

CHAPTER 115
ABANDONED AND TOWED VEHICLES

DISCUSSION: This Chapter is designed to set basic guidelines for the handling of abandoned and towed vehicles. The Police are often asked to participate in the towing process in the public interest, at accident scenes, at the owners request or incident to arrest to include seizure.

115.1.1 The Removal of Vehicles

- A. An officer may cause the removal of a vehicle IAW both state codes and city ordinances (MS Code 97-15-37 Obstruction of Public Highways, MS Code 97-35-25 Obstruction of Public Streets, City Code Sections 25-22, 25-23, 25-24 and 25-28, Ordinance 1058) if:
1. The vehicle is obstructing the access to a public building or is a menace to traffic.
 2. The owner of private property has complained that a vehicle is obstructing his passage from his driveway to a public street.
 3. The vehicle is reported stolen or is apparently abandoned.
 4. The owner or custodian of the vehicle is under arrest.
 5. Traffic accident in the roadway requiring vehicle removal.
 6. Seizure of a vehicle under the guidelines of this chapter.
- B. A supervisor must authorize the towing of any vehicle for any reason except as provided in "A" above.
- C. Upon determining that a vehicle needs to be removed, the officer shall request that the telecommunicator contact a wrecker service. All reasonable charges incurred as a result of such removal shall be paid by the owner or other responsible party.

115.1.2 Notice of Removal

- A. Whenever an officer directs the removal of a vehicle he shall make a reasonable attempt to notify the owner of such removal and the name of the wrecker service used for storage.
- B. If a reasonable effort results in no owner notification, the supervisor may recommend follow-up attempts or no further action.

115.1.3 Recording Procedures

- A. Whenever a vehicle is removed or towed at the direction of an officer, the officer shall notify the Communications Division providing a description of the vehicle (make, model, color, tag number, VIN if a tag number is unavailable, etc.) and probable cause for removing the vehicle. The telecommunicator will record all information in CAD under comments.
- B. If the driver of the vehicle was taken into custody the officer will indicate in the appropriate areas on the Custody Report and Personal Property Report.
 - 1. Name of wrecker service.
 - 2. Wrecker number.
 - 3. Location, if known to be different from wrecker service.
 - 4. To whom the vehicle was released if not towed.
 - 5. Vehicle identifiers.
- C. The Mississippi Uniform Crash Report provides for the recording of wrecker information.
 - 1. "Vehicle moved to".
 - 2. "Vehicle moved by".
 - 3. Blanks to indicate who authorized the removal.

115.1.4 Appeal of Tow and Impoundment

The owner or custodian of any vehicle that has been towed at the direction of a Police Officer, who expresses dissatisfaction with the action, shall be given an explanation for the removal and advised of the procedures for handling grievances with the Hattiesburg Police Department.

115.1.5 Preference for Removal

- A. Owners/operators involved in an accident or situation may express their preference of a wrecker service, and that wrecker service shall be called by the Hattiesburg Police Department, provided that the wrecker service can deliver the service in a similar fashion of a registered and permitted non-preference wrecker service. An owner/operator taken into custody may express a preference as to wrecker service where they are verbally capable of requesting said wrecker.
- B. Non-preference Wrecker Service is a wrecker service which is called by the Hattiesburg Police Department in those instances in which the owner or operator of a vehicle requires a tow or pick-up and has no preference as to who tows or picks up the

vehicle, or is not indicating a preference or is not present to make a choice of wrecker service for a tow or pick-up.

