

**CITY OF FERGUSON
OFFICE OF THE CHIEF OF POLICE**

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TOWING VEHICLES and VEHICLE LOCKOUTS

456.00 PURPOSE

The purpose of this General Order is to establish procedures for towing of vehicles from the public right of way and from private property as authorized by Missouri State Statute.

456.01 POLICY

An officer may remove or cause to be removed any vehicle from a street, highway, public or private property to the nearest garage or other place of safety, or to a garage designated or maintained by the City of Ferguson, under any of the below described circumstances, after obtaining approval of a supervisor and it is determined that there is no other way to safely remove the vehicle. For all requests of city's contracted towing agency, officers must complete a tow slip. All hold orders on autos must obtain Supervisor's approval and initials on the tow slip. All officers who place the hold orders are responsible for the release of hold orders after the investigation has been completed.

456.02 EMERGENCY TOWS

- A. If the parked vehicle is creating a traffic hazard and there is no person reasonably available to remove the vehicle.
- B. If the vehicle is creating a traffic hazard and the person in charge of the vehicle refuses to move the vehicle.
- C. If the vehicle is parked or left unattended on any bridge or viaduct or in any tunnel or underpass.
- D. If the vehicle is left unattended in any traffic lane, including the curb lane, in which parking is prohibited.
- E. If the vehicle is left unattended on a street in a snow route which would impede snow removal or road repair or construction as authorized by the City of Ferguson, St. Louis County or the State of Missouri.

- F. If the operator is arrested or injured and there is no other person reasonably available to take custody of the vehicle and there is no reasonably safe place to park the vehicle, the tow option rule will apply.
- G. To be held as evidence or forfeiture.
- H. When removal is necessary in the interest of public safety by reason of fire, flood, storm or other emergency.

456.03 PROCEDURE

- A. When there are no other extenuating circumstances which require a police incident report, the tow slip will serve as the police report. Therefore, if a vehicle is being towed only because it was illegally parked and blocking traffic the officer must obtain a complaint number and place same on the upper portion of the tow slip. All copies of the tow slip (except the tower's copy) will be forwarded to the communications operator (by the officer) to be entered into the computer as towed. The report will then be given to records for filing.
- B. Whenever an illegally parked vehicle is towed the towing officer will issue a MUCS for a parking violation for the appropriate charge.
- C. It is the responsibility of the officer who towed the vehicle to attempt to ascertain the name, address and phone number of the owner of the vehicle and to notify them by phone of the location of their vehicle and the reason it was towed. The date, time and DSN of the officer making notification plus the name of the person notified will be recorded on the tow slip or in the police report if applicable.
- D. It is the towing officer's responsibility to complete FPD Form #98, OWNERS NOTIFICATION OF TOWED OR RECOVERED AUTO OR RECOVERED LICENSE PLATES, to be forwarded with the report to the record room. It is the responsibility of the Record Room clerk who processes the report to mail the form by registered mail (return receipt requested) to the address on the notification form. The return receipt, when returned to this department, will be attached to the tow report.
- E. In all cases when a vehicle is towed it is to be processed for theft and wanteds, both by license and VIN number. It is the responsibility of the communications operator who enters the tow into the computer that the numbers correspond to the license and VIN information on the tow slip. A hard copy of the tow verification will be attached to the tow slip. The officer's copy of the tow slip will be forwarded to the records division office and placed in an active file.

456.04 NON-EMERGENCY TOWS

Notice to Abate

(Section 28-4 City of Ferguson Code)

A. Damaged or Disabled Vehicles (Section 44-277 City of Ferguson Code)

- B Parking not to Obstruct Traffic (Section 44-257 City of Ferguson Code)

C. Inoperable Vehicles on Property (Section 44-281 City of Ferguson Code)

- 1) Any vehicle in an enclosed building, or on the property of an business enterprise operated for the purpose of selling, repairing, storing or renting motor vehicles:
- 2) Any vehicle in an operable condition which is not legally required, if driven on public streets, to be licensed by the State of Missouri: or

- 3) Any vehicles retained by the owner which are legally titled and licensed by the State of Missouri as an antique motor vehicle.

D. Nuisance Vehicle (Section 28-2 City of Ferguson Code)

Any partly dismantled, wrecked dilapidated, abandoned or nonoperative automobile or other motor vehicle or parts thereof which are found upon any private property, and which are not housed in a garage, basement or other enclosed building. Any motor vehicle or automobile or any elements thereof found disassembled upon private property shall be considered to be dismantled, abandoned, wrecked or dilapidated for the purpose of this ordinance when such automobile or other vehicle is found lacking essential component parts which prevent it from being immediately operative under its own power or which vehicle or automobile is not properly license.

E. Recurring Creation or Maintenance of Nuisance (Section 28-5 City of Ferguson Code)

Whenever the Chief of Police determines that any vehicle or junk is a nuisance as defined in that article, he will cause written notice to be served upon the owner of the vehicle or junk, if he can be located, or the person in custody of such vehicle or junk, by registered mail or by personal service. The notice will state that the vehicle or junk is deemed to be a nuisance within the provisions of that article, and will briefly state facts deemed to constitute such vehicle or junk a nuisance within the terms of that article, and state that the nuisance will be abated within seven (7) days from receipt of such notice. When the owner or custodian of the nuisance cannot be located by reasonable search, the notice will be attached to the property, briefly stating facts deemed to constitute the property a nuisance and stating that the nuisance will be abated within seven (7) days of the date notice was posted, or if the vehicle is on public property, within two (2) days of the date the notice was posted. Any person receiving the notice provided for above will comply with the provisions of the notice requiring abatement. Failure to comply with this provision is unlawful.

