

	<b>ELGIN POLICE DEPARTMENT</b> 151 Douglas Avenue Elgin, Illinois 60120	
<b>Effective Date:</b> 03/15/03	<b>STANDARD OPERATING PROCEDURE</b>	<b>Revised Date:</b> 05/23/16
<b>Chief of Police:</b> 	Traffic Ancillary Services, 61.4	
<b>Cross Reference:</b> SOP 1.2, Limits of Authority SOP 46.1 Unusual Occurrences 65 ILCS 5/11-403.1 625 ILCS 5/3-707 625 ILCS 5/4-203 720 ILCS 5/36-1 725 ILCS 5/108-1 725 ILCS 150/1 Elgin Municipal Code 6.84.030, Abandoned Vehicles Elgin Municipal Code 11.40.095, Vehicle Seizure and Impoundment		<b>Policy Sections:</b> 61.4.1 Assistance to Motorists 61.4.2 Hazardous Conditions 61.4.3 Removal and Towing of Vehicles

### **PURPOSE**

The purpose of this policy is to establish guidelines for assisting motorists, handling hazardous traffic conditions, towing of vehicles, and handling abandoned vehicles.

### **POLICY STATEMENT**

It is the policy of the Elgin Police Department to provide practical assistance to users of the roadway and to provide officers with the authority and responsibility to ensure the safe and efficient flow of traffic.

### **DEFINITIONS**

**Abandoned Vehicle:** Any vehicle that is defined as abandoned under the Elgin Municipal Code, 6.84.030 or Illinois Compiled Statutes 65 ILCS 5/11-403.1.

**Administrative Tows:** Tows incident to an arrest or in violation of a local ordinance as identified pursuant to the city of Elgin municipal code 11.40.95 and requiring a \$500.00 administrative cash bond.

**Article 36 Seizure Tow Holds:** Tows pursuant to 720 ILCS 5/36-1 requiring mandatory supervisory authorization.

**Asset Forfeiture Tow Holds:** Tows pursuant to 725 ILCS 150/1 requiring mandatory supervisory hold.

**Authorized Tow Companies:** Only those agencies authorized by the City Manager's Office that have been placed on a towing rotation shall be utilized for the city of Elgin.

**Criminal/Traffic Investigation Tow Holds:** Tows requiring additional follow-up or examination pursuant to an ongoing criminal or traffic investigation and requires supervisory authorization.

**Cold Zone:** The area where no significant danger or threat can be reasonably anticipated; also referred to as the outer perimeter. The command post, treatment areas, staging, and logical functions are typically located within this zone.

**Hazardous Material:** Any element, compound or combination thereof, that is combustible, corrosive, detonable, toxic, radioactive, is an oxidizer and etiological agent or is highly reactive and which, because of handling, storage, processing and packaging, may have detrimental effects upon operating and emergency personnel, the public and/or the environment.

**Hazardous Vehicle:** Any abandoned, unattended, wrecked, disabled, burned or partially dismantled vehicle that is impeding the flow of traffic or poses a potential danger to others.

**Highway:** Any street, alley or public way within the city of Elgin.

**Hot Zone:** Any area inside or outside of a structure, or any area surrounding the active threat, that is not under control of the police. Citizen and personal safety is in jeopardy in this area; this is formerly known as the kill zone.

**Impounded Vehicle:** Any vehicle ordered towed by the Elgin Police Department.

**Owner:** A person who holds legal title to a vehicle.

**Private Property:** Property owned by someone other than the city or owned by a private/individual corporation.

**Vehicle:** Every device, in, upon or by which any person or property is or may be transported or drawn upon a highway.

**Warm Zone:** This is an area where a potential threat exists, but the threat is not direct or immediate. This area has been searched by law enforcement and has been cleared for fire and EMS personnel to render lifesaving intervention. Victims from the hot zone may be relocated to this area to be treated and evacuated.