- C. Officers shall make an inquiry as to wrecker preference before determining that the owner/operator is "not indicating a preference"
- D. Owner/operator preference is not honored in cases such as seizures where the city may incur or assume responsibility for payment of towing services

115.1.6 Seizures and Impounding

- A. Vehicles will be towed to the Hattiesburg Police Department's Service Center only in the following situations:
 - 1. When the vehicle is a crime scene
 - 2. When the vehicle is to be seized for a narcotic's violation and the driver is the clear title holder.
 - a. There should be no liens; no dual ownership and the vehicle should be worth seizing (of value or use to the department).
 - b. A Metro agent will view the vehicle within two (2) days and make a final decision on the vehicle seizure. If the decision is made not to seize the vehicle, the agent will contact the towing service and release the vehicle to the towing service.
 - c. The vehicle should contain a significant amount of drugs. "Significant" is used as a broad guideline to mean that there must be enough evidence present to validate the action of seizure. Supervisors and Metro Agents are available and should be utilized to resolve any questions in the officers' mind as to the proper action.
 - 3. When there is a need to search the vehicle more thoroughly than can be done at a wrecker yard. If the vehicle does not fit 1 and 2 above, the wrecker should be allowed to tow the vehicle to its wrecker yard when the search is finished.
 - 4. When the owner/operator is charged with a felony DUI.
 - a. MS State Code 63-11-30 states: "The law enforcement agency shall seize the vehicle operated by any person charged with a third or subsequent violation..."
 - b. The Forrest County District Attorney's Office shall determine the release or seizure status on these vehicles, except where the spouse of the owner of the seized vehicle can show that the vehicle is the only

source of transportation, the chief law enforcement officer shall declare that the vehicle is thereby forfeited to such spouse

- B. Once towed to the Service Center and it is determined that the vehicle will be stored, the officer responsible will:
 - 1. Complete seizure form (fill in all blanks).
 - 2. Attach the vehicle keys to the form.
 - 3. Drop the vehicle keys, wrecker bill and card in the drop box located inside the Service Center.
- C. The Direct Support Commander or his designee will check the drop box each morning and will remove the deposited keys, verify the vehicle information and secure the keys in a locked cabinet located in the Service Center storage room.
- D. At the end of the month, the Direct Support Commander will prepare a report for the Assistant Chief of Police listing by vehicle year, make, model, date seized and case number of the seized vehicles stored at the Service Center.

115.1.7 Non-Preference Wrecker Service Call List

- A. City Ordinance 18-27 establishes a non-preference call list and minimum standards for participating wrecker services.
- B. A separate list is to be maintained for light duty and heavy duty wreckers.
- C. To give each wrecker service equal opportunity, rotation shall be made through the list on service at a time and officers shall not recommend time and officers shall not recommend a particular service other than next in line on the call list.
- D. The establishment of this call list does not prevent the City or department from entering into a contract with a wrecker service for specific services such as exclusive rights to tow city vehicles, vehicles involved in felonies or seizures.
- E. City Ordinance section 18 provides for non-preference wrecker response of twenty (20) minutes. Only supervisors may determine the need to call a second wrecker service due to a delayed response. This decision is usually made as the result of an inquiry as to the delay or circumstances surrounding the need for a wrecker service. Excessive or repeated time violations should be brought to the attention of the Operations Commander.
- F. A wrecker service may be put back on the non-preference call list in its original place if:

1. The wrecker service was cancelled prior to arrival at the service site (not time related)
2. Upon arrival it is determined that a wrecker service is not needed and the wrecker service agrees to replacement on the call list instead of any billing.
3. At the discretion of a supervisor dependent on the elements and circumstances surrounding the incident.

115.1.8 Alternatives and/or Exclusions to Removal

- A. Arrest in which the suspect was not removed from the vehicle or the vehicle itself is not factor concerning the violation does not require that the vehicle be towed.
- B. Accidents that occur on private property do not require removal action by law enforcement unless requested by the owner/operator of the vehicle or property owner.
- C. Instead of removal incident to arrest an officer may elect to release the vehicle to another individual designated by the owner/operators. Owners/operators that demonstrate diminished capacity to make rational or cognitive decisions will not be afforded this option. The officer must record the name of the person taking possession of the released vehicle as provided in 115.1.3.