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Towed and Stored Vehicles / Wrecker Services	400 - 7		07-01-2019	1 of 5
Approval: Chief of Police	Manual: Policy and Procedure			

I. PURPOSE

The purpose of this policy is to establish guidelines for towed and stored vehicles, as well as guidelines on the utilization of local wrecker services.

II. DEFINITIONS

- A. Stored Vehicle: A vehicle towed by an authorized wrecker service or stored under the direction of the Kinston Police Department, either from the result of a search warrant, arrest, motor vehicle accident or similar related incident under by the agency.
- B. Wrecker Service: A person engaged in the business or offering the services of a vehicle wrecker or towing service, whereby disabled motor vehicles are towed or otherwise removed from the place where they are disabled by use of a wrecker so designed for that purpose or by a truck, automobile, or other vehicle so adapted to that purpose, or in the business of storing disabled motor vehicles.

III. PROCEDURES

A. Motor Vehicle Accident Scene

Upon arriving at the scene of an accident or other call for service when a wrecker is needed:

1. The officer(s) shall check to determine if involved party/parties prefer a specific wrecker to be called. If so the police officer will notify the dispatcher of the details. If the party indicates "no preference", the officer shall notify the dispatcher to call a rotation wrecker.
2. If rotation tow is needed, the Communications Center shall notify the tow company specified or the next company on the rotation tow list if no preference is given and make required entries into the CAD system.

B. Rotation towing for vehicles needing to be processed for evidence purposes

1. Upon arriving at the scene where a wrecker for storage purposes is needed, the officer will notify the on-duty supervisor.
2. After conferring with the officer, the supervisor will notify the Communications Center to call the next rotation wrecker, with inside storage, for storage and processing.
3. The Communications Center will notify the next company, with inside storage, on the rotation towing list. In the event that a towing company cannot respond immediately as requested, the next rotation towing company with inside storage will be notified. If another towing company is taking calls for service in the place of the rotation towing company, the covering service must also be a service approved for inside storage. The dispatcher shall make all required entries into the CAD system.

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4. Webb's Automotive and Moody's Garage are the Department's two garages used for inside storage/evidence holdings.

C. Rotation Wrecker Procedures

1. A wrecker service may request to be placed on the rotation wrecker list and must be approved by the Chief of Police.
2. In the event that a wrecker is called off before the wrecker has hooked to the vehicle, the wrecker will be put back on top of the rotation wrecker call list. Officers will make every effort to make sure the rotation wrecker is needed before one is called out for service.
3. Officers will not act as agents for any wrecker service recommending pricing on service calls or recommendations on repairing damaged vehicle.
4. The rotation wrecker driver will be responsible for cleaning debris from the roadway before leaving the scene of an accident.
5. Rotation wreckers will be inspected semiannually, or as needed, based on complaints from officers that the wrecker service has a safety, service, or equipment problem. The Traffic Unit Supervisor of the Kinston Police Department will conduct the inspections.
6. The Wrecker Service Inspection Form for each rotation wrecker will be kept in the departments Traffic Unit Office or Sergeant's Office.
7. A wrecker service on the rotation wrecker list may be terminated on the following areas:
 - a. Failing Inspections: If a wrecker fails any portion of the safety equipment or service equipment section of the Wrecker Service Inspection Form, the wrecker service can be suspended until the problem is corrected or up to 30 days.
 - b. Numerous complaints of long response times:
Daytime - 20 minutes
Nighttime - 30 minutes
 - c. The following is the action that will be taken involving complaints of long response times: (Patrol Operations Major will review and take action on all of these complaints)

First Offense: Verbal Warning
 Second Offense: 14-day Suspension
 Third Offense: 30-day Suspension
 Fourth Offense: Removal from Rotation Towing List

NOTE: The four offenses must occur within a six months period. A wrecker service that has been removed from the rotation towing list can request reinstatement to the rotation towing list one year from the date of removal and

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after passing a wrecker service inspection. The final decision for termination will be made by the Chief of Police.

- d. Failure to answer phone when called out.
- e. Criminal charges filed against owner/employees.
- f. Three substantiated complaints for i.e., overcharging, poor service, inappropriate conduct, or other unreasonable conduct within a six (6) month period will require removal from the rotation tow list. Final disposition will be made by the Chief of Police.

D. Vehicles needing to be towed in violation of city codes

- 1. The Kinston Police Department will be responsible for having vehicles towed that are in violation of NCGS 160A-303, NCGS 160-303.2 and City Codes 15-53, 15-54 and 15-55. The above listed General Statutes and City Codes deal with abandoned, nuisance, and junked vehicles.
- 2. The assigned officer will issue an Abandoned, Nuisance or Junked Towing Notice to the owner of the vehicle prior to the vehicle being towed by a rotation wrecker.
- 3. If the owner of the nuisance or junked vehicle wishes not to have the vehicle towed, the owner must file an Application for Vehicle Storage Permit (12 months maximum) with the assigned departmental official / Administrative Assistant.

