

ALBUQUERQUE POLICE DEPARTMENT
*** PROCEDURAL ORDERS***

Effective: 09/04/02; Replaces 07/29/98

2-48 TOWING AND WRECKER SERVICES

POLICY:

Department policy is 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.

RULES:

2-48-1 WRITTEN REPORT
[7]

A report will be written whenever a vehicle is towed.

2-48-2 VEHICLES WILL BE TOWED WHEN
[7]

- A. The driver has been incapacitated, hospitalized, arrested, or when the vehicle cannot be released to a responsible party. Officers will not tow if the vehicle is parked at the driver's place of residence, or his/her registered address.

- B. The vehicle has been abandoned, vandalized, involved in an accident to the extent that it is inoperable, and/or is in violation of Section 8-5 or 7-5-3 of the City of Albuquerque Traffic Code and documented attempts to contact the owner have failed.

- C. The vehicle is needed for evidence processing in hit and run or other criminal investigations.

- D. Circumstances Permitting Summary Vehicle Impoundment or Relocation
 - 1. Any police officer may order the impoundment of any vehicle within the municipal corporate limits, without prior notice to the owner or operator of the vehicle, when a vehicle is being driven unsafely under state law due to one of the following:
 - a. Failure to have insurance on the vehicle as required under state law and as documented by one of the following:
 - 1) an admission by the driver or other occupant of the vehicle;
 - 2) confirmation through the New Mexico Department of Motor Vehicle records showing a prior citation for failure to have insurance within the last six months;
 - 3) confirmation by the citing officer that the insurance company that the driver claims covers the vehicle, does not in fact cover the vehicle.
 - b. Failure to have a driver's license as shown by the New Mexico Department of Motor Vehicle records; or

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- c. Driving when the driver's license has been suspended or revoked as shown by the New Mexico Department of Motor Vehicle records.
2. When towing under City Ordinance 8-5-2-4, the officer must write an Offense/Incident Report and shall articulate the manner used to confirm that the vehicle was not insured. If an officer cannot prove that the vehicle in question is not insured, the vehicle WILL NOT be towed.

2-48-3
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WHEN IT BECOMES NECESSARY TO TOW VEHICLES

- A. Requests for wrecker services will be restricted to the wrecker on call.
 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 may be required to obtain membership information for wrecker requests.
- B. Officers authorizing the towing of a vehicle will document the justification for the towing of the vehicle.
 1. Officers will fill out the Tow-In Report (PD-4012) and print the CAD number on the left hand margin and forward it to Records.
 2. In all cases when officers tow a vehicle, and the owner/responsible party cannot be contacted, officers will use the Towed Vehicle Notification form (PD-3061). The form must be forwarded to Records by the end of the shift.

Supervisors will ensure that all paperwork is completed and included in the next mail run.

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- C. Officers will inventory the property in the vehicle to be towed and list it on the Tow-In Report (PD-4012). The inventorying officer will list his/her name on the Tow-In Report. VIN numbers will be verified prior to the towing of any vehicle.
 1. Officers will inventory the entire vehicle, including the vehicle trunk, glove box, truck bed, truck boxes and all sealed and locked containers within, except:
 - a. when there is a large amount of containers to be searched which may monopolize the officer's time;
 - b. when it appears that attempts to access a locked container may cause damage to the container resulting in a significant liability to the City of Albuquerque.

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2-48-3 C.
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2. The ignition key will be left in the vehicle. All other keys will be removed and given to the owner or operator, or placed in their property if they are under arrest.

D. A copy of the tow-in report will be given to the owner operator or placed in their property if they are under arrest.

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E. Officers will make arrangements to ensure that the driver and other occupants are not left stranded. A relative, friend or a taxi may be called via Communications or by a supervisor with a Department-issued cell phone to have the subject(s) picked up. Should the subjects refuse the officers efforts of arranging transportation, the officer must indicate such information on their report.

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F. If a police hold is necessary, officers will obtain a supervisor's authorization before placing the hold.

2-48-4
[N/A]

TOWING VEHICLES AT ACCIDENT SCENES

Vehicles at accident scenes will be towed in accordance with subsection 2-48-2 or when the owner or operator requests a wrecker.

2-48-5
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VEHICLES TOWED FOR EVIDENTIARY PURPOSES

A. Shall be processed at the scene whenever practical.

B. Violent Crimes Investigations and/or incidents where vehicles will be sealed and towed include but are not limited to:

1. Homicide
2. Crimes Against Children
3. Sexual Assault
4. Armed Robbery
5. Vehicles Involved in Fatal Accidents, and/or
6. Any other occurrence deemed necessary by supervisory personnel.

C. Vehicles that require processing and cannot be processed at the scene will be sealed and towed to the Metropolitan Forensics Science Center (MFSC).

D. Procedures for Towing and Sealing of the Vehicle(s)

1. A Field Investigator (FI) or Field Evidence Technician (FET) will seal the vehicle.

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2. The FI or FET will follow the wrecker to the Metropolitan Forensic Science Center to allow access through the gates.
3. Unless inside storage necessary, vehicles are to be parked on the west side of the vehicle exam area, or on the east side of the garage doors.
 - Do not park the vehicle on the red access panel or behind the crime van.
4. The FI or FET will complete all information on the Vehicle Board located inside the garage before leaving.

E. Vehicle Processing Timeframe

1. Vehicles must be processed within 48-hours, excluding weekends.
 - a. If it is not, it will be towed to the original wrecker company's yard.
 - b. The Case Agent must contact a Criminalistics supervisor with the information.
2. Vehicles towed on a Friday must be processed by 1600 hours the following Tuesday.

