegally parked vehicle, or there is no one associated with the arrestee at the scene.
 - b. The owner/operator does not delegate responsibility to a third person, or provide verbal or written authorization for the Officer to leave the vehicle parked legally on the street.

NOTE: When the vehicle is left parked due to owner/operator arrest, the Towing Officer must indicate the authorization in the "NARRATIVE" section of the Tow Sheet. If possible, the arrestee should sign authorizing the vehicle to be parked legally at the scene.

- c. The vehicle is subject to an administrative impoundment (§46.2-301.1 Code of Virginia), and the vehicle cannot be left parked or released to a third party as stated (Section II. E. below).
2. *Owner's Request:* When the vehicle operator requests the Towing Officer contact a specific wrecker, the "OWNER'S REQUEST" block on the Tow Sheet shall be marked. [61.4.1(b)]
3. When a vehicle is seized pending confiscation or holding as evidence.
4. When a stolen vehicle is recovered, all efforts to contact the owner have failed and other arrangements cannot be made.
5. When a motorized vehicle that does not fit the definition of a "motor vehicle" as set out in Code §46.2-100 of the Code of Virginia (e.g. a moped, electric personal assistive mobility device, or electric power-assisted bicycle, ATV's and boats) is removed from a traffic crash, recovered, or seized the City's contract wrecker will be used. **(In these cases, district wreckers will not be utilized).**
 - a. If recovered as found property, it will be stored in accordance with OPS-485 (Property and Evidence).
 - b. If seized as evidence, it will be marked with a "Property and Evidence Tag" (NNPD Form #7) and stored in the Property and Evidence Vehicle Lot. [84.1.1(d)]
 - c. If removed from the scene of a traffic crash, it will be secured at Briarfield Warehouse facility, unless it is seized as evidence as set out above.
 - d. If the vehicle meets the legal definition of a motorcycle, rather than a moped as set out in §42.1-100 of the Code of Virginia, it will be treated as a motorcycle for towing purposes.

NOTE: ATVs are towed to the Briarfield Warehouse, and boats to the Contract Wrecker's place of business.

6. When a vehicle is abandoned (§46.2-1200 of the Code of Virginia). [61.4.3(a)]
7. When a vehicle is involved in a crash, unattended, or immobile (City Code 26-16).
8. *Scofflaw:* When a vehicle is found upon the public street or highways or public grounds and there are three or more outstanding unpaid or otherwise unsettled parking violation notices (City Code 26-131) against it, the "HOLD" block on the Tow Sheet shall be marked and "Scofflaw" indicated beside "REASON."

NOTE: The Towing Officer must contact Records Unit for verification and approval of Scofflaw violations prior to towing the vehicle.

9. Illegally parked vehicle: [61.4.3(b)]

- a. Parked in a properly posted “No Parking - Tow Zone” (City Code 26-107).
- b. Impeding the movement of traffic.
- c. In direct violation with State or City Code in a manner creating a public safety threat.
- d. In a fire lane or interfering with access to a fire hydrant or the passage of emergency vehicles.
- e. Interfering with the free ingress, egress, or movement on any premises, driveway or parking area without property owner permission (City Code 26-16.1).

B. Towing a Vehicle - When towing a vehicle, the Towing Officer shall:

[61.4.1(b); 61.4.3(c); 82.2.1(a,b,c,d)]

- 1. Make every reasonable effort to provide the owner with the wrecker company name and the vehicle storage location. [61.4.3(c); 84.1.1(f)]
- 2. Complete a Tow Sheet for every vehicle towed (including those not requiring Virginia registration, “Owner’s Request,” and City vehicles).

NOTE: If the vehicle is being administratively impounded pursuant to §46.2-301.1 of the Code of Virginia see: Section II.G. regarding administrative impoundment.

