



Tulsa Police Department

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Policy # 112G

Effective Date 05/26/2022

Policy Name Impounding Vehicles

Approved Date 05/25/2022

Approved by *Wendell Franklin, Chief of Police*

Previous Date 04/19/2018

PURPOSE OF CHANGE:

To update the procedures for when vehicles may be towed.

POLICY:

Officers will impound vehicles only when necessary. Officers are authorized to move or cause to be removed any vehicle from a street, highway, shoulder, or other public way, or from private property open to the public, to the nearest garage designated or maintained by the City of Tulsa that meets the criteria for vehicle impoundment. Officers shall use discretion when impounding vehicles based on the lack of compulsory insurance.

SUMMARY: Procedures for impounding vehicles.

APPLIES TO: All police personnel

DEFINITIONS:

INVESTIGATIVE HOLD – a temporary, ten-day hold on an impounded vehicle for investigative purposes, which may be extended pursuant to the procedures herein.

OTHER HOLD – a temporary hold placed on an impounded vehicle for reasons other than investigative purposes (i.e., no insurance, expired tag, or other OTC).

VEHICLE IMPOUNDMENT – to remove or cause to be removed a vehicle from a street, highway, shoulder, or other public way and/or from private property by an officer and stored in a designated facility contracted by the City of Tulsa.

PROCEDURES:

*For purposes stated herein officers are required to tow vehicles in specific situations. However, if exigent circumstances exist to not tow a vehicle, officers may note the exigent circumstances in a *Field Interview* and release the vehicle in lieu of impoundment.

A. OFFICERS SHALL IMPOUND VEHICLES FROM A PUBLIC WAY OR FROM PRIVATE PROPERTY OPEN TO THE PUBLIC OR OPEN TO A PUBLIC WAY IN THE FOLLOWING SITUATIONS:

1. A vehicle is evidence in a crime or needs to be held for investigative purposes.
2. A vehicle has been abandoned.
3. A report has been made that such vehicle has been stolen, and the owner cannot be notified or is unable to come to the scene and take possession of the recovered vehicle within a reasonable amount of time.

4. A vehicle is confiscated pursuant to law, including but not limited to an order or warrant from any court of competent jurisdiction.
5. A vehicle has been marked for tow and is parked or left standing in the same location on a city street in excess of 24 hours.
6. The vehicle's owner, after proper notification, has failed to pay the outstanding parking citations issued to the vehicle, and a court has ordered it impounded as a nuisance.
7. The owner or operator specifically requests and/or authorizes the impoundment.
8. The owner or operator has been involved in an accident or any crime and has been taken into custody or transported for medical purposes and is not physically, mentally, or legally capable of giving consent to leave it.
9. The officers at the scene have probable cause, under the automobile exception to the warrant requirement, that there is evidence of a crime in or on the vehicle, but circumstances at the scene are not optimal for conducting a proper probable cause search at the scene. In such cases, officers shall have the vehicle towed and shall follow the vehicle as it is towed to the impound lot and conduct the probable cause search as soon as possible at that location.
10. The vehicle was involved in a collision resulting in a fatality or great bodily injury.
11. The vehicle is observed by the officer being operated in public and the officer has probable cause to believe that the vehicle does not have compulsory insurance pursuant to state law. If the vehicle has been without insurance for at least ninety (90) days, the officer shall issue a citation for no insurance and shall:
 - a. Tow the vehicle from the scene if it appears the vehicle has been without insurance for at least ninety (90) days or
 - b. Notify the operator that the operator is prohibited from driving the vehicle from the scene and remove the license plate from the vehicle and turn the license plate into the property room.
 - c. Officers shall not tow or confiscate the license plate if:
 - 1) The driver can provide contact information of their insurance company and compliance can be verified through the *Oklahoma Insurance Verification System* (OKIVS.com) or through ISD personnel contacting the company during regular business hours, or
 - 2) The driver produces what appears to be a valid security verification form even though the officer is unable to confirm compliance through the online verification system.
 - d. If there is no insurance form or the form provided is over 90 days expired, and there is no insurance contact information provided or the information provided cannot be verified then note if the vehicle's registration was more than 90 days ago. If so, the officer has probable cause to believe that the insurance has been expired over 90 days.
12. Where a vehicle is involved in a collision or incident, and it is determined the vehicle does not have compulsory insurance pursuant to state law.
13. The driver of the vehicle is arrested for any reason, and the vehicle is or would be left unattended in a location that would constitute an obstruction of or hazard to the free flow of traffic or would be left on private property and, upon being contacted, the owner of the property requests that the vehicle be towed from the property.
14. The vehicle is observed by the officer being operated on a public street or highway and the vehicle's registration has been expired in excess of ninety (90) days (this includes paper tags that are expired over 90 days).

