



2-48 TOWING SERVICES

Related SOP(s), Form(s), Other Resource(s), and Rescinded Special Order(s):

A. Related SOP(s)

1-95 Metro Traffic Division (Formerly 6-3)

B. Form(s)

PD 4012 Tow-In Report

C. Other Resource(s)

NMSA 1978, § 66-3-507 Altered Vehicle Identification Numbers; Contraband
ROA 1994, § 7-5-3 Display and Sale of Motor Vehicles
ROA 1994, § 8-5-2-3 Abandoned and Inoperable Vehicles
ROA 1994, § 8-5-2-4 Circumstances Permitting Summary Vehicle Impoundment or Relocation

D. Rescinded Special Order(s)

None

2-48-1 Purpose

The purpose of this policy is to outline the procedures for towing a vehicle and towing services for Albuquerque Police Department (Department) personnel.

2-48-2 Policy

It is the policy of the Department to authorize the towing of vehicles as a matter of public safety, to protect property, to preserve evidence, and to remove abandoned vehicles from City of Albuquerque streets and property.

N/A 2-48-3 Definitions

None

7 2-48-4 Procedures

A. Summary Vehicle Impoundment or Relocation

1. Department personnel may order the impoundment of any vehicle within the municipal county limits, without prior notice to the owner or operator of the vehicle, when certain criteria are met, including, but not limited to:



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- a. The vehicle is being driven unsafely under the City's ordinances, consistent with ROA 1994, § 8-5-2-4;
 - b. The vehicle driver has been incapacitated, hospitalized, or arrested;
 - c. The vehicle cannot be released to a responsible party;
 - d. The vehicle has been abandoned, vandalized, or involved in a collision and damaged to the extent that it is inoperable;
 - e. The vehicle is in violation of the City of Albuquerque's Traffic Code and documented attempts to contact the owner have failed; or
 - f. The vehicle is needed for evidence processing in a criminal investigation.
2. When towing is authorized under § 8-5-2-4 of the City's ordinances, Department personnel shall complete a Uniform Incident Report.
 3. When a vehicle is towed for no insurance, sworn personnel shall articulate the manner used to confirm that the vehicle was not insured.
 4. Sworn personnel shall not have the vehicle towed if the vehicle is parked at the driver's place of residence or their registered address.
 - a. A vehicle that is parked on the street and is in violation of § 8-5-2-4 of the City's ordinances, sworn personnel may tow the vehicle from the registered owner's address.

B. General Procedures

1. When it becomes necessary to tow a vehicle, Department personnel shall:
 - a. Contact the Emergency Communications Center (ECC) to request for the on-call tow services using the on-call tow service rotation list only;
 - i. Personnel may allow the owner or vehicle operator to call a tow truck of their choice based on response time and current traffic conditions.
 - ii. Personnel shall have sole discretion when to allow an owner's tow request.
 - b. Document the justification for the towing of the vehicle in a Uniform Incident Report and on the Tow-in report unless the tow is at the owner's request;
 - i. Department personnel shall complete the Tow-In Report in TraCS and validate the form.
 - ii. The tow truck driver's signature shall be included on the Tow-in Report.
 - iii. In all cases when personnel have a vehicle towed, and the owner/responsible party cannot be contacted, Department personnel shall complete the Towed Vehicle Notification form in TraCS and validate the form.
 - iv. If the Department employee's printer does not work, or TraCS is down, complete the form on a paper Tow-In Report, which shall include the case and Computer-Aided Dispatch (CAD) number.
 - A. Department personnel shall scan and email paper Tow-In Reports to the Records Division at apdcentralrecords@cabq.gov by the end of their shift.



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- B. Department personnel do not need to scan and email completed Tow-In Reports on TraCS.
- c. Inventory the property in the vehicle to be towed and list it on the Tow-In Report. Department personnel who complete the inventory shall list their name on the Tow-In Report;
 - d. Inventory the entire vehicle, including the vehicle trunk, glove box, truck bed, truck boxes, and all sealed and locked containers within, except when:
 - i. There are many containers to be searched, which may monopolize an employee's time; or
 - ii. It appears that attempts to access a locked container may cause damage to the container resulting in a significant liability to the City.
 - e. When feasible, leave the ignition key in the vehicle. All other keys shall be removed and given to the owner/operator or placed in their property if they are under arrest.
 - f. Verify the Vehicle Identification Number (VIN) before the vehicle is towed;
 - g. Give a copy of the Tow-In Report to the owner/operator or place it in their property if they are under arrest;
 - h. Arrange to ensure that the driver and other occupants are not left stranded; and
 - i. A relative, friend, or a taxi may be called through ECC personnel or personnel with a Department-issued cell phone to have the individual(s) picked up.
 - ii. Department personnel shall indicate in their Uniform Incident Report whether the individual refuses their effort to arrange transportation.
 - i. Not have vehicles towed to a substation.

