



NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

CHAPTER: 61.21

TITLE: VEHICLE TOWING AND RELEASE

EFFECTIVE: 04/15/2018

REVISED: Replaces Policy/Procedure 510

PURPOSE

The purpose of this Chapter is to provide a process for towing a vehicle by or at the direction of the New Orleans Police Department.

DEFINITIONS

Non-Consent Tow—The towing of a motor vehicle where the vehicle operator has not called a towing service for assistance and is unable or unwilling to do so.

Heavy-Duty Vehicle—Any vehicle that, because of its size, weight, or other design or physical characteristics, would require its removal or transport under towing situations by a heavy-duty tow truck. A heavy-duty tow truck shall have a gross vehicle weight of not less than 33,000 pounds as rated by the manufacturer.

Vehicle Inventory Search—A warrantless search of a lawfully impounded vehicle conducted by police. An inventory search is not a search for evidence of a crime. The purpose of an inventory search is for the police to determine the contents of a vehicle in order to fulfill a variety of administrative functions. Those include:

- (a) Protecting the owner's property while in law enforcement custody;
- (b) Protecting law enforcement against claims or disputes over lost/stolen property; and
- (c) Protecting law enforcement from potential dangers located in the property.

Although incriminating evidence may be discovered in an inventory search, the discovery of such evidence must not be its intended purpose. An inventory search is not to be a ruse for a general rummaging in order to discover incriminating evidence or circumvent the search warrant requirement.

VEHICLE STORAGE REPORT

1. Department members requesting seizure or impound of a vehicle shall complete a NOPD **Vehicle Storage-Tow Request and Inventory Record Form** (Form 39). This form provides written authorization for the tow truck operator to possess the vehicle and a description of property within the vehicle.
2. The pink copy of the NOPD **Vehicle Storage-Tow Request and Inventory Record Form** (Form 39) shall be given to the tow truck operator and the original turned in to the

officer's unit before the officer's end of tour of duty (ETOD).

3. The original NOPD **Vehicle Storage-Tow Request and Inventory Record Form** (Form 39) shall be forwarded by the seizing officer's unit to the ISB – CID – PCI – Auto Theft / Towing & Recovery Unit no later than three working days after the vehicle is towed.

REMOVAL FROM A TRAFFIC CRASH SCENE

4. The investigating officer, upon arrival at the scene of a crash, shall determine if a tow truck from the allocation list is required to clear the scene to ensure public safety and promote the continued free flow of traffic.
5. Officers handling crashes shall inform the operators of motor vehicles involved in a crash they must remove the damaged vehicle from the public roadways, adjacent service lanes, or other city and state property within one hour after completion of the police investigation of an accident.
6. Any vehicle remaining in such areas will be considered hazardous and shall be subject to removal on the order of the New Orleans Police Department. The investigating officer is responsible for ensuring such vehicle is removed within this time limit.
7. When a vehicle has been involved in a crash and must be removed from the scene, the officer shall:
 - (a) If possible, have the driver select a towing company and shall relay the request for the specified towing company to Communications Services if the driver cannot call them.
 - (b) When there is no preferred towing company requested, one shall be selected from the Call Allocation List of towing companies maintained in Communications Services.
8. If a towing company initially selected by either the driver or from the Call Allocation List fails to respond within 45 minutes, the officer shall have Communications Services select the next available towing company from the rotational list of towing companies (La. R.S. 32:1735).
9. If the driver / owner is incapacitated or it is necessary for the Department to assume responsibility for a vehicle involved in a crash, the officer shall:
 - (a) Request Communications Services contact a company from the Call Allocation List;
 - (b) Conduct an inventory of the contents of the vehicle and document the inventory in the EPR or on the Form 39 as applicable to the incident;
 - (c) Place all inventoried contents on the books at CE&P as "PROPERTY" of the owner of the vehicle if they cannot be turned over to the owner at the time of seizure of the vehicle: and
 - (d) Store the vehicle using the **NOPD Vehicle Storage - Tow Request and Record Inventory Form** (Form 39) following review and approval by his/her supervisor.
10. Vehicles involved in auto crashes, found to be in violation of the Compulsory Motor Vehicle Liability Security law (**La. R.S.32:863.1**), and in need of a towing service due to damage, shall be impounded for violation of the Compulsory Motor Vehicle Liability Security law, regardless of which vehicle was deemed at fault.
11. Vehicles involved in a crash and being towed for violations of Compulsory Motor Vehicle Liability Insurance **must be towed from the Call Allocation List.**

