



CITY OF PORTLAND, OREGON



Bureau of Police

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EXECUTIVE ORDER

DATE: July 11, 2008

TO: All Members

RE: 630.60 Vehicle Disposition

ACTION: This directive has been extensively revised. The entire directive is included in this Executive Order for your review.

Under **Towing Scene Responsibilities**, language has been added concerning asking occupants to identify small or valuable items for the property receipt.

Under **Driving Uninsured Tows**, the amount of the assessment fee has been deleted.

The **Impoundment of Vehicles** section has been extensively revised.

630.60 VEHICLE DISPOSITION

Index: Title; Alarms, Towing for Car; Autos, Abandoned; Fingerprinting Vehicles; Holds, Vehicle; Insurance, Towing for no Auto; Towing Company Contract Violations; Towing Procedures; Tows, City; Vehicle, Abandoned; Vehicle, Fingerprint Examination; Vehicle, Recovered; Vehicle, Release; Vehicle, Towing

Refer: ORS 806.090 Bond

ORS 806.115 Methods of Satisfying Deposit Requirements

ORS 806.130 Self-Insurance

City Code 14C.10 Police Duties to Inventory Property

City Code 16.04.020 Car Alarms

City Code 16.30 Towing and Disposition of Vehicles

DIR 630.31 Assisting Motorists

DIR 630.61 Stolen Vehicles

Abandoned Auto Officer Intake Form (Records)

PROCEDURE (630.60)

Towing Without Prior Notice Being Mailed to the Registered Owner

Members may tow a vehicle without prior notice being mailed to the registered owner when one or more of the following conditions exist:

- a. Vehicle is impeding, or is likely to impede, the normal flow of vehicular or pedestrian traffic.
- b. Vehicle is illegally parked in a conspicuously posted restricted space, zone or traffic lane where parking is limited to designated classes of vehicles or is prohibited during certain hours, on designated days, or at any time and where the vehicle is interfering or likely to interfere with the intended use of such a space, zone or traffic lane.
- c. Vehicle poses an immediate danger to the public safety, other than abandoned (see Abandoned Vehicle Tows section).
- d. Member reasonably believes the vehicle is stolen. The VIN inspector/or designee and precinct detectives will be notified, and a temporary hold will be placed on the vehicle through Auto Records. Members must detail the reason(s) for believing the vehicle is stolen in their report.
- e. Towing is reasonably necessary to obtain or preserve evidence and:
 1. It is immediately apparent to the member that the vehicle itself may be evidence of a crime, contraband, or otherwise subject to seizure.
 2. The member has probable cause to believe that the vehicle contains evidence of a crime, contraband, or an item otherwise subject to seizure and exigent circumstances exist which makes it reasonably necessary to tow the vehicle to preserve the item(s) or to protect them from interference. Following such a tow, a search warrant must be obtained prior to entering the vehicle, unless exigent circumstances require immediate entry.
- f. The vehicle was in the possession of a person taken into custody by a law enforcement officer and no other reasonable manner of securing the vehicle is available.
- g. Except as provided in section h, a vehicle shall be towed when:
 1. Driver has been cited/arrested for a felony traffic offense.
 2. Driver has been arrested for DUII under ORS 813.010.
 3. Driver has been cited/arrested for Driving While Suspended/Revoked under ORS 811.175.
 4. Driver has been cited for Driving Uninsured under ORS 806.010 (See section titled Driving Uninsured Tows).
 5. Driver has been cited for Operating Vehicle Without Driving Privileges (No Operators License) under ORS 807.010, and the officer reasonably believes that the operator's license has been expired for 60 days or more, or that the operator has not had a valid driver's license within the previous 60 days (City Code 16.30.220k3) or a driver's privileges have been suspended/revoked in another state and the driver does not have a valid Oregon license. Failing to display a valid license shall not be authorization to tow unless a definite status can be established that fits the above criteria or the vehicle must be towed as prisoner's property.
 6. Driver has been cited for Speed Racing under ORS 811.125.
 7. Driver has been cited for Attempting to Elude a Police Officer under ORS 811.540.
 8. Driver has been cited for Reckless Driving under ORS 811.140.
 9. Member confirmed a warrant for the vehicle over the service talk group.
 10. Member reasonably believes that a car alarm disturbs, or is likely to disturb, any person per City Ordinance 16.30.220i.
- h. Unless there is a need to protect the vehicle or avoid a hazard to other drivers, a vehicle should not be towed when:

