



January 23, 2018

VIA EMAIL

To: Portland Police Bureau

CC: Dave Benson, Parking Services Group Manager, Portland Bureau of Transportation

From: Tony Green, Deputy Ombudsman, Office of the City Auditor

**Re: Comments on Portland Police Directive 630.61**

The Office of the Ombudsman has received several complaints about stolen vehicle tows, and appreciates the opportunity to submit comments to the Portland Police Bureau as it reviews Directive 630.61 (Stolen Vehicles).

Under the current policy, the City contracts with private tow companies to remove vehicles from the public right-of-way for a variety of reasons, including vehicles creating a hazard, vehicles with outstanding parking violations and vehicles that were stolen. Directive 630.61 requires that recovered stolen vehicles be towed for safekeeping unless the owner is present at the time of recovery.

When the City orders a vehicle towed, owners in most cases must pay towing, storage and other fees before their vehicle will be released.<sup>1</sup> This cost-recovery model reimburses private tow companies for their costs and funds the City's towing regulatory program. Owners who do not pay the fees forfeit their vehicles. Under City Code 16.30.620, vehicles in storage for 15 days or more may be sold if they have an appraised value of \$750 or less; all other vehicles may be sold if they have been in storage for 30 days or more.

This cost-recovery model does not distinguish between a vehicle owner who racks up unpaid parking tickets and one who is the victim of a crime. The unfairness of forcing crime victims to pay for the return of their own stolen property is apparent. But there are also latent consequences for some victim-owners:

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<sup>1</sup> The Portland Police Bureau pays for towing when vehicles are seized as evidence of a crime.



- Some owners cannot afford to pay the fees to release their vehicles, eventually forfeiting them when the tow company auctions them off; or
- Through no fault of their own, some owners are unable to immediately retrieve their vehicle (e.g. because they are out of town or in the hospital). In the meantime, daily storage fees can outpace the value of the vehicle, or the vehicle can be auctioned off.

The City's approach to stolen vehicles may also inadvertently cause inequitable impacts. Recent stolen car statistics published in *The Oregonian* indicate that automobile thieves target older, less valuable vehicles parked in some of the City's most economically disadvantaged neighborhoods.<sup>2</sup> This suggests that the City's economically disadvantaged residents are more likely to be victimized by auto thieves and they may be disproportionately bearing the burden of the City's cost-recovery model.

Models for a fairer and more equitable system exist. San Francisco waives towing fees for stolen vehicles and gives owners 48 hours to retrieve their vehicle before storage fees can be assessed.<sup>3</sup> Similarly, St. Louis waives towing fees for stolen vehicles and gives owners 72 hours to retrieve their vehicle before storage fees can be assessed.<sup>4</sup> Seattle has opted to leave stolen vehicles on the street if they are parked legally in order to avoid forcing victim-owners to pay for tow and storage fees.<sup>5</sup>

To be sure, waiving fees would have a fiscal impact. In 2017, the City ordered tows for 22,212 vehicles.<sup>6</sup> Of the total, 3,272 or 15 percent were recovered stolen vehicles that Portland Police ordered towed.<sup>7</sup> Based on the \$184 minimum fee for a tow, waiving the fees for the 3,272 recovered stolen vehicles would have cost in excess of \$600,000. One way to mitigate the fiscal impact would be to increase the existing \$9 surcharge that funds the City's "zombie RV" disposal program.

The Ombudsman's Office appreciates the Police Bureau's willingness to open Directive 630.31 for comment and re-consideration. However, resolving the City's stolen vehicle policy's unfairness cannot be accomplished solely through changes to the Directive. City Code Title 16, administered by the Bureau of Transportation, establishes vehicle owner's responsibility for towing and storage fees. As such, a meaningful solution requires the cooperation of both bureaus.

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<sup>2</sup> "[Auto theft soars in Portland, more than doubling since 2015.](#)" *Oregonian/Oregonlive*, Jan. 15, 2018.

<sup>3</sup> San Francisco Transportation [Code 305\(b\)](#) (Reimbursement and Waiver of Towing and Storage Fees).

<sup>4</sup> St. Louis [Ordinance 70569](#).

<sup>5</sup> Seattle Police Department [Manual 15.190 \(10\)](#) (Auto Theft and Recovery).

<sup>6</sup> Patrick Kramer, Towing and Private Property Impound Program Coordinator, Portland Bureau of Transportation.

<sup>7</sup> *Ibid.*