

PLANNING, RESEARCH, AND DEPLOYMENT

TRANSMITTAL OF WRITTEN DIRECTIVE

FOR SIGNATURE OF: James E. Craig, Chief of Police

TYPE OF DIRECTIVE: Manual Directive 204.4

SUBJECT: TOWING/IMPOUND PROCEDURES

ORIGINATED OR REQUESTED BY: Planning, Research, and Deployment

APPROVALS OR COMMENTS:

The above referenced was reviewed by the Office of Support Operations and Assets and Licensing. Revisions are marked in strikethroughs, bold, and italics.

****This Manual Directive has substantial changes and deletions so the policy has been rewritten**.**

Approved
Chris M
4/7/19

RECEIVED
APR 29 2019

BOARD OF POLICE COMMISSIONERS

APPROVED
APR 15 2019

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APR 09 2019

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APR 18 2019

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4500



Series 200 Operations	Effective Date	Review Date <i>Three Years</i>	Directive Number 204.4
Chapter 204 - Traffic Operations			
Reviewing Office <i>Office of Support Operations/Assets and Licensing</i>			<input type="checkbox"/> New Directive <input checked="" type="checkbox"/> Revised <small>Revisions in <i>italics</i></small>
References			

TOWING/IMPOUND PROCEDURES

204.4 - 1 PURPOSE

The purpose of this directive is to *set forth the rules and guidelines pertaining to the impoundment of vehicles, boats, other forms of conveyances, and other large items capable of being pushed or pulled on a street or highway.*

204.4 - 2 POLICY

204.4 - 2.1 General

1. Members may cause for the impoundment and storage of vehicles, boats, other forms of conveyance, and other items capable of being pushed or pulled on a street or highway in accordance with this directive. The Police Towing and Impound Unit (PTIU) shall serve as the primary tower for members of the Detroit Police Department. In the event a PTIU truck is unavailable, private towers may be used in accordance with existing laws, ordinances, and regulations.
2. Except as otherwise provided in this directive, the following motor vehicle storage facilities shall be used to store motor vehicles ordered towed by members of the Detroit Police Department:
 - a. Caniff Yard (5997 Caniff);
 - b. Grinnell Yard (9425 Grinnell);
 - c. Grand River Yard (10750 Grand River); and
 - d. Mt. Elliot Yard (11631 Mt. Elliot).
3. The Mt. Elliot Yard shall be used exclusively for the storage of evidence vehicles. The Grinnell Yard shall serve as the primary site for all forfeiture vehicles. All other vehicles, boats, and other conveyances shall be towed to the DPD motor vehicle storage facility designated by the commanding officer of the Department's Assets and Licensing Section.

204.4 - 2.2 Supervision and Oversight

The commanding officer of the Assets and Licensing Section shall have day-to-day supervisory control over the Department's towing operations and motor vehicle storage sites. The Board of Police Commissioners shall have oversight over the

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towing operation and motor vehicle storage sites (Reference: BOPC Resolution #09-20-2018).

204.4 - 2.3 Notification to Telephone Crime Reporting Unit (TCRU)

1. Members shall notify Telephone Crime Reporting (TCRU) immediately following any impound or release. TCRU shall be responsible for ensuring LEIN is updated. Members are prohibited from entering or releasing stolen or impounded vehicles in LEIN.

Note: TCRU is the only Department entity designated to enter, release, and/or cancel vehicles from LEIN. Notification to TCRU is a critical step in the impound/recovery process, particularly with respect to motor vehicles. If a member fails to notify TCRU, neither LEIN nor RMS will be properly updated, and this can result in hardship on citizens attempting to locate their vehicles. Members are prohibited from entering vehicles into LEIN under their own ORI numbers because this stops TCRU from later updating LEIN when the vehicle is released.

2. Private Property Impounds (PPIs) may be entered into LEIN from a precinct LEIN terminal.
3. For further information on this requirement, members should refer to Manual Directive 204.4 – 12, Notifications to TCRU and Manual Directive 204.4 – 18, Private Property Impounds (PPIs).

204.4 - 2.4 Michigan's Special Anti-Theft Laws

Michigan's Special Anti-Theft Laws (MCL 257.252 et seq.) prohibits the abandonment of vehicles, provides a statutory framework for the removal and disposition of abandoned vehicles, and establishes the process by which a person may recover a vehicle or challenge the removal or seizure of a vehicle. Most of the procedures set forth under this directive are rooted in these statutes. Where a provision of this directive is tied to a particular MCL, a citation or other form of reference will be included (Reference: MCL 257.252 et seq.).

204.4 - 3 Definitions

204.4 - 3.1 Abandoned Vehicle

As used in this directive, the term "abandoned vehicle" refers to (1) a vehicle that has remained on private property without the consent of the owner; (2) a vehicle that has remained on public property for a period of not less than 48 hours; (3) a vehicle that has remained on state trunk line highway for at least 18 hours with a valid registration plate affixed to the vehicle; or (4) a vehicle that has remained on a state trunk line highway without a valid registration plate affixed to the vehicle for any period of time (Reference: MCL 257.252a(2)).

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204.4 - 3.2 Impoundment

The relocation of a vehicle by towing to a pound for storage (Reference: Detroit City Code, Sec. 55-1-3).

204.4 - 3.3 Police Authorized Tow

The towing, carrying, pushing or otherwise transporting for a fee by a tower or towers summoned by the police, any motor vehicle, except trailers and truck tractors, that has been wrecked or disabled in any manner, or any vehicle subject to removal under Article II, Division 4, of the Detroit City Code, including but not limited to abandoned or illegally parked vehicles and vehicles interfering with emergency activities or impeding traffic from the traveled portion of a street, highway or freeway (Reference: Detroit City Code, Sec. 55-1-5).