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2. When Department personnel have a vehicle towed for evidentiary purposes, they shall:
- a. Whenever practical, Request a Crime Scene Specialist (CSS) process the vehicle at the scene;
 - b. Request for a CSS to seal the vehicle for evidence and have it towed to the tow yard, if the vehicle requires processing and cannot be processed at the scene;
 - c. After the CSS seals the vehicle for evidence, have it towed to the Metropolitan Forensics Science Center (MFSC), if the vehicle is related to a homicide, robbery, or a case involving criminal sexual penetration; and
 - d. Request that the vehicle is removed by the same tow company that towed it to the MFSC or auto theft garage when a vehicle is released.

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3. Victim or Individual's Vehicle

- a. A police hold may be initiated on a Tow-In Report for certain circumstances, including, but not limited to:
 - i. Warrants; and
 - ii. VIN verifications.
- b. If the vehicle needs to be released from the hold due to exigent circumstances and the 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 officer's chain of command or an Auto Theft Unit Detective.

- c. Vehicles that have been placed on hold shall be towed by the on-call tow service. The officer initiating the tow shall request for a CSS to process the vehicle or to determine whether Criminalistics Investigations personnel should process the vehicle.
- d. Vehicles towed for a search warrant shall be stored at the tow yard that towed the vehicle. If protection from the elements is required, Department personnel shall advise the tow truck driver that inside storage is necessary.
- e. Vehicles that are on a police hold pending a search warrant shall be held for no longer than fourteen (14) days.
 - i. After the fourteen (14) days, the tow service is authorized to release the vehicle unless further accommodations are made for the hold to continue.
- f. When the tow-in is completed, Department personnel shall add to the notes section of the tow-in report which detective requested the tow and their contact information.
- g. After a vehicle has been processed, the investigating officer shall notify the owner and the towing company of its release and how to retrieve the vehicle by personal or telephone.

4. Department-Issued Vehicles

If a Department-issued vehicle is wrecked or disabled, the tow service on contract to tow City vehicles shall be requested through the ECC.

5. Towing Vehicles Illegally Displayed for Sale from Undeveloped and Vacant Land Along Major Thoroughfares

- a. Any vehicle illegally displayed for sale on undeveloped and vacant land is in violation of § 7-5-3 of the City's ordinances.
- b. They may be towed no sooner than twenty-four (24) hours after a warning sticker (yellow tag) has been placed on the vehicle.
- c. After twenty-four (24) hours, Department personnel may tow the vehicle and generate the following:
 - i. A Uniform Incident Report;
 - ii. Parking citation(s) as authorized under § 7-5-3 of the City's ordinances;
 - iii. A Tow-In Report; and
 - iv. A Towed Vehicle Notification form in TraCS.
- d. Department personnel shall mail the Towed Vehicle Notification form through the City's certified mailing system to registered owner(s).
- e. If the owner of the vehicle has violated the City ordinance against concealment, or removal of the license plate, and/or concealment of the vehicle identification number, or if within a three (3) month period the vehicle has been cited three (3) or more times for this offense, the vehicle may be towed immediately, consistent with § 8-5-2-3-1 of the City's ordinances.

N/A

6. Cancellation of Towing Services



Department personnel have the discretion to cancel a tow truck if circumstances so dictate, for certain situations, including, but not limited to, if the tow truck is not properly equipped for the job, or if the tow truck cannot arrive within thirty (30) minutes.

C. Abandoned Vehicles

1. City Property

- a. Before placing an abandoned vehicle sticker (red tag) on the vehicle, personnel shall check for an Unattended Vehicle Permit.
 - i. Community members may obtain this permit from any area substations.
 - ii. This permit is valid for fifteen (15) days and allows community members to store their vehicle on the street if it is operable and has a current license plate, consistent with § 8-5-2-3B of the City's ordinances.
- b. Department personnel shall determine whether the vehicle is violating any parking restrictions.
- c. Department personnel shall make a stolen vehicle inquiry and attempt to contact the vehicle owner.
- d. If the owner cannot be contacted or refuses to move the vehicle, Department personnel shall fill out an Abandoned Vehicle Notification Form in TraCS and place an abandoned vehicle sticker (red tag) on the vehicle.
 - i. Department personnel shall ensure that the Abandoned Vehicle Notification forms are mailed through the City's certified mailing system to registered owners.
 - ii. If possible, Department personnel who prepared the abandoned vehicle sticker shall be the same personnel who request for the vehicle to be towed.
 - iii. After seven (7) days from the issuance of the abandoned vehicle sticker, the vehicle may be towed, consistent with SOP Metro Traffic Division (refer to SOP Metro Traffic Division for sanction classifications and addition duties).
 - iv. The vehicle shall not be towed until notice is received from the City Hearing Officer that the owner contests the action.

N/A

N/A

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2. Private Property

Vehicles that have been abandoned on private property shall not be towed unless they are needed for evidentiary purposes involving a criminal offense, they are being confiscated subject to forfeiture proceedings, or they are in violation of § 7-5 of the City of Albuquerque Traffic Code.

D. Vehicles with an Altered or Mutilated Vehicle Identification Number (VIN)

- 1. Vehicles with an altered or mutilated VIN shall be towed to the designated auto theft storage facility by the on-call tow service.



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- a. An evidence tag shall not be used; however, the following shall be indicated on the Tow-In Form:
 - i. The VIN is either altered, mutilated, or missing;
 - ii. The vehicle is going to the auto theft garage; and
 - iii. The Auto Theft Unit Detective that was contacted.
- b. Department personnel who authorize the towing shall complete a Uniform Incident Report by the end of their shift and shall email it to the on-call Auto Theft Unit Detective. The officer shall list "NMSA 1978, § 66-3-507 Altered Vehicle Identification Numbers; Contraband" in the offense section of the Uniform Incident Report.
- c. Department personnel shall not tow a vehicle to the auto theft garage without first notifying the on-call Auto Theft Unit Detective.
- d. Department personnel shall take burned vehicles and vehicle shells with no VIN to the tow service's yard and shall not be taken to the Auto Theft Garage. Department personnel shall notify the on-call Auto Theft Unit Detective and notify them about which tow service towed the vehicle.
- e. Failure to comply with this procedure shall result in the appropriate Area Commander being contacted.

REDLINED



2-48 TOWING AND WRECKER SERVICES

Related SOP(s), Form(s), Other Resource(s), and Rescinded Special Order(s):

A. Related SOP(s)

1-95 Metro Traffic Division (Formerly 6-3)

B. Form(s)

- ~~PD 3060 Abandoned Vehicle Notification~~
- ~~PD 3062 Towed Vehicle Notification~~
- ~~PD 4012 Tow-In Report (Possibly in Mark 43)~~
- ~~City of Albuquerque Towed Vehicle Notification~~

C. Other Resource(s)

~~Albuquerque City Ordinances ROA 1994, § 8-5-2-3 Abandoned and Inoperable Vehicles~~

~~City of Albuquerque Traffic Code, §§ sections 7-5-3 and 8-5-2-4~~

~~Albuquerque City Ordinances, § 8-5-2-3 NMSA 1978, § 66-3-507 Altered Vehicle Identification Numbers; Contraband~~

ROA 1994, § 7-5-3 Display and Sale of Motor Vehicles

~~ROA 1994, §~~

ROA 1994, § 8-5-2-3 Abandoned and Inoperable Vehicles

ROA 1994, § 8-5-2-4 Circumstances Permitting Summary Vehicle Impoundment or Relocation

~~City of Albuquerque Traffic Code, §§ 7-5-3 and 8-5-2-4~~

D. Rescinded Special Order(s)

None

2-48-1 Purpose

~~The purpose of this Division/Section/Unit/Program/policy is to...policy is to provide guidance to outline the procedures for towing a vehicle and towing services for Albuquerque Police Department (Department) personnel on the procedures for towing a vehicle and wrecker towing services pProcedures.~~

2-48-2 Policy



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It is the policy of the ~~Albuquerque Police Department (Department)~~ to authorize the towing of vehicles as a matter of public safety, to protect property, to preserve evidence, and to remove abandoned vehicles from City of Albuquerque streets and property.

N/A ~~2-48-3~~ Definitions

None

7 ~~2-48-4~~ Procedures

~~Department Personnel shall:~~

~~A. Write Complete a An offense/incident Uniform Incident Report and tow in report shall be written whenever a vehicle is towed, unless the tow is at the owner's request.~~

7 ~~B. Contact the Emergency Communications Center (ECC) to have the on-call wrecker service sent to their location to Personnel ... shall may have a vehicle towed a Vehicles Shall Be T when the following criteria are met including, but not limited to:~~

~~The driver has been incapacitated, hospitalized, or arrested;~~

~~or when the vehicle cannot be released to a responsible party;~~

~~1. Officers Sworn personnel shall not tow if the vehicle is parked at the driver's place of residence, or their his/her registered address;~~

~~The vehicle has been abandoned, vandalized, or involved in an accident collision and damaged to the extent that it is inoperable; and/or is in~~

~~2. The vehicle 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; and/or~~

~~The vehicle is needed for evidence processing in a criminal investigation; and~~

~~Personnel shall Not have the vehicle towed if the vehicle is parked at the driver's place of residence, or their registered address;~~

~~3. A vehicle that parked on the street and is in violation of ROA 1994 § 8-5-2-4 and may still be towed from the registered owners address.~~