1. Vehicle is lawfully parked, the driver is arrested and the driver or owner consents to allow the vehicle to be locked and remain where it is reasonably safe to do so.
 2. Driver is arrested and driver or owner consents to allow a passenger in the vehicle to lawfully continue to drive the vehicle.
 3. Driver is cited for driving while suspended or without a license if a passenger in the vehicle could lawfully continue to drive the vehicle.
 4. There would be an undue hardship or risk for the occupants (i.e., young child or disabled person in the vehicle).
- i. Member ordering the tow shall ensure that the driver or other person cited receives the Notice of Impoundment Towing.

Towing With Prior Notice Being Mailed to the Registered Owner (630.60)

Before a vehicle may be towed, prior notice must be mailed to the registered owner in any circumstances involving the violation of a temporary or permanent parking restriction where there is no reasonable need to immediately tow the vehicle (expired meter, in lieu of garage charges, etc.).

Towing Scene Responsibilities (630.60)

Members will wait at the scene for the tow operator to arrive in all situations except parking violations and private tows. The tow companies do not have to complete the tow if a member is not present. Tow companies must appear at the scene within 30 minutes from the time the tow was ordered or they are in violation of the contract, and an alternate company may be called. To register a complaint for late arrival, or any other reason, members should direct a memo or Special Report to the Records Division (Records). On all tows for parking violations, members will write the word TOW in large letters on the face of the parking tag to notify the tow driver that the vehicle is to be towed.

If a reasonable suspicion exists that a vehicle may be stolen, the member will check the vehicle license and VIN for stolen. If the VIN is damaged, or there are any questions as to the stolen status, place a temporary hold for the precinct detectives or the VIN inspector/or designee. Members shall notify VIN inspector of the temporary hold.

Members should ensure that the tow truck arriving on the scene of the request is from the company dispatched for the tow. Except where immediate action is required to protect life or property, members should not allow other tow companies to service the call or stop at the scene to solicit business. Any such attempts to jump the tow call should be noted in the Investigation Report or in a Supplemental Report. If no report is written, an inter-office memorandum describing the circumstances should be written with a copy directed to the Towing Review Board c/o Records.

It is not permissible to allow subjects to remove parts from the vehicle prior to towing. In general, this will include any item that is connected (bolted, screwed, snapped into place or otherwise attached, and includes radios and sound equipment fitted to the vehicle). Personal items (i.e., iPods, cell phones or other valuables) and papers may be removed by the owner prior to towing.

The vehicle must be inventoried by the member prior to the tow pursuant to City Code 14C.10, Police Duties to Inventory Property and this directive, unless evidence could be destroyed in the

process. After the evidence has been secured, the assigned investigator will immediately conduct the inventory.

Members will advise citizens requesting release information to contact Auto Records regarding release procedures. Members will advise citizens requesting hearing information on appealing the validity of a tow to contact the Tow Hearing Officer. Citizen complaints regarding individual tow companies should be directed to the Towing Coordinator.

Members will not contact tow companies directly. All tows are to be requested on the BOEC service talk group or via MDC. Exception: Pre-arranged missions that have been coordinated with Records.

Members requesting tows must provide the dispatcher with the following vehicle information:

- a. Specific charge(s) and all reasons for the tow.
- b. License or VIN number.
- c. Make of the vehicle.
- d. Location of the vehicle.
- e. Hold information (type of hold, detail, etc. when applicable).

Reporting Procedures (630.60)

Members will complete the vehicle and person section of the Investigative or Custody Report for applicable Traffic Crimes (DUII, Speed Racing, Attempt to Elude, Reckless Driving), and a Traffic Violation Tow Report (tows for Driving While Suspended, Operating Vehicle Without Driving Privileges, and Driving Uninsured) whenever a police action results in vehicles being towed, whether due to private party or member request.