204.4 - 3.4 Police Authorized Tower

A private tow company authorized to receive police authorized tows under Sec. 55-2-81 et seq. and the Rules Governing Police Authorized Towing to receive police authorized tows.

204.4 - 3.5 Police Tower

As used in this directive, a tow truck driver assigned to the Police Towing and Impound Unit.

204.4 - 3.6 Registered Abandoned Scrap Vehicle

As used in this directive, the term "registered abandoned scrap vehicle" means a vehicle that (1) is on public or private property; (2) is 7 or more years old; or (3) is apparently inoperable or is extensively damaged, to the extent that the cost of repairing the vehicle so that it is operational and safe as required by MCL 257.683 would exceed the fair market value of that vehicle, and is currently registered or titled in the state of Michigan or displays current year registration plates from another state (Reference: MCL 257.252b(1)(a)).

204.4 - 3.7 Rules Governing Police Authorized Towing

Administrative rules established by the Board of Police Commissioners in 2010 pursuant to Sec. 55-2-81 et seq. of the Detroit City Code. The Rules Governing Police Authorized Towing establish, among other things, standards that must be met in order for a tower to qualify for police authorized tows and rules that provide as nearly as practicable for an equitable distribution of police authorized towing to all towers on the list of qualified towers (Reference: Detroit City Code, Sec. 55-2-81 et seq.).

204.4 - 3.8 State Trunk Line Highway

The State Trunk Line Highway System consists of all the state highways in Michigan, including those designated as Interstate, United States Numbered (US Highways), or State Trunk Line Highways. In their abbreviated format, these classifications are

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applied to highway numbers with an I-, US, or M- prefix. The system is maintained by the Michigan Department of Transportation (MDOT).

204.4 - 3.9 Tow Monitor

A position contemplated in the Rules Governing Police Authorized Towing. In accordance with these rules, the Tow Monitor shall select a team of civilian and sworn members who will serve as an investigation unit and liaison between all tow companies and the City of Detroit. The commanding officer of the Department's Assets and Licensing Section shall serve as the Department's Tow Monitor (Reference: Rules Governing Police Authorized Towing (2010)).

204.4 - 3.10 Unregistered Abandoned Scrap Vehicle

As used in this directive, the term "unregistered abandoned scrap vehicle" means a vehicle that (1) is on public or private property; (2) is 7 or more years old; (3) is apparently inoperable or is extensively damaged, to the extent that the cost of repairing the vehicle so that it is operational and safe as required by MCL 257.683 would exceed the fair market value of that vehicle; and (4) is not currently registered in the state of Michigan and does not display current year registration plates from another state (Reference: MCL 257.252b(1)(b)).

204.4 - 4 Impounded Vehicles

204.4 - 4.1 Authority to Remove Vehicles under MCL 257.252d (1)

Members may provide for the immediate removal of a vehicle from public or private property to a place of safekeeping at the expense of the last-titled owner of the vehicle in any of the following circumstances:

- a. If the vehicle is in such a condition that the continued operation of the vehicle on the highway would constitute an immediate hazard to the public;
- b. If the vehicle is parked or standing on the highway in a manner that may create an immediate public hazard or an obstruction of traffic;
- c. If a vehicle is parked in a posted "tow away" zone;
- d. If there is reasonable cause to believe that the vehicle or any part of the vehicle is stolen;
- e. If the vehicle must be seized to preserve evidence of a crime, or if there is reasonable cause to believe that the vehicle was used in the commission of a crime;
- f. If removal of the vehicle is necessary in the interest of public safety because of fire, flood, storm, snow, natural or man-made disaster, or other emergency;
- g. If the vehicle is hampering the use of private property by the owner or person in charge of that property, or is parked in a manner that impedes the movement of another vehicle;

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- h. If the vehicle is stopped, standing, or parked in a space designated for handicapped parking and is not permitted by law to be stopped, standing, or parked in a space designated for handicapped parking;
- i. If the vehicle is located in a clearly identified access aisle or access lane immediately adjacent to a space designated as parking for persons with disabilities;
- j. If the vehicle is interfering with the use of a ramp or curb-cut by persons with disabilities; and
- k. If the vehicle has been involved in a traffic crash and cannot be safely operated from the scene of the crash.

204.4 - 4.2 Authority to Remove Vehicles under MCL 257.252a (4)

1. Members are authorized to cause for the removal of abandoned vehicles. As used in this directive, the term “abandoned vehicle” refers to a vehicle that has remained on—
 - a. Private property without the consent of the owner;
 - b. Public property for a period of not less than 48 hours;
 - c. State trunk line highway for at least 18 hours with a valid registration plate affixed to the vehicle; or
 - d. State trunk line highway without a valid registration plate affixed to the vehicle.
2. Members impounding vehicles under this authority shall follow the procedures set forth under Manual Directive 204.4 – 17, Abandoned Vehicles.

204.4 - 4.3 Authority to Remove Vehicle under MCL 257.252b (2)

Members are authorized to cause for the removal of unregistered abandoned scrap vehicles. As used in this directive, the term “unregistered abandoned scrap vehicle” refers to a vehicle that is—

- a. On public or private property;
- b. 7 or more years old;
- c. Apparently inoperable or is extensively damaged to the extent that the cost of repairing the vehicle so that it is operational and safe as required by MCL 257.683 would exceed the fair market value of that vehicle; and
- d. Not currently registered in the state of Michigan and does not display current year registration plates from another state.

