



ALBUQUERQUE POLICE DEPARTMENT  
PROCEDURAL ORDERS

SOP 2-48

Effective: 10/5/18 Review: 10/5/19 Replaces: 3/23/16

## 2-48 TOWING AND WRECKER SERVICES

### 2-48-1 Policy

Department policy is to authorize the towing of vehicles as a matter of public safety, to protect property, to preserve evidence, and to remove abandoned vehicles from city streets and property.

### 2-48-2 Rules

7 A. An offense/incident report and tow-in report will be written whenever a vehicle is towed, unless the tow is at the owner's request.

7 B. Vehicles Will Be Towed When

1. The driver has been incapacitated, hospitalized, arrested, or when the vehicle cannot be released to a responsible party. Officers will not tow if the vehicle is parked at the driver's place of residence, or his/her registered address.
2. The vehicle has been abandoned, vandalized, involved in an accident to the extent that it is inoperable, and/or is in violation of Section 8-5-2-4 or 7-5-3 of the City of Albuquerque Traffic Code and documented attempts to contact the owner have failed.
3. The vehicle is needed for evidence processing in a criminal investigation.

C. Circumstances Permitting Summary Vehicle Impoundment or Relocation

1. Any police officer may order the impoundment of any vehicle within the municipal corporate limits, without prior notice to the owner or operator of the vehicle, when a vehicle is being driven unsafely under state law due to one of the following:
  - a. Failure to have insurance on the vehicle as required by state law and as documented by one of the following:
    - i. An admission by the driver or another occupant of the vehicle; or
    - ii. Confirmation is obtained by the citing officer from the insurance company claimed by the driver, that the claimed insurance does not cover the vehicle.
  - b. Failure to have a driver's license as shown by the New Mexico Department of Motor Vehicle records; or
  - c. Driving when the driver's license has been suspended or revoked as shown by the New Mexico Department of Motor Vehicle records.



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2. When towing under City Ordinance 8-5-2-4, the officer must write an Offense/Incident Report and shall articulate the manner used to confirm that the vehicle was not insured.

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D. When It Becomes Necessary to Tow Vehicles

1. Requests for wrecker services will be restricted to the wrecker on call.
  - a. Officers may allow the owner or operator to call a wrecker of choice based on response time and current traffic conditions. Officers will have sole discretion when to allow an owner's wrecker request.
2. Officers authorizing the towing of a vehicle will document the justification for the towing of the vehicle in a police report and on the Tow-in form.
  - a. Officers will complete the Tow-In Report in TraCS and validate the form.
  - b. The wrecker driver's signature will be included on the Tow-in form.
  - c. In all cases when officers tow a vehicle, and the owner/responsible party cannot be contacted, officers will complete the Towed Vehicle Notification form in TraCS and validate the form.
  - d. If an officer's printer does not work, or Tracs is down, the officer may complete the form on a paper tow-in form which must include the Case and CAD number on the form and forward it to Records.
  - e. Officers will scan and email all paper Tow-In Reports only to Records at [apdcentralrecords@cabq.gov](mailto:apdcentralrecords@cabq.gov) by the end of the shift.
    - i. Tow-ins completed on TraCS will not need to be scanned and emailed.

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3. Officers will inventory the property in the vehicle to be towed and list it on the Tow-In Report. The inventorying officer will list his/her name on the Tow-In Report. VIN numbers will be verified before the towing of any vehicle.
  - a. Officers will inventory the entire vehicle, including the vehicle trunk, glove box, truck bed, truck boxes and all sealed and locked containers within, except:
    - i. When there are many containers to be searched which may monopolize the officer's time;
    - ii. When it appears that attempts to access a locked container may cause damage to the container resulting in a significant liability to the City of Albuquerque.
  - b. The ignition key will be left in the vehicle. All other keys will be removed and given to the owner or operator, or placed in their property if they are under arrest.



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4. A copy of the tow-in report will be given to the owner operator or placed in their property if they are under arrest.

6 5. Officers will make arrangements to ensure that the driver and other occupants are not left stranded. A relative, friend or a taxi may be called via Communications or by a supervisor with a Department-issued cell phone to have the subject(s) picked up. Should the subjects refuse the officers efforts of arranging transportation, the officer must indicate such information on their report.

6. Officers shall not have vehicles towed to any substation.

6 E. Vehicles Towed for Evidentiary Purposes

1. Should be processed at the scene whenever practical.

2. Vehicles that require processing and cannot be processed at the scene will be sealed and towed to the tow yard.

3. Vehicles relating to homicides, robberies, or criminal sexual penetration shall be sealed and towed to the Metropolitan Forensics Science Center (MFSC).

4. Any vehicle towed to the Crime Lab or Auto Theft Garage will be towed using the same wrecker company that towed it in when released.