F. Procedure upon Neglect of Notice (Section 28-6 City of Ferguson Code)

If a warning notice is given as provided in section 28-4, and if after the time for removal of abatement has lapsed the property is re-inspected and the inspecting officer finds and determines that the nuisance has not been removed or abated the inspecting officer shall fill out and sign as the complainant a complaint and information form, hereinafter referred to as a summons.

G. Summary Abatement (Section 28-7 City of Ferguson Code)

The city may prevent, abate or remove all nuisances on public or private property in a summary manner. Summary removal or abatement by the city shall occur only where an existing nuisance creates an emergency whereby reasonable persons would not

differ upon the necessity of immediate removal or abatement thereof for reasons of health, safety, morals or general welfare of the inhabitants of the city.

456.05 OFFICER RESPONSIBILITY

- A. Officers are reminded that whenever they tow a vehicle they are to do an inventory search of the vehicle and any container within the vehicle. Any valuables found in the vehicle are to be brought to the station and held awaiting an owner. Valuables are defined for the purpose of this procedure as items having obvious monetary or material value. Examples of such items are: cash, wallets, purses, jewelry, electronic equipment, camera equipment and firearms. If the officer inventorying the vehicle is unsure as to whether an item should be seized, a supervisor should be contacted for direction. In those cases where property is brought to the station an Evidence Receipt will be prepared listing the property held and its disposition.
- B. Whenever a vehicle is towed for any reason other than being illegally parked (i.e. involved in auto accident, as the result of an arrest, or held for evidence, etc.), the officer will include in the police report the information concerning the tow. The complaint number of the police report will also be put on the tow slip, it is important in either case that the officer indicate on the tow slip the reason the vehicle was towed.
- C. Whenever a release form is prepared and given to the owner of the vehicle to claim their vehicle, a copy of this form is to be maintained by the records division. It is the responsibilities of the records clerks to have the communications operator remove the vehicles that have been claimed from the active file. The communications operator will then attach the release form (Cancellation Teletype) to the tow slip form and return these items to the records division for placement in an inactive file.

456.06 PLACING HOLD ORDERS ON TOWED VEHICLES

- A. The placing of a hold order on a vehicle will be permitted for **evidentiary** or **forfeiture** purposes only.
- B. No officer will place a "hold" order on a vehicle unless he has first obtained verbal permission from the on-duty or detective supervisor. Officers who do obtain permission will write "Hold" on the bottom of the tow form. This officer will likewise put the name of the authorizing supervisor in the narrative portion of his original police report.
- C. **Under no circumstances will a hold order that is placed on a vehicle extend beyond 5 days unless authorized officially by a prosecuting attorney or other qualified governmental official:**

1. If an officer has a “hold” order on a vehicle that he intends to retain as evidence, he must get verbal authorization from the prosecuting attorney’s office. If he does not get permission within this 5-day time limit, he must lift the “hold” order and notify the owner of the vehicle.
 2. If an officer intends to seize the vehicle as forfeiture, he must actually file the required paperwork within three days of the seizure.
- D. After 5 days, whether the vehicle is being held as evidence or forfeiture, the officer will complete a supplement report. In this report he will indicate the disposition of the vehicle. If it is to be held further, he will place the name of the prosecuting attorney or other authorizing government official (**This information is mandatory when a vehicle is to be kept longer than 5 days**)
- E. If the “hold” order is to be lifted at this time, the officer will complete a supplement report stating that the “hold” order has been lifted. He will indicate in the supplement the date, time and who he spoke with regarding the releasing of the “hold” order.
- F. In summary, the officer who requests that a “hold” order be placed on a vehicle, must first get permission and then document this in his report. At the end of 5 days, the officer must complete a supplement report advising the disposition of the vehicle; either the “hold” order is lifted, or advising the name of the prosecutor who wants it to be held for a longer period, as evidence for forfeiture.

456.07 VEHICLE LOCK OUTS

When an officer is asked to open a locked motor vehicle, the officer must complete the Ferguson *Liability Release Form 025* and have it signed by the person requesting the service. There is one authorized type of vehicle lock release tool that is available for use by officers:

The SLIM JIM ®
(used to release the lock from the interior-door lock mechanism)

An officer may ONLY open a locked motor vehicle with the SLIM JIM ® when the following conditions are met:

1. **the vehicle is locked** and the engine is running and/or
3. **a child or animal is locked in the vehicle.**

If these conditions are met the Ferguson Fire Department should be summoned as they are equipped with additional tools to gain entry into the vehicle.

If these conditions are not met, the officer may hand the vehicle lock out tool to the person requesting the service and allow that person to attempt entry into the vehicle.

THIS PAGE FOR AUTHORIZED SIGNATURES ONLY

By order of:

A handwritten signature in cursive script that reads "Colonel Thomas Jackson". The signature is written in dark ink and is positioned above the printed name and title.

COLONEL THOMAS JACKSON
Chief of Police

Distribution
All Department Personnel