



CITY OF PORTLAND, OREGON



Bureau of Police

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EXECUTIVE ORDER

DATE: June 23, 2010

TO: All Bureau Members

RE: Directive 630.60 Vehicle Disposition

ACTION: Complete revision of this directive. Please read carefully. This directive revision will become effective as of July 1, 2010.

BACKGROUND: Due to court rulings and other interpretations of law the Portland Police Bureau has developed a more comprehensive towing policy. The implementation of this policy has been accelerated due to the recent budget cuts.

630.60 VEHICLE DISPOSITION

Index: Title; Abandoned; Fingerprinting Vehicles; Holds, Vehicle; Insurance, Towing Company Contract Violations; Towing Procedures; Tows, City; Vehicle, Abandoned; Vehicle, Fingerprint Examination; Vehicle, Recovered; Vehicle, Release; Vehicle, Towing.

Refer: 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
Field Operation Order 630.31 Assisting Motorists
Field Operation Order 630.61 Stolen Vehicles
Abandoned Auto Officer Intake Form (Records)
Notice of Tow (Records)

POLICY (630.60)

The Portland Police Bureau generally views that a vehicle should be impounded only after reasonable alternative dispositions have been eliminated to secure or remove the vehicle. Members may not impound a vehicle merely because an arrest has been made or a citation issued. Members shall make a routine inspection of an impounded vehicle for items of value unless the vehicle is held on an investigatory hold.

PROCEDURE (630.60)

Towing of Vehicles (630.60)

Members may tow a vehicle when any of the following conditions exist:

1. Vehicle poses an immediate danger/hazard to public safety, other than abandoned.
2. Vehicle is impeding, or is likely to impede, the normal flow of vehicular or pedestrian traffic.
3. Vehicle is illegally parked in a posted restricted space, zone, or traffic lane.
4. Vehicle is illegally parked within 10 feet of a fire hydrant.
5. A warrant or special interest file hit (CAD) exists for the vehicle.

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6. When the member reasonably believes that a car alarm disturbs, or is likely to disturb, any person per City Ordinance 16.30.220i.
7. When a member believes the vehicle is stolen. Members must obtain a supervisor's approval to tow. Members will call Auto Records to place a temporary hold on the vehicle and shall record the DPSST# of the Records clerk. Members will notify their precinct detective sergeant of the hold.
8. Probable cause exists that the vehicle contains evidence, contraband, or an item otherwise subject to seizure and it is necessary to tow the vehicle to preserve the item(s). Following such a tow, a search warrant must be obtained prior to entering the vehicle.

Driving Uninsured Tows (630.60)

Members shall tow a vehicle when the member reasonably believes that the vehicle's operator has no insurance and cites the operator for Driving Uninsured. (See exceptions to tow listed below)

Proof of insurance can be established by any one of the following:

1. A current insurance policy or binder covering the driver, registered owner, or vehicle.
2. Insurance company card verifying the validity and status of a policy, issue/expiration date and VIN.
3. Insurance company letter verifying current coverage per OAR 735-050-0120.
4. Certificate of self-insurance issued by DMV.
5. Copy of fleet insurance on rental and company vehicles.

Members may cite for Fail to Carry Proof of Insurance (ORS 806.012), **but this does not mandate a tow.**

1. It should be noted when the vehicle is towed for Driving Uninsured and another towable offense.
2. Write "TOW" on the top right corner of the citation in the area reserved for DA use.
3. State law requiring insurance applies to all motorists (regardless of residency) in Oregon.
4. All rental car operators must carry proof of insurance.

Exceptions to Driving Uninsured Tows (630.60)

1. Members will not tow vehicles off of the registered owner's private property.
2. When the vehicle is specifically equipped for and operated by a handicapped driver.
3. Supervisors may approve other exceptions not covered.

Other Authorized Tows (630.60)

1. Members may tow for safe keeping with a supervisor's approval. (Articulate reason for tow)
2. Members may tow for evidence of a crime or forfeiture.
3. Members who tow the vehicle of any driver arrested and or cited shall ensure that the driver receives a copy of the Notice of Tow form.

