



KANSAS CITY, MO. POLICE DEPARTMENT

DATE OF ISSUE

EFFECTIVE DATE

NO.

PROCEDURAL INSTRUCTION

11-11-09

11-11-09

09-9

SUBJECT

Towing/Protective Custody of Vehicles and Contents

AMENDS

REFERENCE

P.I. - Arrest Guidelines, Offense Report, Recovered Property Procedure, Department of Revenue Suspension and Revocation Actions, Detaining and Questioning Persons; Arrest; Search & Seizure; Department Memorandum-Concealed Carry Law, Tow Release Desk Relocation; Legal Bulletin-Vehicle Searches, Closed Containers.

RESCINDS

Procedural Instruction 06-4

I. PURPOSE

To establish guidelines and procedures pertaining to the towing/protective custody of vehicles and their contents.

II. POLICY

All procedural provisions shall be considered when circumstances indicate a vehicle may be towed, or must be towed, for protection of the vehicle and/or the preservation of evidence, e.g., motor vehicle title, paper receipts, etc. The decision to tow a vehicle will never be made to penalize the owner/operator.

III. DEFINITIONS

A. **Content Inventory** - A content inventory is a detailed inventory and listing of items located inside of the vehicle being towed. It is required for the towing and protective custody of all vehicles. A content inventory permits locked and/or closed compartments (e.g., trunk or glove compartment) and containers to be opened either by key or by force to determine the content. Any contraband, property of evidentiary value, or portable locked compartment that is not opened will be recovered and forwarded to the Property and Evidence Section.

NOTE: Vehicles towed only for the reason that they are abandoned or illegally parked will not be forced open nor will any locked compartment be forced open. Any item that is observed in plain view in a locked vehicle that is abandoned or illegally parked will be documented on the Tow-In Report, Form 36 P.D.

B. **Investigative Hold** - A hold authorized by an investigative element on a vehicle which was used in a crime.

C. **Negligible Value Property** - Property with apparent minimal value which will not be destroyed or have its value diminished if left in the vehicle, e.g., clothing, cosmetics, etc.

D. **Valuable Property** - Property which, in an officer's best judgment, is regarded as having significant value which could be lost, destroyed, or have its value diminished if left in the vehicle, e.g., monies, fine jewelry, precious metals. Good judgment must prevail in determining the value of items.

IV. ADMINISTRATIVE GUIDELINES

- A. A content inventory will be conducted on all vehicles towed to the City Tow Lot, unless otherwise instructed by a supervisor.
- B. Officers will use good judgement when determining whether to recover property of value found in vehicles that does not belong to the owner or which may have been used in the commission of a crime.
- C. All valuable property will be recovered and forwarded to the Property and Evidence Section in accordance with the directive entitled "Recovered Property Procedure."
- D. All Tow-In Reports, Form 36 P.D., and Authorization Not To Tow Vehicle, Form 455 P.D., will be required to have a case report number (CRN), either original or supplemental, entered in the upper right corner of the report.

V. PROCEDURE

This directive has been arranged in annexes to address situations, which may arise when towing a vehicle.

Annex A - General Towing Requirements

Annex B - Towing And Recovered Property Procedures

Annex C - Investigative Holds

Annex D - Processing Vehicles In Police Custody

Annex E - Abandoned/Nuisance Vehicles

Annex F - Vehicle Release Request, Form 272 P.D.

VI. TOW- IN REPORT, FORM 36 P.D.

The Tow-In Report, Form 36 P.D., is a four-part carbonless form, which will be completed in accordance with requirements in this directive. The proper routing of the completed form is printed in the lower left-hand corner.

VII. SPECIAL INSTRUCTIONS

Elements requiring the Police Hold Sticker, Form 213 P.D., the Abandoned Vehicle Check, Form 172 P.D., and the Hold For Processing Card, Form 3 P.D., will requisition them from the Supply Warehouse.

James D. Corwin
Chief of Police

Adopted by the Board of Police Commissioners this _____ day of _____ 2009.