204.4 - 4.4 Authority to Remove Vehicles under MCL 257.252b (6)

Members are authorized to cause for the removal of registered abandoned scrap vehicles. As used in this directive, the term “registered abandoned scrap vehicle” refers to a vehicle that is—

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- a. On public or private property;
- b. 7 or more years old;
- c. Apparently inoperable or is extensively damaged to the extent that the cost of repairing the vehicle so that it is operational and safe as required by MCL 257.683 would exceed the fair market value of that vehicle; and
- d. Is currently registered or titled in the state of Michigan or displays current year registration plates from another state.

204.4 - 4.5 Authority to Remove Other Vehicles

1. In addition to having the statutory authority to remove certain vehicles, members may also have the inherent authority or other authority to cause for the removal of vehicles. For example, courts have upheld the impoundment of vehicles where—
 - a. Either the owner was unknown or where the driver was not authorized to drive the vehicle. See, e.g., *United States v. Long*, 705 F2d 1259, 1262 (CA 10, 1983) (“Because none of the four could establish ownership of the Thunderbird, the police could properly impound the car until ownership could be ascertained”); or
 - b. Neither the driver nor the passenger was listed on the rental agreement. See *People v. Grear*, 232 AD2d 578 (1996) (“Since neither the driver nor the passenger was listed on the rental agreement, it was reasonable for the arresting officer to make further inquiry into the status of the rental car.”)
2. Members are advised to use caution when impounding a vehicle in situations where there is no explicit statutory authorization for removal of the vehicle. In the event a member causes for the removal of a vehicle or other form of conveyance by this authority, the circumstances warranting removal shall be clearly set forth in the member’s incident report.

204.4 - 4.6 LEIN Inquiry Required

Prior to impounding a vehicle or other conveyance, members shall check the status of the vehicle by conducting the appropriate LEIN inquiry of the vehicle identification number (VIN) and plate number (Reference: MCL 257.252a (5); MCL 257.252b (2)(a); MCL 257.252b (6)(a); MCL 257.252d (3)(a)).

204.4 - 4.7 Vehicles found to be Stolen or Wanted

In the event a vehicle is found to be stolen or wanted, members shall be guided by the procedures set forth under Directive 201.6 — “Stolen and Wanted Motor Vehicles.”

204.4 - 5 Driving a Vehicle to the Precinct

1. Members shall not operate an abandoned, impounded, or towed vehicle except when the vehicle is stopped, parked, or standing in a manner that creates an immediate hazard to life and/or safety, and immediate action is required on behalf

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of the member to mitigate the hazard. Members shall consider the following in deciding whether to take this action:

- a. The maintenance history of the vehicle;
 - b. The member's ability to drive the vehicle; and
 - c. The extent to which the member may be responsible for any damage resulting from the member's operation of the vehicle while driving it to the station.
2. If the member decides to drive the vehicle to the station in lieu of having the vehicle towed from its original location, the circumstances necessitating this action (officer safety, etc.) shall be explained in the member's incident report. In evaluating whether the member's decision to drive the vehicle to the station for purposes of impound was proper, each case will be judged on its own merits.

204.4 - 6 Vehicles Involved in Arrests**204.4 - 6.1 Release to a Passenger or Other Individual**

When the driver of a vehicle is subjected to a custodial arrest and separated from the vehicle, a properly licensed individual may be allowed to take custody of the vehicle (with authorization of the driver) as long as the passenger would not violate any law or the terms of, for example, a rental agreement by doing so. This section shall not apply when the vehicle is being seized as evidence or for forfeiture.

204.4 - 6.2 Vehicles on Limited Access Highways

If a vehicle is not turned over to another individual or immediate removal cannot be arranged, the vehicle shall be inventoried and impounded as provided in this directive.

204.4 - 6.3 Vehicles on Non-Limited Access Highways

1. Vehicles that are not turned over to another individual may be left legally parked only if all of the following conditions have been met:
 - a. The owner requests the vehicle be left parked;
 - b. Ownership is not in question; and
 - c. The vehicle can be locked.
2. If the vehicle is parked in a way that it may create an immediate public hazard or an obstruction to traffic, and immediate removal cannot be arranged, the vehicle shall be impounded as provided in this directive.

204.4 - 7 Evidence Vehicles**204.4 - 7.1 Authority**

Under Michigan law, a police agency or government agency designated by the police agency may provide for the immediate removal of a vehicle from public or private

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property to a place of safekeeping at the expense of the last-titled owner of the vehicle if the vehicle must be seized to preserve evidence of a crime. By this authority, members are authorized to seize vehicles for the purpose of preserving evidence of a crime (Reference: MCL 257.252d (1)(e)).