- 3. Add lien holder information to the Tow Sheet. Obtain this from DMV through the Communications Division if the vehicle is Virginia registered. If it is registered in another state, DMV query will still be made; however, lien holder information may be unavailable.
- 4. Provide the following information during towing requests:
 - a. Whether a district or contract wrecker is requested for the tow;
 - b. The type of tow service required (i.e. DUI, three-day impoundment, abandoned vehicle, disabled vehicle, traffic accident, or for evidence/investigation);
 - c. Any special circumstances that might impact the tow (e.g., flat tires, motorcycle, etc.);
 - d. The vehicle’s manufacturer’s gross vehicle rating (MGVWR), if the vehicle is a larger vehicle (in such cases the Towing Officer will advise Communications of the possible need for a heavy duty district or contract wrecker).

- 5. Physically inspect the VIN plate to verify the Vehicle Identification Number (VIN).

NOTE: Computer-supplied registration information will not be used in place of physical inspection.

- 6. Conduct a stolen vehicle check (NCIC/VCIN), when appropriate, using the VIN instead of the license plate and making notation on the Tow Sheet to include time, date and results of the stolen check.

NOTE: A stolen check (NCIC/VCIN) of the license plate will also be conducted.

- 7. Conduct a complete and thorough inventory of the vehicle. Absent exigent circumstances, locked areas/luggage or containers, should not be damaged to gain entry. Include an inventory list in the “NARRATIVE – INVENTORY OF PROPERTIES” section of the Tow Sheet (for vehicles impounded for evidence processing, do not enter the vehicle; inventory only the items visible from the outside). An inventory is not necessary if assisting a motorist

whose vehicle is disabled and a specific wrecker by name is requested by that person.
[1.2.4(f); 61.2.2(f)]

NOTE: Firearms, cash, or items of extreme value shall be removed from the vehicle and placed in Property and Evidence accompanied by a "P & E Control Sheet" (NNPD Form #8).

8. Remain with the vehicle until removed.

C. Abandoned Vehicles (§46.2-1200 of the Code of Virginia) [61.4.3(a); 82.2.1(a,b,d)]

1. Follow-up investigations, and authorization for removal of abandoned vehicles are done by Police Aides. Only Police Aides conduct and authorize the removal of abandoned vehicles.
2. When a suspected abandoned vehicle is encountered, Abandoned/Unattended Vehicle Form (NNPD Form #06) shall be completed (circling "Abandoned" on the form's top) and forwarded to a Police Aide (in that district) for follow-up.
3. When abandoned information is taken over the phone, an "Abandoned/Unattended Vehicle Form" (NNPD Form #06) is still completed and forwarded to a Police Aide in that district for follow-up.
4. The responsible Police Aide conducting a follow-up investigation shall:
 - a. Attempt to locate and notify the registered owner.
 - b. Follow the Soldiers' & Sailors' Relief Act, (specifically 50 USCA§537) which supersedes state law to in conflicting sections. 50 USCA§537 provides that any vehicle belonging to a person in the military that is towed may not be disposed of by auction or crushing during the period of the owner's military service, and for 90 days after discharge from the military service, unless the person or entity desiring to dispose of the towed vehicle (i.e. the towing firm) obtains a court order granting the right to perform that action.
 - c. Determine (City Code 26-196) if the vehicle is deemed abandoned. If it is, the Police Aide will:
 - 1) Take four digital photos (front, rear, and both sides) of the vehicle.
 - 2) Complete a "Police Tow Notice of Abandoned Vehicle" (NNPD Form #99), place on the windshield of vehicle and take a photo of the sticker.
 - d. Contact the City's contract wrecker for vehicle removal if it has not been moved within 48 hours of placing the "Police Tow Notice of Abandoned Vehicle Form" (NNPD Form #99) on the windshield.
 - e. Prior to vehicle removal, take additional digital photos of the front, rear, sides and windshield. (If the "Police Tow Notice of Abandoned Vehicle (NNPD Form #99) has been removed, a windshield photo is still taken.)
 - f. Contact Communications to have the vehicle entered in the VCIN Abandoned Vehicle/Stored Vehicle File System.

D. Unattended Vehicles (City Code 26-16)

1. Follow-up investigations, and the authorization and request for unattended vehicle removals are conducted by Police Aides.

