



Las Cruces Police Department
GENERAL ORDERS
FIELD OPERATIONS VOLUME 2
GO-270 TOWING AND IMPOUNDING VEHICLES (CRITICAL)
Revised 2/24/2015

270 TOWING AND IMPOUNDING VEHICLES

PURPOSE

The purpose of this General Order is to establish guidelines and procedures for towing and impounding vehicles.

POLICY

The Las Cruces Police Department (LCPD) may impound vehicles when lawful justification exists to do so.

APPLICABILITY

This General Order applies to all commissioned employees. This General Order supersedes all previous versions.

REFERENCES

- CALEA 61.4.3
- NMML OPR.07.16
- Current tow services contract between the Las Cruces Police Department and the contracted tow services provider(s)
- General Order 280 DWI Vehicle Forfeiture

270.01 PROCEDURES

- A. Vehicles may be impounded as a means of enforcing motor vehicle laws, removing a public hazard, securing evidence, and/or protecting the vehicle and its contents until the owner can take lawful possession of it. Towing and impounding vehicles shall be in accordance with all applicable laws.
- B. Employees should use discretion in determining whether or not a vehicle should be impounded to avoid needless expense and inconvenience to the owner. Employees have the option of not towing or impounding a vehicle when there is a reasonable alternative.
 - 1. This includes the release of the vehicle to a responsible third party who can arrive on scene in a reasonable amount of time as determined by the employee requesting



Las Cruces Police Department
GENERAL ORDERS
FIELD OPERATIONS VOLUME 2
GO-270 TOWING AND IMPOUNDING VEHICLES (CRITICAL)
Revised 2/24/2015

the vehicle be towed. When releasing a vehicle at the scene, only the registered owner may release it to a responsible third party.

2. The release of the vehicle or its contents to a responsible third party requires the consent of the person receiving the vehicle or its contents and the owner's.
 3. When the driver of the vehicle is not the registered owner, the vehicle may not be released to a third party, unless the registered owner is present. Otherwise, the vehicle shall be impounded.
 4. The option of releasing a vehicle to a responsible third party does not preclude the officer's authority to impound the vehicle. However, the officer's actions should be reasonable under the circumstances.
- C. Tow services are required to respond within the limits of the current tow services contract maintained by the Traffic Section. If the tow service does not respond within the time limit, the employee shall have dispatch note this on the incident notes. The employee may cancel the tow service and request the next tow service on call. The cancellation applies to this request only. Class D tow services are exempt from response time requirements.

Employees shall advise dispatch when the tow service arrives on scene.

- D. Tow services that respond within the required time limit are entitled to a response fee even though they may not be utilized at the scene. Response fees are the responsibility of the owner and/or agent. The tow service may still tow the vehicle if the response fee is not settled between the tow service and the owner and/or agent.
1. Once requested, tow services shall not be canceled by the employee unless the required response time has expired.
 2. If an owner and/or agent request a field release after the employee has requested a tow service, the employee shall advise the owner and/or agent of the response fee.
- E. Requests for tow services by employees for police impounds shall be restricted to companies listed on the current tow services contract maintained by the Traffic Section.
- F. Vehicle owners and/or agents may request a tow service that is not on the tow truck rotation list when the vehicle is not being impounded by the department as long as the tow service can respond promptly. Employees shall not recommend a specific tow service to the public.



Las Cruces Police Department
GENERAL ORDERS
FIELD OPERATIONS VOLUME 2
GO-270 TOWING AND IMPOUNDING VEHICLES (CRITICAL)
Revised 2/24/2015

