

	MARICOPA COUNTY SHERIFF'S OFFICE POLICY AND PROCEDURES	
	Subject TOWING AND IMPOUNDING VEHICLES	Policy Number EB-5
		Effective Date 07-03-24
Related Information EB-11, <i>Vehicle Impound 3511</i> GE-3, <i>Property Management and Evidence Control</i> GJ-35, <i>Body-Worn Cameras</i> Various Arizona Revised Statutes	Supersedes EB-5 (04-13-18)	

PURPOSE

The purpose of this Office Policy is to establish guidelines and procedures relating to the removal or impoundment of vehicles.

Although this Office Policy refers to deputies throughout, this Office Policy also applies with equal force to all authorized and trained deputy services aides, where applicable.

POLICY

It is the policy of the Office to process a towed or impounded vehicle, as well as to develop and maintain a list of towing company services authorized to respond to Office-initiated tow truck requests.

DEFINITIONS

Abandoned Vehicle: Any vehicle, trailer, or semi-trailer subject to registration, whether lost, abandoned, or otherwise unclaimed, which has been left unattended in areas such as a public highway, public property, or private property. A vehicle left unattended for a period of 48-hours within the right-of-way of a highway, road, street, or other public thoroughfare constitutes *prima facie* evidence of abandonment.

Impounded Vehicle: A vehicle seized by the Office as forfeiture, evidence, or for having an altered or missing Vehicle Identification Number (VIN).

Letter of Bailee: A written and signed agreement that places seized or levied upon property by the Maricopa County Sheriff's Office pursuant to the execution of civil process, into the physical possession of the bailee, who is solely responsible for its safekeeping.

List Tow Truck: An authorized tow truck operated by a towing service which has met Office standards, as listed in the Rotation Towing List Rules and Regulations, and has been approved by the Property Management Division Commander or designee for placement on the Rotation Towing List.

Office Towing Services Coordinator: The deputy responsible for enforcing the towing contract regulations, developing and maintaining a list of towing company services authorized to respond to Office-initiated tow truck requests, and inspections and approvals of the tow company yards.

Vehicle: For the purposes of this Office Policy, vehicles may include, but are not limited to, a device in, upon, or by which any person or property is, may be, or could have been transported or drawn upon a roadway, waterway, or airway.

PROCEDURES

1. **Mandated Vehicle Removals:** Arizona Revised Statute (ARS) 28-3511 mandates that law enforcement agencies shall cause the removal and either the immobilization or impoundment of motor vehicles under the provisions specified in ARS 28-3511. The procedures for the removal and impounding of a vehicle shall be followed, as specified in Office Policy EB-11, *Vehicle Impound 3511*.
2. **Office Towing Services Coordinator Responsibilities:** The Office Towing Services Coordinator shall develop and maintain a list of towing company services authorized to respond to Office-initiated tow truck requests and shall provide a copy of the list to the Communications Division. The Office Towing Services Coordinator shall determine the geographical service areas and the extent of the vehicle removal service required, based on the needs of the Office.
3. **Office Initiated Tow Truck Requests:** All tow truck requests initiated by Office personnel shall be made through the Communications Division and only list tow trucks shall be contacted to provide service.
 - A. When a deputy concludes that a normal, light-duty tow truck will be unable to handle the vehicle to be towed due to its size, weight, vehicle profile, or condition, they shall advise the Communications Division. The information regarding the vehicle being towed shall be given to the towing service to determine the type of tow truck needed.
 - B. List tow trucks are normally required to arrive at the scene within 30 minutes from the time of dispatch, unless exigent circumstances exist.
 1. If a tow truck requested is delayed, a deputy may authorize the request to be cancelled for an unresponsive service arrival prior to calling for another list tow truck to respond.
 2. If a scene requires multiple tow companies to be dispatched, and the second tow company has not arrived within 30 minutes, the deputy may allow the tow company already on scene to remove the second vehicle if the tow truck on scene has the capability. If the second tow company is cancelled and the on scene tow company tows the second vehicle, the deputy shall advise the Communications Division.
 - C. When two or more list towing services are called to the scene of a multiple vehicle incident, the deputy shall determine which list tow truck will remove which vehicle.
 - D. Absent exigent circumstances, deputies or authorized personnel requesting a list tow truck should remain with the vehicle until such time as it is towed. Office personnel assigned a body-worn camera shall follow the recording procedures, as specified in Office Policy GJ-35, *Body-Worn Cameras*.
 - E. Office initiated tows shall normally be taken to the location as directed by the deputy or a location chosen by the tow truck operator, unless the vehicle is needed for investigation reasons for which the deputy shall make a decision as to where the vehicle will be towed. If the deputy determines the vehicle does not need to be stored, the owner, if available, may have the vehicle towed to a location of their choice, as specified in this Office Policy.
 - F. If unsatisfactory service is provided by a list towing service, the Office Towing Services Coordinator shall be notified in writing.
4. **List Tow Truck Towing Documentation:** Vehicles towed at the Office's direction by a list tow truck shall be documented with a *Vehicle Impound/Towing Request* (Tow Sheet) and an *Incident Report* (IR). The Communications Division shall document the use of a list tow truck in the Tow Logbook.