2. When encountering suspected unattended vehicles:
 - a. A stolen vehicle check will be conducted (NCIC/VCIN) from the vehicle's VIN.
 - b. Notate the time, date, and results of the stolen vehicle check on an Abandoned/Unattended Vehicle Form (NNPD Form #06).
 - c. Complete the Abandoned/Unattended Vehicle Form (circling "Unattended" on the form's top) and forward it to a Police Aide (in vehicle's district) for follow-up investigation.

3. The Police Aide, who is responsible for the follow-up investigation shall:
 - a. Attempt to locate and notify the registered owner.
 - b. Follow the Soldiers' & Sailors' Relief Act. (Section II.C.4.b).
 - c. Determine (City Code 26-16) if the vehicle meets unattended vehicle criteria. If it does:
 - 1) Take four digital photos (front/rear/both sides) of the vehicle;
 - 2) Complete the "Police Tow Notice of Unattended Vehicle Form" (NNPD Form #99A) place it on the vehicle's windshield, and take a photo of this sticker.
 - d. If the vehicle has not been moved within ten days of the notice being placed on the windshield, contact a City wrecker for vehicle removal.
 - e. Prior to wrecker vehicle removal, take additional photos of the vehicle's front/rear/sides and windshield. (If the "Police Tow Notice of Unattended Vehicle (NNPD Form #99A) has been removed, a windshield photo is still taken.)
 - f. Contact Communications to have the vehicle entered in the VCIN Abandoned Vehicle/Stored Vehicle File System.

E. When the Owner is Not Present or Unable to be Notified

When a vehicle is towed, the Towing Officer shall contact Communications with the vehicle information for entry into the VCIN Abandoned Vehicle/Stored Vehicle File System. If VCIN is out of service, the Towing Officer shall immediately provide a Tow Sheet copy to the Records Unit for entry into RMS.

NOTE: The Towing Officer shall check "YES" on the Tow Sheet upon completion, indicating the vehicle was "ENTERED INTO VCIN" The computer number of the employee who entered the vehicle into VCIN will be noted.

1. Communications to clear the vehicle from the system, when:
 - a. The vehicle is released to the owner.
 - b. The vehicle's owner is notified of vehicle's location.

F. Vehicle Tows Resulting from Criminal Investigations

1. The Investigating Officer/Detective will have the vehicle towed to the P&E Vehicle Lot or to the Forensics Services Bay by the City contract wrecker.
 - a. The Investigating Officer/Detective shall be responsible for:
 - 1) Assisting the wrecker driver ensuring that all windows are closed, the vehicle is

- properly parked, locked, and secured.
- 2) Ensuring that all loose personal items of value are secured in the trunk, when possible (e.g., tools, tapes).
- 3) Ensuring that items of value or items that present a safety hazard are tagged and placed into Property and Evidence (P&E) and notated on the Tow Sheet (e.g., large amounts of cash, weapons, electronic equipment, jewelry). [84.1.1(e)]
- 4) Ensuring that only the vehicle keys (i.e., ignition, door, trunk, and keyless remote), a copy of the Tow Sheet, and original P&E form (NNPD Form #8) are forwarded to P&E.

