

East Haven Police Department



Type of Directive:	Policies & Procedures	No. 701.6
Subject/Title:	Towing of Motor Vehicles	Issue Date: January 31, 2023
		Effective Date: February 15, 2023
Issuing Authority:	Honorable Board of Police Commissioners	Review Date: Annually
References/Attachments:	Policies and Procedures #: 702 Connecticut General Statutes § 14-227a and 14-227h	Rescinds: 701.5 Amends: N/A

I. PURPOSE

- A. The purpose of this directive is to set forth the policies and procedures of the East Haven Police Department (EHPD) regarding towing motor vehicles, and for selecting among and supervising towing firms contracted with the Town of East Haven.

II. POLICY

- A. It is the policy of the East Haven Police Department that the East Haven Public Safety Communications Center (EHPSCC) personnel shall assign towing services to tow companies in a rotation established by the Chief of Police.
- B. It is the policy of the East Haven Police Department that personnel shall uphold operators' and owners' Constitutional rights in every instance in which they direct a vehicle to be towed. The race, ethnicity, national origin, gender, sexual preference of the owner and/or operator may never be used as the basis for towing or otherwise removing a vehicle.

III. PROCEDURES

- A. EHPSCC personnel shall assign tow requests only to the tow companies that are approved by the Chief of Police.
- B. EHPSCC personnel shall assign tow requests to such tow companies in a rotation as established by the Chief of Police at the beginning of each contract year.
 1. A call list of approved tow companies shall be kept on file in the EHPSCC.

- C. Tow contractors shall follow all applicable laws and ordinances in the process of removing and storing vehicles.
- D. The call list shall be comprised of no more than four (4) towing companies having the capacity for standard towing.
 - 1. Standard tows are those motor vehicles having a gross motor vehicle weight of less than 10,000 pounds.
- E. The call list shall also be comprised of no more than two (2) towing companies having the capacity for heavy-duty towing.
 - 1. Heavy-duty tows are those motor vehicles having a gross motor vehicle weight in excess of 10,000 pounds.
- F. Selecting Among Tow Contractors.
 - 1. Supervisors may deviate from the rotation schedule in an emergency. The reasoning for such a deviation shall be documented in the Towing Log in the CAD system.
 - a. The Internal Affairs Officer (IAO) shall audit the towing system annually, but in any event prior to the Chief of Police establishing the yearly call lists, to ensure Department compliance with the relevant procedures, ordinances, contracts and laws.
 - b. The IAO shall complete an annual report to the Chief of Police. Said report is to be provided to the Chief of Police prior to his/her establishing the yearly call lists. The Chief of Police shall take any necessary corrective or other follow-up action indicated in the annual report.
 - 2. EHPSCC personnel, upon being notified by the officer at the scene, shall inform towing firms of any special conditions they might encounter, e.g. vehicle off road, down an embankment, etc.
 - 3. When EHPSCC personnel receive a request for a tow, they shall notify the appropriate tow company by the day or night telephone number provided by the tow company.
 - a. A representative of the firm shall confirm that a wrecker operator has been notified and will be on the scene within twenty-five (25) minutes.
 - b. EHPSCC personnel shall maintain a Tow Log that contains the date, case number, license plate number, make, model, and location of each motor vehicle that is towed.
 - 4. In the event the tow company next up in rotation is not available or does not have the capacity for the tow, the next company in rotation with the capacity to conduct the tow shall be called. If the firm has the capability for the tow but is unavailable, the request shall be considered use of the firm's turn in the rotation and the firm shall be placed at the bottom of the rotation list.

