

 NORFOLK <i>Department of Police</i>	Operational General Order – OPR 340: Towing		
	Office of Preparation: Office of Support Services (mar)		
	CALEA: 61.42, 61.4.3		
LEGAL REVIEW DATE:	8-31-17	PRESCRIBED DATE:	9/8/2017
City Attorney:	<i>Cy B. Lee</i>	City Manager/Director of Public Safety:	<i>Douglas J. Smith</i>
APPROVED BY THE AUTHORITY OF THE CHIEF OF POLICE:		<i>J. Boone</i>	

Purpose

The purpose of this order is to establish uniform procedures for the towing, recovery, and impoundment of motor vehicles.

Policy:

It is the policy of the Norfolk Department of Police that vehicles towed, recovered, and/or impounded will be handled under the authority of departmental directives, Norfolk City Codes, and Virginia State Laws in a manner that protects citizen property and preserves evidence.

Supersedes:

1. G.O. OPR-340, dated December 10, 2014
2. Any previously issued-directive conflicting with this order

Order Contents:

- I. Ticketed Vehicles
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I. Ticketed Vehicles

A. Parking Violations (CALEA 61.4.3.b/c)

1. Vehicles may be towed for the following parking violations, if, in the officer's judgment, circumstances warrant removing the vehicle from public property:
 - a. Handicapped Zone
 - (1) Only vehicles identified by special handicapped license plates, decals or permits, issued by state departments of motor vehicles to handicapped persons, may legally park in parking zones identified as being reserved for handicapped parking.
 - (2) Only spaces identified by an above ground handicapped parking space sign, the bottom edge of the sign being no lower than four feet nor higher than seven feet above the parking surface, are considered handicapped spaces (§ 36-99.11, Code of Virginia).
 - b. Tow Away Zone
 - c. Bus Zone (if posted as a tow zone)
 - d. Restricted City Parking
 - e. Taxi Zone
 - f. Blocking Fire Hydrant
 - g. No Stopping
 - h. Blocking Pedestrian Crosswalk or Sidewalk
 - i. Blocking a Driveway
 - j. No Parking (violations of Norfolk City Code 25-293 and 25-277)
2. A parking ticket will be issued for handicapped parking violations which occur on private commercial property. The officer will not have these vehicles towed. Officers will explain to the owner or agent of the property the requirements in 46.2-1246 Code of Virginia for their removal and only if they are signed in accordance with 36-99.11, Code of Virginia.

3. Vehicles will not be towed for residential parking permit area violations unless there is an additional parking violation such as a traffic hazard, blocking driveway, fire hydrant, or similar situation.
4. If an operator is unavailable to remove the vehicle and the vehicle is to be towed, a parking ticket will be attached to the windshield of the vehicle. The vehicle may still be voluntarily removed by the operator at any time before being hooked up and raised by the towing contractor.
5. The City's towing contractor will conduct a vehicle inventory for each vehicle towed for a parking violation listed in this section.

B. Traffic hazards (CALEA 61.4.2)

When a motor vehicle appears disabled and constitutes a traffic hazard, the officer will make every reasonable effort to locate the operator of the vehicle before having it towed. The Norfolk Police Department Vehicle Tow/Impound Record, PD Form 924, indicating that the vehicle is a traffic hazard, will be attached to the windshield of the vehicle. A parking ticket will not be issued to a disabled vehicle that is a traffic hazard (City Code 25-277).

C. Three or more unpaid parking tickets

1. Contact the Parking Customer Service Office on the primary Traffic Unit subfleet and provide the license number. No vehicle will be towed for this violation until the Parking Customer Service Office has provided confirmation of the three or more unpaid/unsettled parking violations.
2. Upon receiving confirmation, complete a PD 924 and submit it to the wrecker driver upon his/her arrival at the scene.
3. Once the officer has received confirmation from the Parking Customer Service Office, the vehicle becomes impounded and may not be released to, or moved by, the owner. If the owner comes upon the vehicle at the point of impoundment, the officer will direct the owner and any inquiries to the Parking Customer Service Office. The officer will inform the owner that all unpaid parking tickets and other related fees must be paid prior to the release of the vehicle.
4. Upon verification that a vehicle meets the criteria for towing on three or more unpaid parking tickets, the following time limitations will be adhered to when waiting for the towing contractor:
 - a. Officers will stand by the impounded vehicle for 30 minutes on vehicles with Virginia license plates.

