

	<b>Houston Independent School District Police Department Directives</b>	<b>DIRECTIVE: 450-020</b>
	<b>SUBJECT: Towing of Vehicles</b>	<b>EFFECTIVE DATE: October 14, 2012</b>  <b>REVISED DATE: February 9, 2022</b>

## **PURPOSE**

This directive outlines interactions with wreckers, towing of vehicles, and storage lots. Employees will not take action contrary to the City of Houston ordinances that deal with Auto Wreckers and Storage Yards (Chapter 8, Article III). Furthermore, employees will follow the procedures outlined in this policy when dealing with such situations. This written directive applies to all Houston Independent School District Police Department Personnel.

## **DEFINITIONS**

**Abandoned Vehicle:** Any motor vehicle that has remained unlawfully parked in violation of the city's ordinance or the state's laws not otherwise provided for. An "abandoned motor vehicle," within the meaning of this article, shall be any motor vehicle standing, parked, or remaining unattended on the public streets, alleys, sidewalks, and public ways of the city for 48 or more continuous hours. Any abandoned motor vehicle, any motor vehicle which shall remain over parked at a parking meter as provided in subsection (a)(2) above, and any other motor vehicle which is illegally parked, is hereby declared to be a detriment and a menace to traffic and shall be a nuisance per se. (Code 1968, § 46-184; Ord. No. 76-185, § 1, 2-10- 76)

**Auto Wrecker:** Any wrecker so designated by state law.

**Commercial Vehicle:** A truck or other vehicle displaying a valid permit or upon which the name, logo, or other designation of the person owning or operating the vehicle is painted or otherwise affixed to the vehicle in letters or markings at least two inches in height.

**Consent Tow:** Any motor vehicle tow conducted at the owner's request. This does not include a tow of a motor vehicle authorized by a peace officer investigating a police scene.

**Consent Tow Charge:** A fee set by a wrecker operator for towing a vehicle with the owner's consent. The Houston Independent School District does not regulate this fee.

**Contract Auto Wrecker:** Any auto wrecker properly registered with the City of Houston under a Police Authorized Tow Service Agreement (PATSA), displaying the correct City of Houston wrecker medallion, and properly equipped to tow another vehicle.

**Freeway:** The entire public right-of-way of a divided, controlled-access highway located within the city of Houston, including its roadway lanes, entrance and exit ramps, shoulders, and unimproved areas, excluding frontage or service roads.

**Non-Consent Tow:** Any motor vehicle tow from a police scene by a contract auto wrecker operator authorized by a peace officer. This includes tows in which the vehicle owner is unwilling or unable to designate a tow operator.

## **JURISDICTION**

The jurisdiction of the HISD police department includes all territory within the boundaries of the district and all property, real and personal, outside the boundaries of the district that is owned, leased, or rented by or is otherwise under the district's control.

## **AUTHORIZATION TO TOW A VEHICLE**

When a vehicle(s) are blocking a moving lane(s) of traffic or causing an obvious traffic hazard, the officer will have the authority to tow the vehicle(s) as a non-consent tow. All officers will consult with the on-duty supervisor prior to all vehicle tows except for towing a vehicle off a highway or causing a traffic hazard.

## **ABANDONED OR STOLEN VEHICLES**

All abandoned or stolen vehicles shall be processed in accordance with procedures for the law enforcement agency having primary jurisdiction. Towing abandoned vehicles on HISD property will be authorized by the principal/building manager or their designee.

## **TOWING FROM PRIVATE PROPERTY**

The HISD Police Department personnel will not tow from private property unless the vehicle is reported stolen, burnt, or part of a crime. The owner or person(s) with care, custody, and control of private property may authorize private vehicle tows. HISD Police Department personnel shall not tow vehicle(s) non-police-related on private and public locations; however, the HISD Police Department may make arrangements for the wrecker services for towing purposes.

## **WRECKER SLIPS**

Officers will be held personally responsible for completing a wrecker slip in legible print for all tows from police scenes. Officers will ensure:

- a) If the vehicle has been reported stolen, the reporting party's name, address, and phone number(s) are listed on the wrecker slip;
- b) Any private storage lot location listed on the wrecker slip is the exact location of the storage facility. According to the City of Houston records, the exact location is the only address accepted when towing information is entered into the computer system by the on-duty telecommunicator. If the entry is rejected because the officer placed the wrong address on the wrecker slip, it will be the responsibility of the officer authorizing the tow to immediately correct the mistake (regardless of whether the officer is on or off duty).

## **VEHICLE IDENTIFICATION NUMBERS**

A VIN will be listed on the wrecker slip. When the VIN cannot be located or is unreadable, "unavailable" should be entered in the VIN field. This is a mandatory field on the Towed Vehicle entry screen.

## **NOTIFICATION TO OWNER**

When a non-consent tow occurs, notification will be sent within 48 hours by the towing officer to the registered vehicle owner. The notification will indicate the vehicle's exact storage location in Open Fox. The employee entering the vehicle towing information into MOBLAN must complete the Tow slip card in its entirety. When a vehicle is not registered, or no license or VIN is found, the Open Fox printout indicating such will be attached to the wrecker slip. Wrecker slips with printouts will be sent to the Communication Unit supervisor, who will maintain a physical file of the wrecker slips for at least three years.

