
KANSAS CITY, KANSAS POLICE

GENERAL ORDER

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CROSS REFERENCE: U.G. Ord. 35-196

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I. PURPOSE

- A. To establish Departmental policy concerning the towing of motor vehicles and the corresponding authority of police officers to order such tows.

II. GENERAL TOWING POLICY AND DEFINITIONS

- A. It is the policy of the Police Department to avoid the unnecessary towing of motor vehicles. There must be both a well-documented reason as well as the corresponding legal authority for the towing of a vehicle.
- B. All vehicles towed by police officers will be towed in accordance with this order and require supervisory approval.
- C. The legal authority to order the towing and impoundment of motor vehicles in specifically described circumstances is found in U.G. Ord. 35-196. Authority for ordering the towing and impoundment to enforce Codes violations is found in U.G. Ord. 8-336 and 8-337.
- D. KSA. 8-126(s) defines a "highway" as: Every way or place of whatever nature open to the use of the public as a matter of right for the purpose of vehicular travel. The term "highway" shall not be deemed to include a roadway or driveway upon grounds owned by private owner, colleges, universities or other institutions.
- E. U.G. Ord. 35-196 defines "street or highway" as: The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel. Where the word "highway" or the word "street" is used in this chapter, it shall mean street, avenue, boulevard, thoroughfare, trafficway, alley and other public way for vehicular travel by whatever name unless the context clearly indicates otherwise.
- F. Unified Government Ordinance 35-196 defines thirteen specific instances when the towing of a motor vehicle is authorized. Officers and supervisors must maintain a familiarity with this enabling ordinance in order to effectively and expediently make appropriate decisions in the field.
- G. Unified Government Ordinance 8-337 defines "nuisance" to include:
 - 1. "Inoperative motor vehicle(s)": any motor vehicle not currently registered or tagged pursuant to state law, any motor vehicle which is incapable of moving under its own power, or any motor vehicle in a condition of being junked, wrecked, wholly or partially disabled and/or dismantled.
 - 2. Any motor vehicle(s) parked on unimproved surfaces, not including those stored in an enclosed structure or pursuant to the lawful operation of a business on those premises.

3. The keeping, parking or storing, in a residential area, of: tow trucks, dump trucks, semi-tractors and trailers, backhoes, loaders, other types of earth-moving equipment and trailers used to transport same, and any truck which has a gross weight in excess of 10,000 pounds; not to include items stored in an entirely enclosed structure.
- H. Unified Government Ordinances 8-336 and 8-337 are enforced primarily by Unified Government Code Enforcement personnel, authorized members of Community Policing and the Traffic Support Unit may also enforce these ordinances. Vehicles parked, stored or otherwise standing on private property in violation of U.G. Ord. 8-337, as described above, may be towed pursuant that section of the housing code, subject to completion of notice and hearing pursuant to Code Enforcement policy and procedure.