Mark C. Thompson
President

DISTRIBUTION: All Department Personnel
Post on all bulletin boards for two weeks
Public View Master Index – Internet
Department Master Index – Intranet

GENERAL TOWING REQUIREMENTS

- A. Vehicles will be towed when the vehicle is known or believed to have been used in the commission of a crime and has evidentiary value, unless it is processed at the scene and can be released to the owner/operator.

- *B. In the officer's discretion, vehicles may be towed when:
 - 1. Any vehicle upon a street is so disabled as to constitute an obstruction to traffic and the person in charge of the vehicle is, by reason of physical injury or condition, incapacitated to such an extent as to be unable to provide for its custody or removal.
 - 2. Any vehicle or other personal property is parked illegally or placed in such a manner as to constitute a hazard or obstruction to the movement of traffic and when a traffic summons has been affixed to the vehicle or presented to the owner or operator.
 - 3. A vehicle is parked on the streets in the same place continuously for 48 hours or if it is left unattended on an interstate highway or freeway for a period in excess of 10 hours and a summons has been affixed to the vehicle or presented to the owner or operator.
 - 4. The driver of any vehicle is taken into custody by the police department and such vehicle would thereby be left unattended upon a street or highway.
 - 5. Any vehicle is found to be driven or moved on a street or highway which is in such unsafe condition as to endanger any person or property and a summons has be presented to the owner or operator or affixed to the vehicle.
 - 6. Any vehicle is parked on private property or upon an area developed as an off-street parking facility without the consent of the owner, lessee or person in charge of any such property or facility, and upon complaint to the police department by the owner, lessee or person in charge of such property or facility, and a summons has been presented to the owner or operator or affixed to the vehicle.
 - 7. Any vehicle is found, which the police have reasonable grounds to believe has been involved in an accident, and the driver, owner or person in charge thereof has failed to comply with the provisions of city ordinance relating to the reporting of accidents of the police department and the exchange of information at accident scenes.

8. Any vehicle is found on the street, and the driver, owner or person in charge of such vehicle, while driving or in charge of such vehicle or while such vehicle was parked or stopped, has received a summons to answer to a charge against him for violation of the traffic ordinance, and such driver, owner or person in charge has failed to appear and answer to such charge within the specified time.
 9. Any vehicle or personal property is directly interfering with the maintenance and care or the emergency use of the streets by any proper department of the city.
 10. Any vehicle is parked on the streets or any public place without valid license plates or with license plates reported stolen and when a traffic summons has been affixed to the vehicle or presented to the owner or operator.
 11. A stolen motor vehicle or other personal property is found on a public street or private property.
 12. Removal is necessary in the interest of public safety because of fire, flood, storm or other emergency reason.
 13. Any vehicle is parked on the streets or any public place and bears a city license plate or decal which has been reported stolen or which has been issued to a motor vehicle other than that to which it is affixed, or which has been altered or counterfeited, and when a traffic summons has been affixed to the vehicle or presented to the owner or operator.
 14. The condition of the vehicle, while being operated, is in violation of city ordinance or state law.
- *C. In lieu of towing the vehicle, officers also have discretion to allow an arrested owner/operator to accept one (1) of the following three (3) options:
1. Drive the vehicle to a police facility after being requested to do so by an officer.
 2. With the owner/operator's permission, the vehicle may be released to any passenger or other person who is not intoxicated.
 3. Sign an Authorization Not To Tow Vehicle, Form 455 P.D., allowing the arresting officer to leave the vehicle legally parked at the arrest scene. The owner/operator must sign and date the Authorization Not To Tow Vehicle, Form 455 P.D., at the arrest scene. A copy of the Authorization Not To Tow Vehicle will be given to the owner/operator and will indicate the location of the vehicle. The original will be forwarded to the Records Unit. Officers will be certain the owner/operator understands that by signing the Authorization Not To Tow Vehicle, Form 455 P.D., they are accepting full responsibility of the vehicle and its contents while it is parked at the designated location.

