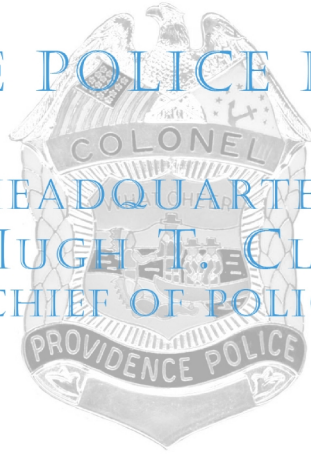


PROVIDENCE POLICE DEPARTMENT

HEADQUARTERS

COLONEL HUGH T. CLEMENTS, JR.
CHIEF OF POLICE



TYPE OF ORDER	NUMBER/SERIES	ISSUE DATE	EFFECTIVE DATE
General Order	350.06	7/14/2014	7/15/2014
SUBJECT TITLE		PREVIOUSLY ISSUED DATES	
Motor Vehicle Tows		Supersedes Memorandum #15 Series 2009; Memorandum #4 Series 1994; Memorandum #66 Series 1993; General Order #20 Series 1994; General Order #33 Series 1993; General Order #22 Series 1992	
REFERENCE		RE-EVALUATION DATE	
CALEA 61.4.1(b); 61.4.3		7/14/2017	
SUBJECT AREA		DISTRIBUTION	
Law Enforcement Operations		All Sworn Personnel	

PURPOSE

The purpose of this policy is to provide guidelines pertaining to motor vehicles that are towed by sworn officers of the Providence Police Department.

POLICY

It is the policy of the Providence Police Department for its sworn officers to tow motor vehicles for reasons which fall under the Department's purview, as stated herein.

DISCUSSION

The Department may be required to tow a motor vehicle for any of a variety of reasons, as outlined in this policy. The City of Providence Public Safety Communications Center (PSCC) maintains a rotating list of all tow companies that have been authorized by the City of Providence to conduct tows for all motor vehicles that are seized/towed by the Department. These tow companies are allotted thirty (30) minutes to arrive at the scene of the tow from the time that they receive notification from the PSCC. Should this time allotment expire prior to the arrival of the tow company, the next tow company on the list may be summoned.

PROCEDURE

I. GENERALLY

- A. Officers shall contact the PSCC via Channel four (4) on the police radio when requesting a motor vehicle tow. Tows may be requested whenever any of the following situations arise:
1. An accident where the involved motor vehicle is mechanically disabled or the operator unable to operate it.
 2. A criminal infraction or motor vehicle violation where the motor vehicle is to be taken into police custody, including but not limited to:
 - a. An abandoned stolen motor vehicle.
 - b. A stolen motor vehicle where the operator is being arrested.
 - c. DUI arrests or suspended license arrests.
 - d. A vehicle seized for possible forfeiture.
 - e. A vehicle parked in a tow zone.
 3. An investigation where the vehicle is being seized for evidence.
 4. An abandoned or mechanically disabled motor vehicle which represents a hazard to public safety or personal safety of the parties, obstructs a highway or roadway, or was involved in a traffic collision.
 5. An abandoned motor vehicle that does not fall under any previous sections of this policy. Such vehicles shall be handled by the Department's Vehicle Recovery Unit, in accordance with all applicable RI General Laws (RIGLs), including RIGL Section 31-42.
- B. Officers shall perform an inventory search of the motor vehicle when required, as per General Order 330.03, "Search & Seizure".
- C. Whenever a tow company is dispatched in response to an officer's request, the officer or his/her sworn relief is required to remain on scene until the subject motor vehicle is removed by the tow company.
- D. Officers shall submit the appropriate, fully completed field reports (Aegis™ and/or RICRS) whenever causing a motor vehicle to be towed.
1. If a release hold is placed on a vehicle, the reason for the hold shall be documented in the field report.

- E. Officers are prohibited from recommending any private tow company or service.
- F. Officers shall not be required to standby and await the arrival /departure of a private tow.

