

BATON ROUGE POLICE DEPARTMENT

General Order
No.279

Effective Date
10-25-1999

Revised Date
09-01-2016

Subject: Wreckers and Impound

Reviewed 9/1/2016

POLICY

It is the policy of this department to ensure wreckers are utilized to their maximum effectiveness, while maintaining a fair and impartial method of administering their use.

The following procedures have been developed to assist officers when summoning wreckers.

DEFINITIONS

By Request or Specified - When a citizen, due to an accident or breakdown, requests a specific wrecker company for assistance.

Un-specified - When a citizen, due to an accident or breakdown, requests a wrecker but no specific company or when an officer requests a wrecker under circumstances not listed in section V, Official Storage.

Heavy Duty Un-specified - When a heavy duty wrecker is needed but the driver requests no specific company. This would be for large or heavy vehicles. If the driver of a large vehicle requests a specific wrecker company, the type of vehicle requiring a tow should be relayed to communications including whether or not the vehicle is loaded, if applicable.

Official Storage - Vehicles seized for evidentiary collection purposes where the collection of that evidence is unable to be effected at the scene and/or vehicles seized under Narcotics Trafficking Laws.

PROCEDURES

I. Impound Division

- A. The Impound Division will be responsible for performing all functions necessary to effectuate the purpose and requirements of the current Wrecker Ordinance.
- B. Authorizing releases for vehicles placed in official storage. The following documents shall be considered acceptable as proof of ownership, along with proper personal identification:
 - 1. Title
 - 2. Registration certificate
 - 3. Bill of sale
 - 4. Court Order
 - 5. Other reasonable proof of ownership as determined by the Impound officer.

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II. Motor Vehicle Accidents

- A. In the event a wrecker is needed at an accident scene, the operator may request any wrecker company licensed to do business in the parish. Communications maintains a list of these companies. If the owner/ operator wishes his vehicle towed to a specific vendor, that vendor may send its contract wrecker. This is still considered a "By Request" tow. In the event the wrecker company requested is not licensed, another option, such as an unspecified wrecker must be exercised.
- B. If the owner/operator does not have a preference, an unspecified wrecker may be summoned.
- C. If a vehicle is disabled and the owner operator does not wish it to be towed, it is acceptable for him to move the vehicle from the roadway long enough to effect minor repairs, providing the vehicle is not a traffic hazard and/or owners of private property do not object.
- D. If a wrecker is called to the scene by an officer of this department, a wrecker authorization form must be completed. A personal call made by the owner/operator or their designee does not require a wrecker authorization form.
- E. Officer shall be responsible for the clearance of all debris from the crash within the trafficway.

III. Public Assistance

- A. If a citizen requests, officers may have communications call wreckers for disabled vehicles.
- B. If the disabled vehicle is off the roadway, depending on the circumstances, officers may wish to complete the wrecker authorization form. If the vehicle must be towed from the roadway, the use of the form is mandatory. A brief narrative report is necessary when completing the wrecker authorization form.

IV. Impound

Vehicles may be impounded via unspecified wrecker in any of the following instances:

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- A. In arrest situations (including DWI) where the driver has not opted to release the vehicle to a sober driver (who can arrive in a timely manner, usually within thirty minutes), to leave the vehicle parked in a safe place or have the vehicle removed by a wrecker of the arrestee's choice.
 - 1. If the vehicle is operable and a passenger is in the vehicle that is not under the influence of alcohol and has a valid driver's license, the officer shall ask the driver if he/she will consent to allowing the passenger to take the vehicle in order to avoid towing.
 - 2. If the driver consents, he/she shall sign the wrecker form authorizing the release of the vehicle to the named passenger.
 - 3. If there is no passenger in the vehicle and if the vehicle is not creating a hazardous situation to the public, the officer, before calling for a wrecker shall allow the arrestee a reasonable time and opportunity to contact another licensed person to take control of the vehicle.
 - 4. If the driver request for the vehicle to be parked in a safe location, he or she shall sign a wrecker authorizing the vehicle being safely parked.
- B. It is necessary to ensure the safekeeping of the vehicle, as in the case of a recovered stolen vehicle when the owner is not immediately available. If the owner is unable to come to the scene, but is contacted he may elect to use a specified wrecker.
- C. It is necessary to remove the vehicle from a roadway because it is a traffic hazard and the owner/driver is unavailable. In most of these situations a reasonable amount of time, not to exceed thirty (30) minutes is allowed for the owner/driver to remove the vehicle from the roadway.
- D. The vehicle is unsafe to operate on the roadway and has an expired or missing Louisiana motor vehicle inspection certificate. For it to be considered unsafe the vehicle must have substantial defects such as brakes, frame damage or no operable lights after dark. When requesting a wrecker for a vehicle in this category, officers should be aware of provisions in the Motor Vehicle Law which exempt certain types of vehicles, such as log trucks and farm equipment.
- E. Any vehicle on private property which is a nuisance as defined by City Code Title 12 Section 500 and the proper notice has been served. Also, any vehicle abandoned on public property, that is not a traffic hazard, and the two day waiting period after notice has expired.
- F. Vehicles with no license plate displaying a Temporary Use Authorization (TUA) notice that is ten days old may be towed, at the officer's discretion to enforce the provisions of the compulsory insurance law.

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Note: If an officer seeks to have a vehicle impounded for any other reason, he must have authorization from a supervisor. Supervisors shall be guided by the rule of necessity: "Has every other reasonable alternative to towing been explored prior to impound?".

V. Official Storage

- A. Vehicles may be officially stored only for the following reasons:
 - 1. Evidence must be removed from the vehicle and the procedure cannot be accomplished at the scene or it must be done by LSP crime lab technicians.
 - 2. Vehicles which are subject to seizure. (These vehicles shall be stored at the Narcotics office).
 - 3. Vehicles involved in a Hit and Run accident.
 - 4. Vehicles involved in traffic fatalities.

- B. Officers requesting official storage are to do so only with the approval of a supervisor.
 - 1. A copy of the officer's completed supplemental report indicating the reason that the vehicle was placed into official storage shall be delivered to the Impound Office either by fax (389-3821) or in person before the officer secures from duty on the date that the storage was accomplished.
 - 2. Narcotics Officers impounding vehicles as possible narcotics seizures are to adhere to standard operating procedures set forth by the Narcotics Office of the Department.

- C. The Baton Rouge Police Department Evidence shed for vehicle is located at 3465 Harding Blvd., Baton Rouge, La. 70807.

- D. If an officer wishes a vehicle brought to the LSP Crime Lab or the Narcotics Office, he shall inform communications when requesting the official storage.

- E. All other vehicles are to be towed as unspecified by companies listed on the department's unspecified rotating list.

VI. Inventory of Impounded Vehicles

- A. All vehicles impounded or officially stored by this Department shall be inventoried prior to removal from the scene. If for some reason officers are not able to perform the inventory at the scene and must do it at the wrecker yard, an officer shall accompany the wrecker to the yard.

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1. All items of value shall be documented on the wrecker authorization form along with as complete a description (make, model, serial number) as possible. Attach lined sheets to the form, as necessary.
 2. Articles in large quantity need not be listed individually on the wrecker authorization form (e.g. cartons of paper, boxes of tools, clothing, etc).
 3. Add on electronic items, such as cellular telephones, radar detectors, CB radios shall also be listed with as complete a description as possible.
 4. Any contraband located shall be seized and the appropriate criminal charges made.
 5. No item shall be removed from the vehicle unless it has evidentiary value or it is of such extraordinary value (large amounts of cash, loose diamonds, etc.) that it is extremely likely to be stolen or broken. If something is removed from the vehicle and placed in personal property the name of the owner/operator of the vehicle shall be listed on the property bag.
- B. If a key is available, the trunk and glove box shall also be inventoried. Officers shall not break any locking device to conduct an inventory; rather, the officer shall indicate on the wrecker authorization form the compartment(s) were locked.
- C. If facts and circumstances exist to justify a search of the vehicle, it shall be conducted prior to the inventory.

VII. Canceling a Wrecker

- A. If an officer must cancel a wrecker, it should be done as soon as possible. This avoids any inconvenience to the driver and to communications.
- B. If possible the wrecker will be canceled prior to arrival through Communications. However, if they are unable to contact the driver, the officer may have to do so at the scene. If this is the case, the officer shall inform communications to place the company's name back on the appropriate list.
- C. If an officer requests one type of wrecker such as an un-specified wrecker, but the situation changes and another type of service is required such as official storage, the original wrecker must be canceled and one from the appropriate list must be summoned.

VIII. Wrecker Service Delays

The Department has determined that forty five (45) minutes constitute a reasonable time for a wrecker (Specified, Unspecified, of Official Storage) to respond to any scene where an officer will be standing by to await that response.

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- A. In the event that forty five (45) minutes expires without the arrival of the wrecker the officer shall request the Communications Division confirm the expiration of time and summon another wrecker.
- B. The Communications Division will then contact the tardy wrecker company to advise said company of the cancellation. In the event the tardy wrecker company arrives thereafter it will be turned away.