~~C.A. Circumstances Permitting Summary Vehicle Impoundment or Relocation~~

~~1. Any police officer Sworn Department personnel may order the impoundment of any vehicle within the municipal corporate county limits, without prior notice to the owner or operator of the vehicle, when a vehicle the following certain criteria are met, to includinge, but not limited to:~~

~~a. The vehicles is being driven unsafely under the City's ordinances State Law, consistent with ROA 1994, § 8-5-2-4 due to one of the following;~~



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- b. The vehicle driver has been incapacitated, hospitalized, or arrested;
- c. The vehicle cannot be released to a responsible party;
- d. The vehicle has been abandoned, vandalized, or involved in a collision and damaged to the extent that it is inoperable;
- e. The vehicle is in violation of the City ~~ROA 1994 § 8-5-2-4 or 7-5-3~~ of the City of Albuquerque's Traffic Code and documented attempts to contact the owner have failed; or
- f. The vehicle is needed for evidence processing in a criminal investigation.

~~1. Failure to have current insurance on the vehicle as required by State Law and as documented by one (1) of the following:~~

~~An admission by the driver or another occupant of the vehicle; or~~

~~ii. The citing officer confirms that action is obtained by the citing officer from the insurance company claimed by the driver, that the claimed insurance does not cover the vehicle.~~

~~b. The driver fails to have a valid driver's license as shown by the New Mexico Department of Motor Vehicle records; or Driving when the driver's license has been suspended or revoked as shown by the New Mexico Motor Vehicle Department of Motor Vehicle records.~~

2. When towing is authorized under City ordinance under City Ordinance ~~ROA 1994, § 8-5-2-4~~ of the City's ordinances, the officer/Department personnel shall write complete an ~~Offense/Uniform~~ Incident Report.

3. When a vehicle is towed for no insurance, and sworn personnel shall articulate the manner used to confirm that the vehicle was not insured.

4. Sworn personnel shall ~~not~~ have the vehicle towed if the vehicle is parked at the driver's place of residence, or their registered address.

~~A vehicle that is parked on the street and is in violation of ~~ROA 1994~~ City ordinance § 8-5-2-4 of the City's ordinances, sworn personnel may still be tow the vehicle~~ed from the registered owner's address.

~~2.a.~~

7 B. Towing Services General Procedures

General Procedures

1. When it becomes ~~N~~ necessary to ~~T~~ tow a ~~V~~ vehicle, Department personnel shall:

a. Contact the Emergency Communications Center (ECC) to ~~R~~ request for the on-call ~~wrecker~~ services using the on-call ~~wrecker~~ tow service rotation list only;



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- i. Personnel may allow the owner or vehicle operator to call a wrecker tow truck of their choice based on response time and current traffic conditions.
 - ii. Personnel shall have sole discretion when to allow an owner's wrecker tow request.
 - b. Document the justification for the towing of the vehicle in a Uniform Incident Report and on the Tow-in report unless the tow is at the owner's request;
 - i. Department Personnel shall complete the Tow-In Report in TraCS and validate the form.
 - ii. The wrecker tow truck driver's signature shall be included on the Tow-in Report.
 - iii. In all cases when personnel have a vehicle towed, and the owner/responsible party cannot be contacted, Department personnel shall complete the Towed Vehicle Notification form in TraCS and validate the form.
 - If the Department employee's personnel's printer does not work, or TraCS is down, personnel may complete the form on a paper Tow-In Report, which shall include:
 - iv. The case and Computer-Aided Dispatch (CAD) number on the form; and
 - Department personnel shall forward it to the Records Division.
 - A. Personnel shall scan and email paper Tow-In Reports to the Records Division at apdcentralrecords@cabq.gov by the end of their shift.
 - A. Department Personnel do not need to scan and email completed Tow-In Reports on TraCS.
- 6 —Inventory the property in the vehicle to be towed and list it on the Tow-In Report. Department Personnel who completing the inventory shall list their name on the Tow-In Report;
- c. Personnel shall
- d. Personnel shall inventory the entire vehicle, including the vehicle trunk, glove box, truck bed, truck boxes, and all sealed and locked containers within, except when:
 - i. There are many containers to be searched, which may monopolize an employee's personnel's time; or
 - ii. 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.
- When feasible, leave the ignition key shall be left in the vehicle. All other keys shall be removed and given to the owner/operator or placed in their property if they are under arrest.
- e. Verify the Vehicle Identification Numbers (VIN) before any the vehicle is towed;
- f. Give a copy of the Tow-In Report to the owner/operator or place it in their property if they are under arrest;
- 6 g. Arrange to ensure that the driver and other occupants are not left stranded; and
- h.



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- i. A relative, friend, or a taxi may be called via through Emergency Communications Center (ECC) personnel or personnel with a Department-issued cell phone to have the subject individual(s) picked up.
Department personnel shall indicate in their Uniform Incident Report whether the individual refuses their effort to arrange transportation.
- ii. Not have vehicles towed to a substation.