- b. Officers will stand by the impounded vehicle for 1 hour on vehicles with out-of-state license plates.
 - c. If there are five or more unpaid parking tickets on an impounded vehicle, the officer will stand by the impounded vehicle until the wrecker arrives. There is no time limitation for vehicles with five or more unpaid parking tickets. Officers will make every attempt to stand by unless exigent circumstances arise.
- D. The following information will be provided to citizens inquiring about the release of vehicles towed for unpaid parking tickets.
- 1. During the hours from 0800 to 1700, Monday through Friday, go to the Parking Customer Service Office to pay parking fines, late fees and delinquent late fees. Cash, certified checks, or money orders are accepted.
 - 2. After 1700 hours on weekdays, and on Saturdays, Sundays, and holidays, go to the Department of Public Works, Towing and Recovery Compound.
 - 3. After paying all parking fees and any late fees, the citizen will be given a City of Norfolk Citation Processing Center Towed Vehicle Release Form to be taken to the city's contract wrecker company Towing and Recovery compound. Their vehicle will be released to them upon payment of all towing and storage fees.

II. Abandoned Vehicles (CALEA 61.4.3.a/b/c)

A. Public Property

- 1. DO NOT issue a parking ticket to an abandoned vehicle to expedite the process of removal.
- 2. When a vehicle is abandoned, the officer will complete in duplicate an Abandoned Motor Vehicle Form, PD Form 823.
 - a. All applicable blanks must be completed. Include N/A or NONE where information is not available.
 - b. Indicate numerical addresses only, not intersecting street names.
 - c. If a dolly is required to tow a vehicle with missing wheels, tires, etc. this information will be noted in the "remarks" section.
 - d. Upon completion of the PD Form 823, the officer will submit the original (white) to a supervisor and place the copy (yellow) on the windshield of the vehicle.

e. The command will forward all completed forms to the appropriate division for further investigation.

3. The City's towing contractor is permitted to tow the vehicle four days after the date the officer enters in the space entitled, "The below described motor vehicle has been parked at: _____ since _____." This date should reflect when the officer first observed the violation; the date is not based upon a complainant's observations.

B. Private Property (CALEA 61.4.3.b)

If a vehicle is believed to be abandoned or is improperly parked on private property, it is the responsibility of the owner, lessee or their agent(s) to initiate removal of the vehicle through the use of a private towing contractor. Officers confronted with this situation will inform the citizens that removing these vehicles will be within the guidelines set forth in City Code sections 25-300 thru 25-311.

C. Guidance for persons objecting to removal of nuisance abatement vehicles

1. Individuals who do not have a judge's order (temporary injunction), should be told that the towing company has a task authorized by City Code sections 29-58, 25-591, and 25-601 to perform and it is necessary for them to go on the property to do it.
2. If the individual continues to object and/or prevent the towing company from removing the vehicle, the person may be charged with obstructing justice.
3. If the objecting person also violates some other code, he or she should be charged with that violation (e.g., disorderly conduct, etc.).

III. Recovered Stolen Vehicles - Police Personnel Responsibilities (CALEA 61.4.3.c)

- A. For in-city recovered stolen vehicles, the officer will notify the Detective Division and Word Process and complete the Norfolk Police Department Vehicle Tow/Impoundment Record PD form 924 (yellow copy to remain with the vehicle, white original forwarded to Auto Section). For out-of-city stolen vehicle recoveries, an Auto Section investigator will be notified and will be responsible for the appropriate notifications.
- B. Investigators will determine if a forensic process is required for the recovered vehicle and whether or not a tow for that purpose is required.
- C. The Detective Division or the recovering officer will ensure that the Word Process Center is contacted to clear the Norfolk stolen vehicle entry from NCIC/VCIN.

