

Vehicle Towing and Release

502.1 PURPOSE AND SCOPE

This policy provides the procedures for towing a vehicle by or at the direction of the Milwaukee County Sheriff's Office and pursuant to Wis. Stat. § 349.13.

502.2 ALTERNATIVES TO TOWING AND IMPOUNDING

Agency members may leave a vehicle at the scene of an incident if it is not needed for law enforcement purposes. The vehicle may be:

- (a) Legally parked and secured at the scene, with the owner's permission.
- (b) Released to the owner.
- (c) Privately towed at the owner's expense.
- (d) Released to a licensed driver with the consent of the owner.

Agency members do not have to exhaust all possible alternatives to impound and do not have to wait an unreasonable amount of time for alternatives to be carried out.

502.3 IMPOUNDS

When circumstances permit, for example when towing a vehicle for parking or registration violations, the agency member should, prior to having the vehicle towed, make a good faith effort to notify the owner of the vehicle that it is subject to removal. This may be accomplished by personal contact, telephone or by leaving a notice attached to the vehicle at least 48 hours prior to removal. If a vehicle presents a hazard, such as being abandoned on the roadway, it may be towed immediately (Wis. Stat. § 349.13(3)).

The responsibilities of those employees storing or impounding a vehicle are as follows:

502.3.1 VEHICLE REPORT

Agency members requesting towing, seizure or impound of a vehicle shall complete a vehicle report form that includes written authorization for the tow truck operator to possess the vehicle and a description of property within the vehicle. A copy shall be provided to the tow truck operator.

502.3.2 REMOVAL FROM A TRAFFIC CRASH SCENE

When a vehicle has been involved in a traffic crash and must be removed from the scene, the deputy may have the driver select a towing company, if reasonably possible. If the crash is impeding traffic, the deputy shall notify Milwaukee County OEM 911 Communications Division of the need for a tow.

If the owner is incapacitated or for any reason it is necessary for the Agency to assume responsibility for a vehicle involved in a crash, the deputy shall request the dispatcher to call a tow. The deputy will then conduct an inventory search prior to the tow. The vehicle may then be removed by the tow and delivered to the appropriate location determined by the deputy.

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502.3.3 DRIVING A NON-COUNTY VEHICLE

Vehicles that have been towed by or at the direction of the Agency should not be driven by Sheriff's Office personnel unless it is necessary to move a vehicle a short distance to eliminate a hazard, prevent the obstruction of a fire hydrant or to comply with parking regulations.

502.4 TOWING SERVICES

The County of Milwaukee periodically selects one or more firms to act as official tow services and awards contracts to those firms. Those firms will be used in the following situations:

- (a) When it is necessary to safeguard a vehicle due to the inability of the owner or operator to take the required action.
- (b) When a vehicle is being held as evidence in connection with an investigation.
- (c) When it is otherwise necessary to store a motor vehicle. This would include situations involving the recovery of stolen or abandoned vehicles and the removal of vehicles obstructing traffic in violation of state or local regulations.

Milwaukee County OEM 911 Communications Division will notify the appropriate tow company.

502.5 INVENTORY FOR A VEHICLE NOT HELD AS EVIDENCE

All property in a stored or impounded vehicle shall be inventoried and listed on the vehicle storage form. This includes the trunk and any compartments or containers, even if they are closed and/or locked. Members conducting inventory searches should be as thorough and accurate as practicable in preparing an itemized inventory. These inventory procedures are for the purpose of protecting an owner's property while the owner is in sheriff's custody, to provide for the safety of deputies and the public, and to protect the Agency against fraudulent claims of lost, stolen or damaged property.

If the apparent potential for damage to a locked container reasonably appears to outweigh the protection of the items inside, other options to consider regarding locked containers include, but are not limited to, obtaining access to the locked container from the owner, placing the locked container into safekeeping or obtaining a written waiver of responsibility for the contents of the locked container.

502.6 PRESERVATION OF EVIDENCE

A deputy removing a vehicle, who has probable cause to believe that the vehicle or its contents constitute any evidence which tends to show that a criminal offense has been committed, or tends to show that a particular person has committed a criminal offense, should ensure that all legally required and reasonably necessary efforts to preserve the evidence, including but not limited to, safe storage, are taken until the evidence is released to the owner or otherwise disposed of according to law. Vehicles stored as evidence should be held in a secured agency location.

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502.7 SECURITY OF VEHICLES AND PROPERTY

Unless it would cause an unreasonable delay in the completion of a vehicle impound/storage or create an issue of officer safety, a deputy should make reasonable accommodations to permit a driver/owner to retrieve small items of value or personal need (e.g., cash, jewelry, cellular telephone, prescriptions) that are not considered evidence or contraband.

If a search of a vehicle leaves the vehicle or any property contained therein vulnerable to unauthorized entry, theft or damage, personnel conducting the search shall take such steps as are reasonably necessary to secure and/or preserve the vehicle or property.

Any personal property shall be returned to the owner of the vehicle during regular office hours upon presentation of proper identification (Wis. Stat. § 349.13(5)(b)(2)).