


PBP FORM 290  <b>PITTSBURGH BUREAU OF POLICE</b> <i>"...accountability, integrity and respect."</i>		<b>SUBJECT:</b> <b>"TOWING PROCEDURES ~ REASONS FOR TOWING"</b>		<b>ORDER NUMBER:</b> <b>41-04.01</b>	
		<b>PLEAC STANDARD:</b> N/A		<b>PAGE 1 OF 5</b>	
<b>ISSUE DATE:</b> 3/1/2011	<b>EFFECTIVE DATE:</b> 3/1/2011	<b>ANNUAL REVIEW DATE:</b> MARCH	<b>RESCINDS:</b> N/A	<b>AMENDS:</b> COP 07-006	

**1.0 POLICY/PURPOSE:**

- 1.1 To provide members of the Pittsburgh Bureau of Police with proper procedures for towing vehicles in accordance with the policy prescribed by the Pittsburgh Bureau of Police.
- 1.2 Vehicles shall not be towed unless there is a **clear** and **legal** reason to do so.

**2.0 REASONS FOR TOWING A MOTOR VEHICLE**

- 2.1 When any vehicle is in violation of the Commonwealth Vehicle Code, the Chief of Police or his/her designee is authorized to remove said vehicle, either by city-operated towing equipment, or by a contract tower.
  - 2.11. §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**.
- 2.2 A police officer in the Commonwealth of Pennsylvania is governed by Title 75, Chapter 33, Section 3352, **3353 and 3354** 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:"
  - 2.2.1 The vehicle is stolen,
  - 2.2.2 The vehicle is involved in a crash and is not drivable,
  - 2.2.3 The vehicle is in the possession of a physically arrested person **and the vehicle is found to be in violation of the law or there is probable cause that evidence of a crime exists in the vehicle or the vehicle was used in the commission of a crime.**
  - 2.2.4 The vehicle is unattended and obstructing traffic. (**VEHICLES MUST BE CITED PRIOR TO TOWING**),
  - 2.2.5 The vehicle is "Abandoned" (as defined by Chapter 75 – see Chapter 1, Section 102 and MPO 41-04.04),
  - 2.2.6 The vehicle is parked in violation of the law (**VEHICLES MUST BE CITED PRIOR TO TOWING**).
- 2.3 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.
- 2.4 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.
  - 2.4.1 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 TOWING OF VEHICLES OPERATED BY SUSPENDED DRIVERS**

- 3.1 **75 Pa. C.S. §6309.2 of the Pennsylvania Vehicle Code** states that, “If a person operates a motor vehicle or combination on a highway or traffic way of the Commonwealth of Pennsylvania while the person's operating privilege is suspended, revoked, canceled, recalled or disqualified or where the person is unlicensed, as verified by an appropriate law enforcement officer in cooperation with the department, or if a motor vehicle or combination for which there is no valid registration or for which the registration is suspended as verified by an appropriate law enforcement officer, the law enforcement officer shall immobilize the vehicle or combination or, in the interest of public safety, direct that the vehicle be towed and stored by the appropriate towing and storage agent.
- 3.2 If an officer determines that a vehicle shall be towed due to the suspension of the driver’s operating privilege, he/she shall refer to General Order # 41.04.03 “Towing Procedures; Inventories” to determine if an inventory search needs to be conducted on the vehicle prior to towage of the vehicle, and the proper procedures that shall be followed in such an event.

#### **4.0 VEHICLES PLACED ON HOLD**

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

- 4.1.1 For **investigative** purposes (*search warrant to be obtained*).
- 4.1.2 For **extenuating** circumstances connected with an arrest (*search warrant to be obtained*).
- 4.1.3 For vehicles **intended to be seized under asset forfeiture** laws (*search warrant to be obtained*).

4.2 Refer to **General Order #41-04.02** for Pittsburgh Bureau of Police procedures and guidelines regarding “**Vehicle Holds**”.

#### **5.0 TOWING RECOVERED/STOLEN VEHICLES**

5.1 Recovered stolen vehicles **shall** be towed when **ANY** of the following conditions are present:

- 5.1.1 The vehicle presents a traffic hazard and cannot be driven away.
- 5.1.2 The vehicle has been requested for investigative purposes or evidence.
- 5.1.3 A vehicle **MAY** be towed from an area where it is likely to be vandalized or re-stolen, but **ONLY UPON THE OWNERS REQUEST** (within a reasonable period of time – 30 minutes) (*Commonwealth v. Hennigan, 753 A.2d 245 (PA Super. 2000)*).
- 5.1.4 There are extenuating circumstances; the reason **must** be indicated on the tow slip.

5.2 The owner of a (privately) recovered stolen vehicle may **NOT** be able to **respond** on-scene within a reasonable period of time and may **NOT** want the vehicle to be towed.

5.2.1 In this instance, the owner must make other arrangements for disposition of the vehicle, and this shall be **clearly articulated** on the PBP Supplemental Report.