4. Good judgment will be used before a vehicle is allowed to remain parked at an arrest scene. Consideration will be given to no parking zones, time limit zones, the safety of any released occupants, area crime rate, etc. The arresting officer will inform the arrestee of the possible hazards of leaving the vehicle parked at the scene, e.g., theft of vehicle or its contents.

D. Tow-In Zone Violations

Vehicles towed from tow-in zones during prohibited hours will be towed to the City Tow Lot. Any vehicle illegally parked which is to be towed will have a Tow-In Report, Form 36 P.D., completed by the towing officer. The report will include a listing of all visible property of value in the vehicle and all damage to the vehicle. The property will remain in the vehicle. Once at the City Tow Lot, the property in the vehicle will become the responsibility of the tow lot attendant.

- E. When a vehicle has been raised by a tow truck to be towed for a misdemeanor or city ordinance violation/arrest, the vehicle may be released to a responsible person other than the owner/operator, if they arrive subsequently at the scene and they have the owner/operator's permission.

F. Outside Recovered Stolen Vehicles

1. The officer will notify the Stolen Auto Desk of the recovery.
2. The Stolen Auto Desk will notify the agency which reported the vehicle stolen by telephone. A teletype will also be sent to the agency by the Real Time Operator (Data Entry Section).
3. If the vehicle is driveable, it may be released to the owner at the recovery location unless;
 - a. The agency which reported the vehicle stolen requests a "hold" when notified of the recovery.
 - b. A "hold" is noted on the ALERT entry.
4. The vehicle will be towed when;
 - a. The vehicle owner cannot respond to the recovery location within forty-five (45) minutes.
 - b. A "hold" has been placed on the vehicle.

5. When a felony has occurred within the jurisdiction of Kansas City, Missouri, officers will first contact the appropriate investigative element for directions on processing the vehicle, advising them of any locked compartments. The appropriate investigative element will determine if an investigative hold will be placed on the vehicle for their unit.

6. Department members will not process outside stolen vehicles unless the vehicle was used in the commission of a felony in the city limits of Kansas City, Missouri, or other special circumstances exist. The agency will be notified in accordance with procedures outlined in the directive entitled, "Offense Reporting."

TOWING AND RECOVERED PROPERTY PROCEDURES

- A. When a vehicle is observed to be abandoned or is illegally parked and is causing a problem/hazard, officers will tow the vehicle. Officers will make every reasonable effort to contact the owner.
1. If an owner cannot be contacted and the vehicle is secured, the officer towing the vehicle will:
 - a. Document any item left in the vehicle that is in plain view on the Tow-in Report, Form 36 P.D. The officer should also document in the report that the listed items were observed “in plain view” and that the vehicle was secured at the scene.
 - b. Not force open any locked compartment.
 - c. Follow the procedures outlined in Annex E.
 2. If an owner cannot be contacted and the vehicle is not secured, the officer towing the vehicle will:
 - a. Inventory the entire vehicle and document all items on the Tow-In Report, Form 36 P.D.
 - b. Not force open any locked compartment.
 - c. Recover any valuable property and secure the vehicle, if possible.
 - d. Document on the Tow-In Report, Form 36 P.D., that “the inventorying officer secured the vehicle at the scene,” noting any compartment that was locked and unable to be inventoried.
 - e. Follow the procedures outlined in Annex E.
- B. When a vehicle is stopped on a car stop or a traffic violation and an arrest is made, the towing officer may have the owner/operator release the vehicle to a qualified driver, drive the vehicle to a police facility, or sign and date an Authorization Not To Tow Vehicle, Form 455 P.D., at the scene.
1. If the owner/operator signs and dates the Authorization Not To Tow Vehicle, Form 455 P.D.:
 - a. The vehicle will be secured at the scene.
 - b. The officer will document on his/her Daily Activity Log Sheet, Form 112 P.D., the owner/operator’s name, a description of the vehicle, and the location where the vehicle was left and secured.

