

SHERIFF OF GARFIELD COUNTY

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GARFIELD COUNTY SHERIFF'S OFFICE POLICY / PROCEDURE PATROL

SUBJECT: TOWING / IMPOUND OF VEHICLES

EFFECTIVE DATE: January 01, 2024

POLICY:

It shall be the policy of the Garfield County Sheriff's Office that whenever a vehicle is towed at the direction of a Deputy, a written record should be made of the case number, time, date, location, requesting Deputy, reason for removal or tow, towing service, location of vehicle, and notification (or attempts) of the registered owner. The vehicle shall be inventoried in accordance with this policy. Vehicles may be towed/impounded for the following reasons:

- Abandoned or inoperable vehicle
- The vehicle is a recovered stolen
- The vehicle is involved in a crime, or there is the possibility of evidence or a crime within the vehicle
- Traffic hazards
- Special events
- Parking violations
- The vehicle is not legal/unsafe to be operated on the roadway
- The vehicle has expired or no registration/proof of insurance
- The driver of the vehicle was arrested AND (including, but not limited to):
 - The vehicle is parked in an unsafe spot and is a traffic hazard
 - The vehicle has expired or no registration/proof of insurance
 - The registered owner of the vehicle cannot be located or contacted
 - The vehicle is unsafe
 - The driver will not give permission to leave the vehicle/take responsibility if left on the roadside

No vehicles, as a result of an arrest, will be parked or left on private property without the property owner/manager's consent.

PURPOSE:

To establish procedures for use by all department personnel to ensure the proper exercise of authority when towing/impounding vehicles.

DEFINITIONS:

- **Inventory Search:** A warrantless search of a motor vehicle that is used to inventory the contents of the vehicle prior to impounding the vehicle.

METHOD:

A Deputy with the Garfield County Sheriff's Office is granted authority to impound vehicles within Garfield County.

Since the Garfield County Sheriff's Office does not operate a towing service, the Office must rely on private towing services. Members of this Office will access a tow company by having the Communications Center personnel contact the tow service currently at the top of the established list. All tows will be initiated through the tow list unless the owner of the vehicle requests a particular company be used. This will be an acceptable alternative under the following circumstances:

- The tow is being paid for by the owner
- The use of the specified company does not create an unsafe condition or unreasonable time frame
- There is no Law Enforcement hold on the vehicle

An inventory of all towed/impounded vehicles shall be completed prior to releasing the vehicle to the tow company. The inventory shall be as complete as possible, with the Deputy performing the inventory by checking the interior of the vehicle, including the trunk, closed containers, glove box, tool boxes, luggage, etc. and documenting items of value. Locked containers and compartments *shall not be searched unless permission is granted by the person in the care, custody or control of the vehicle*. If there is probable cause that a locked container may contain evidence of a crime, a search warrant must be obtained. The exterior of the vehicle shall be surveyed for damage that exists prior to the tow.

The contents and condition of the vehicle shall be clearly documented on a tow sheet. The deputy completing the inventory for the tow will sign the form, and clearly print his/her name on the form. A copy of the form will be given to the tow company and the original will be maintained by the Deputy for report purposes.

Items that present a safety concern for the public, such as firearms, will be removed from the vehicle and placed into the property holding facilities at the Sheriff's Office. Items that present a liability risk such as large amounts of cash or expensive property will be removed and similarly stored for the owner. All items removed from a vehicle will be properly documented on the tow sheet, and a separate evidence log will be completed for all items taken for safekeeping.

Abandoned Vehicles: Vehicles of an abandoned or inoperable nature, as defined in 18-4-512 C.R.S., shall be marked with a Sheriff's Office "Red Tag", giving notice of the intent to tow the vehicle in seventy-two (72) hours (unless the location of the vehicle's abandonment creates a risk to other citizens and must be towed immediately). Deputies will do the following with the tagged vehicle:

- Deputies shall notify the Communications Center when a vehicle is tagged for abandonment and it shall be documented as part of their daily activities.
- Deputies shall write the case number, date and the name of the designated tow agency in a prominent location on one of the vehicle's windows with an agency-issued window marker or window pen on the date it is tagged.
- Prior to towing, the Deputy shall make reasonable attempts to identify and contact the registered owner of the vehicle. If towing of a vehicle does occur after 72 hours, record of the attempts to contact the registered owner shall be documented on the tow sheet.