- A. Vehicle Impound/Towing Request:
 - 1. The Traffic and Criminal Software Case system (TraCS) shall be used to input data regarding all Tow Sheets.
 - 2. Deputies shall complete and submit all Tow Sheets before the end of the shift.
 - 3. If the TraCS system is not available at the time of the tow, deputies shall manually complete the Tow Sheet and enter the data electronically into the TraCS system prior to the end of the shift unless otherwise directed by a supervisor. The manually completed Tow Sheet shall be scanned into the TraCS system and attached to the IR.
 - 4. A Tow Sheet shall be completed for all vehicles towed by a list tow truck. During civil process towing, a Letter of Bailee shall be completed in place of a Tow Sheet. It is imperative the correct Vehicle Identification Number (VIN) be recorded on the Tow Sheet or Letter of Bailee. If there is a question about the VIN or if the VIN is not present or visible, deputies shall refer to ARS 28-4593 or ARS 28-4594. A copy of the Tow Sheet shall be provided by the end of the shift to the appropriate investigative division and a copy of the Tow Sheet shall be e-mailed to [REDACTED] and mcs0.3511@mcs0.maricopa.gov.
 - 5. The author of the Tow Sheet shall ensure a copy of the Tow Sheet is provided to the vehicle owner/driver and to the list tow truck driver. If the owner/driver is not on-scene or available, reasonable attempts shall be made to provide the Tow Sheet to the owner/driver as soon as reasonably practical. The Tow Sheet may be provided to the owner/driver through the US mail, sent electronically, or hard copy in person. All instances involving the Tow Sheet shall be documented in the IR to include instances when a copy of the Tow Sheet cannot be provided as required in this subsection.
 - 6. The Property Management Division shall be e-mailed a copy of all 3511 vehicle impounds.
 - B. An IR shall be completed for each vehicle towed by a list tow truck.
 - C. The Communications Division shall maintain a Tow Logbook of all vehicles towed by list tow trucks. The entry into the Tow Logbook shall include the date and time of the tow, the IR number, the location of the tow, the deputy's name who requested the tow, the reason for the tow, the towing company name, the vehicles location for storage, whether or not the owner of the vehicle was notified of the tow, and when applicable, the reason why a tow truck failed to respond or was not available.
5. **Inventory of Vehicles Towed by List Tow Trucks:** When vehicles are towed by a list tow truck, an inventory of the entire contents of the vehicle is required. Office personnel shall activate their body-worn camera when they are securing, inventorying, or releasing a vehicle to a tow service, as specified in Office Policy GJ-35, *Body-Worn Cameras*.
- A. If the vehicle is the subject of a criminal investigation, the vehicle shall be towed to a location as determined by the deputy/case agent for evidence or vehicle content processing. If the vehicle is not the subject of an investigation, an inventory shall be made of all vehicle contents, including the contents of containers, briefcases, suitcases, boxes, backpacks, and compartments in the vehicle. If during the inventory of the vehicle evidence, cash, weapons, or other valuables are located, they shall be noted on the Tow Sheet and placed into the Property Management Division for safekeeping. Proper procedures for gathering and inventorying property and evidence are specified in Office Policy GE-3, *Property Management and Evidence Control*.