- G. Employees shall not tow a vehicle as a punishment of the owner and/or agent. Vehicle shall only be towed if there is a legitimate public safety justification.
- H. Employees shall not involve themselves in disputes over towing rates. Towing rates are established by the New Mexico Public Regulation Commission.
- I. Employees shall complete the at-scene investigation, photographs, and towed vehicle report before requesting a tow service unless there is an immediate need for removal and/or repositioning of a vehicle. The towed vehicle report shall be completed before the tow service removes the vehicle from the scene.
- J. Employees authorizing the towing and/or impounding of a vehicle shall document the facts and justification in appropriate reports.
 - 1. The towed vehicle report shall be completed and submitted to the Records Unit prior to going off-duty.
 - 2. All towed and/or impounded vehicles shall have the vehicle identification number (VIN) and/or license plate checked through NCIC. Employees shall verify that the VIN and license plate match the vehicle.
 - 3. Employees are encouraged to issue a citation to the registered owner of any abandoned vehicle requiring towing from a public roadway.
- K. Officers are required to generate a Towed Vehicle Report under the following circumstances:
 - 1. Whenever a towed vehicle has been involved in a traffic crash under investigation and requires removal from the scene.
 - 2. Whenever a towed vehicle has been reported stolen or is otherwise wanted for evidentiary purposes.
 - 3. Whenever a towed vehicle is taken into custody for the purposes of safe keeping.
 - 4. Whenever a towed vehicle was blocking the roadway, was a traffic obstruction or safety hazard, and the owner or agent was unable to provide for its immediate removal.



Las Cruces Police Department
GENERAL ORDERS
FIELD OPERATIONS VOLUME 2
GO-270 TOWING AND IMPOUNDING VEHICLES (CRITICAL)
Revised 2/24/2015

5. Whenever a towed vehicle was stopped on the roadway and the employee determined that the driver's license was suspended or revoked. The employee shall verify the driver's license status through dispatch prior to calling for a tow service.
 6. Towing for no insurance, no driver's license, suspended/revoked driver's license, and vehicle forfeiture ordinance.
- L. Employees are not required to generate a Report of Towed Vehicle when the owner or agent of a stalled or inoperable vehicle, not involved in a crash or other investigation, requests that the employee contact a tow service to assist them (owner's request).
- M. A copy of the completed towed vehicle report shall be given to the tow service agent prior to his/her departure and to the vehicle owner or agent if they are present. If the owner or agent is not present, the Records Unit shall mail a copy of the towed vehicle report within one (1) business day.
- N. If two or more vehicles are being towed resulting from the same incident, the requesting officer has the responsibility of assigning which tow truck takes which vehicle and in what order each vehicle is removed.
- O. When towing a vehicle it is the requesting officer's responsibility to ensure that all occupants, not taken into custody, are taken to a location where they can safely make arrangements to reach their destination. It is also the responsibility of the requesting officer to make reasonable attempts to ensure occupants have the means to make arrangements for travel.
- P. When towing a vehicle it is the requesting officer's responsibility to ensure that any animals in the vehicle or trailers are taken to a place where they can be cared for.

270.02 VEHICLE INVENTORY SEARCHES

- A. Employees shall conduct complete and accurate inventory searches of all vehicles subject to being towed or impounded. Vehicle contents shall be recorded on the towed vehicle report.
- B. Employees shall search the entire vehicle including the trunk, glove box, truck bed, truck bed boxes, and all closed locked or unlocked containers, except:
 1. When there is an excessive amount of property within the vehicle that it becomes unreasonable to inventory each item. In such cases, a brief description of any



Las Cruces Police Department
GENERAL ORDERS
FIELD OPERATIONS VOLUME 2
GO-270 TOWING AND IMPOUNDING VEHICLES (CRITICAL)
Revised 2/24/2015

valuables present and photographs shall suffice and be documented in the towed vehicle report.

2. When attempting to gain access to a locked container may cause damage to the lock or container. Photographs and documentation in the towed vehicle report shall suffice.
- C. Vehicle ignition and door keys shall be turned over to the tow service. All other keys should be given to the owner/agent or placed with their personal property if under arrest. Keys may be turned over to a third party or placed into evidence for safe keeping. All justification for release of keys to a third party or evidence shall be properly documented. Third parties shall be properly identified prior to releasing keys to them.

When the towed or impounded vehicle is a recovered stolen vehicle, or the owner or agent is wanted for investigation, all keys, with the exception of the vehicle ignition and door keys, shall be placed into evidence.