II. **VEHICLE RECOVERY UNIT**

- A. Per RIGL Section 31-42, an "abandoned motor vehicle" is defined as:
 - 1. A motor vehicle that is inoperable and over eight (8) years old and is left unattended on public property for more than forty-eight (48) hours; or
 - 2. A motor vehicle that has remained illegally on public property for a period of more than three (3) days; or
 - 3. A motor vehicle that has remained on private property without the consent of the owner or person in control of the property for more than three (3) days.
- B. Per RIGL Section 31-42, an "abandoned motor vehicle of no value" is defined as:
 - 1. A motor vehicle that is inoperable and over ten (10) years old and is left unattended on public property for more than forty-eight (48) hours; or
 - 2. A motor vehicle that has remained illegally on public property for a period of more than three (3) days; or
 - 3. A motor vehicle that has remained on private property without the consent of the owner or person in control of the property for more than three (3) days, and meets the following criteria:
 - a. The vehicle has no evidence of current registration in or upon the vehicle;
 - b. The vehicle has a fair market value of five hundred dollars (\$500) or less; and
 - c. The vehicle does not have a valid inspection sticker.
- C. Officers assigned to the Vehicle Recovery Unit shall:
 - 1. Affix a Providence Police Department "Notice of Abandoned Vehicle" sticker to any vehicle that is to be towed from public property. Said sticker notifies the owner that the vehicle will be towed within forty-eight (48) hours if not removed.

2. Affix a Providence Police Department “Sticker #A - Vehicle in Violation of the Law” sticker to any vehicle which is to be towed from private property. Said sticker notifies the owner that the vehicle will be towed within seven (7) days if not removed.
3. Make notification to all owners of any abandoned motor vehicles towed that falls under this section of this General Order, in accordance with RIGL Section 31-42.
4. Complete a Providence Police Department “Abandoned Vehicle Survey Report” for any towed abandoned vehicle, as required by RIGL Section 31-42.

III. TOW RELEASES

- A. Vehicle owners or their authorized representatives shall respond directly to the tow company to obtain their vehicle.
- B. Vehicles will be released by the tow company employees upon receiving satisfactory proof of ownership or authority. Proof of ownership/authority may include:
 1. An active registration.
 2. The title to the vehicle.
 3. A notarized Bill of Sale for the vehicle.
 4. A State-issued identification.
 5. A notarized letter from the owner identifying the authorized agent.
- C. Vehicles will only be released to licensed operators.
- D. If the towed vehicle is unregistered, the tow company will only release the vehicle:
 1. Upon presentation of proof of registration; or
 2. Only if the vehicle is towed by the owner/authorized representative.
- E. If an officer places a hold on a vehicle, it cannot be released by the tow company unless first released by the Division of the officer who placed the hold.

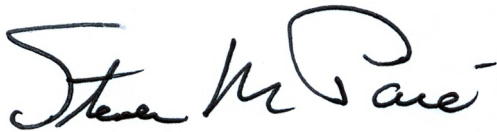
- F. If a towed vehicle is one that was stolen outside of the City of Providence, a satisfactory letter of introduction from the police department that took the stolen motor vehicle report shall be presented to the Desk Sergeant, who will notify the tow company to release the vehicle.

IV. PROVISIONS

- A. The Department shall maintain records of all vehicles removed, stored, or towed at the direction of a sworn officer.

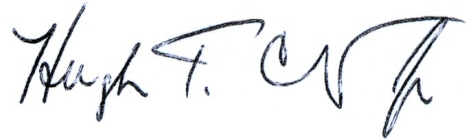
NOTE: This order is for internal use only, and does not enlarge an officer's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third-party claims. Violations of this directive, if proven,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

APPROVED:



STEVEN M. PARÉ
COMMISSIONER
DEPARTMENT OF PUBLIC SAFETY

APPROVED:



HUGH T. CLEMENTS, JR.
COLONEL
CHIEF OF POLICE