



## 2-48 TOWING SERVICES

### Related SOP(s), Form(s), Other Resource(s), and Rescinded Special Order(s):

A. Related SOP(s)

[1-95 Metro Traffic Division \(Formerly 4-06 and 6-3\)](#)

B. Form(s)

Abandoned Vehicle Notification (In TraCS)  
Tow-In Report (In TraCS)  
Towed Vehicle Notification (In TraCS)

C. Other Resource(s)

NMSA 1978, § 66-3-507 Altered Vehicle Identification Numbers; Contraband  
ROA 1994, § 7-5-3 Display and Sale of Motor Vehicles  
ROA 1994, § 8-5-2-3 Abandoned and Inoperable Vehicles  
ROA 1994, § 8-5-2-4 Circumstances Permitting Summary Vehicle Impoundment or  
Relocation

D. Rescinded Special Order(s)

None

### 2-48-1 Purpose

The purpose of this policy is to outline the procedures for towing a vehicle and towing services for Albuquerque Police Department (Department) personnel.

### 2-48-2 Policy

It is the policy of the Department 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 of Albuquerque streets and property.

### N/A 2-48-3 Definitions

None

### 7 2-48-4 Procedures

A. Summary Vehicle Impoundment or Relocation



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1. Department personnel may order the impoundment of any vehicle within the municipal county limits, without prior notice to the owner or operator of the vehicle, when certain criteria are met, including, but not limited to:
  - a. The vehicle is being driven unsafely under the City's ordinances, consistent with ROA 1994, § 8-5-2-4;
  - b. The vehicle driver has been incapacitated, hospitalized, or arrested;
  - c. The vehicle cannot be released to the co-owner who is listed in the Motor Vehicle Division (MVD) vehicle registration or the vehicle's Certificate of Title;
  - d. The vehicle has been abandoned, vandalized, or involved in a collision and damaged to the extent that it is inoperable;
  - e. The vehicle is in violation of the City of Albuquerque's Traffic Code and documented attempts to contact the owner have failed; or
  - f. The vehicle is needed for evidence processing in a criminal investigation.
2. When towing is authorized under § 8-5-2-4 of the City's ordinances, Department personnel shall complete a Uniform Incident Report.
3. When a vehicle is towed for no insurance, sworn personnel shall articulate the manner used to confirm that the vehicle was not insured.
4. Sworn personnel shall not have the vehicle towed if the vehicle is parked at the driver's place of residence or their registered address.
  - a. A vehicle that is parked on the street and is in violation of § 8-5-2-4 of the City's ordinances, sworn personnel may tow the vehicle from the registered owner's address.

B. General Procedures

1. When it becomes necessary to tow a vehicle, Department personnel shall:
  - a. Contact the Emergency Communications Center (ECC) to request for the on-call tow services using the on-call tow service rotation list only;
    - i. Personnel may allow the owner or vehicle operator to call a tow truck of their choice based on response time and current traffic conditions.
    - ii. Personnel shall have sole discretion when to allow an owner's tow request.
  - b. Document the justification for the towing of the vehicle in a Uniform Incident Report and on the Tow-in report unless the tow is at the owner's request;
    - i. Department personnel shall complete the Tow-In Report in TraCS and validate the form.
    - ii. The tow truck driver's signature shall be included on the Tow-in Report.
    - iii. In all cases when personnel have a vehicle towed, and the owner/responsible party cannot be contacted, Department personnel shall complete the Towed Vehicle Notification form in TraCS and validate the form.



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- iv. If the Department employee's printer does not work, or TraCS is down, complete the form on a paper Tow-In Report, which shall include the case and Computer-Aided Dispatch (CAD) number.
  - A. Department personnel shall scan and email paper Tow-In Reports to the Records Division at [apdcentralrecords@cabq.gov](mailto:apdcentralrecords@cabq.gov) by the end of their shift.
  - B. Department personnel do not need to scan and email completed Tow-In Reports on TraCS.