204.4 - 7.2 General Protocols

1. When a vehicle is seized as evidence, the impounding member must—
 - a. Take appropriate steps to safeguard the evidence;
 - b. Notify the appropriate investigative entity;
 - c. Order the vehicle towed to the Evidence Lot;
 - d. Escort the vehicle to the Evidence Lot;
 - e. Stand by the vehicle until authorized to leave by members assigned to Crime Scene Services; and
 - f. Ensure the vehicle is promptly entered into TRACKER.
2. Vehicles seized to preserve evidence of a crime shall be placed on evidence only for the purpose of holding the vehicle pending the completion of crime scene work (e.g. dusting for fingerprints, collecting DNA, obtaining photographs of the vehicle). An evidentiary hold is not to be used as a pretext for inconveniencing the owner or using the vehicle as investigative collateral.
3. All work requests for vehicles must be received within 72 hours of the impound. If a work request is not received within 72 hours, any hold applied to the vehicle will be subject to removal. When a hold is removed, the vehicle will be eligible for pick up by the owner or other authorized individual. Requests for long-term holds may be submitted to the Tow Monitor.
4. Recovered stolen vehicles may be towed for the purpose of collecting or processing evidence. Sworn members may, for example, request the vehicle be processed for fingerprints; however, the vehicle shall not be processed through the TRACKER system. In the event the owner wishes to claim the vehicle prior to it being processed, the vehicle shall be returned to the owner without delay. The owner of the vehicle shall be responsible for the payment of all towing and storage fees.
5. Members shall collect all phone numbers and other contact information for vehicle owners (if possible) and include this information in the member's incident report. This information is very important for purposes of coordinating the return of vehicles to their owners. As a general matter, the officer in charge of the case (OIC) is responsible for ensuring that vehicle owners are notified that their vehicles are eligible for release and releasing the vehicle through the TRACKER system. Where a hold has been removed due to inaction on the part of the OIC, lot personnel are authorized to update TRACKER and notify the vehicle owner for purposes of having the vehicle picked up.

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1. Members encountering a burned vehicle suspected only of arson shall notify the Arson Unit. Absent specific direction by Arson members to process the vehicle as evidence, the burned vehicle may be left at the scene for subsequent investigation by the Detroit Fire Department and members assigned to Arson.
2. In the event a burned vehicle cannot be left at the scene (e.g. the vehicle is blocking/obstructing traffic or causing a hazard), the vehicle may be impounded. Should this occur, the vehicle shall not be placed on evidence and Arson shall be notified as to where the vehicle will be taken so that subsequent inspection can take place.
3. Burned vehicles that cannot be identified may be impounded and placed on hold for later identification by the Department's Commercial Auto Theft Section (CATS). In doing so, members shall note in conspicuous fashion "Hold for Identification Purposes Only" at the top of the Impounded Vehicle Card. CATS will update the Impounded Vehicle Card and remove the hold once the vehicle has been identified.

204.4 - 8 Forfeited Vehicles

1. Members are authorized to seize vehicles subject to forfeiture. The Grinnell Yard shall serve as the primary yard for the storage of forfeiture vehicles. Under no circumstances shall a forfeiture vehicle be ordered towed to a private tow yard. All forfeiture vehicles must be entered into TRACKER.
2. For more information on seizing vehicles for forfeiture, members should refer to Training Directive 17-09 — "Civil Asset Forfeiture."

204.4 - 9 Impounded Vehicle Card (DPD406)

1. Two (2) original copies of an Impounded Vehicle Card (DPD406) shall be completed in dark blue or black ink in conjunction with any vehicle impounded. The Impounded Vehicle Card shall be completed in its entirety and written legibly.
2. One (1) copy of the Impounded Vehicle Card shall accompany the vehicle; the other copy shall be filed at the impounding member's command. The impounding member and the tower shall sign both copies of the Vehicle Impound Card for purposes of verifying the condition of the vehicle and the property within it.

204.4 - 10 Identifying Vehicles

1. To properly identify a vehicle in conjunction with an impound, members shall—
 - a. Copy the VIN directly from the vehicle;
 - b. Check the vehicle in LEIN; and
 - c. Ensure the information in LEIN corresponds to the physical aspects of the vehicle (year, make, model, etc.).

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2. Once confirmed, the information must be printed neatly on the Impounded Vehicle Card.

Note: The information entered onto an Impounded Vehicle Card often serves as the source document for later entry into the Law Enforcement Information Network (LEIN). For this reason, only confirmed information should be written on the Impounded Vehicle Card. Given the number of improper plates, the practice of running a license plate and taking the VIN from LEIN in lieu of a physical check of the vehicle is prohibited.

3. If the LEIN response does not correspond to the physical aspects of the VIN, the vehicle shall be impounded and the Vehicle Impound Card shall reflect the VIN and vehicle information obtained from the vehicle itself. The member shall place a HOLD on the vehicle and notify the Commercial Auto Theft Section to have the vehicle identified. The Commercial Auto Theft Section shall be responsible for properly identifying the vehicle, updating the Vehicle Impound Card as necessary, and calling the vehicle into TCRU.

204.4 - 11 Inventorying Vehicles

1. Vehicles shall be inventoried by a member of the Detroit Police Department prior to being towed. The scope of an inventory search is limited to the following:
 - a. Areas of the vehicle that may contain property, including any containers, shall be checked; and
 - b. Only a visual inspection shall be conducted from outside the vehicle if it is locked and access cannot be gained without causing damage, unless a search warrant is obtained.

Note: For more information on this topic, members should refer to Directive 202.2 — Search and Seizure.

2. The inventory shall include an accounting of the vehicle's accessories. The results of the inventory shall be documented on the reverse side of the Impounded Vehicle Card. Under no circumstances shall a member list "intact" or comparable phrase in lieu of conducting an itemized accounting.
3. A vehicle inventory may be delayed if it is determined that conducting the inventory may contaminate evidence believed to be present in the vehicle. In this circumstance, the reverse side of the Vehicle Impound Card shall be filled out only to the extent that doing so will not result in contamination of evidence.
4. Items of unusual value which will be held to protect the owner's interest or evidence seized from the vehicle shall be processed as evidence, entered into TRACKER, and included in the incident report.

