

OGDEN CITY POLICE

Office of the Chief

Policy No: 31

Subject	Effective Date
Wrecker Services and Impounds	March, 2018
Department	Replaces Policy Dated
Police	October, 2014
Division	Review Date
All Police Personnel	March, 2022
Authorized Signature 	

NOTE: This rule or regulation is for internal use only, and does not enlarge an officer’s civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this directive, if proven, can only form the basis of a complaint by this agency, and then only in a non-judicial administrative setting.

I. PURPOSE

The purpose of this policy is to establish guidelines and procedures for police department personnel to follow when requiring wrecker services or impounding a vehicle.

II. POLICY

It will be the policy of the Ogden Police Department that all requests for wrecker services or impounds be exercised in a fair and impartial manner and to ensure impounded vehicles have their contents inventoried at the time of impound.

III. PROCEDURE

Ogden City may enter an agreement with one or more tow truck providers for service.

During a period of time in the fall of each year Ogden City will receive and review applications for the non-preference tow rotation program. Applications approved during this time period will be eligible to join the program for the following calendar year. The application period will be announced through formal public notice.

A. Dispatching of Wreckers

All requests for wrecker services will be made through the Weber Dispatch Center, which will contact the Dispatch Service or owner-requested towing company. All requests for wreckers will be dispatched by the Dispatch Service that will automatically send the next-out wrecker except under the following conditions:

1. The owner requests a particular wrecker service, which will be dispatched by the Dispatch Service. The requesting party will be listed on all applicable reports.
2. The vehicle to be towed is a large truck, tractor-trailer, etc., in which case the next-out heavy-duty wrecker will be dispatched by the Dispatch Service.

The officer should advise the Weber Dispatch Center of any unusual circumstances so the responding towing company will be prepared for the request. (i.e. vehicle on its top, all wheels off the vehicle, requires storage as evidence or for accident reconstruction, etc.)

The officer should note the time the request for a wrecker is made as well as the arrival time of the wrecker. If the arrival time is too long, the officer may report this to the Uniform Division Commander for formal complaint follow-up. If a wrecker service has not arrived on the scene within 20 minutes during the daytime or 30 minutes during the nighttime of the initial request, the officer may request dispatch contact the Dispatch Service to cancel that wrecker and request another wrecker. However, inclement weather may be cause to allow additional response time.

Any non-dispatched wrecker arriving on scene will be turned away. If however, a vehicle owner requests to use the non-dispatched wrecker the officer will allow the tow to be completed. The officer will later notify their immediate supervisor in writing the name of the wrecker company, name of wrecker driver, case # and date, time and location. The supervisor will forward this information to the Special Events / Community Policing Lieutenant. The Special Events / Community Policing Lieutenant will forward the complaint to the individual wrecker company for action. Serious complaints may also be forwarded to the Deputy Chief of Police, who may forbear making future referrals of towing services as set forth herein below.

Any Ogden City vehicle requiring a wrecker will have the service arranged through Fleet Management during the day or the on-call Fleet representative after regular working hours.

Dispatch of non-preference towing calls is a community service provided by the Ogden Police Department, and constitutes a referral or recommendation

on the part of the Department. Members of the public expect the Police Department to recommend or refer towing calls to reputable towing service providers. Poor, improper, dishonest, incompetent or disreputable towing services provided by those referred or recommended by the Police Department reflect poorly on the reputation of the Department and are inconsistent with the Department's goal of protecting the public's interests. The Police Department may forbear making referrals to towing companies in which it lacks confidence. While the Department intends to distribute towing call referrals even-handedly to all towers it has confidence in, no tower shall have a right or property interest to receive referrals from Ogden City Police Department, either directly or through the Dispatch Service.

The Ogden City Police Department, through the Deputy Chief of Police, may forbear making non-preference tow referrals to any towing company, either directly or through Dispatch Service, where circumstances exist that diminish the Department's confidence in the services provided by the towing company, including but not limited to the following situations/conditions;

1. Notice from the Utah Highway Patrol or any state regulating agency, law enforcement agency, or recognition by an OPD officer that a wrecker driver, wrecker or towing company is out of compliance with towing regulations or laws.
2. A wrecker driver or wrecker company has attempted to "jump" a call on a case being handled by the Ogden City Police Department or other agency working within Ogden City.
3. A wrecker, wrecker driver or towing company becomes the subject of a criminal investigation related to any aspect of the towing business; a drug or alcohol related offense; a sex-related offense; or a fraud-related offense.
4. A substantiated complaint exists of a violation of good ethical conduct by any wrecker, wrecker driver or towing company.
5. A substantiated complaint exists of a failure to professionally and competently handle the towing of a vehicle at the request of an Ogden City Police Officer, including the proper clean up of an accident scene.
6. An owner, interest-holder or employee of a towing company is sanctioned for a misdemeanor or felony related to the conduct of towing company business; a drug or alcohol related offense; a sex-related offense; or a fraud-related offense. Applicable sanctions include conviction by a court of law, punishment through means of pretrial diversion, receipt of first offender treatment or sentencing in connection with a plea of nolo contendere, or entry of a plea in abeyance.
7. The company is in violation of the Tow Provider agreement outlined in Ogden City's RFP to provide non-preference tow-truck motor carrier service within Ogden City.