- c. The officer will ensure the vehicle is legally parked.
 2. If the owner/operator decides not relinquish the vehicle to a qualified driver and refuses to drive to a police facility or sign the Authorization Not To Tow Vehicle, Form 455 P.D.:
 - a. A complete content inventory of the interior and trunk will be completed to prevent any article of valuable property from being overlooked.
 - (1) It is permissible to open closed containers when their contents cannot be determined from examining the container's exterior. If a container cannot be inventoried, it will be recovered and forwarded to the Property and Evidence Section.
 - (2) If the officer is unable to obtain entry into a locked compartment, the officer will attempt to obtain a key from the owner/operator.
 - (3) If the owner/operator refuses to allow the officer to gain entry into a locked compartment, the officer will advise the owner/operator he/she will have to force open the locked compartment to inventory the vehicle.
 - (4) If the owner/operator still refuses to allow the officer to gain entry, the officer will request a field supervisor to respond to the scene.
 - (5) After all efforts have been made to obtain a key, the locked compartment will be forced open however this should be done in a manner which will incur the least amount of damage to the vehicle being inventoried.
 - (6) Any locked compartment forced open and any damage will be noted on the Tow-In Report, Form 36 P.D.
 - b. The initiating officer will complete a Tow-In Report, Form 36 P.D., and request an officer standby for the tow.
- C. When a stolen auto, which occurred within Kansas City, Missouri, as been discovered, the officer towing the vehicle will:
 1. Follow the procedures outlined in Procedural Instruction entitled, "Offense Reporting."
 2. Make every reasonable effort to contact the owner.
 3. Force open any locked compartments if an owner cannot be contacted. Officers will request a field sergeant to respond before a locked compartment is forced open.

4. Recover any valuable property.
 5. Document on the Tow-In Report, Form 36 P.D., any locked compartments that were forced open and what damage occurred.
- *D. Valuable property, other than firearms, which is attached to or part of the vehicle, e.g., radio/tape player, wire wheels, cellular telephone, etc., will be inventoried and listed on the Tow-In Report, Form 36 P.D., in the appropriate section. The officer will indicate on the Tow-In Report, Form 36 P.D., the disposition of all other property contained in the vehicle.

1. **Valuable property in small quantities** should be inventoried and forwarded to the Property and Evidence Section in accordance with the procedural instruction entitled, "Recovered Property Procedure." Property other than evidence and contraband may be released at the scene by the officer to a responsible person. Release information on the reverse side of the Physical Evidence/Property Inventory Report, Form 236 P.D., will be completed prior to releasing the property. The accompanying report will contain a narrative of the incident and will include the disposition of the property.

A summary of the action taken will be placed on the Tow-In Report, Form 36 P.D., in the space reserved for the officer's comments. This summary will include the type of report taken and the case report number.

2. **Valuable property in large quantities**, e.g., in a panel truck or station wagon used to store and carry tools and supplies, or used for transferring large quantities of material. The officer should first attempt to locate a responsible person who is authorized to take custody of the vehicle. In the event the officer cannot locate such a person, the contents of the vehicle will be inventoried and listed on the Tow-In Report, Form 36 P.D. A Continuation Report, Form 183 P.D., will be used should more space be needed for listing vehicle contents. The contents will remain in the vehicle, which will be towed to the City Tow Lot. The officer completing the Tow-In Report, Form 36 P.D., will contact the City Tow Lot, by phone, to ensure that the supervisor is aware of the nature and contents of the vehicle being towed. The vehicle will then be released into the City Tow Lot supervisor's custody.
3. **Valuable property in the form of livestock or perishable goods**, e.g., a large produce truck, truckload of chickens or cattle, family vehicle with groceries, etc. The officer should first attempt to locate a responsible person who can be authorized to take custody of the vehicle and its contents. If such a person cannot be located, the officer will contact a supervisor for instructions.

NOTE: Examples of perishable items that will not be recovered and placed in the Property Room are refrigerator or freezer items, which when left out will spoil. Those items should be itemized and then thrown away, with the disposition noted on the Tow-In Report, Form 36 P.D.