Other Authorized Tow Exceptions (630.60)

Unless there is a need to protect the vehicle or avoid a hazard, a vehicle should not be towed when:

1. A driver is arrested or cited and requests that a legal driver take possession of the vehicle. (Members may wait a reasonable period of time for a legal driver to take possession of the vehicle).
2. There is an undue hardship or risk for the occupants (i.e. young child, disabled person, etc.)
3. Supervisors may approve other exceptions not covered.

Ordering Tows (630.60)

All tows (except private tows and police vehicle tows) shall be requested using the MDC (F9) tow function. When there is no MDC, the specified tow information listed below will be voiced to the Service Net with:

1. Specific charge(s) and all reasons for the tow.
2. License or VIN number, make and location of the vehicle.
3. Hold information (type of hold, detail, etc. when applicable).

Tow Company Contract and Responsibilities (630.60)

Members will wait at the scene for the tow except for parking violations and private tows. Tow companies are not required to complete the tow if a member is not present.

1. Tow companies must appear at the scene within 30 minutes from the time the tow is ordered.

2. To file a complaint for late arrival, members should write a Special Report documenting the facts.
3. Members will write "TOW" on the face of the parking tag on all tows for parking violations.
4. Members who are required to wait for tows will ensure that the tow arriving on the scene is from the company dispatched to the tow. Exceptions to this rule are when immediate action is required to protect life or property.

Vehicle Inventories (630.60)

Vehicles must be inventoried by members prior to towing pursuant to City Code 14C.10, Police Duties to Inventory Property and this order, unless evidence could be destroyed in the process. (Inventories are not to be used to search for items of evidence) Members will conduct vehicle inventories only for the purpose of identifying or securing items of value or those which pose a hazard. Members will document all action taken during vehicle inventories in their report including the following:

1. Members should ask the driver/owner if there are any valuables in the vehicle.
2. Closed container(s) are to be left in the vehicle unless the driver or owner requests removal of it. If the closed container(s) are removed and not released to the driver the item(s) are to be itemized on a property receipt and placed in the property room.
3. Do not allow removal of parts from the vehicle prior to towing. This includes any item that is connected, bolted, screwed or otherwise attached, and includes radios and sound equipment. Personal items (i.e., iPods, cell phones or other valuables) and papers may be removed.

Reporting Procedures (630.60)

Members will complete the vehicle section (including plate and VIN numbers) person section of the Investigative, Custody, Traffic Violation Tow Reports for arrests, Cite-In-Lieu, or Traffic Citation Violation(s) (whichever is applicable) when a vehicle is involved in an incident and list the reason for the tow.

1. 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.

Abandoned Vehicle Procedures (630.60)

There are two ways to report an abandoned vehicle. **Members are not authorized to tow for abandoned.**

1. Routine Towing: For abandoned vehicles that do not constitute an immediate and serious public health or safety hazard. Members shall use one of the following methods to forward the information on the abandoned vehicle to the Parking Enforcement Division:
 - a. Phone the Abandoned Vehicle Hotline.
 - b. Fax a completed Abandoned Auto Intake Form to the Abandoned Auto Coordinator.
2. 24-Hour Towing: For abandoned vehicles that are an immediate public health or safety hazard the member will:
 - a. Complete the Abandoned Vehicle Intake form.
 - b. Write "24-Hour Tow" at the bottom and "Not Warned" on the date line.
 - c. List the specific hazardous conditions the vehicle is being towed for in the comments section.
 - d. Fax the completed form to Parking Patrol within 24 hours.
 - e. Do not issue a citation or place a warning tag on the vehicle. Abandoned vehicles handled in this manner can be removed by Parking Patrol within two days if they determine that the vehicle is hazardous.

Recovered Stolen Tows (630.60)

After verifying stolen status **by VIN** the vehicle will be towed pending owner notification.

1. If the owner is available, members may wait a reasonable period of time for the owner to arrive on scene with proof of ownership.
2. If the owner of a recovered stolen vehicle is present at the time of recovery, the vehicle should be released to them after obtaining proof of ownership, signature, and phone number.
3. Members will immediately notify Auto Records upon releasing the vehicle to the owner so the stolen status can be removed.
4. Members will fill out the (recovered vehicle mask) via their MDC and transmit it.

