

WOODLAND POLICE DEPARTMENT VEHICLE TOWING PROCEDURES

SUMMARY

Recent court rulings have changed how officers may determine whether or not a vehicle will be towed. The Woodland Police Department follows an established vehicle towing rotation policy.

REASON FOR INVESTIGATION

This investigation was prompted by a citizen's complaint regarding Woodland Police Department's procedure for vehicle towing dispatch (vehicle tow rotation). The complainant asked the Grand Jury to investigate trends in tow dispatches and the related impact on the community in terms of public safety and liability concerns.

California Penal Code 925a states, "The grand jury may at any time examine the books and records of any incorporated city or joint powers agency located in the county. In addition to any other investigatory powers granted by this chapter, the grand jury may investigate departments, functions, and the methods or system of performing the duties of any such city or joint powers agency and make recommendations as it may deem proper and fit."

ACTIONS TAKEN

The Grand Jury reviewed more than a dozen documents, including vehicle towing contracts, dispatch logs, and enforcement agencies' policies. The Grand Jury also conducted interviews with towing company operators, and staff from the Woodland Police Department and Yolo County Sheriff's Department to learn: (1) when and how vehicle tow operators are called to a scene, (2) the trends in the number of dispatches, (3) local law enforcement policies in determining when a vehicle is impounded or left at the site, (4) the costs and potential liability issues involved, and (5) recent court decisions. The Grand Jury reviewed incident reports before and after the implementation of the new community care rule.

WHAT THE JURY DETERMINED

When vehicle tow operators are dispatched

The Grand Jury determined that local law enforcement staff use their discretion, consistent with the guidelines of their agency, to determine when a vehicle should be towed and impounded.

Officers and deputies are expected to assess the unique circumstances of each situation and determine if a vehicle tow is required. Tows are typically mandated when major infractions have occurred, such as major traffic accidents or when the vehicle must be impounded as evidence.

The circumstances under which a vehicle can be towed were recently changed by an appellate court ruling (*Miranda v. City of Cornelius* 429F.3d 858). As a result of this 2006 ruling, the Woodland Police Department adopted a policy in which the officer has gained broader discretion in determining what is in the community’s best interest (called the “community caretaking rule”) when incidents involve minor infractions. When making a community caretaking assessment, the officer considers the following questions regarding security of the setting: Is the vehicle in a rural, urban, or highway location? Is the vehicle in a high-crime area? Is normal traffic flow affected? Officers also evaluate alternatives to vehicle towing, such as the availability of an alternate driver and the costs incurred when a vehicle is towed and impounded. When a vehicle is not towed, drivers must sign a form consenting to leaving the vehicle at the location and taking responsibility for the parked vehicle.

How vehicle tow operators are dispatched

Law enforcement personnel and vehicle tow company operators agreed, through contract, as to what the dispatch process is and how it is generally carried out. All local law enforcement requests for vehicle tow truck operators are routed through dispatch centers using an approved rotation log. Variations exist in the vehicle tow operators’ contracts; i.e., some contracts are limited to urban areas, some operators are limited in the type and number of vehicles they can tow. The dispatch center staff, not the officer at the scene, contacts the company on the top of the rotation list. If that operator does not or cannot respond to the call in a timely manner, the next operator on the rotation log is contacted. The bypassed vehicle tow operator remains at the top of the rotation log for the next requested service.

Figure 1 depicts vehicle rotation tows during four months in 2010 for three companies, with the final column indicating the total number of calls passed by each company.

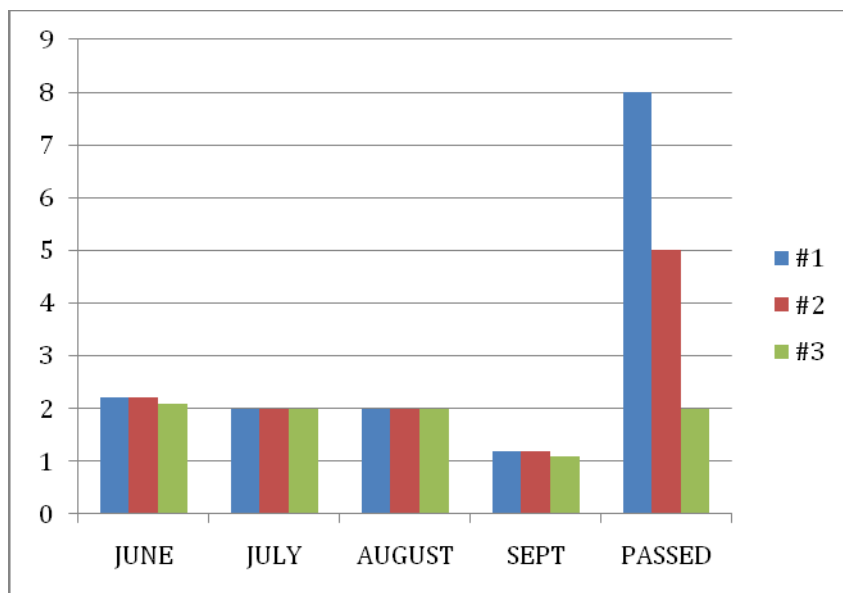


Figure 1

FINDINGS

- F1.** The Grand Jury found that vehicle towing requests made by local law enforcement staff are given with proper consideration of applicable laws and rules, and with appropriate concern for the best interests of the community and public safety.
- F2.** The Grand Jury found that dispatch center staff are consistently fair in using the agreed upon vehicle tow rotation log.
- F3.** The Grand Jury could not come to any conclusion regarding the impact of the community caretaking rule on public safety.

RECOMMENDATIONS

None

REQUEST FOR RESPONSES

None

DISCLAIMER

This report was issued by the Yolo County Grand Jury with the exception of one member of the Grand Jury who may have had a perceived conflict of interest. This juror was excluded from all parts of the investigation including interviews, deliberations, and the making and acceptance of the report.

COMMENT

The Grand Jury thanks and commends the Woodland Police Department Records Manager for compiling and extracting information for this report.