5. Any tow company unavailable for three (3) rotation tow calls within a thirty (30) day time period shall be suspended from the rotation tow list for the next thirty (30) days. Two suspensions within one (1) year shall result in removal of that tow company from the rotation list.
 - a. Supervisors shall notify the Chief of Police in writing of a tow company's second (2nd) unavailability within a thirty (30) day period in the Law Enforcement Administration System (LEAS) Department Review (DR) reporting module.
6. Requests made by an individual driver to have a motor vehicle towed to a particular garage should be honored regardless of which tow company is doing the tow. "Owner's requests" shall be recorded as such in the Tow Log.
 - a. Nothing in this order shall preclude the owner's right to request a tow company not included on the rotation list, including motor club services such as AAA, AARP, etc. if summoning such assistance does not interfere with public safety based upon the officer's determination.
 - 1) This section does not apply to an owner's request in conjunction with the arrest of the owner/operator.
7. All tow companies on the rotation list must provide service to the Department during emergencies, such as snowstorms.
8. Department personnel may stop a tow if the vehicle has not yet been hoisted from the ground.
9. Any vehicle ticketed to be towed for a parking violation, but which has not been hoisted shall be returned to the person in custody of the vehicle, without charge, provided no other circumstances, i.e. a driver's intoxication, prohibit such action.
10. Should a tow company be dispatched on a rotation-system call in which the vehicle is removed before arrival, or if for any other reason the tow is not completed or a service charge not received, it shall be deemed a "dry run", and the firm shall be given the next request on the rotation list.
11. All charges related to the towing of motor vehicles and/or providing road service shall not exceed the maximum towing charges approved by the Commissioner of Motor Vehicles.
12. The Chief of Police may suspend tow companies not adhering to these policies from the rotation list.
 - a. Any officer who observes a violation of these requirements by a tow company must submit a written report to his/her supervisor.

G. Officers are authorized to have vehicles towed that are found upon a public street, highway or Town property under the following circumstances:

1. When authorized by state law and/or local ordinance.

2. When an officer determines the vehicle was stolen or taken without the owner's consent.
 - a. If the vehicle is reported stolen, the officer will determine the reporting agency and whether the vehicle should be held for evidentiary purposes.
 - b. If the stolen vehicle is not held for evidentiary purposes or other reasons, EHPSCC personnel shall ask the reporting agency to notify the owner of the vehicle. If the owner can immediately respond to the scene to take custody of the vehicle, the vehicle will not be towed unless they request it.
 - 1) EHPSCC personnel shall send a locate via COLLECT/NCIC.
 - 2) When the stolen vehicle was initially reported to the Department and was later recovered in East Haven, EHPSCC personnel shall cancel the COLLECT/NCIC message.
3. When the vehicle is evidence in a crime.
4. When a vehicle is disabled and obstructs traffic.
5. When a vehicle is disabled and poses a hazard to traffic and the driver has been arrested, the officer may have the vehicle towed.
 - a. The officer has the discretion to release the vehicle to a responsible person of the owner's choice once ownership has been established, as long as the vehicle is not needed for evidence. The vehicle must be properly registered and insured.
6. When the driver and any potential alternative drivers of the vehicle are incapacitated to such an extent as to be unable to provide for its custody or removal.
7. When a vehicle is determined to be unregistered, the officer may issue a citation.
 - a. He/she will inform the operator that the vehicle cannot be driven upon the highway.
 - b. He/she will have the vehicle towed if it is a hazard or cannot be removed from the roadway.
8. When a vehicle is found being driven upon the street and is not in lawful condition to be driven.
9. When removal is necessary in the interest of public safety because of fire, flood, storm, snow, or other emergency reasons.
10. When, in the judgment of the officer, it is necessary to remove the vehicle to protect it from damage and/or to safeguard property contained in the vehicle.
11. When an officer determines the vehicle to be abandoned and has tagged the vehicle with a printed twenty-four (24) hour advance notice of the intent to tow, and the vehicle is present after the twenty-four (24) hour notice expired.

12. A vehicle may be towed from private property if it is evidence in a crime.
13. When an officer makes an arrest for operating under the influence in violation of Connecticut General Statutes § 14-227a, he/she shall tow the vehicle in accordance with Connecticut General Statutes § 14-227h.

H. When an officer determines a vehicle must be towed, a State of Connecticut Notice of Motor Vehicle Tow Form (H-114) shall be completed.

1. The completed State of Connecticut Notice of Motor Vehicle Tow Form shall be submitted to the Records Division by the end of the officer's tour of duty, absent an exigent circumstance that prevents the submission of said form.
2. All State of Connecticut Notice of Motor Vehicle Tow Forms that are submitted to the Records Division shall be maintained in accordance with the Connecticut State Library procedures as authorized by Connecticut General Statutes § 11-8 and 11-8a.

I. Inventorying Towed / Impounded Vehicles

1. An inventory shall be conducted under the procedures set forth in Policies and Procedures # 702 - Motor Vehicle Inventory.