- D. The owner, via the Detective Division, will be asked what disposition they prefer:
1. To have the vehicle towed by a wrecker of their choice.
 2. To leave the vehicle legally parked at the present location with the City of Norfolk not being responsible for the vehicle.
 3. To have the vehicle towed by the City of Norfolk's towing contractor at the owner's expense with a storage fee according to the City of Norfolk's Towing and Recovery Division's policy.
- E. An on-the-scene release to the owner will be permitted only when the vehicle recovery is a short distance from the location of the owner, and the owner can respond within 30 minutes.
- F. If the vehicle owner refuses to indicate a choice and does not respond to retrieve the vehicle, the officer will:
1. Request via the City of Norfolk's Towing and Recovery Division that the City's contract wrecker service tow the vehicle to the vehicle compound as a stolen auto recovery.
 2. Complete a Norfolk Police Department Vehicle Tow/Impoundment Record PD form 924 (white copy forwarded to the Detective Division, yellow copy left in the vehicle, pink copy given to wrecker driver and gold copy to the officer).
 3. Comply with the inventory requirements as set out in Section XI of this order.
- G. If the owner cannot be located, the City's contract wrecker will tow the vehicle. When the owner is located and notified of the vehicle's location, storage fees will be calculated according to the City of Norfolk's Towing and Recovery Division's policy and City Code 25-601.
- H. Forensic process agreement
- Norfolk Police personnel will process for evidence and latent fingerprints any recovered stolen vehicle when requested by the agency having jurisdiction.

IV. Towed Stolen Vehicles

Responsibilities of Auto Section personnel

Upon notification from the Word Processing Center that a private towing firm has towed a stolen vehicle, the investigator will ensure that a police officer is sent to make the recovery.

When it has been confirmed that a private towing company has possession of a stolen vehicle, the police officer will contact an Auto Section investigator for guidance in recovering the vehicle.

V. Stolen Vehicle Reports

- A. Police officers receiving stolen vehicle complaints will call the Word Process Center complaint clerk, who will check the VCIN Towed Vehicle File for status.
1. If the vehicle was towed, inform the complainant of circumstances of the tow, and that a report will not be taken if the vehicle was towed from the same location as the supposed theft.
 2. If the complainant maintains that the vehicle was stolen prior to it being towed, take an offense report, and call in the stolen/recovered vehicle offense report to the Word Process Center.

VI. Confiscated Vehicles (CALEA 61.4.3.c)

- A. The Commonwealth Attorney's Office may petition the court to confiscate certain motor vehicles used in the commission of the following State Code violations:
1. § 4.1-346: Contraband beverages
 2. § 18.2-248: Manufacturing, selling, giving, distributing, or possessing with intent to manufacture, sell, give, or distribute a controlled substance or an imitation controlled substance prohibited; penalties.
 3. § 46.2-1087: Forfeiture of vehicles equipped with smoke projectors, etc.
 4. § 46.2-867: Racing; seizure of motor vehicle.
 5. § 18.2-386.30: Forfeiture of money, gambling devices, etc., seized from illegal gambling enterprise; innocent owners or lienors.
- B. When an officer determines that a vehicle should be confiscated, and has received approval from a supervisor, the following forms will be completed:
1. Norfolk Police Department Vehicle Tow/Impound Record PD Form 924.
 2. Seizure of Property, PD Form 887, in duplicate. After review by the officer's commanding officer, forward original to the Commonwealth's Attorney's Office (with notes) and the copy to the vehicle compound. This report will be submitted as soon as possible, but not later than the end of the officer's tour of duty. All seizures involving drug cases will be reviewed by the C.O. of the Vice and Narcotics Division.

VII. Investigations (CALEA 61.4.3.c)

- A. Vehicles directly involved in the commission of any homicide, rape or serious hit-and-run accident will be processed by a forensic technician at the scene. When circumstances (e.g. severe weather conditions, lack of proper lighting, or unruly crowds) prevent the vehicle from being processed at the scene, the investigative supervisor or investigator in charge of the scene will determine whether it will be towed to the vehicle compound or to the Forensics process bay.
 - 1. Vehicles will not be towed for evidentiary purposes without the approval of the investigative supervisor or investigator in charge of the investigation. The circumstances under which the vehicle is to be towed and whether there is a possibility for the destruction of potential evidence will be considered.
 - 2. PD Form 924, indicating towed for investigation, will be completed.
 - 3. The investigating officer, not the wrecker driver, will conduct an inventory of the vehicle and voucher all evidence.

