OREGON / WASHINGTON BUREAU OF LAND MANAGEMENT
LAW ENFORCEMENT TOW POLICY

I. PURPOSE

The purpose of this policy is to provide Bureau of Land Management (BLM) law enforcement officers with guidelines for determining when and how a vehicle should be towed, inventoried, impounded, and/or released.

II. AUTHORITY

A. Federal Rules of Criminal Procedure
B. Federal Rules of Evidence
C. 43 U.S.C. 1733, 1063
D. 446 DM, Chapter 7
E. General Order 27, 28
F. 43 CFR 8341.1d,e,f3, 8356.1-2, 8365.2-3(c)
G. Handbook 9260-2, Chapter III A.3.f.1-5,g,h,and i.
H. BLM H-9232-1 Realty Trespass Abatement, Chapter VI – Unauthorized and Abandoned Property

III. POLICY

Vehicles are subject to towing, inventories, impoundment, and subsequent release for many and varied reasons including but not limited to; preserving evidential value in a criminal case, safeguarding property, parking offenses, and applicable federal, state, and local laws, regulations and ordinance violations.

All impounded vehicles shall be inventoried as detailed within this policy, without exception. All such inventories shall be conducted, at a minimum, by completing an Incident/Investigation Report (Form 9260-1), a local tow form, or an Inventory Record Form (form 9260-3) listing the inventoried items.

A vehicle inventory is not a search. A vehicle inventory is an administrative measure designed to: protect vehicles and their contents while in BLM custody; to protect the agency against false claims of lost, stolen or damaged property; and to protect BLM personnel and the public against injury or damaged property due to potential hazardous or dangerous materials or substances that may be in the vehicle. It is the policy of this agency that law enforcement officers will open all closed or
locked containers, when keys or access is available. These containers include all containers in or on the vehicle.

It is the policy of this law enforcement agency to conduct vehicle tows, inventories, impounds, and releases in accordance with the following procedures.

IV. DEFINITIONS

Security / Evidence Tow: a tow of a vehicle in the custody of BLM law enforcement officers, which must be held in security storage. This most often occurs when a vehicle is towed and impounded for evidentiary purposes.

Ordinance / Penalty Tow: a tow of any vehicle impounded for a violation of law, regulation, ordinance or under a court order.

Abandoned / Hazard Vehicle Tow: the tow of any vehicle which is deemed “Abandoned” under applicable federal laws or regulations, state law, county or other ordinance.

Owner Request Tow, Non-preference: the towing and storage of privately owned vehicle, when the operator, owner or person entitled to possession of the vehicle specifically requests towing services without preference for a particular towing company and at their own expense.

Owner Request Tow, Preference: the towing and storage of privately owned vehicles, when the operator, owner, or person entitled to possession of the vehicle specifically requests a preference as to which company should provide the services and at their own expense.

Safekeeping / No Request Tow, Non-Preference: Towing and storage of privately owned vehicles, in which the owner or operator cannot or will not indicate who they prefer to tow the vehicle (such as vehicle accidents involving injury or death, and the vehicle does not meet “Security Tow” requirements or when operator has been arrested).

Impounded Vehicle: Any vehicle taken into BLM custody, even temporarily, (including: evidence, abandoned, hazard, ordinance, subsequent to arrest, safekeeping, etceteras) and stored by the Office or for the Office may be considered “impounded”.

V. TOWING IN GENERAL

Non-preference and preference tows shall be requested directly by the law enforcement officer, upon the officer’s determination and discretion and by any agreements the officer may have with the different jurisdictions within their geographic area of responsibility.

Due to the time sensitive notifications required by the general orders and/or state statutes it is imperative that reports and paperwork for towed vehicles be completed and turned in promptly.

Each tow requires that the responding tow operator sign the Tow Form and Inventory Form prior to completing the tow.
VI. EVIDENCE TOW

A law enforcement officer may place a vehicle into evidence when additional investigation necessitates its retention. In such instances, the vehicle must be towed to a secure storage lot. The paperwork on the vehicle will then be processed through the evidence system according to the General Orders. The law enforcement officer shall visually accompany the vehicle to the secured storage.

* Vehicles that have evidentiary value should be stored at a secure impound yard, not a tow company yard. This can be a BLM facility, or a Sheriff’s Dept. yard where the agency has a MOU or LEA.

