

POLICE DEPARTMENT HANOVER PARK, ILLINOIS



DIRECTIVE: 272-P

REFERENCE STANDARDS: 61.4.3 a, b & c

SUBJECT: Towing of Vehicles

PURPOSE: To provide guidelines and procedures for the towing of vehicles.

DEFINITIONS:

ABANDONED VEHICLE - means:

- (a) A vehicle, other than a "hazardous" or "unlawful" vehicle, on the public way or in a public parking lot in such a state of disrepair that it is incapable of being driven; or
- (b) A vehicle, other than a "hazardous" or "unlawful" vehicle, on the public way or in a public parking lot that has not been moved for a period of at least twenty-four (24) hours and appears to have been abandoned by its owner based on:
 - (1) Its condition;
 - (2) The period during which it has not been moved; or
 - (3) Other circumstances indicating abandonment; or
- (c) A vehicle on private property without the consent of the property owner, proprietor or agent, which person has requested that the vehicle be towed; or
- (d) A vehicle, other than a "hazardous" or "unlawful" vehicle, defined as abandoned, inoperable or subject to being towed, by any ordinance of the village.

HAZARDOUS VEHICLE - means:

- (a) A vehicle that has been involved in an accident and is disabled or cannot be immediately moved by the owner or operator of the vehicle; or
- (b) A vehicle that presents an immediate danger to the health, safety or welfare of members of the public; or
- (c) A vehicle on a public street, way or alley that is impeding the orderly flow of traffic or poses a potential danger to pedestrians or operators of other vehicles; or

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Auth:

- (d) A vehicle that is parked in such a way as to block access to a fire hydrant; or
- (e) A vehicle illegally parked which prevents and obstructs snow removal from public streets or public parking lots.

OWNER - means a person who holds legal title to a vehicle, or the right to possession of a vehicle as contained in the vehicle registration records of the state in which the vehicle is registered.

UNLAWFUL VEHICLE - means:

- (a) A vehicle that has been reported stolen or is the subject of a search and seizure by the police department;
- (b) A vehicle parked in violation of any statute or ordinance that authorizes the vehicle to be towed, but only when signs posted at the location of the vehicle indicate that vehicles may be subject to towing;
- (c) A vehicle parked on public right-of-way or a public parking lot, which is suspected of being abandoned because there are no valid license plates displayed or registration on file.

VEHICLE - means any "motor vehicle" as defined by State Statute and the Municipal Code of the Village of Hanover Park.

I. GENERAL GUIDELINES (61.4.3)

- A. Officers may tow by the Department's authorized towing agency, any, vehicle abandoned, hazardous or unlawful in compliance with this Directive.
- B. When a driver of the vehicle is taken into custody by the Police Department and the vehicle would be left unattended upon the street, the officer is expected to make a reasonable effort to remove the vehicle to a side street or other safe location, unless statutes or municipal ordinances applicable to the mandatory towing and impounding of vehicles require it's towing and impoundment.
- C. Hazardous and unlawful vehicles may be towed without notice. Within forty-eight (48) hours after towing a vehicle, a notice shall be sent to the owner of the vehicle affording the opportunity for a hearing as provided in Village Ordinance, section 62-18-005 and 62-18-007.
- D. Whenever a vehicle is towed by the Police Department, an Incident Report (i.e.: Crash Report, DUI, Incident Offense, etc.) and a Tow report, Appendix A, will be completed.

1. A mandatory inventory search of the towed vehicle shall be conducted, and any items having an apparent monetary value will be listed on the tow and impound sheet. Any items of evidentiary value will be listed on the property report.
2. Should a vehicle be towed at the request of the owner/driver, the officer will have the owner/driver sign the tow report authorizing the tow. This information shall also be indicated in the Incident Offense report that the tow was requested by the owner/driver. The officer will not sign the tow report in these situations, and no inventory search is required.
3. After supervisory approval, the reports will be maintained by Records personnel. (61.4.3c)

II. ABANDONED VEHICLES ON ROADWAYS (61.4.3b)

- A. Personnel should be alert to any vehicle that appears to have been abandoned as described and provided for in statutory regulations, (625ILCS 5/4-201; 5/4-203; 5/4-301), also in the Village Ordinance, Section 50-32-4. including but not limited to:
 1. Accumulated refuse under the auto
 2. Broken windows
 3. Missing or expired registration
 4. Flat tire(s)
 5. Leaking fluids under the auto (oil, transmission fluid, etc.)
 6. Not been moved for twenty-four (24) hours.
- B. Once it is suspected that a vehicle has been abandoned, an attempt to contact the registered owner through the vehicle's registration or VIN number will be made.
- C. If the owner is located and if other arrangements cannot be made to expedite removal, the following should be done:
 1. Orange tow sticker filled out and affixed to vehicle's left front windshield.
 2. Citation issued.

3. Incident/offense report initiated.
 4. Vehicle tow notification letter, return receipt requested, sent to last known address of owner. (Appendix B)
 5. Abandoned vehicles may be towed after prior notice and the affording of an opportunity for a hearing as provided in Village Ordinance, sections 62-18-003 and 62-18-004.
- D. If the owner cannot be located, all of the above listed (1 through 4) actions will be initiated.
- E. Follow up Action
1. Tow report initiated using original Incident/Offense number.
 2. Authorize vehicle's removal to contracted storage facility.

III. ABANDONED VEHICLES ON PRIVATE PROPERTY (61.4.3b)

- A. To facilitate the Village of Hanover Park's enforcement of the abandoned/junk vehicle ordinance and improve upon the quality of life within the community, enforcement action for vehicles found shall normally be handled by personnel assigned as Code Enforcement Officers and/or Community Service Officers.
1. The guidelines set forth in this Directive adhere to the requirements governing the towing of abandoned vehicles on private property.
 2. A vehicle so abandoned on private property shall be authorized for removal after a waiting period of seven (7) days or more once an Incident/Offense case report and notice (Appendix C) has been generated by the investigating officer.
 3. Abandoned vehicles may be towed after prior notice and the affording of an opportunity for a hearing as provided in Village Ordinance, sections 62-18-003 and 62-18-004.
 4. Hazardous vehicles that are considered in a hazardous state are subject to immediate tow once authorization has been issued by the on-duty supervisor.
- B. The investigating officer shall be responsible for the proper documentation and notification process to the owner of the vehicle. The guidelines established for follow up include:

1. Re-inspection of the vehicle located on private property no more than ten days from the initial case investigation and notice for compliance.
2. Document action on a Supplemental Report.
3. If non-compliant, notify the on-duty supervisor and initiate action for the removal of the vehicle. Document all activities to include at a minimum:
 - a. Completion of a Tow Report;
 - b. Certified mailing to the registered owner; (Appendix C)
 - c. Issuance of the appropriate citation(s) for the violations;
 - d. Contact the contracted towing service for the vehicle removal;
 - e. Document the action in the Impound Module of the police department's electronic report management system.

IV. TOWING SERVICE

- A. Except in cases when the unlawful vehicle is impounded when used in connection with illegal activities (pursuant to Local Ordinance, Sec. 62-5-001); whenever a vehicle is towed, for whatever reason, an effort should be made to accommodate the owner or driver of the vehicle in the choice of towing services, if so requested.
- B. In all other cases the Village authorized towing service will be used.

V. NOTIFICATION

- A. The officer who causes a vehicle to be towed and impounded will, pursuant to 625ILCS 5/4 205, search the State records to determine the registered owner, lien holder or other legally entitled person.
- B. The officer who causes a vehicle to be towed will then notify the registered owner, lien holder and/or other legally entitled person by certified mail (return receipt requested) within a 48-hour period.
 1. A copy of the written notification shall be affixed to the case report
 2. The case report number shall be written upon the return receipt.
 3. Upon receiving the return receipt, records division personnel shall affix it to the case report.