## **PROCEDURES**

### **61.4.1 ASSISTANCE TO MOTORISTS**

As part of the department's overall traffic management function, a wide range of traffic related services are performed, such services include the following:

A. General Assistance.

1. Provide reasonable assistance to a motorist who appears to be in need of aid or information.
2. Use of squad push bars to push vehicles off the roadway are subject to the following:
  - a. Vehicle must be in a hazardous position.
  - b. The officer shall inform the operator where the vehicle will be pushed and advise of the possibility of damage.
  - c. Emergency lighting shall be activated.
  - d. Vehicles should be pushed to the nearest location.
  - e. Vehicles must be moveable, all four tires rotate freely, and the steering mechanism must be operational. If the vehicle cannot be moved from the roadway or there is any doubt about utilizing the push bars, it is considered a hazard and shall be towed.
  - f. No push-starting of manual transmission vehicles.

B. Mechanical/Tow Assistance.

1. When requested, officers encountering motorists experiencing mechanical or other difficulties shall make a reasonable effort to obtain appropriate assistance for the motorist. Officers shall assist motorists in obtaining tow services. If the motorist does not have a preference, an Elgin Police Department authorized tow service shall be requested.
2. If a tow operator is present or arrives where a tow is needed and it has not been requested by the department or the owner/operator of the vehicle, the officer shall advise the tow operator to leave the scene.
3. Officers shall not utilize the squad vehicle to jump start any vehicle, unless during the course of an emergency situation.
4. The changing of tires by officers is discretionary. Officers should offer to contact the on-call tow company or tire repair service.
5. In emergency lock-out situations, notify the fire department in instances in which a person is incapable or incapacitated and cannot unlock the door. In extreme circumstances, police personnel may gain entry to the vehicle prior to the arrival of the fire department. When practicable, officers should obtain permission from a supervisor.
6. In cases of non-emergency lock outs, Communications shall contact the authorized tow service or service requested by the motorist.

C. Protection for Stranded Motorists.

1. Officers who assist stranded motorists shall advise Communications.
2. Stranded motorists should not be left unattended when they appear to be exposed to hazardous situations and/or adverse weather. When circumstances do not allow remaining with a stranded motorist, the officer shall make an effort to transport or arrange for transportation.
3. Motorists may be transported within the city limits at the officer's discretion. Motorists may be transported outside the city limits with supervisory approval. Communications shall be advised of mileage and destination for all transports.

D. Emergency Assistance.

1. Officers shall render all practical assistance to users of the roadway who are involved in emergency situations.
2. During medical emergencies:
  - a. Request that a fire department ambulance be dispatched to the scene.
  - b. Administer first aid, where appropriate, until the arrival of fire department personnel.
  - c. Officers shall not transport injured persons in a police vehicle without supervisory approval, unless exigent circumstances exist.
3. In cases involving gas leaks, vehicle fires, extrications and hazardous materials incidents, the Elgin Fire Department shall be contacted.

#### **61.4.2 HAZARDOUS CONDITIONS**

- A. Officers locating hazardous roadway conditions shall request corrective action to prevent crashes and/or damage to vehicles. Such action shall include, but not limited to:
  - 1. Removing hazards from the roadway.
  - 2. Notify Public Works, County Highway Department or the Illinois Department of Transportation.
  - 3. Standing by the scene, if required, with lights illuminated until additional assistance arrives.
- B. If there is any suspicion of a hazardous materials spill, officers shall take the following precautions and protect the scene to include the following, but not limited to:
  - 1. Notify the Elgin Fire Department and a supervisor.
  - 2. Stand upwind from the spill and obtain weather conditions such as wind direction and speed.
  - 3. Avoid inhalation of gases, fumes and smoke.
  - 4. If the officer or his/her clothing becomes exposed with any suspected hazardous material, seek assistance for medical treatment and/or disposal of clothing.
  - 5. Segregate those who may have been in contact with hazardous materials and summon appropriate first aid.
  - 6. Take measures necessary to save lives and administer first aid until medical help arrives.
  - 7. Assist with evacuation of residents in the immediate hot zone or as determined by the Fire Department. Work with the fire department to establish the hot, warm, and cold zones.
  - 8. Detour all traffic around the scene.
  - 9. Use cones and barricades, avoiding the use of flares.
  - 10. Stop unauthorized personnel from entering the area.
- C. In the event the hazardous materials incident is on a larger scale, the office of emergency management director shall be contacted to determine if additional resources are needed and/or implement the appropriate section of the city's Emergency Operations Plan. Refer to Standard Operating Procedure 46.1 Unusual Occurrences for more information.