F. Post Vehicle Evidentiary Processing

1. After processing, the original wrecker company will be contacted to tow the vehicle to their yard.
2. Arrangements to release the vehicle to the owner will not be made by APD personnel because towing charges need to be paid by the owner.

2-48-6 TOWING OF VICTIM/OFFENDER VEHICLE

A. When vehicles belonging to victims or crime suspects must be towed:

1. A police hold may be initiated on a tow-in form authorizing a hold for a maximum of 72 hours. If a vehicle is to be released prior to the 72 hour hold, a Notification of Evidence Vehicle Release form (PD-3064) must be presented to the towing service.
2. If the vehicle needs to be released from the hold due to exigent circumstances and the towing officer who placed the hold cannot be contacted to release the vehicle, the vehicle may be released by a supervisor from the towing officer's chain of command or a detective from the Auto Theft Unit.

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3. Vehicles with a police hold will not be released to anyone except a law enforcement agency, unless a completed Notification of Evidence Vehicle Release Form (PD-3064) is presented to the towing service. After 72 hours from the beginning of any hold, the vehicle will automatically be released.
- B. Vehicles on hold will be towed by the wrecker on call. The officer initiating the tow will request a field investigator to process the vehicle or to determine if Criminalistics should process the vehicle.
- C. Vehicles towed for evidence will be stored at the wrecking yard that tows the vehicle. If protection from elements is required the officer must advise the wrecker driver that inside storage is necessary.
- D. After a vehicle has been processed, the investigating officer will notify the owner of its release by:
 1. Personal Contact - The officer will complete two copies of the release form (PD-3064) and give one copy to the owner of the vehicle to present to the towing service. The second copy will be forwarded to Records.
 2. Telephone Contact - The officer will complete two copies of the release form (PD-3064) and deliver one copy to the towing service so as to authorize it to release the vehicle to the owner. The second copy will be forwarded to Records who will mail a photocopy to the address of the registered owner.
- E. For guidelines regarding vehicles subject to forfeiture proceedings under the Controlled Substances Act see subsection 2-37-2 of this manual.

2-48-7
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ABANDONED VEHICLES ON PUBLIC/CITY PROPERTY

- A. Prior to placing an abandoned vehicle sticker on the vehicle, the officer shall check for an Unattended Vehicle Permit. Citizens may obtain this permit from any of the area substations. This permit is valid for 15 days and allows citizens street storage for any vehicle which is operable and has a current license plate.
- B. The officer/P.S.A. will make a stolen vehicle inquiry and attempt to contact the owner.
- C. The officer/P.S.A. will determine if the vehicle is violating parking restrictions.

[N/A]

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- D. If the owner cannot be contacted or refuses to move the vehicle, officers will fill out an Abandoned Vehicle Notification Form (PD-3060) and place an abandoned vehicle sticker on the vehicle.
1. Abandoned Vehicle Notification forms will be forwarded to Records and then mailed to registered owners.
 2. If possible, the officer who prepared the abandoned vehicle sticker will be the same officer who orders the vehicle towed.
 3. After **seven** days from the issuance of the abandoned vehicle sticker, the vehicle may be towed unless notice is received from the City Hearing Officer that the owner contests the action. In that case, the vehicle will not be towed until the decision of the Hearing Officer.

2-48-8

ABANDONED VEHICLES ON PRIVATE PROPERTY

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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, or they are in violation of section 7-5 of the City of Albuquerque Traffic Code.

2-48-9

VEHICLES WITH ALTERED OR MUTILATED VIN NUMBERS

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Vehicles with altered, mutilated, or missing vehicle identification (V.I.N). numbers will be towed to the Gerald Cline Memorial Substation by the rotational wrecker on call.

- A. An evidence tag will not be used; however, it will be indicated on the "Tow-In" form that the vehicle I.D. number is either altered, mutilated or missing.
- B. Officers authorizing the towing will complete an offense report form by the end of the shift and place a copy in the Auto Theft Unit drop box located inside the Gerald Cline Memorial Substation for follow-up investigation. If the report cannot be completed by the end of shift, officers should contact the on-call Auto Theft Unit sergeant or detective to advise them of the impoundment.
- C. Failure to comply with this procedure will result in the appropriate Area Commander being contracted to take custody of the vehicle.

2-48-10

TOWING POLICE VEHICLES

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If a police vehicle is wrecked or disabled and the department wrecker is unavailable, the wrecker on contract to tow city vehicles will be requested through Communications.

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2-48-11 CANCELING WRECKERS
[N/A]

Officers have the discretion to cancel a wrecker if circumstances so dictate, for example, if the wrecker is not properly equipped for the job, or if the wrecker cannot arrive within thirty minutes.

2-48-12 TOWING VEHICLES FROM UNDEVELOPED AND VACANT LAND ALONG MAJOR THOROUGHFARES

- A. Any vehicle illegally displayed for sale on undeveloped and vacant land is in violation of City Ordinance Number 7-5-3. They may be towed no sooner than 24 hours after a warning sticker has been placed on the vehicle.
- B. After 24 hours, the officer will tow the vehicle and generate the following: Offense/Incident Report, Parking Citation using City Ordinance 7-5-3, a Tow-In Report (PD-4012), and Abandoned Vehicle Notification Form (PD-3060).
- C. If the owner of the vehicle has violated the prohibition against concealment; or removal of the license plate; and/or concealment of the vehicle identification number; or if within a three month period the vehicle has been cited three or more times for this offense, the vehicle may be towed immediately.