***NOTE:** Under subsections 13 & 14 of this Section, officers will allow the below alternatives to impoundment:

- 1) Upon the owner or driver's consent, if there is a responsible person who is present on the scene and who possesses a valid operator's license and who will assume responsibility for the vehicle and its contents, the vehicle may be released to said licensed operator.
- 2) The vehicle is properly parked and secured in a valid parking space and does not obstruct traffic, the vehicle will be left where it is parked except in those cases where 1) the vehicle owner or operator consents to towing of the vehicle or 2) the vehicle would be left on private property, and the owner or person with apparent authority over the property does not consent to the vehicle being left on the property.
- 3) If the driver is arrested and the vehicle is validly parked and does not constitute an obstruction or hazard to the free flow of traffic and is not on private property or if the owner of private property does not ask for removal of the vehicle, and the driver does not consent to towing of the vehicle, the officer shall leave the vehicle in its location and notify the owner or operator that the City is not responsible for any damage or theft related to the vehicle being left on the property. The disposition of the vehicle shall be included on the Arrest & Booking Sheet.

B. WHEN TOWING A VEHICLE:

1. Officers shall request wrecker service at the location of the impoundment.
2. Officers shall complete a Tow-In Report for each vehicle that is impounded and turn it in to the Records Section as soon as possible.
3. Officers may place an investigative hold on an impounded vehicle for the following reasons:
 - a. The vehicle is evidence in a crime.
 - b. The vehicle is subject to confiscation pursuant to law.
 - c. The vehicle is to be processed for evidence.
 - d. The vehicle's owner must be identified for investigative purposes.
4. Officers may place other holds on impounded vehicles for the following reasons:
 - a. The vehicle's owner, after notice, has failed to pay the outstanding parking citations issued to the vehicle and a court has ordered it impounded as a nuisance. A hold for unpaid citations shall be placed on the impounded vehicle.
 - b. The vehicle may be impounded, and a hold placed for the Oklahoma Tax Commission if the registration has been expired in excess of ninety (90) days.
5. When officers place a hold on an impounded vehicle, they shall complete the Tow-In Report and turn it in to the Records Sections as soon as possible. Fill in the hold information requested at the bottom as described below:
 - a. In the HOLD FOR section, the detail, division, and/or name of the investigator assigned to the case shall be indicated. If unknown, the detail or division appropriate to the offense shall be designated.
 - b. If the ANY HOLD section at the top of the page is marked YES, yet no hold is specified in the bottom HOLD FOR section, then the vehicle will not be placed on hold. If the ANY HOLD section at the top of the page is not marked, yet a hold IS specified in the bottom HOLD FOR section, then the vehicle will be placed on hold.
 - c. The REASON FOR TOW section is not to be construed as HOLD FOR or EXPLANATION OF HOLD.
 - d. The EXPLANATION OF HOLD section is to supplement information when the HOLD FOR section is marked. Information in the explanation area is NOT visible to non-police employees.
 - e. Under the section marked EXPLANATION OF HOLD, provide the following information:
 - 1) Arrest number, if applicable.
 - 2) Incident Report number, if applicable.
 - 3) Crime type, location, date of occurrence, and the victim's name, if applicable.

- 4) Any other details that are pertinent to the offense such as:
 - a. No insurance.
 - b. Expired Tag.
 - c. OTC hold.
6. When a Tow-In Report is turned in to the Records Section with a hold, the Tow Clerk shall request hold confirmation by forwarding a copy of the report attached to a Confirmation of Vehicle Hold Report to the investigator at the division the hold is designated for.
7. The initial hold for investigative purposes is for ten days. Investigators will receive a Confirmation of Vehicle Hold Report from records. They have five days to return the request to the Tow Clerk if they want to extend the hold beyond ten days.
8. The assigned investigator may release or confirm the hold by contacting the Tow Clerk prior to the tenth day. When a vehicle was seized for having an altered vehicle identification number (VIN) the seizing agency must not release the vehicle until an assigned replacement VIN is issued and affixed.
9. Upon receiving the Confirmation of Vehicle Hold Report, the Tow Clerk shall follow the proper procedures to continue the hold or release the hold in accordance with the policies of the Records Section.
10. If the hold is confirmed, the vehicle is held until released by the investigator. The Tow Clerk shall send the designated investigator or division a Confirmation of Vehicle Hold Report every thirty days for the first six months and then every six months thereafter until the hold is released.
11. The Tow Clerk shall forward the following to the City Prosecutor's office when releasing a hold for unpaid citations:
 - a. The Tow-In Report.
 - b. Stolen/Recovered Vehicle Reports/Information, if applicable.
 - c. All unpaid parking citation numbers.
12. If a hold has been placed on a vehicle for no insurance, the officer will inform the owner of the process for retrieving their vehicle as follows:
 - a. The owner can retrieve the vehicle by providing proof of insurance to the impound service provider,
 - b. The owner can retrieve their vehicle from the impound service provider without proof of insurance, as long as the vehicle is towed or hauled from the location without being operated on a public roadway, or
 - c. The owner must provide proof of ownership of the vehicle before it can be recovered from the impound service provider.