- c. Inventory the property in the vehicle to be towed and list it on the Tow-In Report. Department personnel who complete the inventory shall list their name on the Tow-In Report;
- d. Inventory the entire vehicle, including the vehicle trunk, glove box, truck bed, truck boxes, and all sealed and locked containers within, except when:
  - i. There are many containers to be searched, which may monopolize an employee's time; or
  - ii. It appears that attempts to access a locked container may cause damage to the container resulting in a significant liability to the City.
- e. When feasible, leave the ignition key in the vehicle. All other keys shall be removed and given to the owner/operator or placed in their property if they are under arrest.
- f. Verify the Vehicle Identification Number (VIN) before the vehicle is towed;
- g. Give a copy of the Tow-In Report to the owner/operator or place it in their property if they are under arrest;

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- h. Arrange to ensure that the driver and other occupants are not left stranded; and
  - i. A relative, friend, or a taxi may be called through ECC personnel or personnel with a Department-issued cell phone to have the individual(s) picked up.
  - ii. Department personnel shall indicate in their Uniform Incident Report whether the individual refuses their effort to arrange transportation.
- i. Not have vehicles towed to an area command.

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- 2. When Department personnel have a vehicle towed for evidentiary purposes, they shall:
  - a. Whenever practical, Request a Crime Scene Specialist (CSS) process the vehicle at the scene;
  - b. Request for a CSS to seal the vehicle for evidence and have it towed to the tow yard, if the vehicle requires processing and cannot be processed at the scene;
  - c. After the CSS seals the vehicle for evidence, have it towed to the Metropolitan Forensics Science Center (MFSC), if the vehicle is related to a homicide, robbery, or a case involving criminal sexual penetration; and
  - d. Request that the vehicle is removed by the same tow company that towed it to the MFSC or auto theft garage when a vehicle is released.

3. Victim or Individual's Vehicle



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- a. A police hold may be initiated on a Tow-In Report for certain circumstances, including, but not limited to:
  - i. Warrants; and
  - ii. VIN verifications.
- b. If the vehicle needs to be released from the hold due to exigent circumstances and the officer who placed the hold cannot be contacted to release the vehicle, the vehicle may be released by a supervisor from the officer's chain of command or an Auto Theft Unit Detective.
- c. Vehicles that have been placed on hold shall be towed by the on-call tow service. The officer initiating the tow shall request for a CSS to process the vehicle or to determine whether Criminalistics Investigations personnel should process the vehicle.
- d. Vehicles towed for a search warrant shall be stored at the tow yard that towed the vehicle. If protection from the elements is required, Department personnel shall advise the tow truck driver that inside storage is necessary.
- e. Vehicles that are on a police hold pending a search warrant shall be held for no longer than fourteen (14) days.
  - i. After the fourteen (14) days, the tow service is authorized to release the vehicle unless further accommodations are made for the hold to continue.
- f. When the tow-in is completed, Department personnel shall add to the notes section of the tow-in report which detective requested the tow and their contact information.
- g. After a vehicle has been processed, the investigating officer shall notify the owner and the towing company of its release and how to retrieve the vehicle by personal or telephone.

#### 4. Department-Issued Vehicles

If a Department-issued vehicle is wrecked or disabled, the tow service on contract to tow City vehicles shall be requested through the ECC.

#### 5. Towing Vehicles Illegally Displayed for Sale from Undeveloped and Vacant Land Along Major Thoroughfares

- a. Any vehicle illegally displayed for sale on undeveloped and vacant land is in violation of § 7-5-3 of the City's ordinances.
- b. They may be towed no sooner than twenty-four (24) hours after a warning sticker (yellow tag) has been placed on the vehicle.
- c. After twenty-four (24) hours, Department personnel may tow the vehicle and generate the following:
  - i. A Uniform Incident Report;
  - ii. Parking citation(s) as authorized under § 7-5-3 of the City's ordinances;
  - iii. A Tow-In Report; and
  - iv. A Towed Vehicle Notification form in TraCS.
- d. Department personnel shall mail the Towed Vehicle Notification form through the City's certified mailing system to registered owner(s).