- B. When inventorying vehicles, deputies shall, if possible, open locked trunks, glove compartments, or containers with a key. If keys are unavailable, containers shall be impounded or secured in the vehicle and the circumstances noted in the IR.
- C. A vehicle seized during the execution of a civil court judgement and writ is normally exempt from inventory requirements. The order must specify law enforcement is granted authority prior to making entry into the vehicle and completing the inventory. If the civil court judgement and writ is not clear regarding inventorying the seized vehicle, a Civil Section Supervisor shall be contacted to make a determination. The Letter of Bailee shall contain a description of the condition of the vehicle.

6. Vehicle Impounds: Vehicles to be impounded shall be towed by list tow trucks.

- A. Prior to impounding a vehicle, the deputy should obtain approval from their supervisor. The following vehicles may be impounded:
 - 1. Vehicles which have altered or missing VINs. The deputy shall notify the detective assigned to the case of the impound and e-mail a copy of the Tow Sheet to [REDACTED] and mcs0.3511@mcs0.maricopa.gov prior to the end of their shift. A copy of the IR shall be forwarded to the detective assigned to the case.
 - a. If suspects are in custody, the vehicle shall be impounded at the Office Impound Lot located at the Durango Complex located at 3445 W. Gibson Lane, Phoenix, Arizona 85009.
 - b. If there are no suspects, the vehicle shall be stored at the tow service's storage lot.
 - 2. Vehicles where probable cause exists to believe that evidence of a crime is present.
 - 3. Vehicles which are for forfeiture or evidence.
 - 4. Vehicles used unlawfully to transport or store narcotic drugs for sale may be seized for forfeiture if it can be shown the owner of the vehicle was aware of the contents and the drugs were in a usable condition and quantity.
 - a. In cases involving illegal marijuana, the vehicle shall not normally be seized unless approximately one ounce or more is found in the vehicle. If the suspect or owner has a prior narcotic conviction, the vehicle may be seized for any usable quantity.
 - b. In cases involving legitimate medical use marijuana, the vehicle shall not normally be seized unless the quantity found in the vehicle exceeds the allowable amounts authorized in ARS 36-2801.
 - c. Seizures are not restricted to the time of arrest. Vehicles meeting seizure criteria may be released at the time of arrest and seized at a later date. Copies of all IRs that meet the seizure criteria shall be routed inter-office to the Special Investigations Division.
 - 5. Vehicles may be temporarily impounded pending determination of true ownership due to destruction or alteration of VINs or other means of identification, or until the assignment of a new VIN by the Arizona Motor Vehicle Division (MVD).
- B. Impounded vehicles shall be towed to the Office Impound Lot at the Durango Complex located at 3445 W. Gibson Lane, Phoenix, Arizona 85009.

1. At the time the vehicle is stored at the Office Impound Lot, a copy of the completed Tow Sheet shall be left in the designated receptacle, delivered to on-duty personnel at the Office Impound Lot, or placed on the passenger seat of the vehicle.
 2. Prior to leaving the impounded vehicle, the deputy shall ensure the vehicle's keys, if available, are left in the ignition.
 3. If there is specific evidence that must be preserved, a notice not to disturb the vehicle shall be posted in a visible location.
 4. The list tow truck provider who tows the vehicle to an Office facility shall present a customer invoice for signature. The invoice shall include the IR number, the supervisor authorizing payment for the tow charges, and the signature of a responsible deputy or impound personnel. The Office copy of the invoice should be kept with the original report.
7. **Members of the Public Initiated Tow Service Requests:** Members of the public may request a towing service of their choice and shall be responsible to make payment directly to the requested tow service. An owner request is not considered a rotation tow and shall not result in the dispatch of a list tow service. The deputy shall not recommend a specific tow service to members of the public.
 - A. In the event a list tow service is called to the scene and upon arrival the tow truck driver and vehicle owner come to a separate agreement regarding towing arrangements, the deputy should inform radio to cancel the list tow truck.
 - B. If the owner or driver is present and requests a specific tow service and that tow service is available to perform under the same conditions as a list tow truck, the deputy shall advise the Communications Division to contact the tow service requested by the owner or driver. If the towing service's estimated response time is longer than 30 minutes, and the vehicle must be moved for safety reasons, the deputy may request a list tow truck.
 - C. If a traffic hazard exists, the deputy shall attempt to clear the hazard or otherwise make the area safe. When a traffic hazard exists and the driver or owner makes no arrangements for a tow the deputy may request a list tow truck.
 - D. If a driver, other than the owner, asks for a tow without specifying a particular tow service, or if there is a risk the owner might abandon their vehicle rather than pay for the tow and a list tow truck responds, it shall be treated as an Office-initiated tow truck request.
8. **Accident Scenes:**
 - A. Tow truck operators are required to remove all debris from the roadway which constitutes a real or potential hazard prior to departure from an accident scene. If necessary, authorized Office personnel shall provide traffic control to ensure the safety of towing service personnel. If tow trucks are not used at an accident scene, deputies shall ensure all debris which constitutes a real or potential hazard is removed from the roadway.
 - B. If an incident, such as a fatal accident, precludes a scene from being cleared within a reasonable length of time, tow trucks shall not be requested until needed. When an emergency exists and a vehicle must be moved for safety reasons, a tow truck may be requested immediately. Authorized Office personnel should release tow trucks from the scene rather than incur excessive "stand-by time" and recall them if necessary, when needed.
9. **Recovery of a Stolen Vehicle:**