REGULATIONS:

1. Officers shall complete all sections of the Tow-In Report on each impounded vehicle and turn it in to the Records Section as soon as possible. All information pertinent to the impoundment shall be completed.
2. Officers shall conduct an inventory of all impounded vehicles prior to the vehicle being towed to the storage facility or as soon as practical at the tow storage facility and shall document the contents left in the vehicle at the time of tow on the Tow-In Report. Items of evidentiary value that are discovered during the inventory or items that are otherwise booked into the Property Room for safekeeping may be documented only on a Property Receipt and need not be included on both the Tow-In Report and Property Receipt. Discovery of evidentiary items within a vehicle shall not excuse an officer from completing the inventory of the vehicle.
 - a. The contents of all vehicles towed at the request of an officer shall be inventoried and listed on the Tow-In Report including opening locked doors and trunks when such can be opened without excessive permanent damage to the vehicle.

- 1) An inventory of personal property and the contents of all containers, both locked and unlocked, will be conducted throughout the passenger and engine compartments of the vehicle including, but not limited to, any locked or unlocked glove box, other accessible areas under or within the dashboard area, any pockets in the doors or in the back of the front seat, in any console between the seats, under any floor mats and under the seats.
- 2) In addition to the passenger and engine compartments as described above, an inventory of personal property and the contents of locked and unlocked containers will also be conducted in any other type of compartments that are a part of the vehicle, including locked or unlocked vehicle trunks and car top containers.
- 3) Officers should ask the occupants whether the vehicle contains any valuables or hazardous materials. Responses should be noted in the inventory report. Prior to breaking into locked compartments, trunks, or containers, officers should ask occupants to provide keys or other access to the compartments, provided that, refusal of the occupant, owner, or operator of the vehicle to provide access does not preclude the officer from opening such locked compartments or containers. When practicable and appropriate, such items should be removed from the vehicle and given to the owner or booked into property for safekeeping.
 - b. These inventory procedures are for the purpose of protecting the vehicle owner's property, providing for the officer's safety, and protecting the City and officers against fraudulent claims of lost, stolen, or damaged property.
 - c. Towing a vehicle in order to perform an inventory should not be used as a pretext for an evidence search. Nothing in this policy prevents the towing of a vehicle that would occur for reasons independent of any suspicion that the vehicle may contain evidence if it is otherwise justified by law or this policy. Items such as contraband or physical evidence encountered during the inventory will be taken into custody and the inventory continued. It is important that the inventory not be interrupted and resumed at a later time, in a different location, or by a different officer except in exceptional circumstances which must be documented.
 - d. The inventory regulations herein related to when and how a search will be conducted shall not apply to searches based on probable cause or searches made pursuant to a search warrant.

3. If a hold for confiscation is placed on the impounded vehicle, all property discovered inside the vehicle will be turned in to the Property Room.
4. When an investigative hold has been confirmed, only the assigned investigator or a supervisor may release the hold.
5. Officers will make every attempt to contact the owner of a stolen vehicle before towing the vehicle. Attempts to contact the owner will be documented on the Incident Report and will include the Records Clerk information.
6. Vehicles that are not the property of the City should not be driven by officers unless it is necessary to move the vehicle a short distance to eliminate a hazard, prevent the obstruction of a fire hydrant, comply with posted signs, or to verify operability of the vehicle for purposes of DUI/APC arrests.
7. When a no-touch hold is placed on a vehicle in order to obtain a search warrant, the inventory search described herein need not be followed prior to the tow.

REFERENCES:

47 O. S. 4-107, 902, 955, & 1115 (1)
47 O. S. 7-606A
47 O. S. 1137.1 and 1137.3
37 T.R.O. 305, 505
108B, *Recovery of Stolen Vehicles*
112A, *Recovered/Found Property*