

BLOOMINGTON POLICE DEPARTMENT

STANDARD OPERATING PROCEDURE

TOWING PROCEDURE AND SERVICE

Reviewed by: Assistant Chief Tim McCoy	Effective Date: January 29, 1996
Authorized by: Chief Dan Donath	Revision Date: May 6, 2020

PURPOSE

The purpose of this SOP is to establish procedures for towing vehicles.

PROCEDURE

The following vehicles will be towed by the towing service currently contracted with the Bloomington Police Department:

1. Vehicles owned by the police department which require towing. These vehicles do not require a tow report to be completed.
2. Vehicles impounded by police department authorization. These vehicles require a tow report to be completed.
3. Abandoned vehicles left in traffic or otherwise posing a hazard to traffic. These vehicles require a tow report to be completed.
4. Inoperable vehicles involved in traffic crashes. These vehicles do not require a tow report. If possible, the officer will ask the owner or his/her agent if a specific tow company is preferred. If the tow company requested by the owner can respond in a reasonable period of time, the officer should allow this towing company to respond to the scene.
5. Vehicles involved in fatal accidents or accidents resulting in great bodily harm may be towed and held for investigative purposes. These vehicles require a tow report to be completed.
6. Vehicles relocated from public property to another location. These vehicles require a tow report to be completed.

Upon towing and/or impounding a vehicle, an itemized inventory shall be taken of the vehicle as soon as possible, unless an articulable reason justifies a delay. While conducting an inventory, care shall be taken to ensure potential evidence is not destroyed in the process. Closed containers shall be opened, and the contents inventoried whenever this can be done without causing damage. Absent exigent circumstances, if damage is going to be done to the vehicle, officers shall seek approval from a supervisor prior to damaging the vehicle.

On-duty evidence technicians may be assigned the task of conducting an inventory of a vehicle. When a supervisor believes circumstances justify calling in a lab technician to process the vehicle for evidentiary purposes, s/he shall do so without unnecessary delay.

The original tow report will contain an itemized list in the inventory information block for tows requiring the completion of a tow report. If additional space is needed, an additional blank sheet shall be attached to all copies of the tow report.

Subject to Chapter 29-2208 of the Bloomington City Code, vehicles towed for certain traffic or criminal offenses require a \$400.00 impoundment fee in addition to a \$10.00 release fee. See "Appendix A" at the end of this policy for a list of these offenses requiring the impoundment fee. Vehicles impounded for offenses not listed in "Appendix A" will not be assessed the \$400.00 impound fee.

If a vehicle being towed is subject to an impound fee in compliance with City of Bloomington Code Chapter 29-2208, the driver of the towed vehicle shall be provided with the Bloomington Police Department Towed Vehicle Hearing Notice. The Towed Vehicle Hearing Notice will contain information regarding a prompt probable cause hearing to occur within 24 hours of request, excluding weekends and holidays. The informal hearing will be conducted by a police supervisor who shall determine whether probable cause exists for the seizure and impoundment of the vehicle pursuant to existing law or city ordinance, or if the vehicle was stolen. If the supervisor determines probable cause did not exist to impound the vehicle or the vehicle was stolen, the supervisor will waive any administrative fees and release the vehicle, in addition to notifying the towing contractor to waive the tow and storage fees. Occasionally, a citizen may claim their vehicle was stolen in order to avoid the tow expenses.

In addition to information related to the prompt probable cause hearing, the Towed Vehicle Hearing Notice will also provide information related to an Administrative Impoundment Hearing. Impoundment hearings will be held at the Bloomington Police Department at a pre-established date and time (excluding holidays). The towing officer will provide the designated date and time for the hearing, no earlier than 21 days and no later than 45 days from the date of tow/impound.

The Towed Vehicle Hearing Notice will also advise the driver the vehicle will remain impounded pending the completion of the Impoundment Hearing or the payment of any administrative fees related to the impoundment.

When towing contracts are awarded, it is possible that two different towing services will be contracted by the Department for different sized vehicles. If the contract to tow vehicles for the police department has been awarded to different companies, officers must be aware that one tow company will be towing vehicles under 10,000 pounds and the second tow company will be towing vehicles over 10,000 pounds. Whenever an officer has a question about the weight of a vehicle, the officer should take prudent steps to determine the weight of the vehicle. These steps might include asking another police officer with more experience for assistance or asking a supervisor for assistance in determining the weight of the vehicle.

When a vehicle is to be towed, the officer authorizing the tow will complete the Tow Report when required, completing all applicable fields. The officer will provide the pink "Towing Service" copy to the tow company driver.