F. Towing of Victim/Offender Vehicle

1. When vehicles, belonging to victims or suspects, must be towed a police hold may be initiated on a tow-in form authorizing a hold. Some circumstances for a hold may include but are not limited to:

a. Warrants

b. VIN verification

c. If the vehicle needs to be released from the hold due to exigent circumstances and the towing officer who placed the hold cannot be contacted to release the vehicle, the vehicle may be released by a supervisor from the towing officer's chain of command or a detective from the Auto Theft Unit.

2. Vehicles on hold will be towed by the wrecker on call. The officer initiating the tow will request a field investigator to process the vehicle or to determine if Criminalistics should process the vehicle.



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3. Vehicles towed for evidence will be stored at the wrecking yard that tows the vehicle. If protection from elements is required, the officer must advise the wrecker driver that inside storage is necessary.
4. After a vehicle has been processed, the investigating officer will notify the owner and the Wrecking company of its release and how to retrieve the vehicle by:
  - a. Personal Contact
  - b. Telephone Contact

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G. Abandoned Vehicles on Public/City Property

1. Before placing an abandoned vehicle sticker on the vehicle, the officer shall check for an Unattended Vehicle Permit. Citizens may obtain this permit from any of the area substations. This permit is valid for 15 days and allows citizens street storage for any vehicle that is operable and has a current license plate. See City Ordinance 8-5-2-3B.
- [N/A] 2. The officer/PSA will make a stolen vehicle inquiry and attempt to contact the owner.
3. The officer/PSA will determine if the vehicle is violating parking restrictions.
4. If the owner cannot be contacted or refuses to move the vehicle, officers will fill out an Abandoned Vehicle Notification Form in TraCS and place an abandoned vehicle sticker (Red Tag) on the vehicle.
  - a. The officer/PSA will ensure that the Abandoned Vehicle Notification forms will be mailed through the certified City's mailing system to registered owners.
  - b. If possible, the officer who prepared the abandoned vehicle sticker will be the same officer who orders the vehicle towed.
  - c. After seven days from the issuance of the abandoned vehicle sticker, the vehicle may be towed unless notice is received from the City Hearing Officer that the owner contests the action. In that case, the vehicle will not be towed until the decision of the Hearing Officer.

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H. Abandoned Vehicles on Private Property

Vehicles abandoned on private property will not be towed unless they are needed for evidentiary purposes involving a criminal offense, or they are being confiscated subject



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to forfeiture proceedings, or they are in violation of section 7-5 of the City of Albuquerque Traffic Code.

I. Vehicles with Altered or Mutilated VIN Numbers

1. Vehicles with altered, mutilated, or missing vehicle identification numbers (VIN) will be towed to the designated auto theft storage facility by the rotational wrecker on call.
  - a. An evidence tag will not be used; however, it will be indicated on the "Tow In Form" that the vehicle ID number is either altered, mutilated or missing and that the vehicle is going to the Auto Theft Garage and to which Auto Theft Detective was contacted.
  - b. Officers authorizing the towing will complete an offense report by the end of shift and email it to the on call auto theft detective.
  - c. Officers will not tow a vehicle to the Auto Theft Garage without first notifying the on-call Auto Theft Detective.
  - d. Burned vehicles and vehicle shells with no VIN will be taken to the wrecker's yard and will not be taken to the Auto Theft Garage.
  - e. Failure to comply with this procedure will result in the appropriate Area Commander being contacted.

**7** J. Towing Police Vehicles

If a police vehicle is wrecked or disabled and the department wrecker is unavailable, the wrecker on contract to tow city vehicles will be requested through Communications.

[N/A] K. Canceling Wreckers

Officers have the discretion to cancel a wrecker if circumstances so dictate, for example, if the wrecker is not properly equipped for the job, or if the wrecker cannot arrive within thirty minutes.

L. Towing Vehicles from Undeveloped and Vacant Land Along Major Thoroughfares

1. Any vehicle illegally displayed for sale on undeveloped and vacant land is in violation of City Ordinance Number 7-5-3. They may be towed no sooner than 24 hours after a warning sticker (Yellow Tag) has been placed on the vehicle.
2. After 24 hours, the officer will tow the vehicle and generate the following: Offense/Incident Report, Parking Citation using City Ordinance 7-5-3, a Tow-In Report, and Towed Vehicle Notification form in TraCS.



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- a. The Towed Vehicle Notification form will be mailed through the certified City's mailing system to registered owners.
3. If the owner of the vehicle has violated the prohibition against concealment; or removal of the license plate; and/or concealment of the vehicle identification number; or if within a three month period the vehicle has been cited three or more times for this offense, the vehicle may be towed immediately.