270.03 VEHICLE IMPOUNDED AS EVIDENCE

- A. Vehicles that are evidence or contain evidence of a crime shall be processed at the scene whenever practical.
- B. A criminal investigator or supervisor may authorize a vehicle to be sealed and towed to an authorized location for further processing. The authorized location must be able to accommodate the vehicle either indoors or outdoors depending on the evidence needing to be collected.
 1. Procedures for Sealing and Towing Vehicles:
 - a. The investigator shall perform any required tasks inside the vehicle and lock the vehicle prior to towing. The investigator shall not allow the tow service representative to enter the vehicle at any time and will submit the ignition and door keys into evidence.
 - b. The investigator shall seal the vehicle with evidence tape. If the use of evidence tape is undesirable, the investigator shall follow the tow service to the impound location and shall stand by until the vehicle is processed.
 - c. The investigator shall instruct the tow service where to tow the vehicle.



Las Cruces Police Department
GENERAL ORDERS
FIELD OPERATIONS VOLUME 2
GO-270 TOWING AND IMPOUNDING VEHICLES (CRITICAL)
Revised 2/24/2015

- d. If the vehicle is towed to the LCPD, the investigator shall provide the tow service representative with a copy of the towed vehicle report prior to his/her departure. The investigator shall collect the tow service invoice and attach it to the original towed vehicle report and submit both documents to the Records Unit before the end of the employee's current workday. The investigator shall not obligate the department to pay the invoice. The Records Unit will submit the invoice to the Budget Office the next business day.

2. Vehicle Processing Timeframe

- a. Vehicles shall be processed within 48 hours if stored at the department, or within two business days if stored at a commercial location. In the event it is undesirable or impractical to process the vehicle within these time frames, special permission to extend processing time may be granted by the Deputy Chief of Administration.

If the vehicle is not processed within 48 hours and an extension has not been granted, the investigator shall have the vehicle towed to the original tow services vehicle storage lot.

3. Post-Evidentiary Processing Procedures

- a. After processing the vehicle, the investigator shall advise the vehicle owner of the location of the vehicle and release procedures by the close of the next business day. If the vehicle is stored at the department, the owner shall have three (3) business days to obtain the vehicle. If the owner has not obtained the vehicle within three (3) business days, the vehicle shall be towed to the original tow service vehicle lot, and the owner shall be responsible for those tow charges. The investigator shall generate a second towed vehicle report under these circumstances.
- b. After processing the vehicle, the investigator or a supervisor must release any holds on the vehicle through the Records Unit.
- c. When the investigator notifies the owner, removes the vehicle hold, and authorizes the release of the vehicle, he/she shall prepare a supplemental report documenting these actions.

270.04 VEHICLE RELEASES



Las Cruces Police Department
GENERAL ORDERS
FIELD OPERATIONS VOLUME 2
GO-270 TOWING AND IMPOUNDING VEHICLES (CRITICAL)
Revised 2/24/2015

- A. An impound or towed vehicle shall not require a written release from the department before the vehicle is turned over to the owner unless the vehicle hold section was completed by the impounding officer on the towed vehicle report form. The impounding officer is responsible for marking the reason for the hold on the towed vehicle report form.
- B. Any vehicle that was placed on hold will require a written release form from the department. Releases may be obtained from the records unit during normal business hours.

270.05 TOWING VEHICLES FROM PRIVATE PROPERTY

- A. Employees shall not tow a vehicle from private property at the property owner's request due to the vehicle being abandoned but may advise the property owner of their right to have the vehicle removed at the vehicle owner's expense.
- B. Employees may tow a vehicle from private property while actively investigating a crime and it has been determined that the vehicle is evidence of a crime.

270.06 TOWING VEHICLES FOR SECURITY DETAILS

Vehicles may be subject to towing if determined to be a security risk for a special event or VIP visit. An example might be towing a vehicle at the direction of the Secret Service during a presidential visit because its location causes a security risk to the President.