2. When Department personnel have a vehicle towed for evidentiary purposes, they shall:

- a. Whenever practical, Request a Crime Scene Specialist (CSS) process the vehicles at the scene, whenever practical;
- b. Request for a CSS to seal the vehicle for evidence and have the it towed to the tow yard, if the vehicle requires processing and cannot be processed at the scene;
- c. After the CSS seals the vehicle for evidence, Request a CSS seal the vehicle for evidence and have it towed to the Metropolitan Forensics Science Center (MFSC), if the vehicle is related to a homicides, robberies, or a case involving criminal sexual penetration; and
- d. Request that the vehicle is removed by the same wrecker tow company that towed it to the MFSC or Auto Theft garage when a vehicle is released.

3. Victim or Individual's Vehicle

- a. A police hold may be initiated on a Tow-In Report for certain. Some circumstances, for a hold may include, but are not limited to:
 - i. Warrants; and
 - ii. VIN verifications.
- 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, the vehicle may be released by a supervisor from the towing officer's chain of command or an Auto Theft Unit Detective from the Auto Theft Unit.
- c. Vehicles on that have been placed on hold shall be towed by the on-call wrecker tow service. The officer initiating the tow shall request for a field investigator CSS to process the vehicle or to determine if whether the Criminalistics Section Investigations personnel should process the vehicle.
- d. Vehicles towed for a search warrant shall be stored at the tow yard that towed the vehicle. If protection from the elements is required, Department personnel shall advise the wrecker tow truck driver that inside storage is necessary.
- e. Vehicles that are on a police hold pending a search warrant shall be held for no longer than fourteen (14) days.
 - i. After the fourteen (14) days, the wrecker tow service is authorized to release the vehicle unless further accommodations are made for the hold to continue.



~~f. When the tow-in is completed, the writer~~ Department personnel shall add to the notes section of the tow-in report which detective requested the tow and their contact information.

~~After a vehicle has been processed, the investigating officer shall notify the owner and the wrecking towing company of its release and how to retrieve the vehicle by :~~

~~Personal or telephone. Contact; or~~

~~g. Telephone Contact~~

4. Department-Issued Vehicles

If a Department-issued vehicle is wrecked or disabled, the tow service on contract to tow City vehicles shall be requested through the ECC.

~~4.5.~~ Towing Vehicles Illegally Displayed for Sale from Undeveloped and Vacant Land Along Major Thoroughfares

~~Any vehicle illegally displayed for sale on undeveloped and vacant land is in violation of the City's ordinance, ROA 1994, § 7-5-3 of the City's ordinances.~~

~~a.~~

~~They may be towed no sooner than twenty-four (24) hours after a warning sticker (Yellow Ttag) has been placed on the vehicle.~~

~~b.~~

~~After twenty-four (24) hours, Department personnel may tow the vehicle and generate the following:~~

~~c.~~

~~i. A Uniform Incident Report;~~

~~ii. Parking Citation(s) as authorized under using ROA 1994, § 7-5-3 of the City's ordinances;~~

~~iii. A Tow-In Report; and~~

~~iv. A Towed Vehicle Notification form in TraCS.~~

~~Department personnel shall mail the Towed Vehicle Notification form shall be mailed through the certified City's certified mailing system to registered owner(s).~~

~~d.~~

~~e. If the owner of the vehicle has violated the City ordinance against concealment, or removal of the license plate, and/or concealment of the vehicle identification number, or if within a three (3) month period the vehicle has been cited three (3) or more times for this offense, the vehicle may be towed immediately, consistent with City Ordinance § 8-5-2-3-1 of the City's ordinances.~~

FN

6. Cancellation of Towing Services

Department Personnel personnel have the discretion to cancel a wrecker-tow truck if circumstances so dictate, for examples for certain situations, including, but are not limited to, if the wrecker-tow truck is not properly equipped for the job, or if the wrecker-tow truck cannot arrive within thirty (30)-minutes.



C. Abandoned Vehicles

1. ~~Public~~/City Property

~~—~~ Before placing an abandoned vehicle sticker (red tag) on the vehicle, personnel shall check for an Unattended Vehicle Permit.

a.

i. Community members may obtain this permit from any area substations.

ii. This permit is valid for fifteen (15) days and allows community members to store their vehicle on the street ~~storage for any vehicle that~~ if it is operable and has a current license plate, consistent with ~~ROA 1994, § 8-5-2-3B~~ of the City's ordinances.