4. **Handguns** will be recovered and placed in the Property and Evidence Section when:
 - a. The firearm has evidentiary value.
 - b. The firearm is seized for not being lawfully possessed.
 - c. The firearm is recovered for safekeeping (i.e. voluntary turn in, recovered from an abandoned vehicle being towed, etc.).

5. **Handguns** legally possessed in the vehicle may be:
 - *a. Placed in the arrestee's personal property as outlined in the Procedural Instruction, entitled, "Prisoner's Personal Property Procedure," or
 - b. Left in the vehicle as long as the arrestee signs an Authorization Not to Tow, Form 455 P.D., twice. Once to authorize not towing the vehicle and once to accept responsibility for the weapon being left in the vehicle, or
 - c. Released to another citizen known to the arrestee after that citizen has been verified through ALERT and MULES as a person who is not a felon, not a respondent of a Full Order of Protection, has no misdemeanor domestic violence conviction through a state court, has no outstanding warrants, and who can otherwise legally possess a handgun.

6. **Handguns/Long Guns** confiscated from a towed vehicle will be separated from other contents of the vehicle and handled according to established recovered property procedures.

7. **Property of negligible value** will be inventoried and listed on the Tow-In Report, Form 36 P.D. When possible, all negligible property will be placed in the trunk of the car, the trunk lid locked, and the keys to the trunk returned to the owner/operator of the vehicle.

- *E. When a "demand order" is discovered on a license plate or driver's license, the license plate or driver's license will be confiscated and handled in accordance with the procedural instruction entitled, "Missouri Department of Revenue Suspension/Revocation Actions."

- *F. Reported lost or stolen license plate(s) not registered to the vehicle will be recovered from the vehicle. A description of the recovered license plate(s) will be included in the comments section of the Tow-In Report, Form 36 P.D. Officers will complete the Physical Evidence/Property Inventory Report, Form 236 P.D., and the appropriate report.

- G. Altered or Counterfeit Vehicle Plates/Temporary Permits and Missing or Altered Vehicle Identification Numbers (VIN).

1. Any officer encountering a motor vehicle with altered or counterfeit vehicle plate(s)/temporary permit has the option of towing the vehicle. The altered or counterfeit plate(s)/temporary permit will be recovered and forwarded to the Property and Evidence Section, to be held as evidence.
 2. The appropriate traffic ordinance available to an officer encountering a vehicle with altered or counterfeit plate(s)/temporary permit is ordinance 70-137A. The appropriate mail-in fine box will be checked. On temporary permits, the control number, on the lower front, will be entered in the license number section of the UTT. The V.I.N. will be printed in the violation description section of the UTT.
 3. Any officer encountering a motor vehicle with missing, altered, or illegible vehicle identification numbers (VIN) has the option of towing the vehicle. The Property Crimes Section will be notified in these instances. Refer to Annex C, Investigative Holds.
- H. When a large unattended vehicle, which is beyond the capability of a conventional tow truck, must be towed, an attempt will be made to contact the owner to secure a tow service. If a tow can not be secured, the officer will request a tow through the dispatcher, informing the dispatcher of the special requirements needed.
- I. Search Warrant Guidelines

When a search of the entire vehicle under authority of a search warrant is dictated or desired, no immediate content inventory will be conducted by the towing officer.

The officer will contact the appropriate investigative element to determine if a warrant will be obtained. If so, the officer will have the vehicle towed to the police facility designated by that investigative element. The Investigative element will:

1. Obtain the search warrant, conduct the search, and complete the Physical Evidence/Property Inventory Report, Form 236 P.D.
2. Complete a content inventory of the vehicle.
3. Have the vehicle towed to the City Tow Lot upon completion of the above.