VI. VEHICLES TOWED TO THE POLICE DEPARTMENT

- A. Vehicles towed and impounded, or towed to the police lot for evidence processing, recovery of a stolen vehicle, pursuant to a lawful arrest, consideration for asset forfeiture, or any other reason shall:
1. Have an Incident/Offense Report filled out indicating the reason for the tow and any restrictions as to release. Prior to the tow being completed, it shall be the investigating officer's responsibility to seek supervisory approval for the tow. A Tow Report must also be completed which shall include documentation of the property inventory on all contents of value in the vehicle. The Tow Report should be attached to the Incident/Offense Report.
 2. Vehicles towed to the police department lot shall be parked within the designated "Towed Vehicles" area as indicated by signs. If the need arises where the vehicle must be stored inside for evidence processing, the vehicle must be secured and evidence seals must be applied. Vehicles temporarily placed in these areas will be promptly relocated to the "Towed Vehicle" area.
 3. All vehicles towed to the police department should have their windows rolled up and be secured. The department has four (4) antilock devices (like the "Club"). These locks are numbered 1 - 4 and must have the key checked out by a Records Clerk for property control.
 4. For record keeping purposes, all vehicles impounded or towed to the police lot will be recorded in the Impound Module of the police department's electronic report management system. This record will be inspected quarterly by the supervisor in charge of records. The officer initiating the tow will be responsible for entry of information. (61.4.3c)
 5. Records personnel will enter the vehicles into LEADS for towed/impounded vehicles (LEADS number entered on reports).
 6. The investigating officer has the responsibility of logging all vehicles that are seized, towed, and held as evidence will be properly logged in as evidence. This evidence entry will occur in the BEAST system as outlined in the Department's evidence procedures. In addition, vehicles that are being held as evidence will be labeled with the case number and evidence number. The label shall be non-permanent, visible from outside the vehicle, and done in such a manner as to not cause damage.
 7. The evidence custodian will maintain a database of all vehicles being held as evidence. The database will be updated as held vehicles are added and deleted. Once every 30 days, the evidence custodian will conduct a physical inspection of all vehicles being held as evidence to insure the vehicles on the database match the actual inventory of held vehicles. The evidence custodian will then electronically report his findings to the Lieutenant of Investigations for review. The Lieutenant

of Investigations will review the database of the held vehicles and determine the need to continue to hold the seized vehicle, clear it for release, or dispose of the evidence by other means. The determination may include consultation with the investigating officer/detective, the State's Attorney, and/or other Department staff members.

VII. PLACING A HOLD ON A VEHICLE

- A. A HOLD ORDER is an order to the tow company to not release the vehicle without authorization from the police department. Whenever a "HOLD" is placed on a vehicle, the hold order and reason for the hold shall be recorded on the tow report and in the incident/offense report narrative section. Illinois State Statute provides that the vehicle owner is responsible for towing and storage charges. Do not place a hold on a vehicle due to towing storage charges. If the hold is for a predesignated time period pursuant to law, the hold time period shall be recorded on the tow report.
- B. To release a vehicle on which a HOLD ORDER has been placed it is necessary to terminate the hold order in writing. This can be accomplished in three ways.
 - 1. For an offense such as DUI, Illinois State Statute requires the vehicle be impounded for an established period of time. This time period must be recorded on the tow report. Therefore, once the time period has expired, the authorization to release the vehicle after this designated time period is established in writing on the tow report.
 - 2. Pursuant to 625 ILCS 5/6-101(d), a mandatory insurance violation, requires the impoundment of the vehicle until proof of insurance is provided. The requirement for proof of insurance will be recorded on the tow report. Therefore, the authorization to release the vehicle upon providing proof of insurance is established in writing on the tow report.
 - 3. In other cases where a hold is ordered, such as by Local Ordinance or a requirement that the owner contact the police department, a written release order must be issued to the tow company. A copy of all such release orders will be attached to the case file.

VIII. PROCEDURES FOR RELEASING TOWED VEHICLES OTHER THAN IMPOUNDS

- A. Before the owner of any towed vehicle shall be permitted to remove the vehicle from an authorized storage location, the owner shall furnish evidence of his identity and ownership or right to possession of the vehicle, shall sign a receipt for the vehicle, and shall pay the towing and storage fees in an amount not more than the rates established

by the Police Department. The chief of police is authorized to promulgate regulations as to the documents or other proof necessary to establish these facts.