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- e. If the owner of the vehicle has violated the City ordinance against concealment, or removal of the license plate, and/or concealment of the vehicle identification number, or if within a three (3) month period the vehicle has been cited three (3) or more times for this offense, the vehicle may be towed immediately, consistent with § 8-5-2-3-1 of the City's ordinances.

N/A

6. Cancellation of Towing Services

Department personnel have the discretion to cancel a tow truck if circumstances so dictate, for certain situations, including, but not limited to, if the tow truck is not properly equipped for the job, or if the tow truck cannot arrive within thirty (30) minutes.

C. Abandoned Vehicles

1. City Property

- a. Before placing an abandoned vehicle sticker (red tag) on the vehicle, personnel shall check for an Unattended Vehicle Permit.
  - i. Community members may obtain this permit from any area command.
  - ii. This permit is valid for fifteen (15) days and allows community members to store their vehicle on the street if it is operable and has a current license plate, consistent with ROA 1994, § 8-5-2-3B of the City's ordinances.
- b. Department personnel will determine whether the vehicle is violating any parking restrictions.
- c. Department personnel shall make a stolen vehicle inquiry and attempt to contact the vehicle owner.
- d. If the owner cannot be contacted or refuses to move the vehicle, Department personnel shall fill out an Abandoned Vehicle Notification Form in TraCS and place an abandoned vehicle sticker (red tag) on the vehicle.
  - i. Department personnel shall ensure that the Abandoned Vehicle Notification forms are mailed through the City's certified mailing system to registered owners.
  - ii. If possible, Department personnel who prepared the abandoned vehicle sticker shall be the same personnel who request for the vehicle to be towed.
  - iii. After seven (7) days from the issuance of the abandoned vehicle sticker, the vehicle may be towed, consistent with SOP Metro Traffic Division (refer to SOP Metro Traffic Division for sanction classifications and addition duties).
  - iv. The vehicle shall not be towed if notice is received from the City Hearing Officer that the owner contests the action.
- e. When Department personnel come across a vehicle that is abandoned on City or public property, they may contact the Abandoned Vehicle Unit at (505) 761-8800 for assistance.

N/A

N/A

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2. Private Property



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Vehicles that have been abandoned on private property shall not be towed unless they are needed for evidentiary purposes involving a criminal offense, they are being confiscated subject to forfeiture proceedings, or they are in violation of § 7-5 of the City of Albuquerque Traffic Code.

D. Vehicles with an Altered or Mutilated Vehicle Identification Number (VIN)

1. Vehicles with an altered or mutilated VIN shall be towed to the designated auto theft storage facility by the on-call tow service.
  - a. An evidence tag shall not be used; however, the following shall be indicated on the Tow-In Form:
    - i. The VIN is either altered, mutilated, or missing;
    - ii. The vehicle is going to the auto theft garage; and
    - iii. The Auto Theft Unit Detective that was contacted.
  - b. Department personnel who authorize the towing shall complete a Uniform Incident Report by the end of their shift and shall email it to the on-call Auto Theft Unit Detective. The officer shall list "NMSA 1978, § 66-3-507 Altered Vehicle Identification Numbers; Contraband" in the offense section of the Uniform Incident Report.
  - c. Department personnel shall not tow a vehicle to the auto theft garage without first notifying the on-call Auto Theft Unit Detective.
  - d. Department personnel shall take burned vehicles and vehicle shells with no VIN to the tow service's yard and shall not be taken to the Auto Theft Garage. Department personnel shall notify the on-call Auto Theft Unit Detective and notify them about which tow service towed the vehicle.
  - e. Failure to comply with this procedure shall result in the appropriate area commander being contacted.