



## 2-48 TOWING AND WRECKER SERVICES

### 2-48-1 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.

### 2-48-2 Rules

#### [7] A. Written Report

A report will be written whenever a vehicle is towed.

#### B. Tow-in Report

1. All Tow-in forms will be completed on Tracs.

2. It will be printed by the officer, signed by the driver, and the driver's signature will be signed back into the Tracs form.

3. If an officer's printer does not work, or Tracs is down, the officer may complete the form on a paper tow-in form.

#### [7] C. Vehicles Will Be Towed When

1. 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.

2. The vehicle has been abandoned, vandalized, involved in an accident to the extent that it is inoperable, and/or is in violation of Section 8-5-2-4 or 7-5-3 of the City of Albuquerque Traffic Code and documented attempts to contact the owner have failed.

3. The vehicle is needed for evidence processing in **hit and run or other** a criminal investigation.

#### 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 by state law and as documented by one of the following:

i. An admission by the driver or another occupant of the vehicle;



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- ii. confirmation through the New Mexico Department of Motor Vehicle records showing a prior citation for failure to have insurance within the last six months;
        - ii. Confirmation is obtained by the citing officer that from the insurance company the driver claims claimed by the driver, that the claimed insurance 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
      - 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.
- [7] E. When It Becomes Necessary to Tow Vehicles
  1. Requests for wrecker services will be restricted to the wrecker on call.
    - a. Officers may allow the owner or operator to call a wrecker of choice based on response time and current traffic conditions. Officers will have sole discretion when to allow an owner's wrecker request.
  2. Officers authorizing the towing of a vehicle will document the justification for the towing of the vehicle in a police report and on the Tow-in form.
    - a. Officers will fill out complete the Tow-In Report (PD-4012) in TraCS and validate the form. print the CAD number on the form and forward it to Records.
    - b. In all cases when officers tow a vehicle, and the owner/responsible party cannot be contacted, officers will complete use the Towed Vehicle Notification form (PD-3061) In TraCS and validate the form. The form must be forwarded to Records by the end of the shift.
    - c. Officers will scan and email DWI related all paper Tow-In Reports (PD-4012) only to Records at apdcentralrecords@cabq.gov by the end of the shift.
      - i. Tow-ins completed on Tracs will not need to be scanned and emailed.
- [6] 3. 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 before the towing of any vehicle.
  - a. Officers will inventory the entire vehicle, including the vehicle trunk, glove box, truck bed, truck boxes and all sealed and locked containers within, except:
    - i. When there are many containers to be searched which may monopolize the officer's time;



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- ii. 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.
- b. 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.
- 4. A copy of the tow-in report will be given to the owner operator or placed in their property if they are under arrest.
- [6] 5. 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.
- 6. Officers shall not have vehicles towed to any substation. for later release to an owner or victim.
- [6] 7. If a police hold is necessary, officers will obtain a supervisor's authorization before placing the hold.
- [6] F. Vehicles Towed for Evidentiary Purposes
  - 1. Should be processed at the scene whenever practical.
  - 2. Vehicles that require processing and cannot be processed at the scene will be sealed and towed to the tow yard.
  - 3. Vehicles relating to homicides, robberies, or criminal sexual penetration shall be sealed and towed to the Metropolitan Forensics Science Center (MFSC).
  - 4. Any vehicle towed to the Crime Lab or Auto Theft Garage will be towed using the same wrecker company that towed it in when released.
- G. Towing of Victim/Offender Vehicle
  - 1. When vehicles, belonging to victims or crime suspects, must be towed a police hold may be initiated on a tow-in form authorizing a hold.
    - a. 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 before the 72-hour hold, a Notification of Evidence Vehicle Release form (PD- 3064) must be presented to the towing service.
    - b. 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,



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the vehicle may be released by a supervisor from the towing officer's chain of command or a detective from the Auto Theft Unit.

- c. 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.
2. Vehicles on hold will be towed by the wrecker on call. The officer initiating the tow will follow the towed vehicle to the wrecking yard and request a field investigator to process the vehicle or to determine if Criminalistics should process the vehicle.
  3. 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.
  4. After a vehicle has been processed, the investigating officer will notify the owner of its release and how to retrieve the vehicle by:
    - a. 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.
    - b. 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.

[7] H. Abandoned Vehicles on Public/City Property

1. Before 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 that is operable and has a current license plate.

1. The officer/PSA will make a stolen vehicle inquiry and attempt to contact the owner.

[N/A] 2. The officer/PSA will determine if the vehicle is violating parking restrictions.

3. If the owner cannot be contacted or refuses to move the vehicle, officers will fill out an Abandoned Vehicle Notification Form (PD-3060) in TraCS and place an abandoned vehicle sticker (Red Tag) on the vehicle.

a. Abandoned Vehicle Notification forms will be forwarded to Records and then mailed through the certified City's mailing system to registered owners.

b. If possible, the officer who prepared the abandoned vehicle sticker will be the same officer who orders the vehicle towed.



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c. 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.

[6] I. Abandoned Vehicles on Private Property

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.

J. Vehicles with Altered or Mutilated VIN Numbers

1. Vehicles with altered, mutilated, or missing vehicle identification numbers (VIN) will be towed to the designated auto theft storage facility 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 ID number is either altered, mutilated or missing and that the vehicle is going to the Auto Theft Garage and to which Auto Theft Detective was contacted.
  - b. Officers authorizing the towing will complete an offense report by the end of shift and email it to the on call auto theft detective. **for further investigation**
  - c. Officers will not tow a vehicle to the Auto Theft Garage without first notifying the on-call Auto Theft Detective.
  - d. Failure to comply with this procedure will result in the appropriate Area Commander being contacted.

[7] K. Towing Police Vehicles

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.

[N/A] L. Canceling Wreckers

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.

M. Towing Vehicles from Undeveloped and Vacant Land Along Major Thoroughfares

1. 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 **(Yellow Tag)** has been placed on the vehicle.



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2. 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 Towed Vehicle Notification from (PD-3061) in TraCS. Abandoned Vehicle Notification Form (PD-3060).
  - a. The Towed Vehicle Notification form will be mailed to through the certified City's mailing system to registered owners.
3. 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.

DRAFT

Submit

## Policy Recommendations to the Office of Policy Analysis

Date: 6/21/18

SOP: 2-48

Name of Submitting Department / Unit: Officer Julie Maycumber (Compliance)



In order to gain a clear understanding of the reason for the policy change, please answer the questions below with as much detail as possible as this information will be shared with internal and external stakeholders interested in participating in APD's policy development process.

RECOMMENDATION			
Issue	Overdue for review Needed to include special orders about completion of tow sheets. Some wordiness		
Recommendation	Will add in special orders  Update information on "Unattended Vehicle Permit" information.		
Recommendation made by	<input type="checkbox"/> Office of Policy Analysis	<input type="checkbox"/> Other stakeholder: J. Maycumber	
Supporting research, best practices, data trends, etc.	Special Order 18-09. No legal grounds for Towing a vehicle based on passed Citations. Remove "Unattended Vehicle Permit" Parking – No longer in use.		
Contact information:	Name: Officer Julie Maycumber	Phone: (505) 492-4610	E-mail: jmaycumber@cabq.gov

Please submit this form to [OPA@cabq.gov](mailto:OPA@cabq.gov)

If you need assistance completing this form, and for any questions or concerns please contact your SOP liaison @ [adgarcia@cabq.gov](mailto:adgarcia@cabq.gov).