Examining Vehicles for Fingerprints (630.60)

Forensics Evidence Division (FED) may be notified when:

1. A stolen and recovered vehicle is used in another crime.
2. A suspect(s) in a stolen/recovered case is known and prints are needed to place them in the vehicle.
3. A suspect(s) from a vehicle larceny case possesses property from the vehicle and prints are needed to place them in the vehicle.
4. The vehicle is an instrument involved in a crime such as rape, robbery, burglary, etc., and prints are needed to help identify suspect(s).

When Vehicles should not be Printed (630.60)

Any recovered stolen vehicle case(s) where no other crimes are involved and any case involving a larceny from a vehicle with no known suspect(s). Any exceptions must be approved by a supervisor.

Bureau Vehicle Tows (630.60)

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 should include a brief explanation as to the reason for the service.

1. If the vehicle is to be towed or serviced the member will order an agency tow via the Service Net. Members will state the shop number and reason for the request.
2. Members will obtain a copy of the tow companies' receipt and attach it to the completed Investigation Report. Members must make a copy of the tow companies' receipt and submit it to their RU's AS1 or AS2.

Courtesy Towing (630.60)

Holders of City permits which reserve specific areas for activities such as film production, special events, parades, marches, or construction are allowed to remove, by towing, vehicles parked in the reserved area.

1. Courtesy tows from a public right of way must be ordered by a police officer, an authorized City official, or Parking Patrol.
2. The supervisor in charge 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.
3. The Tow Contractor shall notify Auto Records of the exact location of each towed vehicle upon completion of each tow. This is for the owner's information and to prevent a vehicle from being reported and recorded as stolen.

Private Request Tows (630.60)

Members may order private request tows on behalf of the driver or owner of a vehicle when requested. Members requesting private tows should contact the private tow company directly. Members unable to contact private tow companies via phone will make requests through the service net (do not use the tow request feature F9 on the MDC).

1. 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. It is reasonable to believe that the person in charge of the vehicle would request the towing assistance, if able to do so.
 - b. If possible, the member ordering a private request tow should notify the responsible party of the vehicle disposition (location of tow lot, etc.)
 - c. Members do not need to complete an Investigation Report for private request tows.

Asset Forfeiture Unit Vehicle Holds (630.60)

Vehicles that have been impounded for State Civil Forfeiture will be towed to the Rivergate Storage Facility with a hold placed for AFU.

1. Vehicles will not be towed for State Civil Forfeiture without prior approval from the on call Drugs and Vice Division supervisor. A State Civil Forfeiture notice will be issued to all parties associated with the vehicle.

Temporary Holds (630.60)

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.

1. Temporary holds will expire 72 hours following placement, excluding weekends (1601 hours Friday to 0800 hours Monday) and holidays.
2. It is the responsibility of the member ordering the tow to notify the proper investigative unit and Auto Records when a temporary hold is placed on a vehicle. The notification will be documented.
3. Members placing holds on vehicles for fingerprinting will notify Forensic Evidence Division (FED). Members will advise the tow operator to avoid unnecessary handling of the vehicle and direct that the vehicle be stored out of the weather.
4. Temporary holds and holds for prints will be transported to a private tow lot. If a detective places a formal hold on the vehicle, Auto Records will facilitate the transfer to the Rivergate Storage Facility.
5. Initiating members can lift a temporary hold within their 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.
6. 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 on the vehicle once the original temporary hold expires.

Formal Hold (630.60)

Detectives or sergeants can, if warranted, place a formal hold on an impounded vehicle. Members trained to conduct VIN inspections are authorized to place and/or remove formal, temporary, or administrative holds on towed vehicles they are inspecting.

1. 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.
2. Auto Records will facilitate the transfer of the vehicle to the Rivergate Storage Facility.
3. After a formal hold is placed on a vehicle, the hold must be verified by the member sending a completed Formal Hold form to Auto Records.
4. 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)

Police tows must be released by Records Division or the Asset Forfeiture Unit. A tow company cannot release vehicles without a written release from Records Division or the Asset Forfeiture Unit.

1. 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.
2. Tag Warrant Releases are obtained from the Circuit Court Parking Tag Division.

Person(s) to contact:

Sergeant Tim Sessions (Central Precinct)

Sergeant Erin Smith (Traffic Division)

Sergeant Jay Bates (Drugs and Vice Division, Asset Forfeiture Unit)

MICHAEL REESE

Chief of Police

MWR/mp