- A. Deputies shall confirm that a vehicle is listed as stolen in the Arizona Crime Information Center (ACIC) and the National Crime Information Center (NCIC) systems by checking the vehicle registration using the full VIN and license plate number, if on the vehicle. Once determined the vehicle is stolen, the deputy shall advise the Communications Division of the location and condition, and request notification of the appropriate law enforcement agency who initially took the stolen vehicle report and the owner of the vehicle.
- B. The Communications Division shall contact the law enforcement agency that filed the stolen vehicle report and determine whether the vehicle needs to be held for evidence or processing.
 - 1. If the vehicle needs to be held for evidence or processing, the responsible law enforcement agency shall arrange for the transport of the stolen vehicle. Upon request by the law enforcement agency, a list tow truck may be used to place the recovered stolen vehicle into an Office storage facility.
 - 2. If the vehicle does not need to be held, the Communications Division shall attempt to make contact with the owner by telephone.
- C. The Communications Division shall make reasonable efforts to contact the owner once it is determined the vehicle does not need to be held for evidence or processing. The date and time of the attempt shall be documented on the printout from the ACIC and the NCIC systems, and shall indicate whether the call was successful and what the owner requested. The printout shall then be filed at the Communications Division.
 - 1. If the owner is contacted, they shall be advised of the condition of the vehicle and shall be required to do one of the following:
 - a. Respond to the scene within a reasonable period of time to take possession of the vehicle. Reasonable time shall be determined by the deputy, based on existing circumstances.
 - b. Request that a specific tow service of their choice respond within a reasonable period of time to tow the vehicle. Reasonable time shall be determined by the deputy, based on existing circumstances.
 - c. Request the vehicle be towed by a list tow truck to the towing service's storage lot.
 - 2. If the owner cannot be contacted, a list tow truck shall be used to tow the vehicle to the towing service's storage lot and the Operations Information Center (OIC) shall be notified.
- D. The OIC shall make a reasonable effort to contact the owner by phone if the stolen vehicle was entered into the ACIC and NCIC system by the Office and the attempts to contact the owner were not successfully made by the Communications Division. No more than two attempts shall be made, and each attempt shall be documented on the back of the *Stolen Vehicle Card*.
 - 1. If the owner is contacted, they shall be advised of the recovery of the vehicle and the storage location where the vehicle is located.
 - 2. If both attempts are unsuccessful, OIC shall send a letter to the registered owner's last known address. The letter shall inform the owner of the recovery of the vehicle and the storage location.