Tows as evidence may include but are not limited to, incidents involving:

1. Stolen vehicle recoveries.
2. Vehicular assault or homicide.
3. Hit and run crashes.
4. Other such crimes where there is probable cause to believe that the vehicle constitutes physical evidence to a crime.

Since space in secure storage is limited, it is the responsibility of the investigating law enforcement officer to process the vehicle as expeditiously as possible so as to dispose of/return the vehicle as soon as possible.

The property officer shall make inquiries to the investigating law enforcement officer regarding the status of vehicles left in secure storage, to ascertain the continuing status of the vehicle as evidence.

VII. RECOVERED STOLEN VEHICLES

A. Recovered stolen vehicle for an Outside Agency

1. The law enforcement officer shall confirm the stolen entry and cause a “locate” notification to be sent to the primary agency.
2. The law enforcement officer shall notify state and/or local law enforcement departments or agencies of the located stolen vehicle when it is determined the stolen vehicle is not involved or related to an ongoing federal case and has been entered into computer systems as stolen.
   a. If federal, state, and local agencies have no evidentiary interest in the vehicle it will be removed from the federal property following the provided procedures.
   b. If the stolen vehicle has no value as evidence for the BLM or other agencies it will be removed from the federal property for “safe keeping.”
   c. If the law enforcement officer is requested to, the officer shall process the vehicle as evidence as requested by the primary agency, see section “Processing Stolen Vehicles” below for additional details.

Attachment 1-3
3. The law enforcement officer shall complete the incident report (Form 9260-1). A LAWNET report shall be generated for the requesting agency.
4. The law enforcement officer will conduct an inventory as detailed in the General Orders.
5. The vehicle shall be towed (unless impounded as evidence) as a non-preference safekeeping tow at the owner’s expense.

B. Recovered stolen BLM vehicle by BLM law enforcement officer

1. The law enforcement officer shall confirm the stolen entry and cause records to remove the vehicle from the computer system(s).
2. The vehicle shall be processed for evidence. An inventory shall be conducted as detailed in this policy and the vehicle shall be towed to a secure BLM facility.
3. The law enforcement officer shall file the appropriate follow-up report(s) for the case file and notify the Special Agent–in Charge.

C. Processing Stolen Vehicles:

The BLM shall be responsible for the evidentiary processing of any vehicle it recovers unless directed otherwise by the primary agency or a supervisor. Generally recovered vehicles shall be processed for latent evidence at the scene unless the seriousness of the crime dictates otherwise. The vehicle will then be processed at a secure location.

Outside processing assistance may be requested for more serious crimes or unique circumstances. Outside agencies may request a “hold for processing” so their experts can process the vehicle. ‘An inventory of all vehicles recovered shall be conducted prior to towing unless a “hold for search warrant” is in effect. The vehicle will be towed at the registered owner’s expense

D. Vehicle Identification Number (VIN) irregularities

Regarding Alterations\Destruction\Discrepancies of a VIN, Oregon state law allows law enforcement to seize a vehicle:

“when a police officer discovers a vehicle or component, including a transmission, engine or other severable portion of a vehicle which possesses or did possess an identification number, from which the vehicle identification number assigned to the vehicle or component has been removed, defaced, covered, altered or destroyed the police officer may seize and hold it for identification and disposal as provided.” (ORS 819.440)

Washington state law”

“Any vehicle, watercraft, camper, or any component part thereof, from which the manufacturer's serial number or any other distinguishing number or identification mark has been removed, defaced, covered, altered, obliterated, or destroyed, may be impounded and held by the seizing law enforcement agency for the purpose of conducting an investigation to determine the identity of the article or articles, and to determine whether it had been reported stolen.” (RCW 46.12.310)

The purpose is to allow the agency to inspect the questioned vehicle to ascertain its status (stolen or not) and legal ownership in addition to investigating any applicable crimes.
It is preferred that such investigations and inspection be conducted at the scene whenever possible and be coordinated with state and local agencies. Any seizure and towing shall be based on the officer’s best judgment at the time of the incident.

VIII. COURT ORDERED TOWS

Court ordered tows or civil ordered tows shall be executed as detailed in the order and per applicable laws and regulations. All such vehicles shall be inventoried as detailed in this policy. The law enforcement officer shall fill out the proper report(s) and/or receipts.