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5. Improper plates and temporary tags shall be removed from the vehicle and placed on evidence. Failure to do so could result in future misuse of the plate by third parties.

204.4 - 12 Notifications to Telephone Crime Reporting Unit (TCRU)

1. Telephone Crime Reporting (TCRU) shall be notified following the impoundment of any vehicle or other conveyance. TCRU is responsible for ensuring that the vehicle's status in the Law Enforcement Information Network (LEIN) is appropriately updated.
2. If there is no arrest, it shall be the responsibility of TCRU to complete the incident report and enter the vehicle into LEIN. TCRU will provide the member with the incident number and the LEIN reference number. Members shall record these numbers on their Activity Log Sheet and on the Impound Cards. In the event the impound is taking place in conjunction with an arrest for another crime (e.g. robbery), the member shall provide TCRU with the incident number for purposes of entering the vehicle into LEIN.
3. Private Property Impounds (PPIs) may be entered into LEIN by precinct desk members through a precinct desk terminal in accordance with Manual Directive 204.4 – 18.1, General Requirements under MCL 257.252a.

204.4 - 13 Immediate Removal Procedures**204.4 - 13.1 General**

The following procedures shall be utilized for the immediate removal of a vehicle by way of towing:

- a. The member in need of towing services shall contact the Zone Dispatcher and request either a flatbed or wrecker tow;
 - Members must provide the Zone Dispatcher with sufficient information to allow the tow desk to decide whether a flatbed or wrecker unit is needed;
 - If the vehicle has four inflated tires, a wrecker unit will generally suffice;
 - If the vehicle has four inflated tires and is not an all-wheel drive (AWD) vehicle, the wheel lift of a flatbed unit will generally suffice; and
 - Flatbeds are suitable for most tows and recoveries; however, the number of available flatbeds may be limited, so proper use of wrecker units is necessary.
- b. The member shall provide the Zone Dispatcher with the year, make, model, plate, and VIN of the vehicle;
- c. Once the impound has been ordered, the Zone Dispatcher shall provide the impounding member with the DPD tow truck code or name of the private tow

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company that will be responding, the estimated arrival time, and the control number corresponding to the impound; and

- If DPD towing is not available, private towers may be used;
 - Communications shall utilize the tow rotation.
- d. Members shall remain with the tow truck driver until the vehicle has been removed from the area.

Note: Impounding members are required to remain with the vehicle until it has been secured in the evidence garage and Crime Scene Services releases them.

204.4 - 13.2 Owner Arrives at Scene before Vehicle is Removed

1. If the owner or other person who is legally entitled to possess the vehicle arrives at the location where a vehicle is located before the actual towing or removal of the vehicle, the vehicle shall be disconnected from the tow truck, and the owner or other person who is legally entitled to possess the vehicle may take possession of the vehicle and remove it without interference upon the payment of the reasonable service fee, for which a receipt shall be provided. This provision shall not apply if the vehicle is being ordered towed for one of the following reasons:
 - a. If the vehicle is in such a condition that the continued operation of the vehicle on the highway would constitute an immediate hazard to the public;
 - b. If there is reasonable cause to believe that the vehicle or any part of the vehicle is stolen;
 - c. If the vehicle must be seized to preserve evidence of a crime, or if there is reasonable cause to believe that the vehicle was used in the commission of a crime; or
 - d. If the vehicle has been involved in a traffic crash and cannot be safely operated from the scene of the crash.
2. Police towers are not permitted to accept payments on the street. Unless the vehicle is towed pursuant to one of the four exceptions listed above, if an owner or other person legally entitled to possess the vehicle arrives at the location before the actual towing or removal of the vehicle, the vehicle shall be disconnected from the tow truck and turned over to the individual without charge (Reference: MCL 257.252d(2)).

204.4 - 13.3 Private Tow Yards

1. Vehicles may be released at the scene to a private tow company for storage at its yard only in the following circumstances:
 - a. The tow company receiving the vehicle is the tow company called to move the vehicle;

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- b. The vehicle is not being seized to preserve evidence;
 - c. The vehicle is not being seized for forfeiture;
 - d. Further investigation of the vehicle is not needed; and
 - e. There is no intent to place the vehicle on hold.
2. When a vehicle is towed by a private tow company to its yard, the tow companies' sole source of compensation will be payments by citizens or corporate entities to have the vehicle redeemed or money obtained through an abandoned vehicle sale. In the event a private tow company is asked by DPD to tow a vehicle to a different location, standard tow rates shall apply.

204.4 - 13.4 Special Detail Tow

1. Details include any instance where a tow truck will be required to be on scene or on standby and it is anticipated that at least three (3) vehicles will be towed. Common examples include raids, blitzes, and other special events. In such cases, Communications will create a tow rotation specific to the event and a supervisor assigned to the detail will be authorized to communicate directly with the Police Towing and Impound Unit (PTIU) or, where applicable, the approved tow company working the detail.
2. Commands requesting a Special Detail rotation shall complete an Inter-Office Memorandum (DPD568) "Tow Detail" form and submit it to Communications. All requests for a "Special Detail" should be made at least 48 hours in advance. TCRU shall be copied on all such requests.
3. Once approved, the towing agencies will be notified and a control number will be issued. A supervisor assigned to the detail will be responsible for ensuring TCRU is notified for the purpose of having the vehicles entered into LEIN.