- B. The owner shall take possession of the vehicle within twenty-four (24) hours of payment. The owner may pay the full amount of fees and subsequently request a hearing pursuant to Village Ordinance, section 62-18-007.
- C. Notwithstanding any provision of this article to the contrary, an owner may remove a towed vehicle without paying the full amount of the towing or storage fees upon presentation of an order for release issued pursuant to Village Ordinance, section 68-18-007, subparagraph (e)(2)a.
- D. Notwithstanding any other ordinance or statutory provision to the contrary, any towing service operator authorized to perform tows on behalf of the village must perform its services subject to the provisions of Chapter 62 of the Village Code.

IX. VEHICLE DISPOSITION PROCEDURE

- A. When a vehicle owner fails to claim a vehicle from the tow company, the tow company will notify the police department that they wish to dispose of the vehicle.
- B. If the tow was at the request of the owner, the tow company will be directed to the Police Department in which the facility is located. The tow company is then responsible for disposing of the vehicle.
- C. Upon receipt of notice from the tow company requesting disposal of a vehicle authorized for tow by the Police Department, the computer files of the Illinois Secretary of State will be searched to determine all owners and lien holders. The TOW REPORT ADDENDUM form, Appendix E, will be completed and attached to the case file.
- D. Written notice, Appendix F1 or F2, will be sent to ALL OWNERS AND LIENHOLDERS via certified US mail (return receipt requested). The case number shall be written on the return receipt form. A copy of the written notice shall be placed in the case file. The written notice will include the following:
 - 1. Vehicle description
 - 2. Time and place of auction
 - 3. Steps to be taken to reclaim the vehicle including the name address and telephone number of the tow agency.
- E. Illinois State Statute establishes the period of time required to permit the owner to reclaim the vehicle and the process to be followed based on the age of the vehicle and in limited circumstances the condition of the vehicle.
 - 1. If the vehicle is 7 (seven) years old or newer

- a. The vehicle must be sold at "Public Auction".
 - b. No sooner than 30 (thirty) days after notice to owners.
 - c. To a licensed auto parts recycler, rebuilder, scrap processor or towing operator, who towed the vehicle.
 2. If the vehicle is older than 7 (seven) years.
 - a. PUBLIC AUCTION IS NOT REQUIRED.
 - b. No sooner than 10 (ten) days after notice to owners.
 - c. Junk or Salvage ONLY to tower
 3. If the vehicle is Hazardous or Dilapidated.
 - a. PUBLIC AUCTION NOT REQUIRED.
 - b. No sooner than 10 (ten) days after notice to owners.
 - c. Junk ONLY to tower.
- F. Written notice of the date of auction will be provided to the tow company with written direction to post the notice as outlined below. The auction will be held no sooner than 30 (thirty) days after notice of sale to the owners and lien holders. The tow company will be directed to post written notice, Appendix G, of the pending auction on the premises where the vehicle is impounded for the 10 (ten) days preceding the auction.
- G. The CERTIFICATE OF PURCHASE form, Appendix H, will then be prepared for public auction. The Certificate of Purchase form should be filled out to include the vehicle information, Name of Police Agency (Hanover Park Police Department) and the form forwarded to the tow company to conduct the sale. THE CERTIFICATE OF PURCHASE SHALL NOT BE SIGNED AT THIS TIME. Additionally, the Certificate of Purchase shall be marked "FOR JUNK OR SALVAGE ONLY".
- H. The CERTIFICATE OF PURCHASE form, when there is no public auction should be filled out to include the following:
1. The vehicle information.
 2. Date of Sale.
 3. On the line entitled "Total Purchase Price" enter "IN LIEU OF TOWING AND STORAGE FEES".
 4. The Certificate of Purchase shall be marked "FOR JUNK ONLY".
 5. Signature and Title.
- I. A copy of the Certificate of Purchase, Notice of Sale and Final Notice will be attached to the case file.