2. Towing to the P&E Vehicle Lot or the Forensic Services Bay for Processing.

- a. Vehicles used in serious crimes and certain other investigations may be towed to the P&E Vehicle Lot, or to the Forensic Services Bay for evidence processing. Recovered stolen vehicles shall not be routinely taken to either listed location for processing unless directed by a supervisor, Crash Team member or the Detective responsible for the investigation.
- b. The Towing Officer shall advise Communications the vehicle is to be towed to the P&E Vehicle Lot or the Forensic Services Bay by the City contracted wrecker service and follow the vehicle to the designated location.
- c. Access Procedures
 - 1) Officers needing to tow or impound a vehicle to the P & E Lot after hours are to contact Communications to request the on-call P&E member respond to allow lot access.
 - 2) If a Major Crimes investigation involves the vehicle, and it needs to be processed by the Forensic Services Unit, or if access is needed to the Forensic Services Bay, the Officer shall contact Communications and request the on-call Forensics Services Unit member respond to allow bay access. [83.2.1; 84.1.2]
- d. When Forensic Services has finished processing the vehicle and it is ready for removal from the P&E Vehicle Lot or the Forensic Services Bay, the processing Forensic Services Technician will contact the case's lead investigator. The lead investigator will notify Communications to call a Contract wrecker to move the vehicle from its processing location to the P&E Vehicle Lot, for release, and/or return to the owner, or other authorized person as provided by law.
- e. The P&E Vehicle Lot is secured with an electronic card access panel. The following Department personnel shall have access to the P&E Vehicle Lot:
 - 1) Forensics Services Personnel;
 - 2) P&E Sergeant;
 - 3) Drug Control Officer;
 - 4) Asset Forfeiture Coordinator;
 - 5) Towing Enforcement Officer;
 - 6) Special Operations Commander
 - 7) CRASH Team Coordinator
 - 8) Traffic Response Unit Sergeant;
 - 9) Investigations Bureau Commander;
 - 10) Criminal Investigations Division Commander;
 - 11) Towing Enforcement Administrator; and
 - 12) Major Crimes Section Commander.

- f. Forensic Services Bay is a secured evidentiary area with an electronic card access panel. The following Department personnel shall have access to the Forensic Services Bay:
 - 1) Forensic Services Personnel; and
 - 2) Major Crimes Section Commander.
- 3. Confiscation Pursuant to OPS-455, "Narcotic Investigations and Vice Abatement Procedures".
 - a. A vehicle may be stored at the P&E Vehicle Lot for confiscation if:
 - 1) The arrestee is the actual registered owner of the vehicle, or there is reason to believe that the vehicle was used with the owner's knowledge;
 - 2) The vehicle has the potential to be utilized by the Department.
 - b. A Tow Sheet shall be completed when the vehicle is taken to the P&E Vehicle Lot.
 - 1) The original of the Tow Sheet shall be immediately forwarded to the Asset Forfeiture Coordinator.
 - 2) The Precinct shall receive a copy for entry into the RMS.
 - 3) A copy shall be given to the wrecker driver.
 - 4) A copy shall be placed into P&E along with the keys (i.e.; ignition, door, trunk, and remote).

NOTE: Any remaining keys shall be given to the owner/custodian of the vehicle.

- c. If valuables are discovered during the vehicle inventory, the Towing Officer shall remove them from the vehicle for turnover to P&E. Loose personal items shall be secured in the vehicle's trunk when possible. [1.2.4(f); 84.1.1(e)]
- d. The Investigating Officer/Detective seizing a vehicle for Asset Forfeiture, shall take photographs for documentation. The photographs will include the vehicle's exterior, interior, speed odometer, trunk, contents of trunk and any damages.
- e. All vehicles taken to the P&E Vehicle Lot shall be locked and windows closed. At no time should the keys remain inside any vehicle be left at the P&E Vehicle Lot.

NOTE: The Towing Officer shall ensure broken windows are appropriately covered and sealed by the City's contract wrecker.

G. Administrative Impoundment

A vehicle towed as a result of an administrative impoundment (pursuant to §46.2-301.1 of the Code of Virginia) shall be towed and stored by a district wrecker.

NOTE: Keys (ignition, door, trunk, and remote) and a copy of the Tow Sheet shall be given to the wrecker driver.

- 1. A vehicle shall be administratively impounded if the operator:
 - a. Has his license or privilege to operate a motor vehicle suspended or revoked due to a conviction for operating a vehicle while under the influence. [61.1.10]
 - b. Has been adjudicated as a habitual offender, based in whole or in part on an alcohol-