204.4 - 13.5 Department Vehicles

1. The Tow Desk at Communications is responsible for ensuring that all requests are properly assigned. Such requests shall be dispatched by the Tow Desk according to the following guidelines:
 - a. Tow Requests for Vehicles Located Inside the City:
 - Russell-Ferry will continue to provide towing services to relocate Department vehicles suffering from mechanical failures or otherwise requiring removal to a City garage; and
 - If Russell-Ferry does not have a tow truck available and immediate removal is necessary, the request for tow service shall be assigned to the Police Towing and Impound Unit (PTIU) and shall be given priority over all other tow requests.
 - b. Tow Requests for Vehicles Located Outside the City:

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- Unless the vehicle to be towed is an undercover (UC) vehicle, requests to have Department vehicles towed from locations outside of the City shall be assigned to PTIU;
 - In situations where immediate removal is necessary, such as when the vehicle has been involved in an accident, the tow request shall be given priority over all other tow requests; and
 - Where immediate removal is not necessary, requests for towing services shall be assigned to the first available DPD Flatbed or Wrecker.
- c. Tow Requests for Undercover (UC) Vehicles:
- Fleet Management will handle all requests to have UC vehicles towed between the hours of 7 a.m. – 4 p.m., Monday through Friday;
 - During “off hours,” the commanding officer of Fleet Management shall be notified of all requests to have a UC or forfeiture vehicle towed and shall make a determination as to whether a member from Fleet Management should be recalled to handle the tow or whether the request should be routed to PTIU;
 - Where immediate removal of the vehicle is necessary and Fleet Management is not available or cannot be reached, the run shall be handled by PTIU and shall be given priority over all other requests for towing services; and
 - Where immediate removal of the vehicle is not necessary, the run will be handled by Fleet Management during the next business day.
2. Communications shall maintain a logbook of all requests to have Department vehicles towed and will ensure all requests for towing services are assigned at the appropriate times. A copy of this logbook will be e-mailed to Fleet Management on a daily basis to help Fleet Management coordinate repairs. In addition, when a DPD Flatbed or Wrecker unit handles the tow, the tow truck driver will be required to transmit an e-mail to Fleet Management containing the vehicle information and drop-off location.

204.4 - 13.6 City Yards

1. Department vehicles that have been involved in accidents or that are in need of repair shall be towed to the appropriate yard based on the following criteria:
- a. Standard issued vehicles:
- Standard issued vehicles that have sustained accident, body, or windshield damage shall be towed to the Davidson Yard; and

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- Standard issued vehicles undergoing mechanical failures shall be towed to Russell-Ferry Garage.
 - b. Forfeiture or leased vehicles shall be towed to Fleet Management.
2. Fleet Management shall be notified anytime a vehicle is towed to a City yard as set forth under Manual Directive 204.4 – 13.3, Private Tow Yards.

204.4 - 13.7 Department Vehicles Towed to Private Tow Yards

Department vehicles shall not be towed to private tow yards. In the event a Department vehicle is towed to a private tow yard, Fleet Management shall coordinate the release of the vehicle and take proper action to have the vehicle towed to the appropriate City yard.

204.4 - 13.8 Abandoned Vehicle Tows

1. Municipal Parking serves as the primary storage facility for abandoned vehicles. If Municipal Parking does not have the space or is otherwise not available to store abandoned vehicles, another DPD tow yard may be used.
2. As a general matter, Communications shall not be notified for the purpose of having an abandoned vehicle removed. A member attempting to remove an abandoned vehicle shall contact Municipal Parking at 313-221-2516 for the appropriate tow. In the event a DPD tow truck is needed to tow an abandoned vehicle, the member shall follow the procedures listed under Manual 204.4 – 13, Immediate Removal Procedures.
3. If removal of an abandoned vehicle must take place during “off hours,” the member shall use the procedures listed under Manual Directive 204.4 – 13, Immediate Removal Procedures.

204.4 - 14 Storage Charges**204.4 - 14.1 Towing and Storage Fees**

1. Standard towing and storage rates are approved by City Council following a recommendation by a towing rate commission (Reference: Detroit City Code, Sec. 55-2-82).
2. As a general matter, the last-titled owner of an impounded vehicle shall be responsible for all towing and storage fees. Michigan Law provides for a hearing process in 36th District Court to contest the reasonableness of towing and storage fees. Vehicle owners expressing concern over the reasonableness of towing and storage fees shall be referred to 36th District Court for relief in accordance with Manual Directive 204.4-14.4, Contesting Fees in 36th District Court.
3. In circumstances where it is uncontested that the member unlawfully seized a vehicle, the Department’s Tow Monitor shall be notified for the purpose of coordinating immediate release of the vehicle or reimbursement of towing and

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storage fees already paid. Under no circumstances shall any member of the Department, other than the Tow Monitor, attempt such action.

204.4 - 14.2 Fee Waivers and Evidence Vehicles

1. Although Michigan Law permits a police agency to seize vehicles for evidence at the expense of the last-titled owner, the Department recognizes that such vehicles are often held by the Department for its own law enforcement interests at sometimes great personal costs to victims and their families. At this time, complainant's vehicles, towed for the purpose of collecting and processing evidence, shall be transported and held at the Department's Evidence Lot without cost to the complainant or registered owner if the crimes are one of the following:
 - a. Homicide
 - b. Criminal Sexual Conduct
 - c. Robbery
 - d. Carjacking
2. Some exceptions may be made where vehicles have been towed for the processing of evidence and the complainant or registered owner was not a victim of one of the above-listed crimes. If a member feels that a fee waiver is appropriate given a particular set of circumstances, the Tow Monitor shall be notified. Under no circumstances shall a fee waiver be granted where the vehicle owner filed a false felony report.