III. VEHICLE TOWING GUIDELINES

- A. Officers are authorized to have vehicles towed from a highway, with supervisor approval, within the following guidelines:
1. Traffic Hazard: Any unattended vehicle that is illegally left standing upon any highway, bridge, and causeway or in any tunnel in such position, or under such circumstances as to obstruct the normal movement of traffic. (35-196 b)
 - a. Officers may order the towing of a motor vehicle that is causing a hazard to other motor vehicles when the owner or operator of such vehicle is unavailable, unable, or unwilling to cause its removal.
 2. Stolen Vehicle: A confirmed report has been made that the vehicle has been stolen or taken without the consent of its owner. Officers will order the impoundment of a motor vehicle that has been reported stolen when: (35-196 c 1)
 - a. the lawful owner is unable to respond and cause its removal, or
 - b. the vehicle is obviously disabled, or
 - c. the impoundment of such vehicle is necessary to conduct evidentiary processing, or
 - d. the vehicle is needed for other evidentiary purposes.
 3. The person in charge of the vehicle is unable to provide for its custody or removal: (35-196 c 2)
 - a. In any instance where the officer has removed an individual from his or her vehicle as a result of a full custodial arrest or due to their physical or mental condition, there are two options available concerning the disposition of the vehicle:
 1. If the vehicle is illegally parked and unattended, is evidence, or there is some other compelling legal reason or public safety reason, the officer may order that the vehicle be towed, with supervisor approval; or
 2. If the vehicle is safely and legally parked, and there is no compelling legal or public safety reason to tow the vehicle, the vehicle will not be towed unless it is requested by the owner for safekeeping.
 - (a) In this instance the officer shall inform the individual of the availability of a police tow for the safekeeping of his or her vehicle. Officers will complete an Availability of Police Tow Form (Appendix A) and allow the individual the opportunity to indicate, by signature, what his or her desire is concerning the disposition of the vehicle.
 - (b) If the individual refuses or is unable to sign the form, the officer will document the refusal in the narrative section of the Availability of Police Tow Form, and the vehicle will not be towed.
 4. The motor vehicle is found parked within any sidewalk area, on or over any curb, on or over any parkway, or on any surface between the curb and the sidewalk and property line. (35-196 c 3)
 - a. Officers may order the impoundment of the motor vehicle only after appropriate traffic citations have been issued and a forty-eight (48) hour notice has been placed on the vehicle, unless exigent circumstances exist and the immediate removal of the vehicle is required.
 5. Stolen License Plates. The motor vehicle displays license plates that are reported stolen. (35-196 c 4)
 - a. When an officer finds a motor vehicle displaying a stolen license plate, an additional legal reason or public safety interest should be considered to determine whether towing the vehicle is appropriate. The stolen tag will be recovered as evidence or found property and handled in accordance with General Order 80.2.
 6. Public Safety. The Removal of such vehicle is necessary in the interest of the public safety because of fire, flood, storm or other emergency reason. (35-196 c 5)
 7. Snow Routes. The motor vehicle is parked on an emergency snow route. (35-599/ 35-196 c 6)
 8. The motor vehicle is parked illegally in violation of temporary no parking signs posted by the traffic engineer for construction purposes or other public improvement, and the traffic engineering department requests the removal of said motor vehicle, provided that the area or street has been posted by the traffic engineer as a tow-away zone. (35-196 c 7)
 9. There is probable cause to believe the motor vehicle contains contraband or evidence which might be lost if the motor vehicle is not impounded. (35-196 c 8)
 - a. The Department requires that before impoundment of a motor vehicle under this section of the ordinance, additional factors must exist that would require impoundment. Special attention is required as to whether the vehicle contains evidence, or itself is evidence.

1. In the first instance (the vehicle contains evidence), if the vehicle may be lawfully searched and the evidence or contraband removed, preference is to search and seize such evidence at its present location.
 2. If the evidence is the vehicle itself, or if it is not possible or practical to secure the evidence at the vehicle's location, however, it may then be towed for processing.
- b. Contraband, in general, means any property which is unlawful to produce or possess. Evidence may include contraband, property of an evidentiary nature (such as stolen property), or forensic evidence.
10. There is probable cause to believe that the vehicle has been used in the commission of a crime and that its retention as evidence is necessary. (35-196 c 9)
 11. No Registration. The motor vehicle does not display valid license plate or temporary paper tag and is driven or parked on a street, highway, alley, or other Unified Government property. No car will be towed because the license plate or temporary paper tag has expired until forty-five (45) days after the expiration date. (35-196 c 10)
 12. Abandoned Vehicles. A motor vehicle has been abandoned and left on a street, highway, alley, or other city property in excess of forty-eight (48) hours, but only after forty-eight (48) hours' notice of the intent to tow the vehicle is placed upon the vehicle, stating the intent to tow the vehicle after forty-eight (48) hours if not removed. This subsection shall in no way, however, prevent immediate towing of vehicles for any other proscribed reasons. (35-196 c 11)
 - a. If the abandoned vehicle is left standing on a street, highway, alley or other Unified Government property, and the owner cannot be located, the officer shall affix a notice (Unattended Vehicle Courtesy Check And Warning Of Intent To Tow) to the upper corner of the front windshield or the rear window, on the street side of the vehicle, stating the intent to tow said vehicle, if not removed within forty-eight (48) hours.
 1. Under no circumstances shall the notice be attached to any painted or fabric surface on the vehicle.
 2. Intent to tow notices should be attached to headlights, rear view mirrors or other glass surfaces of motorcycles.
 - b. Officers should make every possible effort in determining the registered owner of a motor vehicle prior to towing the vehicle (computer checks by license and VIN, etc.), and if the owner is located he or she should be allowed to immediately remove the vehicle.
 1. The officer issuing the forty-eight (48) hour notice will maintain a record of the location and a description of the vehicle on which such notices are issued. (The detached 48 hour notice stub contains the necessary information.) It is imperative that the VIN and license tag information are logged for reference purposes.
 - c. When towing a vehicle after the expiration of a 48-hour notice, officers will affix the lower half of the 48-hour sticker to the tow report, if it is available.