PREFERRED TOWING BUSINESSES

12. The investigating officer shall interview the operator of the involved vehicles requiring towing support to determine if a preferred towing business has been or will be notified or if towing will be requested from the Call Allocation List.
13. If the operator has a preferred towing and recovery vendor which has not been contacted, the investigating officer shall notify the police
14. Towing Allocation Dispatcher (TAO) on radio channel DSP TAO of the name and phone number, if known, of the towing business, and request that this preferred vendor be officially notified.
15. When the operator preferred towing business has been notified by the towing allocation dispatcher, the Towing Allocation Officer (TAO) shall notify the investigating officer of the acknowledged response from the preferred towing business.
16. The operator's preferred towing business shall have a total of 45 minutes to arrive on the crash scene from the time of notification by the Towing Allocation Officer (TAO).
17. If the operator's preferred towing business informs the TAO that they cannot respond within the allotted time frame, the TAO shall then advise the investigating officer.
18. If the operator preferred towing business cannot or does not arrive in 45 minutes, the officer shall notify the operator that the Call Allocation List will be implemented.

NON-CONSENT TOW – TOWING ALLOCATION OFFICER

19. In those instances where the operator of a motor vehicle involved in a crash, or other traffic related emergency, requests towing support from the officer or is unable or refuses to make arrangements for the removal of said vehicle, it shall be the responsibility of the investigating officer to utilize the New Orleans Police Department Call Allocation List.
20. Unless the operator is incapacitated, or no longer on the scene, the officer shall notify the operator that a towing and recovery business will be dispatched to the scene to remove and store the vehicle at the operator's expense.
21. NOPD Form 39 must be completed by the investigating officer and signed by the operator/owner of the vehicle before the officer contacts the TAO. If the operator/owner of the vehicle is unable or unwilling to sign the form, the officer shall write, "**operator/owner refused/unable to sign**" on the signature line of the financial responsibility section of Form 39.
22. The vehicle information shall be provided to the TAO in the same order that they appear in the police report:
 - (a) Description of vehicle,
 - (b) License plate number of the vehicle,
 - (c) Name of operator of the vehicle,
 - (d) Type of tow truck needed, and
 - (e) Name of requesting officer/unit number.
23. The requesting officer shall obtain acknowledgement of the notification of the tow company by the TAO on "**DSP TAO.**"

24. It will be the responsibility of the investigating officer to ensure that each responding tow company only services the vehicle specifically assigned to that towing business.
25. The next sequential towing business on the rotation list shall be assigned to each disabled vehicle based on the order the vehicles appear in the police report. Towing companies shall be deployed from the Call Allocation List.
26. The investigating officer shall notify the operator of the vehicle that the New Orleans Police Department Call Allocation List towing service has been notified and is in route.
27. The on scene officers shall ensure the roadway is cleared as soon as possible. The officer(s) shall not allow a tow truck driver to remove a wrecked or disabled vehicle until such time as the investigating officer has completed his/her investigation or, if in the officer's opinion, the vehicles must be moved to ensure public safety.
28. If a tow truck from the Call Allocation List arrives at the scene and is unable to provide the necessary services, they must immediately notify the on scene officer.
29. Any substitute truck must be from the same company and such delivery must be within a time period not exceeding an additional 30 minutes.
30. Upon notification by the tow truck driver that the towing business cannot provide the necessary services, the investigating officer shall immediately contact the TAO on "**DSP TAO**" and request the services of the next towing business on the Call Allocation List. That towing business has 45 minutes to arrive on the scene.