5.3 When a recovered stolen vehicle is towed, the responding police unit that completes the PBP Supplemental shall fax a copy of the recovery report to the Auto Squad Unit at their current location.

5.4 When towing “Recovered Stolen Vehicles” that **may** also happen to meet the criteria of an “Abandoned Vehicle,” **DO NOT** check the “abandoned vehicle” block” on the tow slip. The vehicle **must** be towed as if it were a “Recovered Stolen Vehicle.”

5.6 Officers **shall not drive stolen vehicles** to their duty location or **any** other location.

#### **6.0 DISPOSITION OF STOLEN VEHICLES**

6.1 Towed stolen vehicles shall be maintained at the City-contracted tow company.

6.2 The City-contracted tow company personnel will be responsible for attempting to contact the last registered owner by certified mail.

- 6.3 If the last registered owner cannot be located or fails to respond, the vehicle will be maintained at the City-contracted tow company for a period of 30 days from the date of the notice.
- 6.4 Upon completion of the 30-day period, a decision will be made by the City-contracted tow company personnel as to whether the car will be sold at auction or salvaged.

### **7.0 DISPOSITION OF VEHICLES INVOLVED IN FIRES**

- 7.1 When officers are dispatched to a report of a vehicle fire, they shall attempt to determine the **cause** of the fire.
- 7.1.1. If it can be determined that the vehicle is on fire because of a **mechanical failure**, and no further investigation is required, the owner is responsible for removing the vehicle from the scene.
- 7.1.1.1. If the owner has been contacted and instructed to remove the fire-damaged vehicle from the scene or a traffic-way but fails to do so, the vehicle shall be towed from the scene ASAP by the City-contracted tow company and cited under the PA State Vehicle Code §3352 “Removal of Vehicle by or at the Direction of Police.”
- 7.1.1.2 The vehicle shall be removed to the site of the City-contracted tow facility.
- 7.2 If officers suspect the cause of the fire is **Arson**, the Arson Squad should be activated to investigate **before** the vehicle is towed.
- 7.2.1. Once the car is towed from the scene, there is a possibility that evidence might be **lost in transit, destroyed** when being put on or off the flatbed, or **left** at the scene. Investigators may not be aware that these instances have occurred.
- 7.3 Circumstances that may activate the Arson Squad (*as outlined in General Order #42-3 “Police Response at Fire Scenes” §6.3.1*) include, but may not be limited to:
- 7.3.1 Whether a person sustained a life-threatening injury.
- 7.3.2 If the fire spread to a structure.
- 7.3.3 If the fire lead to other property damage.
- 7.3.4 If evidence needs to be collected.
- 7.3.5 If suspects were seen setting the fire by witnesses and/or victims.
- 7.3.6 If suspects were seen leaving the scene of the fire by witnesses and/or victims.
- 7.4 When officers are dispatched to a report of a vehicle fire, they shall ensure that all reports are completed in their entirety.
- 7.5 Refer to **General Order #42-03 “Police Response at Fire Scenes”** for further procedures and guidelines regarding response and investigation of vehicle fires.

### **8.0 VEHICLES INVOLVED IN CRASHES**

- 8.1 Vehicles involved in crashes shall **NOT** be towed unless:
- 8.1.1 The vehicle presents a traffic hazard and cannot be moved.
- 8.1.2 It is necessary for investigative or evidentiary purposes.
- 8.1.2.1 Depending upon the circumstances surrounding the crash (such as a fatality), the vehicle may be towed to a location other than the City-contracted tow company for further investigation.
- 8.2 In those cases where it is determined that one (or more) vehicles involved in a crash must be towed from a scene, and driver(s) are *not incapacitated*, an officer is required to advise the driver(s) of the following:
- 8.2.1 The City intends to contact the City-contracted tow company for the purpose of securing towing services.
- 8.2.2 The vehicle will be towed directly to the City-contracted tow company **unless** the driver can identify another tow truck operator or service that s/he prefers **and** that the operator will arrive on-scene within one (1) hour.
- 8.2.3 This period may be modified by a police officer as circumstances may warrant.

- 8.3 Regardless of which towing service has been identified, in circumstances of extreme emergency such as complete blockage of traffic in one or more directions or where the crash has disrupted public safety such as impairment of a fire hydrant, the police officer may, with the permission of the driver, permit another towing service to tow the vehicle.
- 8.4 If the operator of a vehicle is incapacitated, must be transported by medics, and the vehicle cannot be legally parked or presents a hazard, the operator’s vehicle shall be towed by the City-contracted tow company.
- 8.5 Notification of the last registered owner will be made by the City-contracted tow company personnel by certified mail.
- 8.6 If the last registered owner cannot be located or fails to respond, the vehicle will be maintained at the City-contracted tow company for a period of at least 30 days, unless authorization can be obtained from the owner for early disposition.
- 8.7 Upon completion of the 30-day period, the vehicle will be sold at auction or salvaged, according to law.
- 8.8 **General Order #41-3 “Crash Response Procedures”** contains additional information regarding vehicles involved in crashes.