IV. ACCIDENT SCENES

- A. When an officer arrives at the scene of a motor vehicle accident, he/she should determine, as soon as possible, if the need exists for the towing of vehicles involved. However, the officer should not tow any vehicle involved when it is not necessary. The following guidelines should be used when making this determination:
 1. Check with the vehicle owner or driver to ascertain if a tow has already been ordered, or if they desire a tow of their own choice.
 2. Check to ascertain if the vehicle is disabled to the extent that towing is necessary.
 3. If the driver is not taken into custody and desires a private tow for his vehicle, the officer shall assist.
 - a. Officers will wait a reasonable amount of time for the private tow if the vehicle is impeding traffic and creating a traffic hazard. If a private tow cannot be acquired within a reasonable amount of time, then a police tow shall be ordered.
 4. When an unoccupied vehicle is involved in an accident, all reasonable means of notifying the owner should be exhausted. If the owner cannot be contacted and the vehicle constitutes a hazard, it shall be towed. If the vehicle is not a hazard (in the case of minor damage), a brief notice shall be attached to the vehicle indicating that a police report has been made. If the vehicle is obviously disabled, but not constituting a traffic hazard, a forty-eight (48) hour notice will be placed on the vehicle.

V. VEHICLE HOLDS

- A. When officers find it necessary to place a hold on a vehicle being towed they will indicate such in the Officer's Comments section of the Tow-In/Release Report, and notify the approving supervisor of the hold.
 1. The officer must give the reason(s) and corresponding authority for the hold being placed on the vehicle along with any processing desired on the vehicle.
 2. If the hold is requested by a detective, the name of the detective requesting the hold will be noted in the Person Authorizing Hold box. Also the release of this hold will then become the responsibility of the detective requesting the hold.

3. The officer will complete a tow lot sticker and place it near the middle of the windshield, avoiding any possible evidence. The case number, person requesting the hold, and whether or not it will be stored inside or outside will be completed. Then complete any special instructions in Special Notes.
4. In the case of a damaged windshield, the sticker will only then be placed on the passenger side window, preferably near the top. At no time will any sticker be placed on any surface that is not glass.

B. Reasons for vehicle holds

1. Stolen vehicles are not an automatic hold. The officer on scene should make every attempt to process the vehicle at the scene unless environmental conditions prevent this from being accomplished. In situations where the vehicle has been used in the commission of additional and/or more serious crimes, should the vehicle be held for processing by CSI.
2. The vehicle has been used in the commission of a crime and the vehicle must be processed for evidence, or the vehicle itself is evidence. ("Hold for evidence for CSI" or "Hold for evidence for Detective [name]")
3. Vehicle has been involved in a Hit and Run and is needed for evidentiary processing, or the vehicle itself is evidence. ("Hold for Evidence of Hit and Run")
4. Proof of ownership. ("Hold for Proof of Ownership")

VI. INVENTORY OF IMPOUNDED VEHICLES

- A. The towing officer shall complete a full inventory of all items of value found within the vehicle.
- B. If access (key or interior trunk release button) to the trunk and/or glove compartment is available, an inventory for anything of value will be made.
- C. Any item of great value, as determined by the officer, or upon request of the vehicle owner, shall be recovered, tagged and forwarded to the Property Room for safekeeping. (Weapons, jewelry, and money should be tagged and forwarded to the Property Room.)
- D. Complete documentation and inventory, including all identifiers (serial number, model number, owner applied number such as driver's license number) on each item will be recorded on the Tow-in Report or Property Report, whichever is applicable.
- E. If contraband or stolen property is discovered while conducting such inventory, it should be confiscated and properly tagged for evidentiary purposes.
 1. Unless ownership/possession of the contraband or stolen property is without dispute at the time of the seizure, criminal charges will be contingent upon proper documentation at the time of the seizure which would allow subsequent investigative follow-up. (i.e., stolen property investigated by the Investigations Bureau and controlled substances by the Narcotics Unit.)