- B. Hit and Run (CALEA 61.4.3.c)
 - 1. Any vehicle involved in a hit and run accident which does not involve serious injury or death, which is not otherwise needed as evidence, but needs to be towed because the driver or owner is unavailable, will be towed by the City's towing contract wrecker. The towing company will be instructed to hold the suspect hit and run vehicle.
 - 2. Any vehicle involved in a hit and run accident involving serious injury or death and needing to be processed, will be handled in accordance with Section VII.A. of this order.
 - 3. PD Form 924 will be completed (white original to the Auto Section).

- C. Vehicle hold
 - 1. A vehicle taken into custody in accordance with paragraphs A and B above, will not be placed on hold unless it is to be used for evidentiary purposes. Any supervisor or investigator may authorize a vehicle held for investigation purposes, not to exceed 72 hours (note C.3. below).
 - 2. The supervisor or investigator in charge at the scene, who authorized the vehicle hold, will notify the vehicle compound by written correspondence.

3. Vehicle holds which will exceed 72 hours must be approved in writing by the appropriate commanding officer or field commander. The written approval will be sent to the Vehicle Compound.
4. When a vehicle no longer needs to be held by the requesting supervisor or investigator, the vehicle compound will be notified by written correspondence to release the vehicle to the owner. The written notification will be maintained within the investigative case file.
5. When a vehicle no longer needs to be held by the requesting supervisor or investigator, the vehicle owner will be contacted and notified of the release of the vehicle. This notification must be documented establishing the name, date, and time of notification of release and maintained within the investigative case file.

VIII. Citizen Requests for Wreckers (CALEA 61.4.3.c)

- A. When a wrecker is requested by a citizen, a PD Form 924 will be completed per the form instructions.
 1. The original will be given to the driver of the vehicle requiring wrecker service.
 2. The copy will be turned in by the officer at the end of the shift for forwarding through the chain of command to the Central Records Division.
- B. Officers will ensure that wreckers operating in the City of Norfolk comply with both departmental rules and all city and state laws pertaining to their operations. The appropriate police action should be taken for any violations of the law. Any violations committed by the city contract wrecker should be reported immediately to the Officer-in-Charge of the Traffic Unit via the chain of command.

IX. Arrest Operating Motor Vehicle (CALEA 61.4.3.c)

When an officer makes an arrest of a person operating a motor vehicle (other than in a stolen vehicle), a PD Form 924 will be completed per the form instructions. When an arrest is made under § 46.2-301.1, Code of Virginia, refer to Section X.

- A. If the vehicle is not a traffic hazard, the police officer will inform the driver that he or she may select either of the following options:
 1. Properly park the vehicle and lock valuables in the trunk if access can be gained. A PD Form 924 will be completed. The white original will be forwarded to the Central Records Division.

2. Have it towed by the City's contract wrecker at the driver's expense. The officer will inventory all valuables.
 3. If the driver of the vehicle is arrested and there is no legal cause to retain the vehicle, the officer will allow the person arrested to designate another responsible licensed driver, present at the scene, to drive the vehicle.
- B. If the driver of the vehicle refuses to sign the PD Form 924 indicating his/her choice, the officer will inform the driver that the vehicle will be towed by the City's contract wrecker service at the driver's expense.
- C. If the vehicle is towed by the City's contract wrecker, a PD Form 924 will also be completed.

X. Administrative Impoundment of Motor Vehicles

Under §46.2-301.1, Code of Virginia, motor vehicles may be impounded for a period of thirty days as follows:

- A. When the driver is arrested after his/her privileges have been suspended or revoked for any of the below listed reasons, the arresting officer will impound or immobilize the driver's vehicle and serve notice to the driver.
1. Driving while operator's license is suspended or revoked for "Driving While Intoxicated" in violation of §18.2-266, §46.2-341.24, Code of Virginia, 25-251 City Code, or other similar ordinances.
 2. Driving after having been adjudicated as a habitual offender when such adjudication was based in whole or in part on an alcohol related offense.
 3. Where a person has been administratively suspended under provision of §46.2-391, Code of Virginia.
- B. Serving notice of impoundment. (CALEA 61.4.3.c)

PD Form 924 will be used to notify the defendant and courts of the impoundment and will be prepared as follows:

1. The white original will be delivered to the magistrate as soon as possible but no later than the end of the officer's relief. The magistrate will forward the form to the appropriate court for the next day's docket.
2. The yellow copy will be given to the defendant to serve as official notification of the impoundment.
3. The pink copy will accompany the vehicle to the Auto Compound, towed by the city contract wrecker, and will act as the tow card.

4. The gold copy will be retained by the arresting officer.

XI. Inventory Procedure

- A. An inventory is an administrative process by which property within an impounded vehicle is listed, secured, and protected. It will not be used as a substitute for a search warrant. A PD Form 924 will be prepared when an inventory is conducted.
 1. Police officers are responsible for protecting property which comes into their custody. This includes property within motor vehicles which have been seized, towed or otherwise removed from the owner's custody by the direction of the officer.
 2. When a police officer seizes, tows, or otherwise removes a vehicle from the owner's custody, the officer will conduct an inventory of its contents, unless entry to the vehicle cannot be gained. Any vehicle towed for parking violations or as a traffic hazard will be inventoried by the wrecker driver if entry is accessible.
- B. All closed or locked containers such as luggage, brief cases, and tool boxes, related to a vehicle inventory will be opened for the purpose of recording the contents on the PD Form 924. If the officer at the scene believes opening a locked container will cause substantial damage to the property, a supervisor will be notified prior to opening the container.
- C. Items permanently attached to the vehicle need not be inventoried. Examples of items that will be inventoried include: briefcases, tools, clothing, portable radios, cassette decks, and musical tapes.
- D. When an officer discovers any firearm(s) or money in excess of \$5.00, this property will be vouchered and listed on inventory.
- E. Officers will limit their inventory to the following places of the vehicle:
 1. Sun visors
 2. Front seat area
 3. Rear seat area
 4. Trunk and glove box (if unlocked or officer has keys).

XII. Towing Fees

No towing company shall charge fees in excess of what is prescribed in City Codes 25-301 and 25-601 for any tow within the City. Only the following police personnel can authorize the release of a vehicle towed by Towing and Recovery to the owner without towing fees:

- A. Chief of Police
- B. Deputy Chief
- C. Assistant Chiefs
- D. Commanding Officer, Homeland Security Division or designee
- E. Commanding Officer, Detective Division or designee
- F. Field commander

Definitions:

Abandoned Motor Vehicle – A motor vehicle, trailer, or semitrailer or part thereof that:

- (a) Is inoperable and is left unattended on public property for more than forty-eight (48) hours, or
- (b) Has remained illegally on public property for a period of more than forty-eight (48) hours, or
- (c) Has remained, without consent, on private property, including, but not limited to, any commercial parking place, motor vehicle storage facility or establishment for the service, repair, maintenance or sale of motor vehicles, whether or not such vehicle was brought into or left at such property with or without the consent of the owner or person in control of the property, for more than forty-eight (48) hours.

Tow – The actual hooking up and raising of a vehicle that is to be hauled away; also, to hook up, raise and haul away a vehicle pulled by another vehicle with a rope or chain mechanism.

Related Documents:

- 1. G.O. OPR-240: Parking Tickets
- 2. G.O. ADM-480: Asset Forfeiture

Attachment:

PD 345 Release of Vehicle Towed for Investigative Purposes



NORFOLK

Department of Police

PD 345

Release of Vehicle Towed for Investigative Purposes

To: Towing and Recovery _____
(Date)

Re: Vehicle _____
(License Plate)

The above listed vehicle held for investigative purposes is authorized for release to the owner by the Norfolk Police Department. Please contact the owner and release the vehicle according to normal procedures.

VEHICLE INFORMATION:

YEAR: _____ MAKE: _____ MODEL: _____

COLOR: _____

OWNER INFORMATION:

Name: _____ Driver's License #: _____

Address: _____ City: _____ State: _____

Zip Code: _____ Phone: _____

Owner Notified: Yes No

RELEASE AUTHORIZED BY:

Supervisor (Signed)

Supervisor's Name (Printed)