ADDITIONAL TOWING RESPONSIBILITIES

31. The investigating officer shall not relocate or leave the accident scene until all of the tow truck(s) have arrived and all of the disabled/insurance vehicles have been removed.
32. The investigating officer shall ensure that all towing service businesses, whether called from the NOPD Call Allocation List or by the vehicle operator, clean all debris from a crash scene, for each vehicle assigned. The investigating officer shall monitor the clean-up of a crash scene and prohibiting the towing and removal of the vehicle until all such debris has been cleared.
33. In those instances when a vehicle is towed by the Call Allocation List towing business, it shall be noted in the **Uniform Motor Vehicle Traffic Crash Report**. In those instances where the vehicle is towed to a storage facility under the control of the towing business, the name, address, and telephone number of the storage facility shall be noted in the narrative portion of the crash report. No towing service shall tow or remove any vehicle to any other location except the towing service's approved storage facility, unless authorized in advance by the registered owner of the vehicle, the vehicle operator, or the New Orleans Police Department.

STORAGE AT AN ARREST SCENE

34. Whenever a person in control of a vehicle is arrested, this department will provide reasonable safekeeping by towing the arrestee's vehicle, subject to the exceptions described below.
35. The arrestee's vehicle shall be towed whenever:
 - (a) It is needed for the furtherance of an investigation or prosecution of the case, or
 - (b) When the community caretaker doctrine would reasonably suggest that the

vehicle should be towed (e.g., traffic hazard, high crime area).

36. Officers should impound a vehicle and complete the **NOPD Vehicle Storage - Tow Request and Record Inventory Form** (Form 39) including review and approval by a supervisor, whenever a vehicle is:
- (a) Evidence in a crime and needs to be held for prosecution.
 - (b) Suspected of containing evidence which cannot be collected in the field.
 - (c) A recovered stolen vehicle or displays evidence consistent with auto theft and:
 - i. The owner or other responsible party cannot be contacted.
 - ii. A supervisor authorizes impoundment based on a need to secure the vehicle.
37. Situations where consideration should be given to leaving a vehicle at the scene in lieu of towing include:
- (a) Providing the vehicle can be lawfully parked.
 - (b) Leaving the vehicle in a reasonably secured and safe condition.
 - (c) Traffic related warrant arrest.
 - (d) Situations where the vehicle was not used to further the offense for which the occupant was arrested or is not subject to forfeiture proceedings.
 - (e) Whenever the licensed owner of the vehicle is present, willing and able to take control of any vehicle not involved in criminal activity.
 - (f) Whenever the vehicle otherwise does not need to be stored and the owner requests that it be left at the scene. In such cases, the handling officer shall note in the report that the owner was informed that the Department will not be responsible for theft or damages.
35. Live animals which are inside motor vehicles to be impounded shall be turned over to the owner or another responsible party whenever possible. In cases where the animal cannot be released to a citizen, the S.P.C.A. shall be contacted for assistance. Under no circumstances will a live animal accompany an impounded motor vehicle.
36. Perishables found in motor vehicles requiring impoundment pose a special problem for department members because of the inability for storing these items. Officers impounding motor vehicles containing perishables shall make every effort to have a responsible party take possession of the items.
37. When large quantities of perishables are located inside a locked compartment of a commercial carrier and the vehicle can be towed or driven to the Almonaster Auto Impound, the vehicle's cargo may be transferred to a responsible party.
38. When it is necessary to contact the shipping or receiving party to secure perishables, the officers shall document their attempts whether successful or not, including the names of persons contacted and times of contact, in their incident report. The information pertaining to who was contacted, date and time of contact, and a telephone number where the responsible party was contacted shall be provided to the Department of Public Works, Almonaster Auto Impound.
39. If a responsible party cannot be contacted or cannot take custody of the perishables within a reasonable time frame, the impounding officer shall contact his/her supervisor and notify him/her of the circumstances and results of the attempts. The supervisor must approve the disposal of the perishables and the process and manner in which it will take place. The perishable items shall be disposed before they become a nuisance or dangerous by placing the items in the correct waste disposal container and, if necessary, notifying the City's waste management contractor to empty the waste container(s). Photographs should be taken to document the items being disposed of and the location (container) in which they were placed. This process and approval shall be documented

in the official report of the impoundment.