- The towing of these vehicles will be handled by ONE agency designated by the Sheriff's Office. This company may or may not be a tow company on the regular rotation. These vehicles will be towed to that company's lot and processed accordingly.
- When the deputy requests a tow for a tagged vehicle through dispatch, dispatch will ONLY contact the designated company assigned to this task so that all tagged vehicles go to one location. The deputy must be specific with the tow request and make sure NOT to ask for the next tow on rotation.

Arrest: When an arrest is made and the vehicle requires towing, the Deputy shall inventory the vehicle prior to releasing it to the tow company. When the driver of a vehicle is arrested and taken into custody, the vehicle may be released to another person when:

- The vehicle owner, or person in control of the vehicle, gives permission to release the vehicle to another person
- That person is a licensed driver
- That person is in a safe condition to drive as determined by the Deputy
- The Deputy determines that the vehicle has no evidentiary value

No vehicles, as a result of an arrest, will be parked or left on private property without the property owner/manager's consent.

Recovered Stolen Vehicles: When a stolen vehicle is recovered, it shall be treated as evidence and as such, may need to be taken to a secure location for processing the vehicle, or items within the vehicle. Deputies shall contact the agency that entered the vehicle as stolen via the Communications Center to determine if any special evidentiary circumstances exist. Deputies will make every effort to determine a secure location to take the vehicle, including contacting other County Agencies for assistance. Deputies will also notify the Investigations unit of the Sheriff's Office for a disposition on the vehicle and/or its contents. The originating agency will be responsible for notifying the registered owner of the vehicle and the owner will be responsible for arrangements necessary to retrieve the vehicle. If the stolen vehicle is not required to be held as evidence, it will be inventoried and towed.

Criminal Evidence: A vehicle may be held because it was involved in a crime and/or has evidence of a crime within it. Deputies will notify the Investigations unit of the Sheriff's Office for a disposition on the vehicle and/or its contents. The vehicle may need to be taken to a secure location for processing the vehicle, or items within the vehicle. If the vehicle is not required to be held as evidence, it will be inventoried and towed. Any evidentiary items removed from the vehicle will be documented on the tow sheet and listed on an evidence form.

Traffic Hazards: If a vehicle poses a traffic hazard and/or a public safety threat, it may be immediately towed. The Deputy shall make a reasonable attempt to contact the owner and advise them of the disposition of the vehicle.

Special Events: If, after proper notification via signage and/or notice, a vehicle interferes with a special event, the vehicle may be immediately towed. The Deputy shall make a reasonable attempt to contact the owner and advise them of the disposition of the vehicle.

Parking Violations: If a vehicle is improperly parked and creates a traffic and/or public safety threat, it may be immediately towed. The Deputy shall make a reasonable attempt to contact the owner and advise them of the disposition of the vehicle.

Vehicle Holds: Placing a hold on a towed/impounded vehicle is done to insure that the vehicle is legally released. Examples of when a vehicle may have a hold are as follows.

- No insurance or proof of ownership found in the vehicle
- Determine owner of vehicle
- Evidence processing
- Pending determination of vehicle seizure as a result of a crime

The reason for the vehicle hold and requirement for release must be articulated on the impound sheet to insure consistency with the release procedure.

Release of Vehicles: Vehicles with a hold will only be released at the Sheriff's Office after the owner satisfies the condition(s) of the hold. All other vehicles may be released by the tow company.

Private Property Tows:

The towing of vehicles from private property is generally reserved as an action that can be taken by the owner of the property on which a vehicle has been abandoned. However, in accordance with 42-4-1805 (2) CRS, there is a required interaction between a tow agent performing such a tow, and the law enforcement jurisdiction in which the tow occurs. The law enforcement agency is required to:

- Obtain all pertinent information on the vehicle and tow company
- Issue a case number to the tow agency
- Complete an Incident Report
- Check the vehicle through CCIC/NCIC and attach to the Incident Report

If the CCIC/NCIC check lists the vehicle as stolen, a Deputy will be dispatched to secure the vehicle and follow the process for a recovered stolen vehicle. The tow agent is required to provide the name of tow agent, the location of the vehicle, description of the vehicle including make, model, color, year, license number, VIN.