


PBP FORM 290  PITTSBURGH BUREAU OF POLICE <i>"...accountability, integrity and respect."</i>		SUBJECT: "TOWING PROCEDURES ~ TEMPORARY HOLDS ON VEHICLES"	ORDER NUMBER: 41-04.02
		PLEAC STANDARD: N/A	PAGE 1 OF 3
ISSUE DATE: 6/1/2010	EFFECTIVE DATE: 6/1/2010	ANNUAL REVIEW DATE: JUNE	RESCINDS: N/A
			AMENDS: ALL PREVIOUS

1.0 POLICY/PURPOSE:

- 1.1 To provide members of the Pittsburgh Bureau of Police with proper procedures for towing and/or placing temporary "holds" on vehicles in accordance with the policy prescribed by the Pittsburgh Bureau of Police.
- 1.2 "Temporary holds" shall not be placed on a vehicle unless there is a **clear** and **legal** reason to do so.

2.4 REASONS FOR TOWING A MOTOR VEHICLE

- 2.1 Whenever any vehicle is found wrecked or abandoned, or parked in violation of the Commonwealth Vehicle Code, or of Article V of the City of Pittsburgh Code of Ordinances, §523.02 (a) authorizes the Chief of Police to remove the vehicle, either by city-operated towing equipment, or by a contract tower.
- 2.2 §523.02 (b) of Article V of the City of Pittsburgh Code of Ordinances authorizes the towing of vehicles to any city pound, private storage area or garage for the purpose of a **police investigation**.
- 2.3 A police officer in the Commonwealth of Pennsylvania is governed by Title 75, Chapter 33, Section 3352 of the Pennsylvania Vehicle Code which states that "the removal of a vehicle by or at the direction of police may occur only under the following circumstances:"
 - 2.3.1 The vehicle is stolen.
 - 2.3.2 The vehicle is involved in an accident and is not drivable.
 - 2.3.3 The vehicle is in the possession of a physically arrested person.
 - 2.3.4 The vehicle is unattended and obstructing traffic. (**VEHICLES MUST BE CITED PRIOR TO TOWING**).
 - 2.3.5 The vehicle is abandoned (as defined by Chapter 75 – see Chapter 1, Section 102 and MPO 40-4.4).
 - 2.3.6 The vehicle is parked in violation of the law (**VEHICLES MUST BE CITED PRIOR TO TOWING**).
- 2.4 Additionally, 75 Pa. C.S. §7105 mandates every police officer in the Commonwealth of Pennsylvania having knowledge of a vehicle on which the vehicle identification number (VIN) has been removed or falsified shall be immediately seized.
- 2.5 Lastly, the City of Pittsburgh Code of Ordinances, Article V, §531.01 authorizes the Mayor of the City of Pittsburgh to declare a snow emergency on the streets of the City of Pittsburgh.
 - 2.5.1 As such , § 531.02 mandates that after a snow emergency has been declared, no person during the period of the emergency shall park any vehicle on streets designated and marked as snow emergency routes pursuant to §531.04. Vehicles parked on designated snow emergency routes later than one (1) hour after a snow emergency has been declared by the Mayor shall be deemed to be in violation of the provisions of the City Code and may be towed.

3.0 VEHICLES PLACED ON HOLD

3.1 No vehicle will be placed on hold except for the following reasons:

- 3.1.1 For investigative purposes.
- 3.2.1 For extenuating circumstances connected with an arrest.
- 3.2.2 for vehicles intended to be seized under asset forfeiture laws.

3.2 PBP Form #400.12 “Vehicle Temporary Hold Order” will be completed **in its entirety** for any vehicle placed on hold.

3.3 Holds will **only** be placed on vehicles as outlined in section 3.1. **They will NOT be used as a punitive measure, or if held for investigative purposes, the vehicle must be processed in a timely manner without unnecessary delay.**

3.4 All holds will be evaluated on a weekly basis by the Impound Liaison Officer who is a member of the Pittsburgh Bureau of Police.