IX. SAFEKEEPING

When the owner or operator of a vehicle is injured, arrested (not DUII, see penalty tows), or is incapable of making a decision about his vehicle, a law enforcement officer may impound the vehicle for safekeeping at the tow company lot at the owners expense.

In any case the vehicle will be inventoried on a tow form, DI-105, or other form that is available.

Owners/operators physically and mentally capable may choose one of the following safekeeping alternatives:

1. Leave the vehicle legally parked and locked at the scene.
2. Request a preference or non-preference tow.
3. Turn the vehicle over to some other person present providing:
   a. The owner or operator gives permission.
   b. The person taking possession has a valid operator’s license.
   c. The person taking possession is not under the influence of intoxicants.

X. ABANDONED VEHICLES

Law enforcement officers who locate or receive complaints of vehicles being abandoned should obtain all pertinent information including license number, description, location, and span of time involved. Every effort should be made to contact the registered owner to remove the vehicle. Frequently, the registered owner has failed to transfer the title, in which case they should have a bill of sale identifying the current owner.

Abandoned Vehicle Procedures:

1. A check of stolen vehicle files will be conducted. Both license number and VIN numbers will be used when practical.
2. Verify that the vehicle is on lands where the law enforcement officer has jurisdiction, and not private property.
3. Complete and attach a warning notice sticker to the vehicle.
4. If the vehicle remains in violation of federal laws and regulations the vehicle shall be removed.
a. The law enforcement officer removing the vehicle is responsible for completing all related tow forms, notifying either state and/or the local jurisdictions that the vehicle is going to be towed and the reason for the tow.
b. The law enforcement officer can provide the state or local jurisdiction with a copy of the tow form and report, if requested or as a courtesy.
c. The law enforcement officer will conduct an inventory of the vehicle. Abandoned and disabled vehicles with interiors that are not accessible, shall have the exterior inventoried and the interior visually inventoried as completely as possible.

5. The vehicle will be towed to a tow company lot.

a. The Officer should establish an understanding with the tow company that BLM is not responsible for any fees other than the towing.
b. It should be established that no person(s), or entity has any interest in the abandoned vehicle.
c. It is the responsibility of the towing company to fill out and submit any applicable DMV forms.

XI. HAZARD VEHICLE TOWS

The law enforcement officer will use common sense and discretion to determine if a vehicle is a hazard. The law enforcement officer can use definitions and descriptions provided by state and local laws and ordinances to assist the officer in determining whether the vehicle constitutes a hazard.

A. Hazard procedures: The law enforcement officer will make reasonable effort to contact the owner. Should the law enforcement officer not be able to contact the owner he shall:

1. Verify the I.D. number with the registration I.D. number.
2. Request a tow and cause the vehicle to be towed.
3. Complete a Towed Vehicle Notice and leave a copy of the Notice in or on the vehicle.
4. Complete an inventory of the contents of the vehicle and give a copy to the tow company.
5. The law enforcement officer will file a LAWNET report and notify the appropriate jurisdiction that the vehicle is being towed; the reason for the tow, and the location where the vehicle will towed to and stored.
6. The vehicle will be towed to the tow company lot.

B. Disabled Procedure: If a vehicle is disabled at the scene of an accident or other incident and constitutes a hazard or obstruction to traffic, and the owner or operator cannot or will not specifically request a preference or non-preference tow, it is considered a hazard vehicle tow.
XII. PENALTY TOWS

When the operator is in violation of federal laws and/or regulations, or state of local laws including, but not limited to the following: No Operator License, outside license restrictions, driving while suspended infraction, driving while suspended/revoked - felony or misdemeanor, driving uninsured, and driving under the influence of intoxicants. In these incidents, the vehicle may be towed.

1. In the absence of proof of insurance, the law enforcement officer shall make a reasonable attempt to prove the lack of insurance prior to towing the vehicle.
2. The law enforcement officer will not tow /impound a vehicle for the violation of expired driving privileges, unless sixty (60) days have passed since the date of the expiration.

Upon towing a vehicle under penalty, the law enforcement officer shall:

1. Verify the VIN number with the vehicle registration information.
2. Complete Towed Vehicle Notice, and provide a copy to the operator.
3. Complete an inventory of the contents of the vehicle and tow notice form.
4. The law enforcement officer will notify as soon as possible the local jurisdiction of the tow. No “Hold” will be placed on the vehicle when using federal jurisdiction unless requested by a local agency.
5. If requested the operator will have to contact the local agency prior to getting the vehicle from the tow company and the law enforcement officer will as soon as practical provide the local agency with a copy of the tow form.
6. The law enforcement officer, whenever possible, will notify the operator of the vehicle which agency they will need to contact to get the “hold” removed.
7. The law enforcement officer will request either a non-preference tow or the tow company which is closest and/or most convenient and cause the vehicle to be towed to the tow companies lot.