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## **DRIVING A PRISONER'S VEHICLE**

Officers will not operate a prisoner's vehicle unless an emergency exists. If an officer must move a vehicle, it will be moved only as far as necessary to make the situation safe. Officers will not drive any vehicle the state of Texas does not license them to operate. There are no exceptions to completing a wrecker slip on each vehicle towed from a police scene. Every vehicle towed from a police scene will be entered into Open Fox by the Communications Unit Manager or on-duty telecommunicator.

## **VEHICLE INVENTORY**

Whenever an officer authorizes a non-consent tow of a prisoner's vehicle, the officer will personally review and inventory items in the vehicle, including any containers not secured by a lock, and complete a wrecker slip. A detailed inventory list will be written on the wrecker slip. Officers must be specific in identifying inventoried items. General terms such as "miscellaneous property" will not be used.

## **VEHICLE STATUS INFORMATION**

During the booking process, the arresting officer will advise the city jail complaint officer or the police station desk officer of the status of the prisoner's vehicle. If the prisoner has no vehicle, that information will be noted on the booking form. The arresting and the complaint or desk officers will share the responsibility of placing the information pertaining to the prisoner's vehicle on the booking form. Vehicle information will be logged on the prisoner's booking form.

## **TOWING OF STOLEN VEHICLES**

Whenever a stolen vehicle or a vehicle suspected of being stolen is recovered (whether or not it is occupied or operable), the recovering officer will:

- a) Advise the owner of the location and condition of the vehicle and determine how the vehicle is to be handled; and

- b) When a suspected stolen vehicle is found on private property, and the owner cannot be contacted, it is up to the owner or manager to remove the vehicle. Officers may summon a wrecker but not tow the vehicle under police authority as a courtesy to the owner or manager. Officers will consult with their supervisors to determine if further action should be taken in other circumstances.

## **REPORTS**

Whenever a vehicle is found, and it is stolen or suspected of being stolen, officers will do one of the following:

- a) Generate a report titled Investigation Auto Theft and indicate within the body of the report the vehicle's disposition and why it is believed to be stolen;
- b) Supplement the stolen report (or initiate a report if the theft occurred outside of HISD Boundaries) and contact the Houston Police Department Auto Theft Section of the Records Division; and
- c) The Houston Police Department Records Division's Auto Theft Section will be contacted to report a stolen vehicle or if a citizen needs to know the status of a stolen vehicle.

## **WANTED VEHICLES**

Suspects related to a suspicious vehicle must be listed in an offense report before the vehicle can be classified as wanted. Any occupants should be detained when a wanted vehicle is located while the officers contact the appropriate department for instructions. If authorization is obtained from the supervisor over the investigation, the officers should arrest the occupants. If the vehicle owner is arrested, the vehicle will be handled according to the guidelines outlined in this written directive. If there are no occupants in the wanted vehicle, the appropriate division should be contacted to determine the disposition of the vehicle.

## **VEHICLE CREATING A TRAFFIC HAZARD**

When a vehicle blocks a moving lane or causes an obvious traffic hazard, the officer will remove the vehicle as a non-consent tow.

## **ABANDONED VEHICLE (NO TRAFFIC HAZARD)**

When a vehicle is parked on a public street but presents no traffic hazard, there must be a minimum of two parking tickets against the vehicle for being parked over 24 hours on a public street before the vehicle is removed as a non-consent tow. The officer must consult with a supervisor before towing.

### **VEHICLE ACCIDENT (VEHICLE NOT OPERABLE)**

Owners may contact and utilize a wrecker of their choice if they arrive before the officer is ready to clear the scene. Otherwise, the officer will allow the first properly permitted and equipped wrecker at the scene to tow the vehicle. Officers will complete a wrecker slip and sign the slip as a non-consent tow.

### **CONFLICT OF INTEREST**

No employee will have ownership or interest in any wrecker or storage facility. This includes payment, gifts, or gratuity from any wrecker or storage facility owner, operator, or agent.

### **EMERGENCY TOWS**

Contract Auto Wrecker is allowed to operate outside of their assigned towing zones in any of the following situations:

- a) A vehicle owner calls the auto wrecker to the scene;
- b) The officer in charge of the scene calls the contract auto wrecker to the scene. Officers are allowed to use or call contract auto wreckers out of their assigned towing zones only when one or more of the following situations exist:
  - 1. An emergency condition exists; and
  - 2. The situation is a non-consent tow; there are no area contract auto wreckers available, and no area contract auto wreckers will become available.

### **DISPUTES BETWEEN WRECKER DRIVERS AND OFFICERS**

Officers will adhere to the following guidelines if a dispute arises between a wrecker driver at a police scene and an officer. Complaints regarding the officer's selection will not be argued at the scene. No delay or disruption of the scene investigation will be tolerated.

Complaints may be made only after the scene has cleared. A command staff member will review the officer's decision. A wrecker driver choosing to file a complaint against the officer(s) should contact an on-duty supervisor or HISD Police Department Internal Affairs Division. Officers wishing to file a complaint against a wrecker driver should contact the City of Houston Wrecker Inspector.

Approved By

  
Pedro Lopez Jr., Chief of Police