DRIVING A NON-CITY VEHICLE

38. Vehicles that have been towed by, or at the direction of, the Department should not be driven by police personnel unless it is necessary to:
- (a) Move a vehicle a short distance to eliminate a hazard,
 - (b) Prevent the obstruction of a fire hydrant, or
 - (c) To comply with parking regulations.

AUTO THEFT - TOWING AND RECOVERY UNIT

39. Impoundment Forms completed by department members and notifications of impoundments received from non-city storage facilities shall be promptly documented and filed by the ISB – CID – Auto Theft / Towing and Recovery Unit so that they are immediately available for release or review should inquiries be made (**R.S. 32:1718(B)**).

UNSOLICITED RESPONSE VIOLATION BY A TOWING BUSINESS

40. Tow truck operators shall not respond to the scene of a police investigation unless called by the police or by the operator of a disabled vehicle. No person, including but not limited to, the tow truck owner, his agent, employee, or operator, shall stop at the scene of an accident for the purpose of soliciting an engagement for towing services unless he/she has been requested by the New Orleans Police Department or other police agency.
41. Officers shall identify all towing businesses on a crash scene both prior to and after an officer's arrival to ascertain if the tow truck was requested by the operator.
42. Enforcement action taken against a tow truck company for unsolicited response shall require a separate item number than the traffic incident or crash.
43. A copy of the municipal affidavit(s) and/or summons(es) shall be forwarded to the ISB – CID – Auto Theft / Towing and Recovery Unit within 24 hours of the occurrence.

HEAVY-DUTY TOWING VEHICLE REQUEST

44. All requests for heavy duty towing shall be made through the “**DSP TAO**” towing allocation officer. All procedures outlined under this policy shall apply to heavy-duty towing / vehicles.

VEHICLE STORAGE - TOW REQUEST - INVENTORY SEARCHES

45. All property in a stored or impounded vehicle shall be inventoried and listed on the **Vehicle Storage-Tow Request and Inventory Record Form** (Form 39) or the applicable EPR and placed on the books at CE&P as “PROPERTY” of the owner of the vehicle if they cannot be turned over to the owner at the time of seizure of the vehicle. This includes the trunk and any compartments or containers, even if they are closed and/or locked.
46. Members conducting inventory searches should be as thorough and accurate as possible in preparing an itemized inventory. Inventory procedures are for the purpose of protecting an owner's property, to provide for the safety of officers and the public, and to protect the Department against fraudulent claims of lost, stolen or damaged property.

47. Vehicles containing non-fixed, removable items in or on the vehicle shall be noted in the remarks section of Form 39 or the applicable EPR and placed on the books at CE&P as "PROPERTY" of the owner of the vehicle if they cannot be turned over to the owner at the time of seizure of the vehicle.
48. The inventory shall be made in the presence of the tow company driver. The signature of the tow company driver is required on all inventory forms.
49. Investigating officers shall complete the **NOPD Vehicle Storage - Tow Request and Inventory Record Form** as indicated below:
 - (a) When the vehicle is impounded for violation of the compulsory motor vehicle liability security, the top and bottom portions must be completed.
 - (b) When the operator of a vehicle involved in a crash has been removed from the scene (hospitalized or arrested), and there is no concerned individual to take possession of the vehicle, the operator's signature on the form is not required. The officer shall write "**hospitalized or arrested**" on the signature line of Form 39 (complete entire form).
 - (c) When the vehicle is impounded because it is unattended and poses a hazard to public safety, the officer shall enter "**driver not on scene**" on the signature line of Form 39. Complete entire form.
 - (d) When a vehicle is disabled, either through an accident or mechanical malfunction, the driver is on the scene, and towing is required by municipal ordinance, the entire form shall be completed.
50. If the potential for damage to a locked container appears to outweigh the protection of the items inside, other options should be considered regarding locked containers including:
 - (a) Obtaining access to the locked container from the owner;
 - (b) Placing the locked container into safekeeping; or
 - (c) Obtaining a written waiver of responsibility for the contents of the locked container.
51. Copies of the **NOPD Vehicle Storage - Tow Request and Inventory Record Form 39** shall be distributed as indicated on each page.
52. Investigating officers shall not complete the **NOPD Vehicle Storage - Tow Request and Inventory Record form** on crashes where the vehicle operator is on the scene and towing services have already been ordered by the operator with no involvement of the Department.

