

 ROCKFORD POLICE DEPARTMENT GENERAL ORDER - NUMBER 40.06 -		DISTRIBUTION ALL PERSONNEL	PAGE 1 OF 15
ORDER TITLE IMPOUNDING OR TOWING MOTOR VEHICLES	SERIES NO. 40	SERIES TITLE / SUBJECT LAW ENFORCEMENT OPERATIONS	
TOPICS / REFERENCE Abandoned Vehicles, Impounded Vehicles, Towed Vehicles		APPENDICES A, B	
EFFECTIVE / ORIGINAL ISSUE DATE February 9, 2005	REVISION / REISSUE DATE August 17, 2010	EXPIRATION DATE This order remains in effect until revised or rescinded	
CALEA (5th Edition Standards) 1.2.4 • 61.4.1 • 61.4.3			

POLICY

It is important that members of the Rockford Police Department be familiar with their obligations under law when impounding or assisting in towing a vehicle. All such operations are to be conducted in a fair and equitable manner without favoritism to any party. At no time will the authority to tow or impound a vehicle be used by any member of the Rockford Police Department in a punitive manner against any individual or group.

PURPOSE

The purpose of this General Order is to establish proper definitions for various types of abandoned, disabled, or wrecked vehicles. This Order also establishes procedures for those vehicles it may be necessary to tow and those vehicles it may be necessary to impound by the Rockford Police Department. This General Order will also establish procedures for maintaining records of vehicles impounded by the Rockford Police Department and for the disposal of vehicles which remain unclaimed.

These guidelines are not meant to be all-inclusive, since each incident must be dealt with on an individual basis, but are intended as broad guidelines to assist the employees and supervisors involved.

This Order is comprised of the following numbered sections.

- I. **DEFINITIONS**
- II. **PROCEDURES FOR HANDLING ABANDONED MOTOR VEHICLES**
- III. **PROCEDURES FOR HANDLING DISABLED MOTOR VEHICLES**
- IV. **PROCEDURES FOR HANDLING WRECKED MOTOR VEHICLES**
- V. **PROCEDURES FOR TOWING VEHICLES**
- VI. **PROCEDURES FOR IMPOUNDING VEHICLES**
- VII. **EFFECTIVE DATE**
- VIII. **REVIEWS, REVISIONS AND CANCELLATIONS**

APPENDICES

- A. Department Evidence Storage Facilities and Impound Vehicle Storage Facility Locations.

- B. **625 ILCS 5/4-203(f)5, 625 ILCS 5/4-203(b), and Code of Ordinances of the City of Rockford Sec. 16-151, Sec. 30-103**

I. DEFINITIONS

- A. **Abandoned Vehicle:** Any vehicle left unattended on either public or private property for a period of at least seven (7) days, during which time there has been no apparent attempt by the owner to remove the vehicle from the location where it is parked, and provided that the owner of the vehicle is not the property owner where the vehicle has been parked.
- B. **Contract Impound Vehicle Storage Facility:** A commercial business under contract with the City of Rockford to provide services to the City of Rockford for impounded vehicle storage, release to owners of vehicles impounded (to include collecting of fees), and disposal of unclaimed vehicles.
- C. **Department Evidence Storage Facility:** A secured garage or warehouse owned or leased by the City of Rockford for the storage of Impounded Vehicles and other items of evidence.
- D. **Disabled Vehicle:** Any vehicle with mechanical failure or found unsafe to move when its location presents a hazard to traffic, or conditions are such that it is necessary to render immediate assistance for the personal safety of the driver and/or occupants of the vehicle.
- E. **Impound or Impounded Vehicle:** To remove a vehicle from its location to the custody of the Rockford Police Department for evidentiary or other lawful purposes resulting from an investigation.
- F. **Impound Wrecker:** The commercial business under contract with and approved by the City of Rockford to provide wrecker services when necessary to impound a vehicle or tow disabled Department vehicles.
- G. **Rockford Police Department “Police Warning” Sticker:** Fluorescent orange adhesive sticker with printed information to be applied to all vehicles during abandoned vehicle investigations, regardless whether the vehicle is parked on public or private property.
- H. **Rotating Wrecker List:** A list of local businesses providing wrecker services that agree to meet standards for required equipment, availability to respond to requests, towing operations, secure vehicle storage, and availability to customers as determined by the Deputy Chief of the Support Services Bureau. The **Rotating Wrecker List** will be used when a non-specific request is made to the Department to obtain assistance in towing a wrecked or disabled vehicle at the **expense** of the party requesting such assistance.
- I. **Tow or Towing:** To assist a driver or vehicle owner in arranging for a vehicle to be removed from its location to another legal location of the choice, or consent of, the vehicle driver or owner and at their expense
- J. **Traffic Hazard:** For the purpose of this Order, a situation involving a vehicle in which the circumstance of location, road condition, weather, time of day or combination thereof constitutes a danger to other vehicles and drivers or a significant obstruction in traffic flow.

- K. Wrecked Vehicle:** Any vehicle that cannot be legally driven or cannot be driven due to damage suffered as a result of an accident.

II. PROCEDURES FOR HANDLING ABANDONED MOTOR VEHICLES

A. Responsibilities of the 911 Communications Center

1. Attempt to collect license plate information and as much of a vehicle description as possible from complainant.
2. Run license plate information (if provided) for registered owner and stolen/wanted check.
3. Assign a patrol officer to investigate and provide any information obtained from license plate check.
4. Private property posted per **625 ILCS 5/4-203(f)5** and **Section 30-103** of the Code of Ordinances of the City of Rockford allow for towing or removal of any vehicle from private property **without owner/person in control consent, or police involvement** if the following are met:
 - a. A minimum of one sign or notice meeting the above requirements shall be posted facing the interior of the parking area every one hundred lineal feet along the perimeter of the parking area. The sign or notice will state the amount of the towing charges to which the person parking may be subject,
 - b. Any towing or storage charges accrued will be payable by use of any major credit card, in addition to being payable in cash,
 - c. If the registered owner or legally authorized person entitled to possession of the vehicle arrives at the scene prior to actual towing of the vehicle, the vehicle will be disconnected from the tow truck and the vehicle returned upon payment of a reasonable service fee of not more than one-half the posted rate.
5. Any towing charges and fee payments under the above-mentioned private parking regulations are done as a private contractual function without Department involvement. Officers will direct citizens to the private tow company for questions and concerns.

B. Responsibilities of the Assigned Patrol Officer

1. Vehicles abandoned on public property
 - a. Check vehicle for stolen or evidence of other criminal activity.
 - b. Make all reasonable efforts to locate the owner or driver.
 - c. Issue the appropriate parking citation (if violation exists).
 - d. Apply a Rockford Police Department "Police Warning" sticker. Check the box for public parking, the proper "move by" date (48 hours), and the date and time of issuance.
 - e. Advise the 911 Communication Center to forward the CAD incident ticket to the Central Reporting Unit to be picked up by a Traffic Investigator.

- f. If the vehicle is a **traffic hazard, obstructing the flow of traffic, or obstructing access to private property**, a supervisor will be contacted to authorize the impounding of the vehicle.
2. Vehicles abandoned on private property
 - a. Check vehicle for stolen or evidence of other criminal activity.
 - b. Make all reasonable efforts to locate the owner or driver.
 - c. If the location is appropriately posted as described in section **II, A, 4** of this Order, a parking citation signed by the complainant may be issued if the complainant request one.
 - d. If the location is appropriately posted as described in City of Rockford Ordinance **16-151**, (e.g. “Tenant Parking Only”, “Church Parking Only”), issue a parking citation to be signed by the complainant if requested to do so. Apply a Rockford Police Department “Police Warning” sticker. Check the box for private parking, the proper “move by” date (minimum 7 days), and the date and time of issuance.
 - e. If the vehicle is not obstructing access to the property, the location is not properly posted, and the vehicle is not stolen or involved in apparent criminal activity, apply a Rockford Police Department “Police Warning” sticker. Check the box for private parking, the proper “move by” date (minimum 7 days), and the date and time of issuance. Do not issue a parking citation in this situation.
 - f. **In both section d and e above, the process to tow the vehicle is the responsibility of the property owner who must contact Neighborhood Standards, 987-5566, or obtain the services of an ICC authorized tow service. Rockford Police Department personnel will not assist in this towing process.**
 - g. If the vehicle is **obstructing access** to the property or preventing the intended use of the property and the owner cannot be located; the officer may impound the vehicle. In this case, a supervisor **must** be called to the scene to view the situation and authorize impoundment.
 1. All fees in these circumstances are the responsibility of the vehicle owner.
 - h. Advise the 911 Communication Center to forward the Computer Aided Dispatch (CAD) incident ticket to the Central Reporting Unit to be picked up by the Abandoned Vehicle Officer(s).
 3. Complete all impound reports and paperwork when impounding vehicle from either public or private property.

C. Responsibilities of the Abandoned Vehicle Officer(s)

1. Obtain abandoned vehicle CAD tickets from the Central Reporting Unit on a daily basis and review to determine those on public property and those on private property.

2. If any investigative steps described in section **II, B, 1** of this Order was not completed by the original investigating officer, follow-up and complete as necessary.
3. Complete and forward “Outside Department/Agency Action Referral” form for abandoned vehicles on private property meeting the criteria for handling by Neighborhood Standards.
4. Impound vehicle after determining it has been abandoned at least 48 hours or longer and complete all impound reports and paperwork.

III. PROCEDURES FOR HANDLING DISABLED MOTOR VEHICLES

- A.** The following procedures will apply when an officer is assigned to check for a disabled vehicle, to assist a stalled motorist, or observes a disabled vehicle situated as to present a traffic hazard or a motorist needing assistance.
1. The officer will, as conditions warrant, position his vehicle with emergency lights operating and/or place warning devices (e.g. traffic cones, flares) to protect the disabled vehicle and occupants. Under extremely hazardous conditions, the officer will advise any occupants to exit the disabled vehicle and move to a place of safety.
 2. If the motorist is present, determine if assistance has been summoned and if any further assistance or intervention is necessary.
 3. A disabled vehicle should not be pushed by hand to a legal parking space unless exigent circumstances involving a persons safety is present due to the potential for injury to an officer.
 4. If it is necessary to have the vehicle towed from the scene, requests for a specific service will be honored except when the request would cause undue delay in clearing the scene when a hazardous condition warrants removal as soon as practical. If the motorist does not have a preference, the officer will make a non-specific request for a wrecker from the Rotating Wrecker List.
 - a. If conditions at the scene constitute a traffic hazard as defined in this Order, the officer may make a non-specific request for the closest wrecker on the Rotating Wrecker List.
 - b. If the problem is a service type call such as no fuel or a battery jump, the officer may request the 911 Communications Center to contact an appropriate service facility in the area at the request of the motorist.
 5. In all cases of disabled motor vehicles, the officer must consider the welfare and safety of the driver and vehicle occupants. When necessary to transport persons to a place of safety, permission must be obtained from a supervisor if the location is outside the officer’s assigned area of responsibility. The 911 Communications Center will be notified of any transport.

6. A disabled vehicle cannot be left on any public roadway that presents an immediate hazard (**625 ILCS 5/4-203 (d)**). Immediate removal is authorized under the statute cited with the owner being liable for the cost of towing. If the owner or operator is present and refuses to consent to calling a wrecker to tow the vehicle, then this statute will be explained. If the owner or operator still refuses, the officer will make a non-specific request for a wrecker from the Rotating Wrecker List to tow the vehicle.
 7. The officer will complete an Incident Report detailing the circumstances that justified the action taken.
- B.** When an officer is assigned to check for a disabled vehicle, stalled vehicle, or a vehicle presenting a serious traffic hazard where no driver or owner is present, then the following procedure will apply:
1. The officer will, if conditions warrant, position his vehicle with emergency lights operating and/or place warning devices (e.g. traffic cones, flares) to protect the disabled vehicle and direct traffic as required.
 2. The officer will check the vehicle identification number (VIN), license plates, and any other information on or about the vehicle for ownership or operator information to be supplied to the 911 Communications Center for attempting owner or operator contact. If the owner or operator is contacted then the officer should proceed as in Section **III. A**, by relay through the 911 Communications Center.
 3. If the owner, operator or other responsible party cannot be contacted within a reasonable amount of time, given the circumstances present at the scene, the officer may request permission of a supervisor to impound the vehicle. A supervisor may authorize impoundment immediately or after a delay for a specific length of time.
 4. If there is a delay, the 911 Communications Center will be instructed to continue to attempt to contact the owner, operator, or other responsible party. After the waiting period has expired and contact has not been established with anyone associated with the vehicle, the officer may proceed to impound.
- C.** If possible, the officer should attempt to legally park a vehicle. Vehicles will not be parked on private property without the express permission of the property owner. When a vehicle is legally parked, the driver or owner will be explicitly informed that arrangements must be made to move the vehicle within 48 hours to prevent the vehicle being considered abandoned.

IV. PROCEDURES FOR HANDLING WRECKED MOTOR VEHICLES

- A.** When an officer assigned to investigate an accident where a vehicle has sustained sufficient damage to render it inoperable or unsafe to operate, the officer will proceed as follows except when the vehicle is stolen or involved in other criminal activity.
1. Wrecked vehicles cannot be left at the scene of an accident and must either be towed to a service facility or the property of the owner.

2. If the driver or owner has a preference for a wrecker service to tow the vehicle, the request will be honored unless undue delay would result.
3. When a driver or owner does not have a preference for a specific wrecker service, a request for a wrecker from the Rotating Wrecker List will be made. If conditions exist at the scene that present a Traffic Hazard as defined in this Order, the officer may request that a nearby wrecker from the Rotating Wrecker List to expedite the restoration of normal traffic.
4. If the vehicle to be towed is of large size and/or the accident involves spilled cargo, the officer may make a non-specific request for a heavy-duty wrecker service capable of handling the problem.
5. The investigating officer will ensure that wrecker service drivers remove any debris deposited on the roadway as a result of the incident.
6. Situations where both vehicles are driveable, but there is a large amount of debris left on the roadway, require a call being forwarded to Public Works to assist with roadway cleanup.

V. PROCEDURES FOR TOWING VEHICLES

- A. In all cases where it may be necessary to tow a vehicle, officers will not recommend a particular wrecker service but will honor a specific request for a wrecker service and/or type of wrecker whenever possible.
- B. The Rotating Wrecker List will be used only when the driver or owner does not have a specific request. If a particular type of wrecker is requested, the list may be queried for the availability of the type requested to avoid undue delay in removing a vehicle considered a traffic hazard.
- C. The investigating officer **will insure** that wrecker service drivers remove any debris deposited on the roadway as a result of the incident.
- D. Officers will insure any additional billing for debris removal, cargo or spill cleanup and additional services such as additional wreckers needed for recovery are itemized on the tow bill at the scene and if possible, the owner or driver is made aware of these additional charges.
- E. Officers must insure the owner or driver of the vehicle being towed has the name, address, and telephone number of the wrecker service towing the vehicle along with any special contact instructions.
- F. The personal safety of the driver and passengers is a primary concern of the Rockford Police Department. Officers will look to the safety of any individuals involved in any roadway investigation, both during the investigation and following, especially during inclement weather. Investigating officers will coordinate with the parties involved to insure that these individuals reach a place of safety. If a person(s) involved is stranded at the scene of an accident, the officer will request permission from a supervisor to transport or have another officer transport the individual(s) to a place of safety. Any transportation will be coordinated through the 911 Communications Center.

VI. PROCEDURES FOR IMPOUNDING VEHICLES

- A.** Only the designated Impound Wrecker service contracted to the City of Rockford should be used to impound a vehicle. When or if an unusual circumstance develops (i.e., oversized vehicle) a supervisor may authorize the use of another firm for impound.
- B.** All impounds require the prior authorization of a supervisor except for the following:
1. Vehicles impounded in the course of abandoned vehicle duties performed by the Abandoned Vehicle Officer or other officers assigned this duty.
 2. Vehicles impounded in the course of the arrest of the driver when the statute under which the arrest is being made **mandates** that the vehicle involved is impounded.
- C.** Vehicles may be impounded under the following circumstances.
1. The vehicle is a traffic hazard and no responsible party can be contacted. (See section **III** of this order.)
 2. The driver is arrested for a charge mandating the impounding of the vehicle.
 3. The driver is arrested and the vehicle cannot be legally parked or there is no one available or legally able to drive the vehicle.
 4. The vehicle is reported stolen and the owner has previously authorized or currently has authorized the vehicle to be impounded for safekeeping or the owner cannot be contacted for disposition. The Incident Report will be checked prior to impounding for the proper authorization.
 5. The vehicle is criminal evidence.
 6. The vehicle must be processed for evidence as follows:
 - a. Fingerprinting
 - b. Collection of blood, semen or other fluid stains
 - c. Vacuuming for hair, fibers, glass or other samples
 - d. Photography
 - e. Measurements
 - f. Collection of vehicle components or vehicle contents as evidence
 7. The vehicle is an instrument of injury or fatality
 8. The vehicle is subject to forfeiture as outlined in **720 ILCS 5/36-1**.
- D.** Responsibilities of the officer impounding a vehicle.
1. The investigating officer will inspect the vehicle and obtain the vehicle identification number (VIN), the license plate number (including state and year), and check any other information on or in the vehicle which may provide ownership information.

2. An inventory of the contents of the vehicle **will be made**. (See “Inventory Searches of Impound Vehicles” included in section **VI, F** this Order.)
3. The information obtained in the inspection of the vehicle will be used to query computerized vehicle records. *Officers will pay particular attention to circumstances where the vehicle description information returned **does not match** the vehicle being impounded or the owner identified by the vehicle identification number (VIN) **does not match** the owner identified by the license plates. Discrepancies will be cause to conduct a further investigation. Additionally, information returned may change or add to the nature of the investigation (i.e., stolen or wanted vehicle).*
4. An Impounded Vehicle Report will be completed and include all known information on the vehicle, registered owner, driver, release/hold information, property located in the vehicle or removed for safekeeping, evidence processing required, and any damage to vehicle. **Impounded Vehicle Reports will be turned in and not left with or in the vehicle being towed.**
5. Any property or identification, such as license plates that are stolen, involved in other criminal activity, or not registered to the vehicle, will be removed and tagged as evidence. The officer will utilize a separate evidence report.
6. If the vehicle is to be towed to the Impound Vehicle Storage Facility, the appropriate **facility copy** of the Impounded Vehicle Report will be given to the Impound Wrecker driver prior to the vehicle being moved from the scene. Keys to vehicles towed to the Impound Vehicle Storage Facility may be left with the vehicle driver or owner, or left with the vehicle itself. It is not mandatory for the Impound Vehicle Storage Facility to have the keys to a vehicle towed to their facility.
7. Vehicles towed to a location other than the Impound Vehicle Storage Facility, should have keys kept with the vehicle if the keys are available. In some incidents, keys themselves may be considered evidence but will be left in the impounded vehicle until the ID Unit has completed any evidence processing and there is no further need to move the vehicle.

E. Inventory Searches of Impounded Vehicles

1. The contents of all vehicles impounded by this Department are subject to inventory. A vehicle inventory is designed to protect vehicles and their contents while in police custody, to protect the Department against claims of lost, stolen or damaged property and to protect Department personnel and the public against injury or damaged property due to any potential danger from hazardous materials or substances that may be in the vehicle. Officers are reminded that searches conducted will be thorough and detailed with all items appropriately documented in the inventory search. **Examination of the contents of a vehicle pursuant to a criminal investigation or with the intent of discovering evidence of a crime is a search, not an inventory, and will be governed by probable cause and the rules of evidence.**

2. The inventory will be conducted at the location the vehicle was towed or seized unless limited by reasons of safety or practicality. In those cases, the inventory may be conducted following the impounding of the vehicle. The owner, if present and circumstances allow, will be asked to remove all valuables from the vehicle prior to impounding.
3. The inventory may extend to all areas of the vehicle, which personal property or hazardous materials may reasonably be found, including but not limited to, the passenger compartment, trunk and glove compartment.
4. All closed containers found within the vehicle will be opened for purposes of the inventory. Closed and locked containers will not be forced open without supervisory approval and if forced open will be listed on the Impounded Vehicle Report as such. If a key or lock combination is available, locked containers may be opened and inventoried.
5. Any property of value will be removed from the vehicle for safekeeping. Such property will be tagged as evidence and an Evidence Report completed. If there are doubts as to whether or not an item(s) will be removed and tagged, a supervisor will be contacted.
6. Any item found during the inventory that is contraband or evidence of criminal activity will be tagged as evidence and an Evidence Report completed. Additionally, an Incident Report or Supplement Report as necessary will be filed detailing the discovery of the contraband or evidence and its association with the vehicle and occupants.
7. Any hazardous or dangerous materials discovered should be immediately reported to a supervisor who will determine the appropriate course of action.

F. Holds placed on Impounded Vehicles

1. It will be the responsibility of the Bureau, Division, Unit, or Section, which places the hold on an impounded vehicle, to notify the Evidence and Property Unit when the hold is to be removed.

G. Storage of Impounded Vehicles

1. The Impound Vehicle Storage Facility will be used for the storage of:
 - a. Abandoned vehicles,
 - b. Vehicles impounded as traffic hazards,
 - c. Recovered stolen vehicles not in need of evidence processing, and
 - d. Mandated impounds by statute not in need of evidence processing.
2. The Evidence Storage Facility will be used to store vehicles:
 - a. Which are criminal evidence,
 - b. Which are an instrument of injury or fatality,
 - c. Requiring evidence processing, (Coordination will be made with personnel of the Identification Unit to determine if the vehicle will be towed to the secure evidence section of the facility and if so, to meet the Impound Wrecker and provide access.)

- d. Subject to forfeiture, (if not stored in another facility) and
 - e. Of such value, or with contents of such value, that for the protection of the city must be stored in a secure facility.
3. Vehicles subject to forfeiture may be stored in the facility controlled by the Rockford Narcotics Unit with the approval of the Unit supervisor.
 4. At the discretion of the ID Detective assigned, a vehicle may be towed to the Evidence Collection Bay located in the basement parking area of the PSB for the purpose of evidence processing.

H. Responsibilities of Supervisors

1. Supervisory permission is necessary before an officer may impound a vehicle except where noted in section **VI, B** this Order.
2. Supervisors must insure impounding a vehicle is not for punitive reasons.
3. When circumstances warrant, a supervisor may authorize the services other than the Impound Wrecker to impound a vehicle.
4. Supervisors will insure all impounded vehicles are taken to a contracted or Department controlled impound facility and not to a tow or service facility's place of business, unless it is an accident tow.
5. Supervisors will assist officers when questions arise in the course of impounding a vehicle, such as what property to remove for safekeeping, storage location, etc.
6. Supervisors will review all Impounded Vehicle Reports for their accuracy and completeness. **No Impounded Vehicle Report will be approved, which is not complete in every way, with particular attention being given to legibility of license and VIN information.**
7. Supervisors will insure the Impound Report written on a vehicle in need of evidence processing is clearly marked "**EVIDENCE PROCESSING REQUIRED**" and a description of the evidence processing required is included in the narrative of the report.

I. Responsibilities of Report Review

1. Check all Impounded Vehicle Reports for accuracy and completeness.
2. Enter the required data on impounded vehicles in LEADS.
3. Insure that all messages and tow bills are attached to the Evidence and Property Unit copy of the Impounded Vehicle Report and filed for pickup.
4. For all vehicles stored in the Impound Vehicle Storage Facility, file a copy for the Central Reporting Unit (CRU) personnel at the Front Desk.
5. For all Impounded Vehicle Reports that are marked in the narrative with "**EVIDENCE PROCESSING REQUIRED**", a copy of the report is made and filed for pickup by the Identification (ID) Unit.
6. On receipt of an Impounded Vehicle Release Report or an Impounded Vehicle Sale Report showing the release or sale of impounded vehicles, enter the required data to cancel the LEADS entries.

J. Responsibilities of the Central Reporting Unit (CRU)

1. Maintain a file of copies of Impounded Vehicle Reports of vehicles stored in the Impound Vehicle Storage Facility. Upon notification by the Evidence and Property Unit that a vehicle has been moved to another facility or sold, remove the appropriate Impounded Vehicle Report and destroy it.
2. When a claim is made for a vehicle stored in the Impound Vehicle Storage Facility for which fees are to be paid prior to release, advise the person making the claim to contact Greater Rockford Auto Auction (GRAA) during normal business hours to schedule the release. **CRU officers will not collect fees due on impounded vehicles.**
3. Release vehicles to owners or other authorized parties that are stored at the Department Evidence Storage Facility **when the vehicle is eligible to be released** and when no fees are due prior to release.
 - a. A Property Release will be filled out for each vehicle released to be signed by the party receiving the vehicle. The copy of the Impounded Vehicle Report on file at the Front Desk will be removed from the file and destroyed.
 - b. A copy of the Property Release will be given the party receiving the vehicle to be shown to the officer assigned to release the vehicle.
 - c. The CRU officer releasing the vehicle will coordinate with the 911 Communications Center for a mobile officer to meet the party receiving the vehicle at the Department Evidence Storage Facility. If there will be a delay prior to an officer being sent, the CRU officer will advise the party receiving the vehicle to wait at the PSB until notification is received that an officer is enroute. Additionally the CRU officer will instruct the party receiving the vehicle to call back or return to the PSB in case the releasing officer has not arrived within a specified time.
 - d. Property Releases will be forwarded through the established approval process and routed to Report Review for distribution.

K. Responsibilities of the Evidence and Property Unit

1. General Responsibilities
 - a. All impound operations falling under the responsibility of the Evidence and Property Unit will comply with **625 ILCS 5/5** (Abandoned, lost, stolen or unclaimed vehicles) and any City of Rockford Ordinance regulating the conduct of impounded vehicle operations.
 - b. Any commercial business under contract with the City of Rockford for the following will be subject to the inspection and supervision of the Evidence and Property Unit:
 1. The storage of impounded vehicles,
 2. The release of impounded vehicles,

3. The collection of fees; and,
 4. The disposal of unclaimed vehicles,
- c. Any failure to comply with the terms of the contract or identification of any business practice, which may compromise the integrity of impound operations or the reputation of the Rockford Police Department and the City of Rockford will be immediately reported in writing to the Deputy Chief of Administrative Services Bureau.
2. Collect all new Impounded Vehicle Reports and tow bills from Report Review each business day.
 3. Query electronic databases for information on each newly impounded vehicle to include owners, titleholders and lien holders (by vehicle identification number), and registered owners (by license plates). A printout of information obtained will be attached to each Impounded Vehicle Report.
 4. If an impounded vehicle is seven (7) years of age or newer, a written request for title information will be sent to the last know state where the vehicle was registered.
 5. For each impounded vehicle, a written notice will be sent to each titleholder, lien holder, registered owner and other identified individuals who may have an ownership interest who are listed in the Impounded Vehicle Report. This notice will include the reason for impound, the date and time of impound, the vehicle description, who to contact in reference to the vehicle, and if the vehicle may be released, how the recipient may proceed to retrieve the vehicle. Notice will be sent as follows.
 - a. For vehicles older the seven (7) years – Regular mail
 - b. For vehicles seven (7) years of age or newer – Certified mail
 6. If a vehicle is impounded and the vehicle identification number (VIN) is missing or absent from the report, Evidence and Property Personnel will inspect the vehicle as soon as possible to determine the vehicle identification number. If the VIN plate is defaced or missing, the Evidence and Property Unit will immediately enlist other Department resources available to identify the vehicle. Once identification has been made, notices will be sent as indicated previously in this Order.
 7. All tow bills will be forwarded as soon as practical to the Fiscal Services Section to be paid.
 8. The Evidence and Property Unit will keep accurate records of all impounded or otherwise towed vehicles, to include:
 - a. Identification of all vehicles impounded or towed.
 - b. The date, time and location of impound or tow.
 - c. Names and address of all individuals identified as titleholders, lien holders, registered owners and others identified as having a possible ownership interest in the vehicle,

- d. Evidence of all notices sent.
9. If the vehicle was released, accurate records will be kept of:
 - a. The date and time of release,
 - b. The identity of the person the vehicle was released to,
 - c. Fees that were paid.
10. If the vehicle was sold, accurate records will be kept of:
 - a. All sale notices sent,
 - b. Date the vehicle was sold,
 - c. Proceeds received from the sale of the vehicle.
11. The Central Reporting Unit and Report Review will be notified when vehicles are sold or released so that reports on file may be destroyed and LEADS entries cancelled.
12. All impounded vehicles eligible for release will be kept for the time specified in Illinois Statutes. Unclaimed autos will be eligible for disposal.
 - a. The Evidence and Property Unit will make a list of all vehicles to be disposed of and an individual re-check will be made of each vehicle's identification number (VIN).
 - b. No vehicle will be disposed of unless all vehicle information is re-checked through vehicle, title, and registration databases and all titleholders, lien holders, registered owners and other individuals with ownership interest have been notified in writing of the impound.
13. Prior to any disposal written notice will be prepared and sent to each titleholder, lien holder, registered owners and other individuals identified as having possible ownership interest in the vehicle advising of:
 - a. A description of the vehicle,
 - b. The date, time and location of the sale,
 - c. Information on how the recipient may retrieve the vehicle prior to it being sold.
14. **Two notices will be sent to each individual, one by Certified mail and one by regular mail**, at least 10 days prior to the sale of the vehicle.

L. Responsibilities of the Administrative Services Bureau

1. It will be the responsibility of the Deputy Chief of the Administrative Services Bureau, or designee, to inspect the impounded vehicle operation of the Evidence and Property Unit at least once each calendar year. Particular attention will be paid to record keeping, owner notifications, release receipts and sale proceeds received, and contractor obligations and performance.
2. The results of this inspection will be reported in writing to the Chief of Police with any discrepancies noted having been investigated with the results included in the report.

VII. EFFECTIVE DATE

- A. The Department's policy on Impounding or Towing Motor Vehicles became effective on February 9, 2005.