INVESTIGATIVE HOLDS

- A. An investigative “hold” will be placed on a vehicle only when:
1. Authorized by a specific investigative element. (This includes the Traffic Investigation Section.)
- NOTE: A Patrol Bureau supervisor can issue a “hold” on a stolen auto in the event a Property Crimes Division detective cannot be contacted.
- Either a D.U.I. supervisor/officer or a Vehicular Crimes Section supervisor/officer will be contacted to place a “hold” on a Hit and Run vehicle between the hours of 1600 and 0800 hours. (Hit and Run vehicles are not held under normal circumstances.)
2. The V.I.N. plate is missing/altered or title numbers do not match. (In these instances, the Property Crimes Section will be notified.)
- B. No “hold” for the Crime Scene Investigation Section will be placed on a vehicle when processing is requested. The “hold” will be for the investigative element authorizing the “hold.”
- C. When a “hold” is placed on a vehicle, the towing officer will:
1. Notify the respective investigative element before a content inventory of the vehicle is conducted. If personnel within that element cannot be contacted, a supervisor within the Violent Crimes Division will be notified.
 2. Conduct a content inventory if instructed by the investigative element.
- NOTE: A content inventory of the vehicle will not be conducted when an attempt to obtain a search warrant is dictated or desired.
3. Complete a Tow-In Report, Form 36 P.D., entering the appropriate case report number, the element requesting the hold, the name of the person authorizing the hold, and the specific crime the vehicle is being held for in the officer’s comments section.
 4. Upon completion of the tow, hand deliver the canary copy of the Tow-In Report, Form 36 P.D., to the appropriate investigative element requesting the “hold.” A copy may be faxed, however, the canary copy of the Tow-In Report, Form 36 P.D., must be forwarded to the element requesting the “hold.”

5. Complete a Hold for Processing Card, Form 3 P.D., and a Police Hold Sticker, Form 213 P.D., containing the appropriate information.
 - a. The Hold for Processing Card, Form 3 P.D., will be placed in the vehicle ensuring it is visible from outside the vehicle.
 - b. The Police Hold Sticker, Form 213 P.D., will be placed on the top center portion of the front windshield opposite the rear view mirror. If the front windshield is missing, the top center portion of the rear windshield may be used (do not place the Police Hold Sticker, Form 213 P.D., on a painted surface).
6. Notify the Bond Desk/Hold Notification Desk (ext. 5105) in a timely manner with the "hold" information, to include the person's name and unit who authorized the "hold." In the appropriate section of the Tow-In Report, Form 36 P.D., document the person contacted at the Bond Desk/Hold Notification Desk, noting the date and time.

D. The investigative element authorizing the vehicle "hold":

1. Is ultimately responsible for ensuring a complete content inventory of the vehicle is conducted prior to the investigative process being completed.
2. May release the vehicle after:
 - a. Verifying the vehicle's V.I.N.
 - b. Notifying the owner and/or lien holder that the hold is canceled and instructing them to respond to the City Tow Lot with proof of ownership and valid proof of identification.
 - c. Faxing the Authority to Release Automobile, Form 86 P.D., from a police department fax machine, or having the Form 86 P.D. hand delivered by a police officer or detective to the Records Unit.

NOTE: "Hold" vehicles must be released by the respective element with the "hold." Vehicles with a "hold" will no longer be released over the telephone. There will also be no exceptions for forms faxed from outside of the police department or hand delivered by a citizen to the Records Unit. If the sender's or intended receiver's fax machine is determined to be inoperable, the copy will be hand delivered to the Records Unit.

3. Will place the original Authority to Release Automobile, Form 86 P.D., in the case file.

PROCESSING VEHICLES IN POLICE CUSTODY

- A. Officers will process vehicles when possible. When requested, the Communications Unit will dispatch personnel from the Crime Scene Investigations Section to process the vehicle. The dispatcher will notify the officer who is recovering the vehicle that personnel from the Crime Scene Investigations Section will be responding. The vehicle may be released to the owner or their representative at the scene (location of recovery) upon approval of the appropriate investigative element, provided:
 - 1. It has been processed and has no further evidentiary value.
 - 2. Towing is not deemed warranted, i.e., no further need for an investigative hold.
 - 3. Verification of owner/representative is established.