The title of each page designates the distribution of the form. The tow report will be submitted to a supervisor for approval and distribution.

- A. When towing a vehicle subject to the administrative impound fee, Officers will note in the narrative of their report that the owner/operator of the vehicle was provided the Vehicle Hearing Notice with an Administrative Impoundment Hearing date, time, and location (set 21 days or more, but less than 45 days from the date of the impound).
- B. Community Service Officers (CSOs) will enter the tow report information into the towing database and will be responsible for placing the Master File copy in the tow book until the vehicle is released. When a vehicle is released to an owner, CSOs will provide the owner with a copy of the Vehicle Hearing Notice showing the date of the Administrative Hearing as set by the towing officer at the time of tow. The tow report is then placed in the department towing officer's mailbox.
- C. When a vehicle is not released within seven days of it being towed, Records personnel will also send, via first class mail, notice to the driver, owner(s), and any listed lienholder to their address registered with the Secretary of State. This notice will reflect the same date of Impoundment Hearing as the officer who towed the vehicle listed on the tow report at the time of impound.
- D. The Towing Service copy is detached and given to the towing vehicle driver at the time the vehicle is towed.
- E. The Release Form remains attached to the Master File copy until the vehicle is released. It is then given to the person to whom the vehicle is released to claim the vehicle from the tow service.
- F. The Traffic Division copy is detached and placed in the Traffic Records box after all applicable spaces are completed.

When the owner of an impounded vehicle desires to claim the vehicle, s/he must show proof of ownership (title or registration). If the registration on the vehicle is valid, the owner's picture ID is sufficient proof. This information must match the VIN and registration numbers shown on the tow report. If an agent of the owner wishes to claim the vehicle, it will be released to the agent only with the owner's notarized signature and instructions. Original Notary is required; faxes or copies are not acceptable, unless overridden by a police supervisor.

When a lienholder of an impounded vehicle desires to claim the vehicle, they must present evidence that the owner is delinquent in payments and that they have the legal right to repossess the vehicle. (e.g. Copy of like wording in their contract.)

When a vehicle is to be released, the personnel releasing the vehicle will check to see if there is any release or impoundment fee (\$10, or \$400 plus \$10.00 release) to be paid by the owner or agent. If a fee is paid, the personnel releasing the vehicle will fill out a receipt for the fee and give the top copy to the owner or agent. For all \$410.00 release fees, the remaining copy and the cash are to be sealed in the same envelope and dropped into the safe at the front desk.

A \$410.00 release fee may only be waived by a police supervisor upon review of circumstances of the tow. Supervisors should only waive the tow fees in circumstances where the requirements of the ordinance were not met (it is determined the vehicle was not used in the commission of a

qualifying offense, or the vehicle was stolen from the owner). Proper documentation must be attached to the Tow Report when fees are waived by supervisors.

Upon release of a vehicle, the tow reports will be broken down in the following manner: the Release Form (goldenrod copy) will be given to the owner or agent to give to the towing service and the Master File (white copy) and the Traffic Division copy (yellow) are to be placed in the Traffic Division mailbox.

APPENDIX A

Offenses which result in the assessment of the \$400.00 impoundment fee as authorized by Chapter 29- 2208. Offenses not specifically listed below are not subject to the \$400.00 administrative fee. The offense must be charged via State Statute, and not a city ordinance violation.

The following violations of the Illinois Vehicle Code:

625 ILCS 5/6-101 Driving with no valid license (never issued or expired greater than one year, excluding Graduated Driver's License being invalid for curfew).

625 ILCS 5/6-303 Driving with a suspended or revoked license, unless the suspension is the result of an unpaid parking ticket, unpaid moving violation, or due to failing to comply with emission testing.

625 ILCS 5/11-501 Driving under the influence of alcohol, another drug or drugs, an intoxicating compound or compounds, or any combination thereof.

Other eligible offenses:

720 ILCS 550 Illinois Cannabis Control Act Vehicle used in the commission of any violation of the act, for example possession (>10grams) or solicitation to possess (>10grams), manufacture, or delivery of cannabis,

720 ILCS 570 Vehicle used in the commission of any violation of the Illinois Controlled Substance Act, for example, possession, solicitation to possess, manufacture, delivery of a controlled substance.

720 LCS 646 Vehicle used in the commission of any violation of the Methamphetamine Control and Community Protection Act for possession of methamphetamine or its precursors, manufacture, or the delivery of methamphetamine.