VIII. REVIEWS, REVISIONS AND CANCELLATIONS

- A. This General Order will be reviewed each **August** by the **Traffic Unit Supervisor** and, when necessary, revised or cancelled in accordance with the procedures for reviewing written directives established in General Order **10.01 – Written Directives**.
- B. This order is a revision of and supercedes General Order **40.06 – Impounding or Towing of Motor Vehicles** issued February 9, 2005.
- C. Any employee with suggestions for revisions and/or improvements to this order are encouraged to submit their ideas to the **Deputy Chief of the Support Services Bureau**.

BY ORDER OF

Chet Epperson
Chief of Police

APPENDIX A

CURRENT DEPARTMENT EVIDENCE STORAGE FACILITIES

Madison Street Garage – 300 N. Madison Street

City Body – 120 South Second Street

Note: Items held per Illinois State Statute (725 ILCS 5/116-4, Preservation of evidence for forensic testing) will be stored in this facility.

CURRENT DEPARTMENT IMPOUND VEHICLE STORAGE FACILITY

Greater Rockford Auto Auction – 5937 Sandy Hollow Road

APPENDIX B

625 ILCS 5/4-203(f)5, 625 ILCS 5/4-203(b) and Code of Ordinances of the City of Rockford Sec. 16-151, Sec. 30-103

625 ILCS 5/4-203(f)5 Except for property appurtenant to and obviously a part of a single family residence, and except for instances where notice is personally given to the owner or other legally authorized person in control of the vehicle that the area in which that vehicle is parked is reserved or otherwise unavailable to unauthorized vehicles and they are subject to being removed at the owner or operator's expense, any property owner or lessor, prior to towing or removing any vehicle from private property without the consent of the owner or other legally authorized person in control of that vehicle, must post a notice meeting the following requirements

a. The notice must be prominently placed at each driveway access or curb cut allowing vehicular access to the property within 5 feet from the public right of way line. If there are no curbs or access barriers, the sign must be posted not less than one sign each 100 feet of lot frontage.

b. The notice must indicate clearly, in not less than 2-inch high light reflective letters on a contrasting background that unauthorized vehicles will be towed away at the owner's expense.

c. The notice must also provide the name and current telephone number of the towing service towing or removing the vehicle.

d. The sign structure containing the required notices must be permanently installed with the bottom of the sign not less than 4 feet above ground level, and must be continuously maintained on the property for not less than 24 hours prior to the towing or removing of any vehicle.

625 ILCS 5/4-203(b) When a vehicle is abandoned on a highway in an urban district 10 hours or more, its removal by a towing service may be authorized by a law enforcement agency having jurisdiction.

Sec. 16-151. Parking on private property.

No person shall without the permission of the owner or lessee of any private property, leave or park any vehicle thereon if there is in plain view on such property a "No Parking" sign or other sign restricting parking.
(Ord. No. 1983-140-0, 11-7-83)

Sec. 30-103. Removal of vehicle from private property.

The towing or removal of any vehicle from private property without the consent of the registered owner or other legally authorized person in control of the vehicle is subject to compliance with the following conditions and restrictions:

(1) (a) The sign or notice required by the Illinois Vehicle Code (625 ILCS; para. 5/4-203(f)5) shall state the amount of towing charges to which the person parking may be subject.

(b) Additionally, a minimum of one sign or notice meeting the above requirements shall be posted facing the interior of the parking area

every one hundred lineal feet along the perimeter of the parking area. This subsection (1)(b) shall not apply to limited or controlled access parking lots where access to the lot is gained only by stopping at a gate or guardhouse prior to entry into the lot. The sign or notice required by subsection (1)(a) above shall be posted on the gate opening mechanism or guardhouse or within ten (10) feet thereof in a location clearly visible to stopped vehicles prior to their entering the lot.

(2) Any towing or storage charges accrued shall be payable by the use of any major credit card, in addition to being payable in cash.

(3) If the registered owner or legally authorized person entitled to possession of the vehicle shall arrive at the scene prior to actual removal or towing of the vehicle, the vehicle shall be disconnected from the tow truck and that person shall be allowed to remove the vehicle without interference, upon payment of a reasonable service fee of not more than one-half the posted rate of the towing service as provided by state law, for which a receipt shall be issued.

(Ord. No. 1992-187-0, 7-13-92; Ord. No. 1993-197-0, 8-2-93; Ord. No. 1994-34-0, 2-7-94; Ord. No. 1994-113-0, 5-9-94; Ord. No. 1994-256-0, 10-3-94)