N/A

b. Department ~~P~~ personnel shall determine if whether the vehicle is violating any parking restrictions.

c. Department ~~P~~ personnel shall make a stolen vehicle inquiry and attempt to contact the vehicle owner.

d. If the owner cannot be contacted or refuses to move the vehicle, Department personnel shall fill out an Abandoned Vehicle Notification Form in TraCS and place an abandoned vehicle sticker (~~R~~ ~~red T~~ tag) on the vehicle.

i. Department ~~P~~ personnel shall ensure that the Abandoned Vehicle Notification forms ~~shall be~~ are mailed through the ~~certified~~ City's certified mailing system to registered owners.

N/A

ii. If possible, Department personnel who prepared the abandoned vehicle sticker shall be the same personnel who ~~order~~ request for ~~s~~ the vehicle to be towed.

iii. After seven (7) days from the issuance of the ~~red tag~~ abandoned vehicle sticker, the vehicle may be towed ~~conducted~~, consistent ~~in accordance~~ with SOP Metro Traffic Division (refer to SOP Metro Traffic Division for sanction classifications and addition duties).

iv. The vehicle shall not be towed until ~~Unless~~ notice is received from the City Hearing Officer that the owner contests the action. ~~In that case, the vehicle shall not be towed until the decision of the Hearing Officer.~~

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2. Private Property

Vehicles that have been abandoned on private property shall 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.

~~—~~ Abandoned Vehicles

Public or City Property

Private Property



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D. Vehicles ~~With~~ with an Altered or Mutilated Vehicle Identification Number (VIN)

1. Vehicles with an ~~A~~ altered or ~~M~~ mutilated VIN shall be towed to the designated ~~A~~ auto ~~T~~ theft storage facility by the on-call ~~wrecker~~ tow service.

 - a. An evidence tag shall not be used; however, the following shall be indicated on the Tow-In Form:
 - i. The VIN is either altered, mutilated, or missing;
 - ii. The vehicle is going to the ~~A~~ auto ~~T~~ theft ~~G~~ garage; and
 - iii. The ~~Which~~ Auto Theft Unit ~~a~~ Detective that was contacted.
 - b. Department ~~P~~ personnel who authorizing the towing shall complete a Uniform Incident Report by the end of their shift and shall email it to the on-call Auto Theft Unit ~~a~~ Detective. The officer shall list "NMSA 1978, § 66-3-507 Altered ~~V~~ Vehicle ~~I~~ Identification ~~n~~ Numbers; ~~e~~ Contraband" in the offense section of the Uniform Incident Report.
 - c. Department ~~P~~ personnel shall not tow a vehicle to the ~~A~~ auto ~~T~~ theft ~~G~~ garage without first notifying the on-call Auto Theft Unit Detective.
 - d. Department personnel shall take ~~B~~ burned vehicles and vehicle shells with no VIN ~~shall be taken~~ to the ~~wrecker~~ tow service's yard and shall not be taken to the Auto Theft Garage. Department ~~P~~ personnel shall ~~still~~ notify the on-call ~~a~~ Auto ~~T~~ Theft Unit ~~a~~ Detective and notify them about which ~~wrecker~~ tow service towed the vehicle.
 - e. Failure to comply with this procedure shall result in the appropriate Area Commander being contacted.

- ~~When Department personnel request to have a vehicles towed they shall:~~
- ~~Complete a Uniform Incident Report and tow-in report whenever a vehicle is towed, unless the tow is at the owner's request.~~
- ~~Contact the Emergency Communications Center (ECC) to have the on-call wrecker service sent to their location to tow the vehicle when the following criteria are met, to include, but not limited to:~~
 - ~~The vehicle driver has been incapacitated, hospitalized, or arrested;~~
 - ~~The vehicle cannot be released to a responsible party;~~
 - ~~The vehicle has been abandoned, vandalized, or involved in a collision and damaged to the extent that it is inoperable;~~
 - ~~The vehicle is in violation of ROA 1994 § 8-5-2-4 or 7-5-3 of the City of Albuquerque Traffic Code and documented attempts to contact the owner have failed; or~~
 - ~~The vehicle is needed for evidence processing in a criminal investigation.~~
- 1. Not have the vehicle towed if the vehicle is parked at the driver's place of residence, or their registered address.



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~~a. A vehicle that is parked on the street and is in violation of ROA 1994 § 8-5-2-4 may still be towed from the registered owners address.~~

~~D. When it is becomes It Becomes Necessary to Tow a Vehicles, Department personnel shall:~~

~~1. Requests for wrecker services using the shall be restricted to the on-call wrecker rotation list only on call.;~~

~~— Officers Sworn P personnel may allow the owner or vehicle operator to call a wrecker of their choice based on response time and current traffic conditions.~~

~~a. Officers P Sworn personnel shall have sole discretion when to allow an owner's wrecker request.~~

~~2. Officers P Sworn personnel authorizing the towing of a vehicle shall d Document the justification for the towing of the vehicle in a police report Uniform Incident Report and on the Tow in form report.;~~