- B. In all instances when authorization has been given to tow a vehicle for processing, Crime Scene Investigations personnel will be notified from the scene before the vehicle is towed. The vehicle will be towed to the designated location specified by the Crime Scene Investigations personnel. The officer will:
 - 1. Complete a Tow-In Report, Form 36 P.D.
 - 2. Complete a Hold for Processing Card, Form 3 P.D. Complete, if applicable, the Special Instructions Section on the back of Processing Card, Form 3 P.D., (e.g., trunk should be printed, recover paint standard from front driver side fender, etc.). Once completed, the towing officer will place the Processing Card, Form 3 P.D., in the vehicle, ensuring it is visible from outside the vehicle.
 - 3. Give the Impoundment Lot copy (buff) of the Tow-In Report, Form 36 P.D. to the tow truck driver. The towing officer will inform the tow truck driver of the location to tow the vehicle.

- C. When a Violent Crimes Division detective or sergeant deems that a vehicle should be inventoried and/or towed from the scene of a crime, Violent Crimes Division personnel will handle that function and not delegate it to Patrol Bureau personnel. After the inventory has been completed and a decision to tow the vehicle has been made, a district officer may be asked to stand-by for the tow if all other investigative functions have been completed and the detective is ready to leave the scene.

- D. If the vehicle being towed is the crime scene or possibly contains evidence and cannot be processed at the scene, a detective or Crime Scene Technician may request the towing officer escort the tow truck and vehicle to a predetermined location to ensure the contents of the vehicle remain intact. Upon arrival, the vehicle will be secured and released to police personnel.

- E. When processing is completed, Crime Scene Investigations personnel who processed the vehicle will follow the towing and recovered property procedures as outlined in Annex B.
- F. When an investigative hold has been placed on a vehicle, the procedures outlined in Annex C will be followed.

ABANDONED/NUISANCE VEHICLES

A. Abandoned Vehicles

1. Officers will locate, issue appropriate traffic ticket(s), and may tow abandoned vehicles from public and private property. All officers should familiarize themselves with Sections 70.641 and 70.642 of the Kansas City, Missouri Traffic Code. Section 70.641(d) has been amended to state a vehicle is presumed to be abandoned if:
 - a. It is left unattended on a street or highway for a period in excess of 48 hours.
 - b. It is left unattended on an interstate highway or freeway for a period in excess of 10 hours.
2. If an emergency condition exists, i.e., a vehicle is causing a traffic hazard, the vehicle should be towed immediately. (Procedures outlined in Annex B will be followed.)
3. If an emergency condition does not exist, officers will conduct a routine check of the vehicle. This may include a computer check of the license plate, V.I.N., registration information, etc. Officers will also visually check the interior of the vehicle and complete an Abandoned Vehicle Check, Form 172 P.D.
4. Abandoned vehicles may be towed 24 hours a day, however, officers must first check with the Communications Unit to determine if the tow lot is accepting vehicles. The tow lot does not have to be contacted if a vehicle must be towed due to emergency conditions.
5. An officer who encounters an abandoned vehicle on public property will:
 - a. Attempt to contact the owner or person responsible for the vehicle if the vehicle has not been previously checked. If this attempt meets with negative results, and there is no need to immediately tow the vehicle, the officer will:
 - (1) Complete an Abandoned Vehicle Check, Form 172 P.D., noting the date and time the vehicle was checked. The officer will also indicate the appropriate period of time that must transpire prior to towing the vehicle, i.e., 48 hours on a street or highway and 10 hours on an interstate highway or freeway.