XIII. INVENTORY PROCEDURES

A. Authority to Inventory

1. Any authorized member of this agency may and shall conduct a vehicle inventory without a warrant or probable cause when:
   a. The vehicle has been lawfully seized or impounded pursuant to the arrest of the driver; when towing the vehicle for violations of ordinance or other laws, or for related enforcement activities or safety reasons or,
   b. When an accident requires the tow of a vehicle and the owner or operator is not available, such as death and serious injury accident and,
   c. When law enforcement officers conduct the inventory within the scope of this policy as an administrative procedure and,
2. Examination of the contents of a vehicle pursuant to a criminal investigation or with the intent of discovering evidence of a crime is a search, not an administrative
inventory. Law enforcement officers shall be guided by this agency’s policy on vehicle searches when engaged in these actions.

B. Scope of Inventory

The contents of all vehicles that are lawfully seized and/or impounded by this agency shall be subject to inventory in accordance with the provisions of this policy.

1. An inventory should be conducted in the location at which the vehicle is seized unless limited by reasons of safety or practicality. If so, it may be inventoried at a later time following impoundment.

2. The owner or operator of the vehicle shall be asked to remove, if possible, all valuables from the vehicle prior to impoundment. If such items cannot be removed, they shall be inventoried before the vehicle is removed, and when possible the owner/operator shall be requested to verify the completeness of the inventory by signature.

3. A vehicle inventory may extend to all areas of the vehicle in which personal property or hazardous materials may reasonably be found, including but not limited to the passenger compartment, trunk and glove compartment.

4. All closed containers found within the vehicle shall be opened for purposes of the inventory. Closed and locked containers shall not be forced open but shall be logged on the impound report as such. If a key or lock combination is available, locked containers may be opened and inventoried.

C. Items of Value and contraband

1. When the law enforcement officer/s take possession of item(s) of value, that property shall be properly documented and entered into an evidence locker or secured storage for safekeeping.

2. Control and safekeeping of hazardous materials shall be the responsibility of this agency’s designated authority.

3. Contraband and evidence discovered during the course of a vehicle inventory shall be deposited with the property and evidence in accordance with agency procedures.

D. Property Control

1. All contents of the vehicle will be inventoried with the exception of vehicles towed pending the issuance of a search warrant. A copy of the Towed Vehicle Notice and Inventory form shall be provided to the vehicle owner/operator or left conspicuously with the vehicle. All items taken into custody during an inventory shall be listed on a Property Inventory / Custody Form and a copy given to the owner of the property or to the owner/operator of the vehicle.

2. If no owner or owner/operator is available, the receipt shall be left in a conspicuous place in or about the vehicle.

3. When property of extraordinary value (jewelry or cash for example) is discovered, and the owner is unable to take possession of the item(s) that property shall be
properly documented and entered into an evidence locker/secured storage for safekeeping.

XIV. CLAIMS

Tort Claims: If the registered owner of a vehicle believes that they have reason to believe that there was insufficient cause for a vehicle to be towed the registered owner can do one of the following:

1. Contact the officer that was responsible for the tow, and the officer will provide a verbal explanation for the tow.
2. Contact the officer’s technical/or managerial supervisor and they will speak to the officer to determine cause for the tow and provide an explanation to the registered owner of why their vehicle was towed.
3. The registered owner can file a tort claim regarding the tow.

XV. DISPOSITION OF UNCLAIMED VEHICLES

Unless the vehicle is secured as evidence by Bureau of Land Management law enforcement officers it shall be the individual tow company’s responsibility to process unclaimed vehicles in accordance with applicable state statute(s).

The Property / Evidence Control

Personnel shall cause unclaimed, released, vehicles under agency control to be disposed of pursuant to federal rules of evidence and/or agency regulations after it has been determined that the registered owner has been notified but failed to recover the vehicle, the law enforcement officer has made reasonable attempts to notify the registered owner, or after having received a signed release under oath by the owner disclaiming further interest in the vehicle.