


TEXARKANA POLICE DEPARTMENT

GENERAL ORDERS MANUAL

SUBJECT	Vehicle Towing and Removal		
NUMBER	1105.13	EFFECTIVE DATE	April 10, 2012
Scheduled Review Date	May 01, 2016	ISSUE DATE	April 10, 2012
Date Reviewed	April 08, 2014	REVISION DATE	
APPROVED BY		(Reserved for Expansion)	

I. Purpose and Scope

- A. In an effort to remain compliant with State mandates, this policy, which affects all Department personnel, establishes the Department rules and guidelines surrounding the towing and removal of vehicles coming to the attention of Department personnel.

II. Policy

- A. In accordance with A.C.A. § 27-50-1207, it shall be the policy of the Texarkana Police Department to institute rules and guidelines that direct officers of the Department in the towing and removal of vehicles coming to their attention. All members of the Department shall recognize and adhere to the guidelines set forth within this policy.

III. Definitions

- A. **Abandoned Vehicle**—Any vehicle deemed to be unattended as defined by the following:
 - 1. Any vehicle located by an officer to which the owner has overtly manifested some intention not to retake possession; or
 - 2. Any vehicle which remains unattended for a period of thirty (30) days, during which period the owner has given no evidence of their intent to retake possession.
- B. **Consent**—Permission given by either the owner or some other person in charge of the vehicle to have the vehicle removed, towed or stored.
- C. **Non-Consent**—The removal or towing of any unattended or abandoned vehicle or any disabled or inoperative vehicle for which the owner preference is waived by the owner or other person in charge thereof.
- D. **Owner Preference**—The right of the owner, his/her agent or any competent occupant of any disabled or inoperative vehicle to request some responsible and reasonable person, gratuitous bailee, or bailee for hire of his or her choosing to take charge and care of the vehicle.
- E. **Public Way**—Any road, highway, or street over which the public may travel, including the traveled surface and any berm or shoulder thereof.

Page 1 of 4	Number: 1105.13	Effective Date: April 10, 2012
Subject: Vehicle Towing and Removal		Revision Date:

- F. **Unattended**—Any vehicle left on public property without the consent of an authority in charge of the property or on or near a public way without some person, gratuitous bailee, or bailee for hire in possession of the vehicle and that:
1. Is located within a distance of three feet (3') of the traveled surface of the public way;
 2. Is located on or near a public way at a distance of three feet (3') or more of the traveled surface of the public way for a period of twenty-four (24) hours or more;
 3. Is not located on or near a public way but is left for a period of forty-eight (48) hours or more;
 4. Does not remain in the custody of some responsible person following an accident where the operator has been removed to a hospital or is otherwise unable to make personal arrangements for the vehicle's care;
 5. Was operated to a place of apprehension by law enforcement and the operator thereof was removed from the vehicle and taken into police custody;
 6. Is located upon any public right of way and due to geographic location, traffic density, or climatic conditions is creating an immediate and substantial hazard to the motoring public, as determined by a law enforcement officer; or
 7. Is subject to seizure by law enforcement pursuant to a statute, the Arkansas Rules of Criminal Procedure or a lawful court order.

IV. Procedures

A. Non-Consensual Towing (Private Property) A.C.A. § 27-50-1101

1. When a vehicle of a type subject to registration under the laws of this state is found abandoned on private or public property within this state—or is parked on private or public property within this state without the authorization of the property owner or other persons controlling the property—the property owner or his/her agent may have the vehicle removed from the property by a towing and storage firm licensed by and subject to the rules of the Arkansas Towing and Recovery Board.

