

2.4.3 Towing of Vehicles

A. POLICY

It is the policy of the Johnstown Police Department to ensure that any vehicle creating or potentially creating a traffic hazard is removed as expeditiously as possible from the roadway. In addition to those hazards created by motor vehicle accidents, illegally parked vehicles, or abandoned vehicles there are certain instances where vehicles should be towed as the result of a lawful criminal investigations.

B. PURPOSE

The purpose of this directive is to establish a lawful and logical system for the safe and timely removal of vehicles which pose a traffic hazard. It is also intended to create a consistent protocol for those vehicles which have been seized, confiscated, or otherwise taken into custody by members of the Johnstown Police Department.

2.4.4 Vehicle Accidents

- A. Any vehicle involved in an accident shall be removed to the shoulder of the road or elsewhere as soon as possible after officers have obtained necessary investigative information. Vehicles shall be removed from the shoulder without unnecessary delay
 - 1. Vehicles may be removed to the shoulder of the road or other legal parking spot, which does not obstruct or impede vehicle travel on the roadway.
 - 2. Officers shall not use departmental vehicles to push cars and officer shall not physically push cars.
 - 3. If the procedure above is not possible and a traffic hazard results the owner may have a towing service of his/her choice.
 - 4. Otherwise the officer may order towing of the vehicle at the owner's expense.

2.4.5 Emergency Situations

- A. Any vehicle found illegally parked in the vicinity of a fire, traffic, or airplane accident or area of emergency that creates a traffic hazard or interferes with the necessary work of police, fire, or other rescue workers may be towed on an officer's order at the owner's expense. Vehicles being used by radio, TV, and press are exempt unless they obstruct police, fire, or rescue operations.

2.4.5 Public Property

- A. Impeding/danger to traffic

No vehicle shall be stopped in such a manner as to impede or render dangerous the use of the highway by others, except in cases of mechanical breakdown or accident. If a disabled vehicle is not promptly removed and creates a traffic hazard, the officer may order the vehicle towed at the owner's expense

- B. State/Municipal vehicles

Any vehicle owned or controlled by the state or a local unit of government while actually engaged in construction or highway maintenance does not apply to the above paragraph policies A, B and C pertaining to vehicles

- C. Blocking driveway or parking area

Any officer discovering or having a report of any motor vehicle, trailer, or other vehicle blocking a driveway or parking area, or obstructing or interfering with the movement on any driveway or parking area without the land owner's permission may order the vehicle towed at the owner's expense

- D. Unattended traffic hazard/violation of law

Officers may tow any unattended motor vehicle found on a public street or grounds that constitutes a traffic hazard or is parked in such a manner as to be in violation of the law

- E. Abandoned vehicle

Whenever any motor vehicle is abandoned upon public property without permission; the officer may order it towed at the owner's expense

- i. A vehicle may be presumed to be abandoned if it lacks either a current **registration**, a valid state inspection, legible VIN number, or has been left unattended on public property for more than 48 hours or on private property for more than 48 hours without the property owner's consent, regardless of whether it was brought onto the private property with the consent of the owner
- ii. If the vehicle is considered abandoned and is not towed the officer shall
 - 1. Fill out an Abandoned Vehicle Report Tag
 - 2. **Place one half onto the vehicle and the other half is placed into the Captain of Police Operations inbox for processing**

2.4.6 Removal from Private Property

- A. Officer of the Johnstown Police Department shall not remove vehicles from private property. It shall be the responsibility of the property owner to have said vehicle removed. The officer shall make an incident report listing the owners name and address as well as the vehicle information
 - i. Property or business owners may act immediately to have vehicles towed which are occupying a lot, area, space, building or part thereof without their permission.

2.4.7 Evidence/Crime Involvement

- A. Upon supervisory approval, vehicles that are of an evidentiary value or involved in the commission of a serious crime shall be towed at the request of the **investigating** officer to an impound lot utilizing one of the contracted city services.
- B. DUI vehicles
 - 1. A vehicle driven by a DUI suspect that is legally and safely parked shall be locked and left there if the arrestee consents. If the suspect does not consent to locking and leaving a legally and safely parked vehicle, the officer **shall** order it towed for safekeeping at the owner's expense.

2.4.8 Towing/Impoundment Procedures

- A. Preferably, use the vehicle owner or operator's choice of towing company when not impounded for an arrest or for evidentiary purposes; **however, the investigating officer does have the authority to utilize one of the contracted city services when the amount of time needed for the owner or operator's service to respond is unreasonable.**
- B. If the owner/operator does not wish to specify a towing **company** or is not available to make a choice, the officer shall ask the **911** dispatcher to send the designated city towing service.
 1. In an emergency situation involving **major traffic congestion as the result of a** disabled vehicle, the officer shall ask the **911** dispatcher to send the designated city towing service.
 2. If the vehicle involved in the emergency is larger than a normal passenger vehicle or pickup, the officer shall request a **specifically** equipped wrecker.
 3. When the wrecker arrives on scene, the officer shall note the time of arrival and any other subsequent problems when the tow is at the owner or operator's request.
 4. When the wrecker arrives on scene at the officer's request the officer will fill out a Towed Car Report tag
 - i. Yellow Tow Tag when a violation has occurred
 - ii. All others a White Tow Tag
 5. **911** Dispatchers shall be notified of all requests to tow vehicles by officers and the name of the towing service requested by the owner or the officer.

2.4.9 Custodial Inventory/Search

- A. A custodial inventory/search is an administrative procedure designed to protect vehicles and their contents while in departmental custody. Any **custodial inventory/search** must strictly observe the provisions of this general order. The purpose of the inventory is to protect the owner's property and to protect the department against claims and possible dangers. Inventories may be conducted without a warrant or probable cause when:
- i. The vehicle has been lawfully seized or impounded pursuant to the arrest of the driver
 - ii. After towing the vehicle for violations, safety reasons, or other purposes as defined by law
- B. An examination of the contents of a motor vehicle pursuant to a criminal investigation or with the intent to search for evidence is not a **custodial/inventory search** but a vehicle search and as such is governed by the rules of search and seizure.
- i. Vehicles that are towed at the request of the owner or that are left legally parked shall not be inventoried. Officers are reminded of the "plain view doctrine" to a lawful arrest.
- C. **A statement indicating a custodial/inventory search was conducted shall be included in the narrative of the appropriate report** whenever an officer assumes responsibility for towing a vehicle. The officer shall complete an inventory at the location where the vehicle was seized unless safety or practicality requires the inventory to take place at another location.

D. Inventory procedures

- i. The scope of the inventory includes all open or closed containers and compartments. Any locked containers or compartments as long as the officer has a key.
- ii. Locked or sealed items shall not be forcibly entered. In general, the inventory extends to all areas of the vehicle in which personal property or hazardous materials may reasonably be found
- iii. Officers shall not force open a vehicle's trunk or glove compartment to inventory the contents.
- iv. **An officer finding any evidence, contraband, fruits or instruments of a crime during an inventory shall immediately cease their inventory and apply for a search warrant.**

Effective October 31, 2017

By Order Of:

A handwritten signature in black ink, appearing to read "Robert F. Johnson", with a long horizontal flourish extending to the right.

Robert F. Johnson
Chief of Police

Revised October 20, 2017