204.4 - 14.3 Hardship Claims

Individuals that do not qualify for a fee waiver may file a hardship claim with the Tow Monitor. In deciding whether to grant a hardship claim, the Tow Monitor shall adhere to the guidelines established by the Board of Police Commissioners.

Note: Fee waivers and hardship claims do not apply to corporate or business entities.

204.4 - 14.4 Contesting Fees in 36th District Court

Individuals expressing a desire to contest the reasonableness or imposition of towing and storage fees shall be advised of the option of filing a petition in the 36th District Court to contest the fees (Reference: MCL 257.252e; MCL 257.252f).

204.4 - 15 Impounded Mini-Bikes, Go-Carts, Etc.

1. Mini-bikes, mopeds, go-carts, and other conveyances not subject to registration requirements shall be stored at the appropriate DPD motor vehicle storage facility or, where use of a private tow company's lot has been approved, at a private tow yard. Unregistered vehicles shall be held according to the approved towing and storage rates.

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2. Vehicles and other conveyances not subject to registration under Michigan Law shall be disposed of using Michigan's Lost Property Statute. The Abandoned Vehicle Task Force is responsible for ensuring this process is initiated and followed.

204.4 - 16 Misconduct on the Part of Towers

204.4 - 16.1 Duty to Report

If a member learns of misconduct on the part of a police authorized tower or police tower, the Tow Monitor shall be notified.

204.4 - 16.2 Suspension or Termination

1. Where there is evidence of misconduct or a violation of the Rules Governing Police Authorized Towing, the Tow Monitor shall submit a report to the Office of Support Operations that includes a recommendation that—
 - a. The police authorized tower be suspended pending further investigation;
 - b. A recommendation be made to the BOPC to have the tower terminated; or
 - c. No adverse action be taken.
2. The Assistant Chief, Office of Support Operations, may suspend the services of a police authorized tower.
3. Any adverse action taken by the Department against a police authorized tower shall accord with the Rules Governing Police Authorized Towing.

204.4 - 16.3 Results of Investigations

The results of any investigations into police authorized towers shall be forwarded through channels to the Board of Police Commissioners (Reference: Rules Governing Police Authorized Towing (2010)).

204.4 - 17 Abandoned Vehicles

Abandoned vehicles constitute a nuisance and are injurious to the City's image. Primary responsible for enforcing the abandoned vehicle laws sits with the Abandoned Vehicle Task Force.

204.4 - 17.1 Precinct Desk Procedures

The following procedures shall apply:

- a. Members assigned to the precinct station desk who receive abandoned vehicle complaints by telephone or in person shall obtain a description of the vehicle, the license plate number, location of the vehicle, and the length of time the vehicle has remained at its location.
- b. The license plate number shall be checked and registration information obtained via the Law Enforcement Information Network (LEIN). In the event a vehicle is

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- found to be stolen or wanted, the member shall take proper action based on the circumstances.
- c. The precinct watch commander shall ensure that an incident report is completed on the complaint.
 - d. If the command receiving the complaint takes immediate action to abate the nuisance, the command shall ensure that RMS is updated so that the RMS record is not then referred to the Abandoned Vehicle Task Force for further investigation.

204.4 - 17.2 Responsibility of Members Assigned to the Abandoned Vehicle Task Force (AVTF)

The following procedures shall apply:

- a. Members assigned to the AVTF shall investigate all complaints of abandoned vehicles;
- b. When not responding to complaints, members assigned to AVTF shall proactively attempt to locate and, where appropriate, cause for the removal of abandoned vehicles;
- c. The abandoned vehicle officer shall examine the vehicle, noting its condition and the correctness of the license plate and vehicle identification number;
- d. If removal is appropriate, the abandoned vehicle officer shall contact the Caniff Lot between the hours of 7:00 a.m. and 4:00 p.m. at 313-221-2516 to receive an abandoned vehicle control number and name of the tow company towing the vehicle;
- e. The abandoned vehicle officer shall complete two Impounded Vehicle Cards (DPD406) and must legibly print their name and sign each card. One card shall be given to the tower and the second card will be retained and filed at the Caniff Lot. The member assigned to cover the Caniff Lot shall enter the vehicle into LEIN and file the Impounded Vehicle Card (DPD406); and
- f. The tower shall convey one (1) copy of the Impound Card and a copy of the tow bill to the security guard or other personnel assigned to the Caniff Lot.

204.4 - 17.3 Abandoned Scrap Vehicles

The following procedures shall apply:

- a. The abandoned vehicle officer shall examine the condition of the vehicle, noting the correctness of the license plate and vehicle identification number, and shall determine if the vehicle has been reported stolen;
- b. If the vehicle has not been reported stolen and meets the requirements of a registered or unregistered abandoned scrap vehicle, an Abandoned Vehicle Notice (DPD114), shall be affixed to the vehicle;
- c. If the vehicle is not removed within the prescribed period it shall be processed in accordance with applicable laws and ordinances; and
- d. Within 24 hours after taking the vehicle into custody, cause the vehicle to be entered into LEIN.

204.4 Towing/Impound Procedures**204.4 - 17.4 Abandoned Vehicle Notice (DPD114) “ABAN Stickers”**

1. Where feasible, members shall affix an Abandoned Vehicle Notice (DPD114) to the vehicle. The Abandoned Vehicle Notice shall contain the following information:
 - a. The date and time the notice was affixed;
 - b. The name and address of the police agency taking action;
 - c. The name and badge number of the police officer affixing the notice;
 - d. The date and time the vehicle may be taken into custody and stored at the owner's expense or scrapped if the vehicle is not removed; and
 - e. The year, make, and vehicle identification number of the vehicle, if available.
2. Once the Abandoned Vehicle Notice (DPD114) is attached, the member may cause for the impound of the vehicle after 48 hours.