B. Tagging of Unattended or Abandoned Vehicles A.C.A. § 27-50-1205

1. Any officer of the Texarkana Police Department observing a vehicle on or near a public way which appears unattended or abandoned shall order the immediate removal of the unattended, abandoned, disabled or inoperative vehicle when the following criteria is encountered:
 - a. When the vehicle is located within three feet (3') of the traveled surface of a public way; or
 - b. When it appears the vehicle is creating an immediate and substantial hazard to the public.
2. During those instances in which the vehicle is located a distance greater than three feet (3') away from the traveled surface of a public way, the officer shall ensure the following actions are taken:
 - a. Affix securely on the vehicle a colored tag or other easily visible sticker that contains the following information. The officer tagging the vehicle should instruct the dispatcher to schedule a secondary call to the vehicle's location 24 hours later:
 - (1) The date and time the tag was placed on the vehicle;
 - (2) The fact the vehicle will be removed pursuant to Arkansas law unless the vehicle is removed within twenty-four (24) hours;

Page 2 of 4	Number: 1105.13	Effective Date: April 10, 2012
Subject: Vehicle Towing and Removal		Revision Date:

- (3) The location and telephone number where additional information may be obtained; and
- (4) The officer's name and employee number.

C. Removal of Vehicles A.C.A. § 27-50-1207

1. Except in those instances where an emergency exists or where the immediate clearing of a public thoroughfare requires an expedited towing service, officers of the Texarkana Police Department coming into contact with a disabled or inoperative vehicle shall ensure the owner of the vehicle, his/her agent or to any competent occupant is provided owner preference as defined in Section III above when selecting a towing service for the vehicle's removal.
 - a. In those instances where exigent circumstances require an expedited towing service, or when the immediate clearing of a public thoroughfare becomes necessary, owner preference shall be honored when the owner has requested a towing service that can promptly respond to the request for service.
2. Officers of the Texarkana Police Department shall not engage in any of the following actions:
 - a. Suggest or recommend any particular towing and storage firm to the owner, his or her agent or any competent occupant of any disabled or inoperative vehicle; or
 - b. Accept gifts or special consideration from the owner of a towing business or anyone acting on the owner's behalf in relation to removal of vehicles.
3. Upon request, officers of the Texarkana Police Department shall provide to the owner, his/her agent or to any competent occupant of the removed vehicle the name, location and telephone number associated with the towing or storage firm responsible for the vehicle's removal or storage.
4. Officers of the Texarkana Police Department shall ensure the licensed towing and storage firm assigned to remove and store the unattended or abandoned vehicle is provided information supplied from the records of the Office of Motor Vehicle of the Department of Finance and Administration, Arkansas Crime Information Center records, or the motor vehicle records of any other state indicating the name and address of the last registered owner, the name and address of the holder of any recorded lien on the vehicle, and the vehicle identification or serial number of the vehicle.

D. Vehicle Holds A.C.A. § 27-50-1206

1. In addition to the officer's order to remove and store the vehicle, officers of the Texarkana Police Department issuing a hold against the release of the vehicle shall include a written explanation for the issuance of the hold by issuing a Vehicle Hold Slip to the towing or storage firm.
 - a. The Vehicle Hold Slip is produced in duplicate form. The officer will provide the wrecker company with the top copy, and the duplicate copy will be placed in the appropriate in-coming box in the Patrol Debriefing Room.
 - b. It will be the responsibility of the Department's front receptionist to collect the duplicate copies and file them accordingly.
2. When the requested hold on the vehicle is released, the officer issuing the hold—or another officer of the Department so assigned or arranged—shall provide a written notice of release to the towing and storage firm. The officer releasing the hold shall complete a supplemental report in ADSI that documents this action.

V. Forms

Page 3 of 4	Number: 1105.13	Effective Date: April 10, 2012
Subject: Vehicle Towing and Removal		Revision Date:

A. Vehicle Hold Slip

Texarkana Police Department Vehicle Impound Hold Slip		
CCN: _____		Date: _____
Officer: _____		
Location: _____		
Year	Make	Model
VIN		LPN
Reason for Hold		
Wrecker Company: _____		

Page 4 of 4	Number: 1105.13	Effective Date: April 10, 2012
Subject: Vehicle Towing and Removal		Revision Date: