

**CITY OF OCONOMOWOC POLICE DEPARTMENT  
POLICIES & PROCEDURES**

DATE: May 15, 2020

HISTORY: September 4, 1997  
April 11, 1997

SUBJECT: Tow Policy

POLICY NUMBER: 96-010

**I. PURPOSE**

It is the purpose of this policy to give officers a protocol for towing of vehicles. Used with the Department's impound and inventory policies will insure all vehicles will be properly processed.

**II. POLICY**

It is the policy of this department to tow vehicles properly and legally. This department will follow all City ordinances and state statutes concerning the towing of vehicles.

**III. PROCEDURES**

A. The following circumstances will be used when this department tows a vehicle.

1. The vehicle is impeding, obstructing, or is a hazard to traffic, i.e., accidents, disabled, an arrest situation, no licensed driver.
2. The vehicle is abandoned on public property pursuant to local ordinances.
3. The vehicle is being held as evidence.
4. The vehicle is being held as part of an ongoing investigation.
5. The officer seized and impounded the vehicle as a possible forfeiture pursuant to Wisconsin State Statute.
6. The owner/operator requests an officer to have their vehicle towed.

B. For safe keeping of a person's vehicle and/or property, the officer will offer to the owner/operator the availability of having the vehicle towed, at their expense, to an area of safe keeping. This would apply in situations where the vehicle is legally parked, however, no driver is available.

C. Pursuant to department policy, when an officer must tow a vehicle the officer must inform the owner/operator that they must tow the vehicle. The officer will give the owner/operator an opportunity to choose their preference for a tow company.

1. When the owner/operator requests a specific tow company the officer will inform dispatch what company and that this is the owner/operators request.
  - a. The dispatcher will request an ETA from the tow company. If the time is longer than twenty (20) minutes the dispatcher will inform the officer.
  - b. When the time of ETA is greater than twenty (20) minutes the officer will inform the dispatcher to call tow company and get ETA, dispatch will replay to officers for a decision to keep tow coming or get new tow. Officer shall keep in mind that cancelling tow and order of new tow may delay incident even longer. The dispatcher will document all tows that exceed 20 minutes.

- c. The exception to the twenty (20) minute period would be extenuating circumstances, i.e., special equipment requirements, severe weather.
  2. Officers will not make any recommendations to owner/operators which tow company they can request.
  3. An officer is not required to request another licensed driver to remove the vehicle.
- D. Officers should continue as follows when circumstances are such that a vehicle is a hazard to traffic, however the vehicle is legally parked on the shoulder of the road.
1. Have dispatch attempt to contact the listed owner of the vehicle.
  2. If they make contact tell the owner of the officer's feelings regarding the traffic hazard. Ask the owner if they have arranged to remove the vehicle. If arrangements have been made and are reasonable, we need no further action. The officer should check back to make sure they have followed the arrangements.
  3. If no arrangements have been made they will advise the owner that they must move the vehicle as soon as possible. The dispatch should request what arrangements the owner will take to remove the vehicle. This information will be passed onto the officer for their approval.
  4. If the owner refuses to make any arrangements the officer will advise dispatch to contact the next tow company on the list and have the vehicle removed. The dispatcher will advise the owner of the department's actions and where and who will have the vehicle.
  5. If they make no phone contact the officer will have the vehicle removed by the next tow company on the list.
- E. Legally Parked Vehicles
1. An officer may have occasions when they stop a vehicle or contact the owner/operator of a vehicle that is legally parked. In these cases, the vehicle may stay parked.
    - a. Exceptions.
      1. The vehicle will become illegally parked before we can move it, i.e., winter parking, time restriction violation.
      2. The owner/operator will not be returning to the vehicle in the immediate future, i.e., arrest situations with high bail, several outstanding warrants.
  2. If the owner/operator is unable to remove the vehicle, the following will be done:
    - a. The officer will ask if the owner/operator wants the vehicle towed. If yes, follow the steps in section C.
  3. If the owner/operator does not want the vehicle towed and the owner/operator is not under arrest the vehicle will be red tagged.
    - a. The officer will inform the owner/operator that in 48 hours we will tow and impound the vehicle, and the owner/operator will be issued a citation.
  4. The owner/operator does not want the vehicle towed, however they are under arrest, the officer will secure the doors and windows of the vehicle. Red tag the vehicle and advise the owner/operator the vehicle will be towed and impounded if the vehicle is not removed within 48 hours and that a citation will be issued for abandoned vehicle.

- F. Vehicles involved in an accident and legally parked.
  - 1. If the vehicle is leaking fluid we will immediately remove it from the accident scene.
  - 2. No leaking fluid the officer will ask the operator if they want the vehicle towed. If the operator does not want the vehicle towed the officer will red tag the vehicle and inform the operator we will tow the vehicle in 48 hours, impound and a citation issued.
- G. Vehicles on Private Property
  - 1. It will be the operator's responsibility to obtain permission from the property owner to allow their vehicle to be parked on their property.
  - 2. The officer will not obtain permission for the operator.
  - 3. If the vehicle is parked on a business property that is closed we will tow the vehicle, unless a licensed driver is at the scene to remove the vehicle.
- H. Cost of Towing
  - 1. Owner/operator shall pay the cost of the towing in all circumstances, and the vehicle will not be released until tow and storage charges are paid.

**IV. EXCEPTIONS TO THIS POLICY MAY BE AUTHORIZED ONLY BY THE CHIEF OF POLICE**

This policy is effective immediately  
and will supersede any directives or understandings in conflict