VII. VEHICLES ON PRIVATE PROPERTY

- A. If there is probable cause to believe a vehicle located on private property has been used in the commission of a crime, and the vehicle is needed for evidence in connection with said crime, the officer is then authorized to tow the vehicle if there is also appropriate legal justification for entry upon the property without a warrant, and upon approval of a Field Supervisor.
- B. The provisions of Unified Government Ordinance 35-151 do not provide for the towing of vehicles from private property except as described in section VII. A.
- C. Motor vehicles parked, stored or otherwise standing on private property in violation of U.G. Ord. 8-336 and 8-337 are subject to tow. Said vehicles may be towed only after notice and proceedings pursuant to Code Enforcement policy and procedure.
 1. Only Code Enforcement personnel may request an Officer to tow such a vehicle from private property. Authorized Officers may initiate proceedings through Code Enforcement to tow a vehicle from private party.
 2. Officers will assist Code Enforcement, when summoned, by ordering a tow as requested by Code Enforcement and remaining to maintain order and public safety in the execution of the tow.
 3. Code Enforcement shall schedule the towing of motor vehicles at a time and in a manner convenient for the Department, to the extent possible.
 4. Any officer not authorized to tow from private property as specified in U.G. Ord. 8-336 and 8-337, who discovers a motor vehicle parked, stored or otherwise remaining on private property that is in violation of U.G. Ord. 8-337 should note the details regarding the vehicle and the address at which it is located on an Observation Memorandum in the ordinary course of business.
- D. Vehicles which are seized for forfeiture or at the request of a Kansas Department of Revenue Agent pursuant to a drug tax stamp warrant as provided for in General Order 70.4 may also be towed from private property. This is normally conducted by officers in the Narcotics Unit.
- E. If a private citizen requests that a vehicle be towed from his property and there is no reason to suspect that the vehicle has been involved in a crime, the officer shall advise the citizen that it is the citizen's responsibility to initiate the tow.

Note: It is unlawful for anyone to abandon and leave a motor vehicle on any private property without the consent of the property owner, and the property owner may have the vehicle removed. (KSA. 8-1102)

VIII. TOW-IN/RELEASE REPORTS

- A. A vehicle impound Report is required for any vehicle towed by a member of the Department.
- B. No vehicle impound report shall be approved by supervisory authority unless it contains complete and factual information as stipulated in Section VIII of this order, which includes corresponding authority for initiating the tow.
- C. The appropriate supplemental report will be completed when releasing a motor vehicle to its owner.

IX. SUPERVISORY APPROVAL

- A. All requests for the police ordered towing of a motor vehicle require supervisor approval. The officer shall identify the supervisor who granted the tow in the "Reason Towed or Officer's Comments" section of the report.

X. AUTO RELEASE UNIT PROCEDURES

- A. The vehicle owner must come to the Kansas City, Kansas Police Department Auto Release Unit and obtain a written release for a towed vehicle in all cases involving a hold for evidence. (No exceptions)
- B. In cases not involving a hold for evidence, the vehicle owner may either come to the Kansas City, Kansas Police Department Auto Release Unit or may go directly to the tow contractor that is storing the vehicle and obtain a written release for a towed vehicle upon compliance with Section X, C, D and E.
- C. Drive Out Procedures
 - 1. The owner must produce a current vehicle title with the owner's name on the face (front) of the title, or;
 - 2. A current completed assignment bearing the owner's name on the back of the title dated within sixty (60) days of purchase, or;
 - 3. A current registration from the state the owner resides in.
 - a. In the event the title assignment is more than sixty (60) days past the purchase date, the owner must have proof of current registration from his/her state of residence.
 - 4. In addition to a current title and/or registration, the owner must also have proof of current insurance.
- D. Tow Out Procedures
 - 1. Out of state vehicles without proof of insurance may be released to be towed out of state by a tow truck, tow bar or trailer after presenting a valid title and/or current registration (as outlined in subsection C above) as proof of ownership. These vehicles must be towed to out of state locations.
- E. In the event the owner cannot come to pick-up the vehicle, the owner must have a notarized power of attorney in addition to the proof of ownership outlined above, in order for anyone else to enter or pick-up the vehicle.
- F. If a complaint arises concerning the reason that a vehicle was towed, the owner may request a tow hearing at the Unified Government Municipal Court, 2nd floor of the Unified Government East Building, 573-5200.

XI. TOW LOT PROCEDURES

- A. The Criminal Investigation Bureau will be responsible for verifying the Vehicle Identification numbers on vehicles in the tow lots and will verify, through NCIC, that the vehicles have not been reported stolen.
- B. Criminal Investigation Bureau personnel will be assigned to verify vehicles in the tow lots and will also attend all of the scheduled Police Department sponsored Automobile Auctions and re-verify the Vehicle Identification Numbers of vehicles to be sold at auction and re-verify, through NCIC, that they have not been reported stolen.