#### **61.4.3 REMOVAL AND TOWING OF VEHICLES**

- A. Prior to tow, all vehicles shall be inventoried and documented on the general incident report in accordance with department procedures as specified in Standard Operating Procedure 1.2, Limits of Authority.
- B. Non-Administrative/Immediate Tows
  - 1. A vehicle may be towed immediately without any notice to the owner due to the following: position on the roadway, physical condition is causing a hazard, needed for an investigation, or has been involved in a hit and run traffic crash. An officer requesting a

vehicle tow for evidentiary examination shall contact the shift supervisor and arrange for the vehicle to be examined for such evidence.

2. If a person arrives at the scene and purports to be the owner of the vehicle involved in a hit and run traffic crash, the officer shall verify ownership through title/registration and the person's identification. If the examination of the vehicle is conducted at the scene and ownership of the vehicle is verified, the vehicle shall be returned to the owner, even if the owner refuses to identify the driver of the vehicle. However, if the vehicle requires further evidence collection, the vehicle will be placed on an investigative hold.
3. The traffic investigations sergeant shall be notified of all vehicles towed to the department with an investigative hold. These vehicles cannot be released until the examination of the vehicle is complete. The traffic investigations sergeant will then notify the tow company that the vehicle can be released to the owner upon receipt of all applicable tow charges. If the owner is not available, the originating tow company shall be notified to remove the vehicle and transport it to their yard.
4. The traffic investigations sergeant shall be notified of all vehicles that are towed with the purpose of being seized.
5. When a vehicle is towed without prior notice, attempts to notify the vehicle's last registered owner shall be made. If notification cannot be made, the city's Administrative Adjudication Office shall provide written notice to the last registered owner and any of the vehicle's lessors or security interest holders as indicated by the records maintained by the Illinois Secretary of State or the applicable governmental agency for vehicles registered outside the State of Illinois. The written notice shall be sent within 10 days of towing, excluding holidays and weekends. The notice shall be sent by certified mail, return receipt requested. The written notice shall include:
  - a. Date and time the vehicle was towed.
  - b. Location from which it was towed.
  - c. Report number.
  - d. Reference to the statute, ordinance or department rule authorizing the tow.
  - e. A statement that the vehicle is subject to towing and storage charges.
  - f. A statement that the vehicle and its contents may be immediately reclaimed upon proof of ownership.
  - g. The name, address and telephone number of the storage facility where the vehicle can be claimed upon payment of towing and storage fees.
6. If an officer encounters an unoccupied vehicle that has been reported stolen, the reporting agency or case investigator shall be notified immediately. The agency or investigator responsible shall make the determination on the appropriate course of action. If the agency or investigator cannot be reached in a reasonable period of time, the officer assigned shall attempt contact with the vehicle owner and determine the appropriate course of action.

C. Administrative/Arrest Tows

1. When an arrest is made and a vehicle was used in the commission of the crime, the vehicle shall be towed and impounded if needed for evidentiary purposes. In cases where a person is arrested and the vehicle does not represent a tool or instrument of the crime,

the vehicle may be towed if the vehicle creates a hazard.