270.07 ATTACHMENTS

ATTACHMENT A: LCPD Towed Vehicle Report

LAS CRUCES POLICE DEPARTMENT TOWED VEHICLE REPORT

CASE# _____

VEHICLE YEAR	MAKE	MODEL	COLOR	LICENSE NUMBER	LICENSE STATE	LICENSE YEAR	
VEHICLE IDENTIFICATION NUMBER							
INSURANCE COMPANY							
REGISTERED OWNER NAME (LAST, FIRST, MIDDLE INITIAL)				PHONE NUMBER ()			
REGISTERED OWNER ADDRESS (STREET, CITY, STATE, ZIP CODE)							
DRIVER NAME (LAST, FIRST, MIDDLE INITIAL)				PHONE NUMBER ()			
DRIVER ADDRESS (STREET, CITY, STATE, ZIP CODE)							
RECOVERY DATE	RECOVERY LOCATION / TOWED FROM		TOW COMPANY		TOW LOCATION		
TOW DRIVER SIGNATURE			OFFICER SIGNATURE		BADGE #		
ACCESSORIES RADIO <input type="checkbox"/> Y <input type="checkbox"/> N SPARE <input type="checkbox"/> <input type="checkbox"/> KEYS IN VEHICLE <input type="checkbox"/> <input type="checkbox"/> IGN.INTERLOCK <input type="checkbox"/> <input type="checkbox"/>		BROKEN GLASS LEFT SIDE <input type="checkbox"/> Y <input type="checkbox"/> N RIGHT SIDE <input type="checkbox"/> <input type="checkbox"/> FRONT <input type="checkbox"/> <input type="checkbox"/> REAR <input type="checkbox"/> <input type="checkbox"/> SUN ROOF <input type="checkbox"/> <input type="checkbox"/>		BODY DAMAGE LEFT SIDE <input type="checkbox"/> Y <input type="checkbox"/> N RIGHT SIDE <input type="checkbox"/> <input type="checkbox"/> FRONT <input type="checkbox"/> <input type="checkbox"/> REAR <input type="checkbox"/> <input type="checkbox"/> TOP / ROOF / HOOD <input type="checkbox"/> <input type="checkbox"/>		CIRCUMSTANCE OF IMPOUND ABANDONED VEH. <input type="checkbox"/> Y <input type="checkbox"/> N OBSTRUCTING TRAFFIC <input type="checkbox"/> <input type="checkbox"/> STOLEN <input type="checkbox"/> <input type="checkbox"/> CRASH <input type="checkbox"/> <input type="checkbox"/> HIT AND RUN <input type="checkbox"/> <input type="checkbox"/> DRIVER ARRESTED <input type="checkbox"/> <input type="checkbox"/> SEARCH WARRANT <input type="checkbox"/> <input type="checkbox"/> NO/SUSP. DL <input type="checkbox"/> <input type="checkbox"/> NO INSURANCE <input type="checkbox"/> <input type="checkbox"/>	
PERSONAL PROPERTY IN VEHICLE							

VEHICLE HOLD							
IF A HOLD WILL BE PLACED ON THE VEHICLE, THIS SECTION SHALL BE COMPLETED BY THE IMPOUNDING OFFICER. IF THIS SECTION IS NOT COMPLETED, A SEPARATE RELEASE FORM IS NOT REQUIRED OF THE LAS CRUCES POLICE DEPARTMENT FOR THE TOW COMPANY TO RELEASE THE VEHICLE TO THE OWNER/ AGENT. IF THIS SECTION HAS BEEN COMPLETED BY THE IMPOUNDING OFFICER, THE OWNER/AGENT WILL BE REQUIRED TO OBTAIN A VEHICLE RELEASE FROM THE LAS CRUCES POLICE DEPARTMENT. NO VEHICLE SHALL BE RELEASED BY THE LAS CRUCES POLICE DEPARTMENT UNTIL SUFFICIENT PROOF OF OWNERSHIP AND PROOF OF INSURANCE HAS BEEN PRODUCED. VEHICLE RELEASES MAY BE OBTAINED MONDAY-FRIDAY, 8:00 AM-5:00 PM (EXCLUDING HOLIDAYS) AT THE LAS CRUCES POLICE DEPARTMENT, 217 E. PICACHO, LAS CRUCES, NM 88001.							
PRINTED OFFICER NAME							
OFFICER SIGNATURE		BADGE #	DATE	TIME			
REASON FOR HOLD - NO INSURANCE: <input type="checkbox"/> NO DL: <input type="checkbox"/> SUSP DL: <input type="checkbox"/> VEHICLE FORFEITURE ORD.: <input type="checkbox"/> EVIDENCE: <input type="checkbox"/>							