~~a. Officers P Sworn personnel shall complete the Tow In Report in TraCS and validate the form.~~

~~b. The wrecker driver's signature shall be included on the Tow in Report form.~~

~~c. In all cases when officers sworn personnel have a vehicle towed a vehicle, and the owner/responsible party cannot be contacted, officers sworn personnel shall complete the Towed Vehicle Notification form in TraCS and validate the form.~~

~~— If an officer's personnel's printer does not work, or TraCS TraCS is down, the officer personnel r may complete the form on a paper T tow in form report which shall include:~~

~~— T the e Case and Computer Aided Dispatch (CAD) number on the form; and~~

~~d. F and forward it to the Records Division.~~

~~e. Officers P Sworn personnel shall scan and email all paper Tow In Reports only to the Records Division at apdcentralrecords@cabq.gov by the end of the shift.~~

~~i. P Sworn personnel do not need to scan and email completed T tow in Report Report completed on TraCS shall not need to be scanned and emailed.~~

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~~— Officers P Sworn personnel shall i inventory the property in the vehicle to be towed and list it on the Tow In Report. The inventorying officer Personnel completing the inventory shall list his/her their name on the Tow In Report. ;~~

~~3. Vehicle Identification Numbers numbers shall be verified before the towing of any vehicle.~~

~~a. Officers P Sworn personnel shall inventory the entire vehicle, including the vehicle trunk, glove box, truck bed, truck boxes, and all sealed and locked containers within, except when:~~

~~i. When t There are many containers to be searched which may monopolize the officer's personnel's time; or~~



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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.~~

~~The ignition key shall be left in the vehicle. All other keys shall be removed and given to the owner or operator, or placed in their property if they are under arrest.~~

~~Verify the Vehicle Identification Numbers (VIN) shall be verified before any vehicle is towed.~~

~~b.~~

~~4. A copy of the tow in report shall be given to the owner/operator or placed in their property if they are under arrest.~~

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~~Officers/ Sworn personnel shall make arrangements to ensure that the driver and other occupants are not left stranded; and~~

~~A relative, friend, or a taxi may be called via Emergency Communications Center (ECC) personnel or personnel by a supervisor with a Department issued cell phone to have the subject(s) picked up.~~

~~5. Sworn personnel shall indicate in their Uniform Incident Report whether the individual refuses the officers their efforts of arranging transportation, the officer shall indicate such information on their report.~~

~~6. Officers/ Sworn personnel shall not have vehicles towed to any substation.~~

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~~E. When Department personnel have a vehicle towed for evidentiary purposes they shall be:~~

~~1. Request a Crime Scene Specialist (CSS) The vehicle should be processed at the scene whenever practical.~~

~~2. Request a CSS Vehicles that require processing and cannot be processed at the scene shall be sealed for evidence and have it towed to the tow yard, if the vehicle requires processing and cannot be processed at the scene.~~

~~Request a CSS seal the vehicle for evidence and have it towed to the Vehicles relating to homicides, robberies, or criminal sexual penetration shall be sealed and towed to the Metropolitan Forensics Science Center (MFSC), if the vehicle is related to homicides, robberies, or criminal sexual penetration; and~~

~~3.~~

~~Request that the vehicle is removed by the same wrecker company that towed it to the MFSC or Auto Theft garage in, when a vehicle is released from the MFSC or Auto Theft garage the same wrecker company that towed it in shall be called to removed it.~~



~~Any vehicle towed to the Criminalistics Laboratory or Auto Theft Garage shall be towed using the same wrecker company that towed it in when released.~~

~~F. When Towing of Victim/Offender's Vehicle~~

~~1. When vehicles, belonging to victims or suspects, shall be towed, a police hold may be initiated on a Tow-In form report authorizing a hold. Some circumstances for a hold may include, but are not limited to:~~

- ~~a. Warrants; and~~
- ~~— VIN verification;~~
- ~~b. ; and~~

~~c. 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.~~

~~2. Vehicles on hold shall be towed by the on-call wrecker on call. The officer initiating the tow shall request a field investigator to process the vehicle or to determine if the Criminalistics Section should process the vehicle.~~

~~— Vehicles towed for a search warrant evidence shall be stored at the wrecking tow yard that tows the vehicle. If protection from elements is required, personnel the officer shall advise the wrecker driver that inside storage is necessary.~~

~~— Vehicles that are on a police hold pending a search warrant shall be held for no longer than fourteen (14) days.~~

~~— After the fourteen (14) days the wrecker service is authorized to release the vehicle unless further accommodations are made for the hold to continue.~~

~~3. When the tow in is completed the writer shall add to the notes section of the tow in report which detective requested the tow and their contact information.~~

~~— After a vehicle has been processed, the investigating officer shall notify the owner and the wrecker company of its release and how to retrieve the vehicle by:~~

- ~~a. Personal Contact; or~~
- ~~b. Telephone Contact~~

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~~G. Abandoned Vehicles on Public/City Property~~

~~— Before placing an abandoned vehicle sticker (red tag) on the vehicle, the officer personnel shall check for an Unattended Vehicle Permit.~~



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~~Community members~~Citizens may obtain this permit from any of the area substations.