- (2) Place the Abandoned Vehicle Check, Form 172 P.D., on the glass or noticeable location on the vehicle's road side. Do not place the Abandoned Vehicle Check, Form 172 P.D., on a painted surface.
 - b. Check the date and time listed on the Abandoned Vehicle Check, Form 172 P.D., to determine if the specified time limit (determined from Annex E, Section A) has elapsed.
 - (1) If the vehicle has exceeded the specified time limit, the officer will leave the violator's copy of the UTT on the vehicle.
 - (2) If the officer decides to have the vehicle towed, the officer will return to service and notify the dispatcher that the vehicle appears abandoned. The Communications Unit will notify the Action Center of the location and description of the abandoned vehicle, and that a UTT has been issued. The Action Center will handle the towing of the vehicle. A Tow-In Report, Form 36 P.D., will not be required (an inspector from the City Tow Lot will inventory the vehicle prior to having it towed).
 - *c. Inform the citizen to contact the Action Center by phone and provide the description and location of the abandoned vehicle if it is not causing a hazard.
6. An officer responding to a complaint and encountering an abandoned vehicle on private property will:
 - a. Complete a UTT and leave the Summons copy (yellow) on the vehicle.
 - b. Complete a subpoena with the court date left blank and have the subpoena signed by the owner, lessee, or person in charge of the property in the space provided directly below the phrase "Bring with you the following." The complainant will not receive a copy of the subpoena at that time. All copies of the subpoena will be attached to the court copy of the UTT. (The complainant will not sign the UTT. The Municipal Court will notify the complainant of the court date if the UTT is contested.)
 - c. Standby for a tow truck only if conditions require immediate towing, e.g., the vehicle is blocking access to a driveway or causing traffic congestion. If the vehicle requires immediate towing, the procedures outlined in Annex B will be followed.

- d. Order a tow truck through the Communications Unit if the vehicle does not require immediate towing.
 - (1) The dispatcher will inform the City Tow Lot attendant that the officer is not standing-by and will provide the description and location of the abandoned vehicle. The City Tow Lot attendant will dispatch a tow truck on a prioritized basis.
 - (2) Officers will complete the Tow-In Report, Form 36 P.D., recording all pertinent information, including the UTT number. The canary copy of the Tow-In Report, Form 36 P.D., will be left on the vehicle and the pink copy will be given to the complainant. If the canary copy is removed from the vehicle, the complainant will have a copy to give to the tow truck driver to eliminate the return of an officer. Officers should advise the complainant there may be a delay in the tow.
 - (3) Officers will forward the white original of the Tow-In Report, Form 36 P.D., to the Records Unit, Tow Desk, and the buff copy directly to the City Tow Lot.

B. Nuisance Vehicles

1. Vehicles on private property which are deemed abandoned and a nuisance will not be towed.
2. A vehicle which is a nuisance is defined by ordinance as:
 - a. Any wrecked, damaged, demolished, disassembled, or disabled vehicle left or permitted to remain upon any portion of the premises other than within a private garage.
 - b. Any motor vehicle parked, stored, or otherwise located on any premises within a residentially zoned district without a state license plate or one that has been expired more than one month, except vehicles not required to have current state license plates under state law.
 - c. Any motor vehicle parked along a street other than a specified parking space.
3. Officers encountering an abandoned nuisance vehicle will complete an ARS report to include the following:
 - a. A complete description of the vehicle including the license number, V.I.N., and location, in the Title of Case section.

- b. A narrative, to contain:
 - (1) All information relating to the vehicle, including names, addresses, and phone numbers of persons complaining about the vehicle.
 - (2) A request that the Neighborhood and Community Services Department investigate the circumstances.
- c. Members completing the Nuisance Vehicle-Private Property Report, will be responsible for forwarding a copy of the report to the Neighborhood and Community Services Department, 414 E. 12th Street, 4th Floor.

VEHICLE RELEASE REQUEST, FORM 272 P.D.

If a vehicle is mistakenly towed, or in criminal cases with extenuating circumstances, the following procedures will be initiated.

- A. A Vehicle Release Request, Form 272 P.D., will be completed by the appropriate element.
- B. The top of the form will be completed stating the reason for releasing the vehicle.
- C. The Vehicle Release Request, Form 272 P.D., will be signed by a supervisor or designee within the requesting element.
- D. If the vehicle is being held:
 - 1. The element that requested the hold will immediately hand carry or fax the Vehicle Release Request, Form 272 P.D., to the Bond Desk/Hold Notification Desk at the time the hold is lifted.
 - 2. When the hold on the vehicle is lifted, the owner will be instructed to respond to the City Tow Lot.
- E. The Bond Desk/Hold Notification Desk will fax a copy of the Vehicle Release Request, Form 272 P.D., to the City Attorney's Office upon releasing the vehicle.