2. Any vehicle impounded incident to an arrest shall be inventoried at the scene or as soon as practical thereafter. Cross reference to Standard Operating Procedure 1.2 Limits of Authority and 725 ILCS 5/108-1.
3. Any containers that are found during the inventory shall be opened and the contents included in the inventory.
4. The officer, when considering whether to impound a vehicle incident to an arrest, shall consider the following factors:
  - a. The location of the vehicle and whether it presents a hazard.
  - b. Any valuables in the vehicle and the available means to secure them.
  - c. If the operator agrees to take responsibility for leaving the vehicle at the arrest location. If the operator does not agree, the vehicle shall be impounded.
  - d. If the vehicle is not impounded and it is located outside city limits, the appropriate jurisdiction should be notified.
5. When a vehicle is towed incident to an arrest, a Tow Receipt and Notice of Vehicle Seizure shall be completed and issued to the violator.
6. When a person that has standing for a vehicle involved in an administrative tow feels that the department towed the vehicle by mistake or without following department guidelines or state law, that person may request a preliminary hearing with corporate council or designee within twelve hours from the time the vehicle was seized. If, after the hearing, it is determined that there is probable cause to believe the motor vehicle was used in violation of section 11.40.095 of the Elgin Municipal Code, the vehicle will remain impounded unless the necessary \$500 administrative bond is posted. If it is found that there is no such probable cause, the vehicle will be returned, without penalty.
7. A final hearing will be provided not less than 15 days, nor more than 45 days from the date of seizure. If, after the hearing, it is determined by preponderance of the evidence that the motor vehicle was used in violation of section 11.40.095 of the Elgin Municipal Code, the vehicle shall continue to be impounded. If the owner is found not liable, the vehicle shall be returned without penalty or other fees. If the owner fails to appear, the case may continue and the owner may be found liable.

D. Abandoned

1. Private Property.

A vehicle abandoned and not posing a hazard is the property owner or agent's responsibility to remove. Officers have discretion to investigate the circumstances to ascertain if police involvement is appropriate. When police involvement is justified, proper notice in the form of a Pre-Tow Notice must be given in advance to the last registered owner. Notwithstanding the provisions set forth in 625 ILCS 5/4-203, a vehicle parked on private property may be towed without a Pre-Tow Notice if ingress and/or egress is prohibited.

2. The Highway.

- a. Abandoned vehicles located on a public highway may be towed after nine (9) days from the issuance of a Notice of Violation and a Pre-Tow Notice from the

Department to the last registered owner, subject to the provisions of the Elgin Municipal Code.

- b. Notice may also be accomplished by personal service to the registered owner or person lawfully in possession of the vehicle or by the officer affixing a Tow Notice in a conspicuous place on the vehicle.
  - c. After towing an abandoned vehicle on a public highway, the last registered owner shall be sent a Post-Tow Notice as prescribed under the Elgin Municipal Code. The notice shall inform the registered owner or person legally entitled to possession of a vehicle impounded, the name, location and telephone number of the firm holding the vehicle, the date and time the vehicle was towed, the reason the vehicle was towed, the location from which it was towed, the officer authorizing the vehicle to be towed, and the case number. The owner or other person shall also be informed of the provisions of the Elgin Municipal Code relating to disposition and sale of unclaimed vehicles. The Post-Tow Notice shall also specify the disposition alternatives and time limits applicable, if the owner or other person fails to take steps to satisfy the towing and storage charges applicable, or otherwise attempts to lawfully reclaim the vehicle.
  - d. Post-Tow Notices shall be sent by certified or registered mail, return receipt requested.
- 3. Officers may, in addition to removal of abandoned vehicles, issue citations where appropriate.
  - 4. Tow Receipts shall be used to track the towing, removal and storage of all vehicles caused to be towed by the department. Tow Receipts shall include the reason for any administrative or investigative holds placed on the vehicle and the name of the officer and supervisor authorizing the hold for the tow service.

E. Authorized Towing Services.

The city's legal department is responsible for implementing the tow company requirements set forth in the applicable portions of the Illinois Vehicle Code and determining the tow companies to be placed on the tow rotation. The respective companies are on call for a period of two weeks, with the other companies being available for back-up.

F. Vehicle Disposition.

All vehicles not claimed by persons lawfully entitled to possession and/or ownership of same shall be disposed of at public sale or destroyed in accordance with the provisions of the Illinois Compiled Statutes or the Elgin Municipal Code.