3. The OIC shall ensure that a copy of the letter is filed with the IR. The OIC shall forward the completed *Stolen Vehicle Card* to the General Crimes Division to be kept on file. Recovery cards for the current year plus one year prior shall be maintained.
- E. The OIC shall notify the responsible law enforcement agency that entered the stolen vehicle into the ACIC and NCIC system if the attempts by the Communications Division to contact the owner were unsuccessful. The law enforcement agency shall then make attempts to contact the owner to advise of the recovery of the vehicle and the storage location.
- F. The vehicle information must be cleared from the NCIC and ACIC computer files.
 1. An Office reported stolen vehicle recovered by another law enforcement agency shall be cleared from the NCIC and ACIC by the OIC. The Communications Division shall provide the OIC with the necessary clearance information.
 2. A vehicle recovered by the Office for another law enforcement agency shall be cleared from the NCIC and ACIC by the agency which originally entered the vehicle as stolen. The Communications Division shall provide the OIC with the information necessary for entering a locate notice. The OIC shall enter a locate notice on the vehicle, followed by a teletype to the appropriate agency indicating the vehicle was recovered and provide details, such as recovery and storage location, and whether or not suspects are associated with the recovery. The OIC shall forward a copy of the teletype to the Communications Division to be filed with the confirmation printout.
- G. The deputy shall include in the stolen vehicle IR or supplement that they confirmed prior to the end of their shift the vehicle information was removed from the NCIC and ACIC systems. The deputy shall also include information in the IR or supplement regarding the reasonable efforts made to contact the owner of the vehicle, as applicable.
10. **Abandoned Vehicle:** A vehicle may be towed when abandoned on any street, highway, public, or private property, if a hazard exists, or incidental to an arrest. An abandoned vehicle shall not be impounded in an Office impound facility unless there is specific evidence of criminal activity which must be preserved.
 - A. A deputy shall not normally request a tow truck for a vehicle merely abandoned on private property, as this can be done by the property owner and is considered a civil matter. Deputies may tow a vehicle from private property when it has evidentiary value or has been involved in other criminal activity, such as a stolen or pursued vehicle.
 - B. Prior to towing an abandoned vehicle, reasonable efforts shall be made by the Communications Division to contact the owner. If the owner is contacted, they shall be advised the vehicle must be removed within a reasonable period of time or immediately if a hazardous situation exists.
 - C. When the abandoned vehicle must be towed, an identity inspection is required according to ARS 28-4834 and ARS 28-872. The Tow Sheet is the form approved by the state for documenting the inspection.
 1. The required documentation includes the complete VIN, if able to be determined, the license plate number, if able to be determined, the printout from an inquiry made in ACIC and NCIC to determine whether the abandoned vehicle was stolen, and the printout of the response received regarding the inquiry in ACIC and NCIC.
 2. The VIN and license plate number shall be recorded in the appropriate section of the Tow Sheet and copies of the printouts from ACIC and NCIC shall be attached to the Tow Sheet.

3. The ACIC and NCIC file number shall be written in the Remarks/Inventory section of the Tow Sheet.
 4. A copy of the Tow Sheet shall be given to the tow truck operator. The list tow truck service shall forward the form to the state MVD. Additional copies of the Tow Sheet shall be distributed as appropriate.
 - D. When the abandoned vehicle is towed, an entry into the National Insurance Crime Bureau (NICB) Impound/Stored Vehicle File shall be made by the Communications Division. Deputies shall ensure the correct VIN is given to the Communications Division.
 - E. The IR for an abandoned vehicle shall include the ACIC file number in the area reserved for such information. The deputy shall also document in the IR the Communications Division attempts to contact the owner of the vehicle and confirmation that the deputy ensured prior to the end of their shift that the Communications Division entered the vehicle information into the ACIC Stolen or Abandoned Vehicle Computer Files.
11. **Driver/Owner Arrests:** When the driver of a vehicle is also the owner and has been arrested, and it is determined that the vehicle is not to be impounded, deputies shall do one of the following:
- A. At the owner's request, leave the vehicle reasonably secured and legally parked at the location of arrest;
 - B. At the owner's request, release the vehicle to a responsible person, provided the person is at the scene or can respond to the scene within a reasonable period of time;
 - C. Have the vehicle towed, using a service of the owner's choice, provided the tow service can respond within 30 minutes; or
 - D. Have the vehicle towed using a list tow truck service.
12. **Driver/Non-Owner Arrests:** When the driver has been arrested and is not the owner, and no responsible party can be located, the vehicle shall be towed using a list tow truck. Only the owner is allowed to delegate the care for their property. The vehicle shall be towed to the list towing service's storage lot unless the vehicle is to be impounded at an Office facility as evidence, processing, identification, or for further investigation.
13. **Towing Solicitation:** Tow trucks that arrive at incident scenes without being requested shall not be allowed to solicit business, this includes list tow trucks. A memorandum shall be forwarded to the Office Towing Services Coordinator through the chain of command whenever a list tow truck or an unrequested towing company, solicits business at, or is permitted to voluntarily clear, an accident scene.