- related offense. [61.1.10]
 - c. Has his license or privilege to operate a motor vehicle administratively suspended pursuant to §46.2-391.2 of the Code of Virginia.
 - d. Has operated a motor vehicle without a license after having been previously convicted of driving without a license, pursuant to §46.2-301.1 of the Code of Virginia.
2. Any vehicle subject to administrative impoundment will be towed and inventoried and the arresting Officer shall: [61.4.3(c)]
- a. Serve notice on the operator that the vehicle will be administratively impounded, by completing a Tow Sheet and presenting a copy to the operator.
 - b. Make the proper notation for 30 days, or three days, administrative impoundment (as prescribed by law); on the Tow Sheet.
 - c. Provide the Magistrate an electronic copy of the original Tow Sheet, and deliver the hard copy to the booking area to be placed into the General District Court, Traffic Division inbox, regardless if the vehicle's operator is summonsed or arrested.
 - d. Forward a Tow Sheet copy to the Precinct for entry into RMS.
 - e. Be prepared to appear in Court to present grounds (i.e., defendant's license, registration information, and DMV driver's record) for the impoundment in the event that the owner, lien holder, or authorized agent of the vehicle requests an "impoundment hearing."

H. Release of Towed Vehicles from the P&E Vehicle Lot or Forensic Services' Bay

1. Once adjudication has been established or it is determined that the vehicle is no longer needed for evidentiary purposes, the lead investigator will notify the Towing Enforcement Unit within 24 hours. Immediate arrangements will be made for the Lead Investigator to sign the Tow Sheet authorizing the vehicle for release so an authorized person may claim it.
2. Once the vehicle is authorized for release, the authorized person will meet a representative from the Towing Enforcement Unit at the P&E Vehicle Lot to pay any associated costs (i.e., tow, administrative, and storage) before claiming it.
3. The lead investigator will determine whether or not fees will be assessed.
 - a. Towing and administrative fees will not be assessed if:
 - 1) The owner/operator of the vehicle was the victim of a crime for which the vehicle was towed as evidence and/or to be processed by Forensic Services.
 - 2) The owner/operator was the innocent party in an offense and the vehicle was towed as evidence and/or for processing by Forensic Services.

NOTE: Storage fees will commence 72 hours after the authorized person has been notified, but has not claimed, the vehicle.

- b. Towing and administrative fees will be assessed if:
 - 1) The owner was owner by title only. (e.g. the operator had ultimate and unlimited control of the vehicle and was the principle to the offense.)
 - 2) The owner/operator was a principle in an offense for which the vehicle was towed pending confiscation and the vehicle confiscation was not affirmatively adjudicated.

- 3) The owner/operator was a principle in an offense for which the vehicle was towed as evidence and/or processed by Forensic Services; and charges were nolle prossed, dismissed or the principle was found not guilty.

NOTE: Storage fees will commence 24 hours after the authorized person has been notified, but has not claimed the vehicle.

I. Cancellation/Rejection of Wrecker Service

1. Towing Officers may cancel a wrecker after it has been called prior to its arrival on the scene. If the owner or custodian of a vehicle returns after a tow truck has arrived and is hooking up, or attached to the vehicle, the owner/custodian reclaims the vehicle upon payment of a drop fee, plus payment of the administrative charge.
2. If the summonsed wrecker's service response time will be in excess of 30 minutes, the initial wrecker service may be cancelled in lieu of another service, as approved by the Towing Officer's supervisor.
3. Supervisors may call any towing firm (from the "District Towing List") out of sequence to shorten response time to the scene of an incident, in the case of an emergency, or for reasons of bad weather or unusual events. In such cases, an explanation is to be provided to the Towing Enforcement Unit.

J. Treatment of Diplomatic Vehicles

[61.1.3(d)]

1. Vehicles operated by persons with diplomatic immunity will not be impounded unless requested by the diplomat.
2. If the vehicle creates a safety or traffic hazard the Towing Officer shall request a City's contract wrecker to move it to the closest available legal parking place, and complete a Tow Sheet, and an Intelligence Report.
3. The Towing Officer shall immediately notify Communications of towing the vehicle for entry into RMS and the VCIN Abandoned Vehicle/Stored Vehicle File System.

K. Private Property

1. It is the property owner/representative's responsibility to request that a vehicle be removed from private property.
2. If an illegally parked vehicle is towed from private property by a private citizen or business, the towing service is required to notify the Records Unit about the tow. On-duty personnel will conduct a stolen check, enter the vehicle in the VCIN Abandoned Vehicle/Stored Vehicle File System, and notate the information regarding the check in the Private Property Tow Book (City Code 26-17.5).

Steven R. Drew
Chief of Police