The time period for such forbearance shall be a minimum of thirty (30) days and a maximum of one (1) year, at the sole discretion of the Deputy Chief of Police, depending on the nature and seriousness of the situation/condition upon which the forbearance is based. When the Deputy Chief of Police determines to forbear making referrals to a towing company for any of the above causes, the Deputy Chief of Police shall notify the Dispatch Service of the determination and request that it not contact the subject towing company. The Deputy Chief of Police shall give written notice of referral forbearance to the subject towing company within a reasonable time. The notice will include a brief description of the cause of the forbearance determination and the duration of the forbearance status. Within 14 days of the date of hand delivery or mailing of the written notice, the subject towing company may file a written request to reconsider referral forbearance with the Chief of Police. Such request shall include detailed facts or rationale supporting the request to reconsider. If additional information is needed, or where otherwise appropriate or requested, the Chief of Police may grant an informal hearing related to the request to reconsider. The purpose of the written request to reconsider and any subsequent hearing is to give the towing company an opportunity to rebut any facts and to resolve any concerns or confusion related to factual issues upon which the Department based its forbearance determination. Upon review of a request to reconsider, or after a hearing, the Chief of Police may affirm, modify or reverse the forbearance determination. Any determination shall be made within the sole discretion of the Chief of Police, and with the purpose and intent of promoting the interests of the public receiving towing services referred by the Police Department and protecting the name and reputation of the Department in making towing referrals and recommendations.

Towing referrals are dispatched through the Dispatch Service as an accommodation to towers and a convenience to the Police Department. With the exception of issuing forbearance requests and notifications, Ogden Police Department does not direct, manage, regulate, or supervise the Dispatch Service, its members, subscribers, or towing associations. The Department reserves the right, in its sole discretion, to dispatch referrals through other means or organizations in the future.

This policy only regulates Ogden Police Department's referral or recommendation of towing companies. Nothing in this policy shall be deemed to prohibit or limit a towing company from otherwise doing business in Ogden City or elsewhere. This policy shall be applied to situations/conditions occurring after the effective date of this policy.

B. Impounds

When a vehicle is impounded by the police department, one officer, either the investigating officer or an assisting officer assigned to handle the

impound, will inventory every compartment of the impounded vehicle, including the passenger area, the trunk, storage compartments, and in the case of pickup trucks or utility vehicles, the bed, and any other compartment within or attached to the vehicle. The officer will list all personal property and vehicle accessories (radio, tape/CD players, etc.) on the vehicle inventory form. The officer should include a description of the vehicle and any obvious internal or external damage. The Sergeant on duty may photograph these items in extenuating circumstances where the amount of property is too excessive, the damage too severe or other circumstances approved by the supervisor. These photographs will be added to the report by the records bureau and a supplementary report will be written by the supervisor.

Any impounded trailer, boat or other object towed by the impounded vehicle will have its contents inventoried in a like fashion.

All containers, locked or unlocked, discovered in the inventory process, i.e., bags, boxes, luggage, tool boxes, briefcases, etc., will be opened for inventory of their contents, if the opening can be done without breakage or damage. The officer assigned to inventory the vehicle will make reasonable efforts to locate the key from the owner to any locked compartment or trunk, briefcases, tool boxes, etc., before opening the locked item. If opened, the officer will inventory all items in the locked container. If unopened, the officer will note the item and its locked condition on the impound form.

Items of significant value and firearms will not be left in the vehicle. They will be placed into evidence for safe keep and the officer will note the disposition of those items on the impound form as well as in the narrative of the case report.

Impound forms will be signed by the officer conducting the inventory and the wrecker driver. The original inventory form will be attached to the incident report and retained by the department. When the department releases the vehicle, the owner will receive a copy of the inventory form and will sign and receive a copy of the release form.

C. Conduct

Ogden Police Department employees will not in the scope of their duties suggest or recommend to anyone any product or professional or commercial service such as a towing company. All requests for wrecker services shall be made through the Weber Dispatch Center. If the involved parties do not request a particular wrecker company, the next-out wrecker company will be requested as set forth for hereinabove.

Under no circumstance will officers request wreckers to be replaced on the rotation list. These issues will be resolved between the wreckers and the Dispatch Service.

D. Complaints

All complaints or problems regarding a wrecker company will be submitted to the Special Events / Community Policing Lieutenant via memorandum. Special Events / Community Policing Lieutenant will forward the complaint to the individual wrecker company for action. The Uniform Division Commander or designee will maintain a file on all problems or complaints regarding wrecker services involving department personnel. Serious complaints may also be forwarded to the Deputy Chief of Police, who may forbear making future referrals of towing services as set forth hereinabove.