E. Storage and Inventory of Vehicles

- 1. This policy is used to establish a departmental procedure for the inventory and storage of vehicles seized, impounded or towed as the result of a vehicle crash or arrest by one of the Kinston Police Department.
- 2. Inventory Search
 - a. An inventory search is conducted to identify and take possession, for safekeeping, of valuable property from a towed vehicle. If the owner/operator is not present when the vehicle is towed, or due to injury or some other reason is unable to take possession of personal property in the vehicle, an inventory search will be made.
 - b. If practical, before the vehicle is removed from the scene, officers will take possession of any obviously valuable property or any contraband found in the vehicle. If it is not practical to search the vehicle at the scene, the officer, with the supervisor's concurrence, will have the vehicle towed by a rotation wrecker and conduct the inventory search at the tow storage facility. The officer must maintain view of the vehicle at all times to insure the chain of custody. The scope of an inventory search will include accessible areas within the vehicle. A locked trunk or glove box, or any other locked container will be searched only if

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the keys to those areas are in the officer's possession. Luggage, briefcase, and other unlocked containers will be searched for the purpose of locating valuables for safekeeping.

- c. Prior to leaving the scene, the officer will complete a listing of the items removed. Any property taken for safekeeping or seized as evidence will be stored according to the Kinston Police Department Policy and Procedure.
- d. Officers shall complete a departmental Report of Vehicle Stored Form and turn it into the Records Office anytime a vehicle is towed based on officers' request.

F. Other Vehicles

If the operator of a vehicle is arrested, he/she shall be allowed to determine the disposition of the vehicle and no tow shall be made if the operator is on the scene and, in the officer's judgement, is capable of making a rational decision regarding the disposition of the vehicle.

G. Vehicles Disabled in Crashes or Mechanical Failure

- 1. If the owner/operator is at the scene and, in the officer's opinion, is capable of taking possession of any valuables in the vehicle, an inventory search will not be made and the vehicle will be towed by "owner requested tow by specific towing company" or, "rotation tow only".
- 2. If the owner/operator of a disabled vehicle or non-operational vehicle is not present at the scene, the officer shall contact a rotation towing service and conduct an inventory of the vehicle prior to towing if the vehicle is on a public road or right-of-way. The officer shall determine if the vehicle is damaged to the extent that it is disabled or non-operational based on information received at the scene.

H. Recovered Stolen Vehicles

- 1. When a vehicle is found to be stolen, the officer should determine if crime scene processing is needed. If crime scene processing is needed it should be done as outlined in the Kinston Police Department Policy and Procedure.
- 2. If crime scene processing is not necessary, the officer should attempt to contact the owner and determine if the vehicle can be claimed within a short period of time at the location of recovery. This will be done only if the officer is able to stand by and wait for the owner to arrive. Before releasing the vehicle to the owner, the officer shall conduct an evidence search.
- 3. If the vehicle is to be towed, either at the owner's request or in the owner's absence, the officer will conduct an evidence search before the vehicle leaves the scene.

I. Seized or Impounded Vehicles

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1. Vehicles seized or impounded for evidential purposes shall be towed to a secure area by an available towing service. (This may not necessarily be the next rotation wrecker due to security reasons.) An evidence/inventory search should be made before the vehicle leaves the scene.
2. If a “hold” is desired on the vehicle, or any other instructions pertaining to disposition, they should be clearly made by the officer handling the investigation.
3. Vehicles seized based on DWI arrests shall be handled according to the requirements defined in North Carolina General Statutes 20-28.3.
4. Vehicles seized based on the “Run and You’re Done” Speeding to Elude Arrest; Seizure and Sale of Vehicles shall be handled according to the requirements defined in North Carolina General Statutes 20-141.5.
5. Storage fees will accrue based on length of storage and must be satisfied prior to release.

J. Vehicle Storage Reports

1. The officer will complete a Report of Vehicles Stored Form on all vehicles seized, impounded or towed by the Kinston Police Department; except for vehicles involved in a crash/collision report.
2. This form must be completed and turned into the Records Division by the end of the seizing officer’s tour of duty.
 - a. Original will be turned into the Records Office and sent to the Department of Motor Vehicles in Raleigh, NC by Records Office personnel.
 - b. A copy will be placed in the “Vehicle Stored” folder in the Records Office.
 - c. A copy will be kept by the investigating officer for his records.
 - d. If the vehicle is towed to be processed for physical evidence, a copy of the Vehicle Storage Report should be forwarded to the Kinston Police Department Crime Lab Supervisor.