## **9.0 VEHICLES OF ARRESTED PERSONS**

9.1 Vehicles of arrested persons shall **NOT** be towed unless:

9.1.1 The vehicle presents a traffic hazard and cannot be driven away **by the owner** OR cannot be legally parked. (*Refer to COP #07-006, “Towing Procedures”*).

9.1.2 The vehicle is necessary for investigative or evidentiary purposes.

9.1.2.1 If the charges against the person being arrested include **certain Vehicle Code Violations (6309.2 Towing of Vehicle for Driving without Operating Privileges or Registration)**, the vehicle **may** be towed to a location **other** than the City-contracted tow company for further investigation.

9.1.2.2 All vehicles used by an **arrested drug dealer** in the **commission** of the **sale** or **transportation** of **drugs** will be towed to the City-contracted tow company.

9.1.2.3 Notification of the arrest and tow shall be made to the officer in charge of **Narcotics & Vice Asset Forfeiture** via e-mail. The e-mail notification shall include the following:

- π Vehicle make, model, model year, color, VIN, state of registration and registration number,
- π Vehicle ownership information (if available),
- π CCR#,
- π Location to which vehicle was towed (the City-contracted tow company, MCU Processing Garage, etc.).

9.1.2.4 A “Temporary Vehicle Hold” will be placed on the vehicle at the time of tow, which will allow the time necessary to check on ownership (*see General Order #41-04.02 “Towing Procedures: Temporary Holds”*).

9.2 Otherwise, **if the arrested person is the owner of the vehicle, he or she MAY give his or her permission to release the vehicle to another person, if that person is on the scene, sober, and if that individual has a valid driver’s license.**

9.3 As a matter of consideration officers should give due contemplation to the proper handling of passengers that may be left stranded when the driver is arrested, especially when on limited access highways or secluded areas.

9.3.1. Officers should certainly recommend that passengers are free to make their own arrangements from the area when a driver is arrested and passengers are left remaining.

9.3.2 However, it is not unreasonable to offer assistance, if possible, in the form of transport, to a sensible location (especially for a juvenile, elderly person, etc.).

9.4 The disposition of the vehicle, whether towed or released to another individual, **as well as the transport of any passengers (if applicable) MUST** be documented on PBP Form #3.0.

## **10.0 TOWING OF VEHICLES IN EMERGENCY SITUATIONS**

- 10.1 Any officer can tow a vehicle as an "Emergency Tow" from private as well as public property at the request of a utility company, approved contractor working on a city project or the City of Pittsburgh Building Inspector, etc., if an emergency situation exists (such as a water main break, etc.).
- 10.2 The reason for the tow must be clearly and entirely articulated on the tow slip, and the officer should visibly write "**EMERGENCY TOW**" across the tow slip as well.
- 10.3 Unattended vehicles that are **towed due an emergency situation must be cited prior to towing** by using the applicable City Code (i.e., snow emergency, etc.) or Vehicle Code Violation.

**11.0 PARKING VIOLATIONS**

- 11.1 All requests for tow trucks will be arranged through Index.
  - 11.1.1 Only City of Pittsburgh contracted tow trucks will be dispatched upon request.
  - 11.1.2 Any vehicles towed for illegal parking, scofflaws, or which present a hazard shall be towed to the City-contracted tow company (*Refer to COP #07-006, "Towing Procedures"*)
- 11.2 If the owner of an illegally parked vehicle appears, the officer must release the vehicle even if a tow truck has been ordered. The exception would be if the vehicle is a confirmed scofflaw or is wanted in connection with a crime.
- 11.3 If a vehicle has been hooked-up and the front or rear wheels are off the ground, the vehicle is legally in the custody of the City of Pittsburgh, so the tow can continue.
  - 10.3.1 However, mitigating circumstances, such as an elderly person, an out of town person, a person without funds etc., may necessitate the officer making an on the spot decision to release the vehicle. A cancelled tow is a minimal amount compared to the ill will it could create.

**12.0 BOOTED VEHICLES**

- 12.1 Effective December 7, 2004, responsibilities associated with Booting Vehicles has been turned over to the City of Pittsburgh Parking Authority and are no longer handled by the Bureau of Police.

**13.0 VEHICLES WEIGHING OVER 11,000 GVW**

- 13.1 Vehicles weighing over 11,000 GVW being towed to the City-contracted tow company, including those involved in crashes shall be towed by the City-contracted tow company (*Refer to COP #07-006, "Towing Procedures"*).

**14.0 DISABLED VEHICLES**

- 14.1 When a vehicle is disabled and/or impeding the flow of traffic, the responding officer shall request the respective Zone Desk Officer to provide assistance by contacting the driver's emergency road service, if one is available.
- 14.2 If the driver does not have an emergency road service provider, the officer shall contact the City-contracted tow company (*Refer to COP #07-006, "Towing Procedures"*).

Approved By:

\_\_\_\_\_ Date: \_\_\_\_\_  
Nathan Harper  
Chief of Police