PRESERVATION OF EVIDENCE

53. An officer removing a vehicle from a scene who has probable cause to believe that the vehicle or its contents constitute evidence which tends to show that a criminal offense has been committed, or tends to show that a particular person has committed a criminal offense, shall ensure that all legally required and reasonably necessary efforts to preserve the evidence, including but not limited to, safe storage in NOPD custody and control, are taken until the evidence is released to the owner or otherwise disposed of according to law.
54. Generally, officers may not search vehicles, even incident to arrest, unless the officer has obtained a search warrant or can show that another exception to the warrant requirement applies. (See: **Chapter 1.2.4 – Search and Seizure**).

SECURITY OF VEHICLES AND PROPERTY

55. Unless it would cause an unreasonable delay in the completion of a vehicle impound/storage or create an issue of officer safety, officers should make reasonable accommodations to permit a driver/owner to retrieve small items of value or personal need (e.g., cash, jewelry, cellular telephone, prescriptions) that are not considered evidence or contraband.
56. Prior to vehicle's removal from the scene, officers shall remove any movable property from the passenger compartment of the vehicle. Movable property must be processed in accordance with **Chapter 84.1 – Evidence and Property**.
57. This property may be placed in the trunk of the vehicle only if the owner is present and the key to the trunk is returned to the owner.
58. If a search of a vehicle leaves the vehicle or any property contained therein vulnerable to unauthorized entry, theft or damage, members conducting the search shall take such steps as are reasonably necessary to secure and/or preserve the vehicle or property.

PROHIBITED ACTS

59. No employee of the New Orleans Police Department may own, have a financial interest in, or otherwise be in the employ of any company or business engaged in the towing and recovery business, work secondary employment for such a company or business, or act as an agent of such a company or business.
60. Employees are prohibited from recommending, offering, soliciting, or forcing the services of any towing business to the operator or representative of a crash vehicle other than as assigned by this Chapter.
61. Officers shall not reassign towing services that have been dispatched from the Call Allocation List to any other vehicle other than the vehicle assigned by the TAO.

TOWING AND RECOVERY SECTION: DUTIES AND RESPONSIBILITIES

62. The following duties shall be performed by the Auto Theft / Towing and Recovery Unit.
 - (a) To manage the Call Allocation List that has been established by Municipal Ordinance Sec. 162-998 for towing and recovery of motor vehicles involved in crashes, or other traffic related incidents.
 - (b) To conduct inspections of all tow wagons that have been approved for the Call Allocation List for compliance with applicable municipal and state laws.
 - (c) To conduct inspections of all towing businesses and storage facilities for compliance with all applicable municipal and state laws. The Towing and Recovery Unit shall conduct background checks of all employees of each towing and recovery business that applies for participation on the Call Allocation List.
 - (d) To distribute City of New Orleans, Department of Police, Call Allocation List decals to those towing and recovery businesses that meet all of the qualifications and specifications as set forth in Municipal Ordinance numbers 162-996 through 162-1017.
63. The **New Orleans Police Department Towing Allocation Inspection Sticker** shall be affixed to the inside windshield, on the driver's side, above the motor vehicle inspection sticker, of all tow trucks that have been approved for inclusion on the Call Allocation List. The decal shall be affixed to the tow truck by a member of the Towing and Recovery Section.

64. The decal shall be renewed annually upon re-application and approval of the towing business for the Call Allocation List. The license plate number of the tow truck shall be entered on the rear inside of the decal. The decal color will change each year and will have the year in the center in large, bold text.
65. The Towing and Recovery Unit shall conduct criminal and administrative investigations of towing and recovery businesses. Department members receiving complaints regarding towing service and storage facilities shall notify the Towing and Recovery Unit for necessary follow-up investigation. Copies of any reports on incidents that involved a towing or storage facility investigated conducted by a department member shall be forwarded to the Towing and Recovery Unit.