- 3.4.1 Supervisors will ensure that **only authorized holds** are placed on vehicles by affixing their signatures on the hold request forms in the designated section.
- 3.4.2. In the event that a supervisor is physically unavailable to come to the scene to authorize a hold by affixing his/her signature on the PBP Form #400.12 “Vehicle Hold Order,” the towing officer will check the “ Verbal Authorization” block on the form and print the supervisors’ name who granted the verbal approval for the hold.

4.0 PROCESSING OF VEHICLES FOR EVIDENCE

4.1 Any vehicle that was used in criminal activity and requires photographing, fingerprinting or other processing for evidence by the Mobile Crime Unit, Night Felony or Collision investigative Unit must be towed to the MCU Processing Garage, McGann & Chester or elsewhere if special arrangements have been made by the appropriate supervisor.

4.2 As a general rule, consent or a search warrant must be obtained prior to processing the vehicle.

- 4.2.1 The Mobile Crime Unit will not process the vehicle until the Investigating Officer or A/Detective indicates whether or not consent has been obtained or a search warrant has been obtained.
- 4.2.2 The Investigating Officer or A/Detective is responsible for ensuring consent is obtained from the owner or a search warrant is obtained in a **timely manner**. If this is a Major Crimes case, the appropriate Major Crimes Unit is responsible for ensuring this is done.
- 4.2.3 If the consent and/or search warrant is obtained after the vehicle has been towed to the MCU Processing Garage, the Mobile Crime Unit should be notified at the current phone number for MCU so that processing can begin as soon as possible. A copy of the consent or warrant can be faxed to the Mobile Crime Unit at the current FAX number for MCU.

π If *possible*, the Investigating Officer may want to attempt to be present for processing in order to direct MCU personnel for optimum evidence collection.

4.3 Vehicles towed to the MCU Processing Garage or McGann & Chester must bear a “Vehicle Hold Order” (PBP Form #400.12). Any vehicle without **an appropriately completed** “Vehicle Hold Order” Form #400.12 will **NOT** be accepted or processed. (The “Vehicle Hold Order can be found on the Police Officer’s Toolkit on the “I” drive.)

4.3.1 The first four (4) sections of this form shall be completed in full by the towing officer

π When completing section marked “Facts of the Case” – insert a checkmark in the block provided if a hold is being placed on the vehicle because it was used for the **DELIVERY** of drugs (not merely possession) *only*.

4.3.2 The fifth section of the form will be completed by the Mobile Crime Unit once the vehicle has been processed.

4.3.3 If the “towing” officer is not the same as the “Investigating” officer, this officer **must** do one of the following:

- π Consult with the Investigating Officer to determine whether the “Search Warrant” or “Consent Obtained” block to be checked before the vehicle can be processed ~ and ~ if so ~ check the appropriate block on the Vehicle Hold Form OR
 - π Check the “Unknown” block on the Vehicle Hold Form.
- 4.4 The Headquarters Desk, Unit 3800, must be notified of all vehicles towed to the MCU Processing Garage for processing. Unit 3800 can be reached on Channel 8.
- 4.4.1 Unit 3800 will log the request in the Mobile Crime Unit log book so they are aware the vehicle is to be processed.
 - 4.4.2 The date and time of notification to Unit 3800 must be noted in the appropriate block of the Vehicle Hold Order.
- 4.5 After processing, the vehicle will be towed to McGann & Chester’s facility.
- 4.5.1 The Vehicle Hold **will expire** (according to contract with McGann & Chester) within 5 days **unless the Investigating Officer:**
 - 4.5.1.1 Coordinates an extension with the Impound Liaison Officer **or**
 - 4.5.1.2 Makes **written notification** to the Chief of Police to extend the Vehicle Hold.
 - 4.5.1.2.1 The Investigating Officer shall submit a “Special” (PBP Form #410) through the chain of command titled “**Request to Extend a Temporary Vehicle Hold**” to the chief of police **clearly outlining** the reasons why the hold needs to be extended.
 - 4.5.2 Failure to request an extension in one of these two ways **will result in the release of the vehicle.**
- 4.6 The Impound Liaison Officer will notify all victims that they will be able to retrieve their vehicles from the McGann & Chester’s facility.

Approved By:

Nathan E. Harper
Chief of Police