204.4 - 18 Private Property Impounds (PPIs)**204.4 - 18.1 General Requirements under MCL 257.252a**

1. If a vehicle has remained on private property without the consent of the property owner, the property owner may have the vehicle removed immediately as an abandoned vehicle by contacting a local towing agency.
2. Prior to removing the vehicle, the towing agency shall notify a police agency having jurisdiction over the location where the vehicle has been abandoned that the vehicle is being removed.
3. Upon receiving notification from the towing agency that a vehicle is being towed from private property, the police agency is required to complete the following:
 - a. Check to determine if the vehicle has been reported stolen. Such checks shall be made on both the registration plate, if any, and the VIN; and
 - b. Ensure the vehicle is entered into LEIN as an abandoned vehicle.
4. Prior to entering the vehicle into LEIN, a sworn member must ensure that the VIN and/or registration information supplied by the towing agency is correct and applicable to the vehicle removed.
5. Once informed of the disposal of the vehicle by the custodian, the LEIN entry shall be cancelled.

204.4 - 18.2 Procedure

The following procedures shall be utilized in situations involving PPIs:

- a. Towing agencies performing private property impounds shall contact the precinct desk in which the tow is taking place;
- b. The member shall obtain a full description of the vehicle, including the license plate and VIN;

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- c. The vehicle shall be checked in LEIN;
- d. If the vehicle has not been reported stolen, desk personnel shall instruct the private towing agency to convey the vehicle to the station for inspection under the following conditions:
 - The vehicle must be conveyed to the precinct within four (4) hours of the initial call/pick up of the vehicle; and
 - The tower must present their Michigan driver's license and tow slip, order slip, or a computer printout that includes a receipt number to desk personnel.
- e. A member shall inspect the vehicle to verify the vehicle information;
- f. The vehicle shall be entered into the LEIN system as an abandoned vehicle;
- g. The member shall complete an RMS report on a Tow/Impound;
- h. The member shall remind all private property towers that it is their responsibility to:
 - Instruct citizens to return to the precinct responsible for entering the vehicle into LEIN;
 - Provide the citizen with a receipt that includes the make, model, and VIN of the vehicle and the words "Private Property Release;" and
 - Advise the citizen that this paperwork will be needed to have the vehicle removed from LEIN.
- i. Once the tower and the vehicle have been properly identified, the tower shall not be required to remain at the precinct during the entire PPI process.

204.4 - 18.3 LEIN Down

The following procedures shall be utilized in the event LEIN is down:

- a. The LEIN Operator shall notify the precinct watch commander;
- b. The precinct watch commander shall make a blotter entry that explains the reason for the vehicle not being immediately entered into LEIN;
- c. If not resolved before the end of the shift, the precinct watch commander shall make a blotter entry indicating Private Property Information Passed On that includes the name of the oncoming precinct watch commander notified of the issue; and
- d. The relieving precinct watch commander shall make a Private Property Information Received blotter entry and ensure the task is passed on to the oncoming LEIN Operator.

204.4 - 18.4 Situations Involving Stolen or Wanted Vehicles

The following procedures shall be utilized in situations involving stolen or wanted vehicles:

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- a. If during the computer check it is discovered that the vehicle has been reported stolen or is otherwise wanted, the tower shall be instructed NOT to move the vehicle until the arrival of a sworn member;
- b. The precinct watch commander shall ensure that proper measures are taken to have the vehicle recovered by a sworn member as soon as possible;
- c. The sworn member responding to the location shall recover the vehicle in accordance with the procedures set forth in this directive, including notifying TCRU of the recovery except that stolen and wanted vehicles shall never be released to the tow company initiating the call;
- d. If during the computer check the vehicle is not listed as stolen but circumstances are such that in the opinion of the precinct watch commander the vehicle should be investigated further prior to removal, the precinct watch commander shall route a sworn member to the location to further investigate the vehicle;
 - If following an investigation it is determined that nothing about the vehicles gives rise to a legitimate law enforcement concern, the vehicle may be released to the private tow company; and
 - If following an investigation it is determined that further investigation is needed, the vehicle will be impounded using the procedures set forth under this directive except that the vehicle shall never be released to the tow company initiating the call.
- e. In the event a tow company brings a vehicle to the precinct and further investigation reveals that the vehicle is stolen or otherwise wanted, the tow company shall be ordered to drop the vehicle.
- f. Vehicles that constitute evidence shall never be released to the tow company initiating the call. Such vehicles shall be impounded using the procedures set forth under this directive, including notification to TCRU and ensuring that the vehicle is escorted to the Evidence Lot.

Related Materials:

- BOPC Resolution #09-20-2018
- Directive 201.6 — “Stolen and Wanted Motor Vehicles”
- Joint Directive of Mayor and Chief of Police
- LEIN Operations Manual
- Rules Governing Police Authorized Towing
- Standard Operating Procedures (SOP) for Private Property Impounds
- Training Directive #17-01 — “Civil Asset Forfeiture”

Related Forms and Reports:

- Abandoned Vehicle Notice (DPD114)
- Abandoned Vehicle Recapitulation Report (DPD115)

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- DPD 568 "Tow Detail" Form
- Impounded Vehicle Card (DPD406)
- Property Release Form (DPD122)