All reports completed for a tow will contain all pertinent information as to the reason the vehicle was towed. The name, address, and date of birth of the driver and other parties claiming an interest in the vehicle should be listed in the report. Members shall note in the narrative section of their report that an inventory was completed on all police ordered tows and include in the narrative a list of valuable property identified or seized. Members will ask occupants if there are small or valuable items (i.e., iPods, cell phones or other valuables) the occupants want noted on the property receipt. If property is seized, a Property Receipt will be used.

If the member reasonably believes the vehicle is stolen, a temporary hold will be placed for precinct detectives and the VIN inspector/or designee. Members shall notify the VIN inspector of the temporary hold. A detailed listing of the criteria supporting the reasonable belief must be included in the report. In those cases where a supervisor approves an exception to the possible stolen criteria, the supervisor's name authorizing the exception will be noted in the report.

Abandoned Vehicle Tows (630.60)

There are two ways to report an abandoned vehicle. Under no circumstances will a member tow for abandoned.

- a. Routine Towing: For abandoned vehicles that do not constitute an immediate and serious public health or safety hazard (including oversized vehicles such as boats, motor homes, trailers, etc.). A uniform member shall use one of the following methods to forward the information on the abandoned vehicle to the Parking Enforcement Division:
 1. Telephone the 24-hour Abandoned Vehicle Hotline (refer to the Problem Solving Resource Guide for the number).
 2. Fax a completed Abandoned Auto Intake Form to the Abandoned Auto Coordinator.
 - a) Abandoned Auto Intake Forms will be distributed to each precinct.

- b) Any questions you may have regarding the Abandoned Vehicle Program may be directed to the Abandoned Auto Coordinator (refer to the Problem Solving Resource Guide for the number).
- b. 24-Hour Towing: For abandoned vehicles that are an immediate public health or safety hazard or constitute an attractive nuisance (does not mean ugly vehicle), the uniform member will:
 - 1. Complete the Abandoned Vehicle Intake form (do not chalk the tires).
 - 2. Write 24-Hour Tow at the bottom, Not Warned on the date line.
 - 3. List the specific hazardous conditions the vehicle is being towed for in the comments section (required to comply with code).
 - 4. Fax the completed form to the Parking Patrol Division within 24 hours.
 - 5. Do not place a warning tag on vehicle.
 - 6. It is not necessary to issue a parking citation. Abandoned vehicles handled in this manner can be removed by the Parking Patrol Division within two to three days if the inspector determines that the vehicle is hazardous.

Driving Uninsured Tows (630.60)

A member shall tow a vehicle when the member reasonably believes that the vehicle's operator has no insurance and cites the operator for Driving Uninsured (ORS 806.010). Proof of insurance can be established by showing one of the following:

- a. A current insurance policy or binder covering the driver, registered owner, or vehicle.
- b. A card from an insurance company verifying the issuance validity and current status of a policy (i.e., issue date, expiration date and VIN).
- c. Insurance company letter verifying current coverage per OAR 735-050-0120.
- d. Certificate of self-insurance issued by DMV.
- e. Copy of fleet insurance on rental vehicles and company vehicles.

Any time a member issues a citation for Driving Uninsured, they will tow the vehicle, except where the vehicle is specifically equipped for and operated by a handicapped driver or when a supervisor approves an exception. Members should contact a supervisor to approve an exception when there is inadequate alternative transportation, when there are adverse weather conditions, when towing is likely to compromise member or citizen safety or if the member has other concerns. Refer to DIR 630.31 Assisting Motorists. The tow will be requested on the service talk group or via MDC and the service talk group will be informed via radio or MDC that it is a Driving Uninsured tow. Members may also cite for Fail to Carry Proof of Insurance (ORS 806.012), but this does not mandate a tow.

- a. Members towing vehicles for Driving Uninsured are required to wait for the tow operator to respond before leaving the scene.
- b. Members will check the vehicle license and VIN for stolen. If the VIN is damaged, or there are any questions as to the stolen status, place a temporary hold for precinct detectives or the VIN inspector/or designee and notify them of the temporary hold.
- c. When ordering a tow for Driving Uninsured only, the correct description is Towed for Driving Uninsured. When the vehicle is towed for Driving Uninsured and some other towable offense, it should be indicated. An example would be Towed for DUII and for Driving Uninsured.
- d. Write TOW on the top right corner of the citation in the area reserved for DA use.

An assessment fee is charged for a Driving Uninsured, No Operators License, DWS, and DUII tow release.

The state law requiring insurance applies to all motorists in Oregon. It makes no exception for motorists who are not residents of Portland or Oregon. Each rental car operator also needs to carry proof of insurance. Motorists should carry the original insurance card with them at all times. For crime prevention reasons, motorists are encouraged to carry the insurance card with their driver's license rather than keeping it in the vehicle.

Recovered Stolen Tows (630.60)

After verifying stolen status by VIN, recovered stolen vehicles will be towed pending owner notification. If the owner is available, the member may wait a reasonable period of time (usually 30 minutes) for the owner to come to the scene with proof of ownership.

If the owner of a recovered stolen vehicle is present at the time of recovery, the vehicle may be released to him/her after obtaining proof of ownership, signature, and residence phone number in the appropriate place on the Investigation Report. To avoid liability to the City, the member will immediately notify Auto Records upon releasing a stolen vehicle to the owner at the recovery scene so the stolen status can be removed from PPDS, LEDS and NCIC.

Whenever a stolen vehicle is recovered, the member must notify Auto Records immediately advising them of the recovered vehicle information.

Examining Vehicles for Fingerprints (630.60)

Vehicles may be examined for fingerprints when:

- a. A stolen and recovered vehicle is used in another crime.
- b. There is a known suspect in a stolen/recovered case, and the fingerprints are needed to place the suspect in the car.
- c. A larceny from a vehicle case has a known suspect possessing property from the vehicle and the prints are needed to place the suspect in the vehicle.
- d. The vehicle is involved in a crime such as rape, robbery, burglary, etc., and the prints are needed to help identify a suspect.

Specific Examples When Vehicles Should Not Be Printed (630.60)

- a. The vehicle is a recovered stolen vehicle with no suspects and no other crime involved.
- b. The case involves a larceny from a vehicle with no known suspect.

Any exceptions to this policy for an examination for fingerprints on any vehicle must be approved by a detective supervisor.

Bureau Vehicle Tows (630.60)

- a. Members will fill out an Investigation Report when their police vehicle is towed or receives services for which the Bureau is billed (flat repairs, jump start, etc.). The narrative need only include a brief explanation as to the reason for the tow or service.
- b. If the vehicle is towed by a private tow company, members will obtain a copy of the receipt and attach it to the completed Investigation Report.

Courtesy Towing (630.60)

Holders of City permits which reserve specific areas for activities such as film/video production, special events, such as parades or marches, or construction are allowed to remove, by

towing, vehicles legally parked in the reserved area. In such instances, the permittee pays the towers based on the Tow by the Hour rate established in the contract.

- a. Permittees are encouraged, but in no way required, to use towers from the Contract Rotation.
- b. If a Tow Contractor has been hired by a permit holder, such as an event coordinator or production company, etc., to provide courtesy towing from the public right of way, the Tow Contractor shall notify the Tow Desk and PPB Auto Records no later than 48 hours before the event.
- c. Each courtesy tow from public right of way must be ordered by an authorized City official, either Parking Patrol Deputy or Police Officer.
- d. Procedures established by the Bureau of Traffic Management for parking control must be followed.
- e. The Tow Contractor must pre-arrange any necessary credit arrangements with the permittee to assure payment for towing and dispatching services. The tower will be billed for dispatching by Tow Desk; as usual.
- f. The authorized City official may direct that the vehicle be moved to another legal parking space on the public right-of-way to any storage facility designated by the City, or to private property, provided the permittee has secured the permission of the property owner.
- g. Tow Contractor shall notify the Records Division of the Police Bureau of the exact location of each towed vehicle within one hour of the completion of each tow. This is for the owner's information and to prevent a vehicle from being reported and recorded as stolen.
- h. Vehicles that the permittee wishes to exempt from towing must be identified, either by company signs, painted or magnetic, on both sides of the vehicle or by a complete and clearly displayed Reserved Area Identification Card, supplied by the permit center. Once an officer has been called to order a tow, all vehicles in the restricted area that do not have proper identification cards displayed shall be towed and all tows will be of the same type.
- i. The permittee will bear all costs of towing and storing a vehicle for a period of not more than 72 hours. If the vehicle is towed and stored at a private facility and the owner fails to pick up the vehicle within 72 hours after it is towed, the vehicle owner may be charged a storage fee as set out in the Contract for Vehicle Towing and Storage.

Private Request Tows (630.60)

Members should order private request tows only when towing assistance is specifically requested by the driver, owner or other person in charge of a disabled vehicle. If the vehicle owner is present but unable to request towing assistance due to injuries or other circumstances, the member will request a private tow when:

- a. Removal of the vehicle is necessary to protect the vehicle and/or its contents or because it is a hazard.
- b. It is reasonable to believe that the person in charge of the vehicle would request the towing assistance, if able to do so.

If possible, the member ordering a private request tow should notify the responsible party of the vehicle disposition (location of tow lot, etc.). It is not necessary to complete an Investigation

Report for private request tows when the member provides only telephone service to the private party.

Impoundment of Vehicles (630.60)

Members shall impound vehicles when the driver has been cited for the following:

- a. Prostitution Offenses:
 1. Prostitution (ORS 167.007).
 2. Promoting Prostitution (ORS 167.012).
 3. Compelling Prostitution (ORS 167.017).
- b. Drug Offenses:
 1. Unlawful Delivery of an Imitation Controlled Substance (ORS 475.912).
 2. Possession/Delivery/Manufacture of a Controlled Substance (ORS 475.840).
 3. Distribution of a Controlled Substance to Minors (ORS 475.906).
 4. Manufacture or Delivery of a Controlled Substance within 1,000 feet of a School (ORS 475.904).
 5. Unlawfully Engaging in the Attempt, Solicitation or Conspiracy of the above listed drug related offenses (ORS 161.405, 161.435, 161.450).

A Notice of Impoundment will be issued by the officer making a charge under this section or impounding a vehicle for violation of ORS 811.125 (speed racing), ORS 811.182 (Criminal DWS/DWR), ORS 813.010 (DUII), ORS 811.540 (Fleeing or Attempt to Elude), or ORS 811.140 (Reckless Driving). The Notice of Impoundment is required by the Asset Forfeiture Unit (AFU) in order to process the vehicle and it serves as a receipt for the vehicle. The Notice contains information to assist the owner in the recovery of the vehicle.

Vehicles that have been impounded will be towed to the Rivergate Storage Facility with a hold placed for AFU. All charges need to be listed on the report as well as given to the Tow Desk via MDC or radio. The white copy of the Notice of Impoundment goes to the driver/owner and the yellow and pink copies accompany the other reports to Records. The Towing Ordinance does not apply to City Code violations such as Loitering to Solicit Prostitution and Unlawful Prostitution Procurement Activity (UPPA).

Holds (630.60)

Police holds will be placed on vehicles only when necessary to further an investigation (locate or identify a suspect, gather or preserve evidence which was not processed at the scene of an incident) or hold for AFU. Holds for evidence must be designated for a specific unit or detail.

Temporary Hold (630.60)

Temporary holds will expire 72 hours following placement, excluding weekends (1601 hours Friday to 0800 hours Monday) and holidays.

It is the responsibility of the member ordering the tow to notify the proper investigative unit by phone or in person when any temporary hold is placed on a vehicle. Notification will be noted on the Investigation or Custody Report. If the member places a temporary hold on the vehicle after it has been towed, the member will contact the investigative unit and Auto Records as soon as possible within their same shift to advise them of the hold and the investigative detail for which the hold was placed.

Members placing holds on vehicles for fingerprinting will notify ID as soon as possible and will advise the tow operator to avoid unnecessary touching of surfaces and to place the vehicle

out of the weather until the printing is completed. All vehicles with a temporary hold will be towed to the private tow company's lot.

The initiating member can lift a temporary hold within his/her shift if the hold is no longer necessary. The investigative unit for whom the hold was placed can lift a temporary hold at any time.

If a formal hold has not been placed on a vehicle before the temporary hold expires, Auto Records will notify the owner that the temporary hold has expired and that the vehicle may be released. A second temporary hold cannot be placed.

Routine temporary holds and holds for prints will be taken to the tow lot, and not to Rivergate Storage Facility. If a formal hold is placed later by a detective, it will be moved to Rivergate Storage Facility by Records.

Formal Hold (630.60)

Precinct detectives and the VIN inspector/or designee can, if warranted, place a formal hold on an impounded vehicle. Members trained to conduct VIN inspections will be considered investigative personnel and are authorized to place and/or remove formal, temporary, or administrative holds on towed vehicles they are inspecting. This is accomplished by calling Auto Records. A formal hold may be placed immediately upon a vehicle being towed, prior to the expiration of a temporary hold or at any time as long as the vehicle is still in the possession of the tow company. Auto Records will then order the vehicle re-towed to the Rivergate Storage Facility.

After a formal hold is placed on a vehicle, the hold must be verified by sending a completed Formal Hold form to Auto Records.

The investigative unit placing a formal hold on a vehicle is responsible for removing it. The removal can be made by telephoning Auto Records. The call must be followed by a completed Formal Hold form.

Release Procedures (630.60)

Motor vehicle releases will not be issued to any person who is visibly under the influence of intoxicants.

Police tows must be released by Records. Persons inquiring about vehicles in this category will be referred to Auto Records. A tow company cannot release these vehicles without a written release from Records.

The tow company operator must provide access to the owner of a vehicle during regular business hours for removal of personal effects (including vehicle title, insurance policy, etc. with sufficient proof/identification) or perishables necessary for the immediate safety and health of the owner unless such access is prohibited by a police hold or other police instruction. If non-owners request access, they must provide sufficient proof of the owner's permission to remove property.

Tag warrant releases are obtained from Circuit Court Parking Tags Division after fines are paid. Information regarding tag warrant tows can be obtained from Circuit Court Parking Tags Division.

Towing Company Contract Violations (630.60)

Members with complaints against tow companies will note the specific nature of the complaint in an Investigation Report and indicate Towing Review Board in the distribution box. Records will forward a copy of the report to the Towing Review Board.

Tow Classifications (630.60)

To ensure that proper tow equipment is dispatched, members should use the following codes when ordering a tow:

- a. Class A: Any vehicle with a gross vehicle weight (GVW) less than 10,000 lbs.
- b. Class B: Any vehicle with a GVW between 10,000 and 20,000 lbs. and equipped with a single rear axle.
- c. Class C: Any vehicle with a GVW in excess 20,000 lbs. or equipped with dual rear axles regardless of the GVW.

In any situation where the member believes that the recovery of a vehicle cannot be handled by the class of tow that would normally be ordered, a higher class tow may be called. For example, a full-size, American-made auto can be handled by a Class A tow; however, the same auto over a steep embankment could easily require a Class B truck in order to get the vehicle back on the road.

The GVW of commercial vehicles is usually listed on the doors. If it is not, the GVW is stamped on a plate on the door pillar. Class C vehicles may require air bags to raise them if they have tipped over.

When ordering tows for utility trailers, members should specify if it is equipped with a ball hitch or a pindle hook hitch. This information is important for the tow company because different equipment is required for each type of hitch.

The following is a list of vehicles and the class of tow that would generally be called:

TOW CLASS	VEHICLE
A	Implement Trailer (empty)
B	Light Truck
B	Motor Home (specify length and make)
B	School Bus
B	Step Van
B	Utility Body Truck
C	Dump Truck
C	Garbage Truck
C	Inter-City/Tour Bus
C	Tanker
C	Tractor only
C	Tractor Trailer Combination (doubles, triples)
C	Trailer only
C	Truck and Trailer

FOR MORE INFORMATION:

Please contact Marsha Palmer, Strategic Services Division, at 503-823-0264.

ROSANNE M. SIZER
Chief of Police

RMS/mp