

GENERAL ORDER, OPERATIONS, NUMBER 8
APRIL 3, 2001
WATERLOO POLICE DEPARTMENT

A. SUBJECT:

Removal of Vehicles.

B. PURPOSE:

To establish a standard Department policy and procedure for the selection and dispatch of approved commercial towing firms to remove and secure abandoned, disabled and legally impounded vehicles that is consistent with Section 321.89, Code of Iowa.

C. POLICY:

To accomplish the above purpose it is the policy of the Department that the following procedures shall be adhered to by all Department employees.

D. PROCEDURES:

1. Owner/Operator Requested Removal: When it is necessary to remove a vehicle, and the owner/operator is present or available, the choice of the commercial towing service is up to the owner/operator responsible for the vehicle to be towed. The owner/operator shall be requested to select a towing firm of his/her choice. Employees shall not recommend a towing firm. The employee will then contact the Communication Center, request the selected towing firm, and state that it is an owner/operator requested tow. If the owner/operator fails to select a commercial towing firm of his/her choice, the Department ordered removal procedure shall be used per Section 2. c. (3. g.) below.
2. Department Ordered Removal of Vehicles:
 - a. Officers of the Department are authorized to remove and secure "abandoned vehicles" by Section 321.89 of the Code of Iowa and Waterloo City Ordinance #3660.
 - b. "Abandoned Vehicle" means any of the following (quoting Code of Iowa and City Ordinance)
 1. A vehicle that has been left unattended on public property for more than forty-eight (48) hours and lacks current registration plates or two or more wheels or other parts which renders the vehicle totally inoperable, or
 2. A vehicle that has remained illegally on public property for

- more than seventy-two (72) hours, or,
3. A vehicle that has been unlawfully parked on private property or has been placed on private property without the consent of the owner or person in control of the property for more than twenty-four (24) hours, or
 4. A vehicle that has been legally impounded by order of Police (for evidence or forfeiture) and has not been reclaimed for a period of ten (10) days, or
 5. Any vehicle parked on the street or highway determined by police authority to create a hazard to other vehicle traffic.

However, a vehicle shall not be considered abandoned for a period of five days if its owner or operator is unable to move the vehicle and notifies the police authority responsible for the geographical location of the vehicle and requests assistance in the removal of the vehicle.

- c. An officer, when sent to the location of an abandoned vehicle or who, while performing his/her duties, finds an abandoned vehicle, shall:
 1. If the vehicle is believed to be an abandoned vehicle as defined in D. 2. b. 1, 2 or 3, affix the red Waterloo Police Department Abandoned Vehicle Warning Sticker to the left rear window.
 2. If the vehicle is believed to be an abandoned vehicle as defined in D. 2. b. 3, and there is probable cause to believe it has been so abandoned for 24 hours, shall proceed to Section 3. g. below.
 3. If the vehicle is an abandoned vehicle as defined in D. 2. b. 4 or 5, shall proceed to Section g. below.
- d. If the officer determines that the abandoned vehicle warning period has expired or immediate removal is appropriate and it is not possible or advisable to drive the vehicle, a wrecker shall be requested as per Section g. below.
- e. Officers of the Department are also authorized to remove and secure vehicles that are actually needed as evidence of a crime which is to be prosecuted in court. This does not mean any vehicle from which a person is arrested but only those where the vehicle itself can provide worthwhile evidence. This type of vehicle seizure is usually encountered when:
 1. A subject is arrested out of the vehicle and probable cause exists to believe that the vehicle contains evidence.
 2. A subject flees, thereby abandoning a vehicle for which probable cause exists to believe that the vehicle contains evidence.

3. The vehicle was used to transport controlled substances.
 4. The vehicle was acquired as or from the proceeds of a crime.
- f. In all of the above (e. 1. through e. 4.) circumstances any seizure and ensuing search must be justified by law. If the decision is made to remove a vehicle and it is not possible or advisable to drive the vehicle, a wrecker shall be requested per Section g. below.
- g. The names of approved commercial towing firms shall be listed in a towing log that is located in the Communications Center. An approved commercial towing firm shall be dispatched in rotation giving all an equal opportunity for Department ordered tows. When a request for a Department ordered tow is received by the Communications employee(s), they shall notify the next commercial towing firm in line and log the date, time, dispatched, time arrived at the scene and incident number.
1. One approved commercial towing firm will be dispatched to each incident. If the dispatched approved commercial towing firm cannot handle the required towing in a timely manner due to the number or size of vehicles involved, the next approved commercial towing firm in line will be dispatched to assist with both firms being logged as receiving a Department ordered tow.
 2. If an approved commercial towing firm is dispatched to an incident and cancelled either prior to or after arriving at the scene due to their services no longer being required, it will not be considered a completed Department ordered tow and they will be dispatched to the next Department ordered tow incident.
- h. A Waterloo Police Towed Vehicle Report must be filled out for each Department ordered vehicle removal. The wrecker driver must sign the report attesting to the condition of the vehicle.
- i. The Report shall be routed to Records and a copy to the Property Section.
- j. Upon receipt of the Towed Vehicle Report, the Property Section shall do the following:
1. Log all information on the proper forms.
 2. Maintain a record of all costs incurred.
 3. Send a notice to the owner/lien holder after ten (10) days if the vehicle has not been seized.
 4. If after the notice has been sent, the vehicle is not reclaimed, arrangements will be made to sell the vehicle at auction pursuant to section 32.89(4) Code of Iowa.

5. File all required reports with the State of Iowa and seek reimbursement for any costs incurred.

By order of:

Thomas J. Jennings
Chief of Police