~~This permit is valid for fifteen (15) days and allows citizens~~community members street storage for any vehicle that is operable and has a current license plate, consistent with. See City Ordinance ROA 1994, § 8-5-2-3B.

~~Personnel shall determine if the vehicle is violating any parking restrictions.~~

N/A

~~1. The officer/Police Service Aide (PSA)Personnel shall make a stolen vehicle inquiry and attempt to contact the vehicle owner.~~

~~2. The officer/PSA shall determine if the vehicle is violating parking restrictions.~~

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

~~a. The officer/PSAPersonnel shall ensure that the Abandoned Vehicle Notification forms shall be mailed through the certified City's mailing system to registered owners.~~

~~b. If possible, the officerpersonnel who prepared the abandoned vehicle sticker shall be the same officer personnel who orders the vehicle towed.~~

N/A

~~After seven (7) days from the issuance of the abandoned vehicle stickerred tag, the vehicle may be towed conducted in accordance with SOP Metro Traffic Division (refer to SOP Metro Traffic Division for sanction classification and addition duties).~~

~~c. Unless notice is received from the City Hearing Officer that the owner contests the action. In that case, the vehicle shall not be towed until the decision of the Hearing Officer.~~

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~~H. Abandoned Vehicles on Private Property~~

~~Vehicles abandoned on private property shall 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.~~

~~H. Vehicles with an Altered or Mutilated VIN NumbersVIN shall be:~~

~~1. Vehicles with altered, mutilated, or missing vehicle identification numbers (VIN) shall be towed to the designated Auto Theft storage facility by the rotational on-call wrecker on call.~~

~~An evidence tag shall not be used; however, the following it shall be indicated on the "Tow-In Form":
That The vehicle ID numberVIN is either altered, mutilated, or missing; and
That The vehicle is going to the Auto Theft Garage; and~~



- ~~a. _____ and to which Auto Theft Detective was contacted.~~
- ~~b. _____ Officers/ Sworn personnel authorizing the towing shall complete a an offense Uniform Incident Report by the end of their shift and email it to the on-call Auto Theft detective. The officer shall list NMSA §66-3-507 Altered vehicle identification numbers; contraband (Altered or mutilated VIN statute) in the offense section of the Uniform Incident Report.~~
- ~~c. _____ Officers/ Sworn personnel shall not tow a vehicle to the Auto Theft Garage without first notifying the on-call Auto Theft Detective.~~
- ~~d. _____ Burned vehicles and vehicle shells with no VIN shall be taken to the wrecker's yard and shall not be taken to the Auto Theft Garage. Personnel shall still notify the on-call auto theft detective and notify them which wrecker service towed the vehicle.~~
- ~~e. _____ Failure to comply with this procedure shall result in the appropriate Area Commander being contacted.~~

7 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 shall be requested through the Emergency Communications Center.~~

~~K. _____ Canceling Wreckers~~

~~Officers/ Sworn personnel 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.
ECC.~~

~~K. Towing Vehicles from Undeveloped and Vacant Land Along Major Thoroughfares~~

~~Any vehicle illegally displayed for sale on undeveloped and vacant land is in violation of City Ordinance Number ROA 1994, § 7-5-3.~~

~~1. They may be towed no sooner than twenty-four (24) hours after a warning sticker (Yellow Tag) has been placed on the vehicle.~~

~~After twenty-four (24) hours, the officer/personnel may shall tow the vehicle and generate the following:~~

- ~~Offense/Incident Report/ A Uniform Incident Report;~~
- ~~, Parking Citation(s) using City Ordinance ROA 1994, § 7-5-3;~~
- ~~, a A Tow In Report; and~~
- ~~2. , and A Towed Vehicle Notification form in TraCS.~~

~~a. _____ The Towed Vehicle Notification form shall be mailed through the certified City's mailing system to registered owner(s).~~

~~If the owner of the vehicle has violated the prohibition City ordinance against concealment; or removal of the license plate; and/or concealment of the vehicle identification number; or if within a three (3) month period the vehicle has been cited three (3) or more times for this offense, the vehicle may be towed immediately Consistent with City Ordinance § 8-5-2-3-1.~~



~~FN~~

~~Canceling Wreckers~~

~~Personnel have the discretion to cancel a wrecker if circumstances so dictate, for examples include, but are not limited to, if the wrecker is not properly equipped for the job, or if the wrecker cannot arrive within thirty (30) minutes.~~

~~‡~~

REDLINED