

1 **BEFORE THE BOARD OF COMMISSIONERS**  
2 **FOR THE COUNTY OF POLK, STATE OF OREGON**  
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5 In the Matter of Adopting an Ordinance for the )  
6 Polk County Sheriff's Office to Provide Fair )  
7 And Efficient Guidelines for Tows )  
8 )  
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11 **ORDINANCE NO. 24-06**  
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13 WHEREAS, the Polk County Sheriff's Office has adopted Policy 502, which is attached  
14 as Exhibit A to this ordinance, a policy outlining the process and procedure for towing vehicles.  
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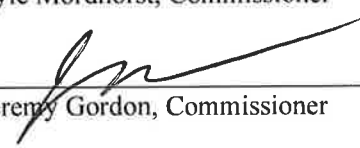
16 THE POLK COUNTY BOARD OF COMMISSIONERS ORDAINS AS FOLLOWS:  
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18 Section 1. Enactment. The Polk County Sheriff's Office policy 502 attached as Exhibit A  
19 and incorporated into this ordinance is hereby adopted as the Polk County tow policy.  
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21 Section 2. Severability. Should any section or portion of this ordinance be held unlawful or  
22 unenforceable by any court of competent jurisdiction, such decision shall apply only to the  
23 specific section, or portion thereof, directly specified in the decision. All other sections or  
24 portions of this ordinance shall remain in full force and effect.  
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27 Dated this 6th day of November, 2024 at Dallas, Oregon.  
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30 **POLK COUNTY BOARD OF COMMISSIONERS**

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34 Craig A. Pope, Chair  
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37 Lyle Mordhorst, Commissioner  
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39   
40 Jeremy Gordon, Commissioner

41 Approved as to Form:  
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43 \_\_\_\_\_  
44 County Counsel

45 First Reading: 10/23/2024  
46 \_\_\_\_\_

47 Second Reading: 11/6/2024  
48 \_\_\_\_\_

Recording Secretary: 

# Vehicle Towing

## 502.1 PURPOSE AND SCOPE

This policy provides guidance related to vehicle towing. Nothing in this policy shall require a member of this office to tow a vehicle.

## 502.2 TOWING SERVICES

The Polk County Sheriff's Office maintains contracts with qualified tow companies and utilizes the non-preference tow list:

- (a) When a vehicle is being held as evidence in connection with an investigation
- (b) When it is otherwise necessary to impound a motor vehicle. This would include situations involving the recovery of stolen or abandoned vehicles, and the removal from the streets of vehicles obstructing traffic in violation of state or local regulations
- (c) When the need arises for a sheriff's office vehicle to be towed.

### 502.2.1 NON-PREFERENCE TOW SERVICES

Upon proper application, the Office may approve qualified towing services to be called when a citizen needs towing but has no preference as to which service to call.

Tow contractors agree to arrive within 30 minutes of being dispatched. However, there are times when the ability to do so is outside of their control. It is suggested that deputies call to check the time of actual dispatch and /or the estimated time of arrival before deciding to have another tow company dispatched.

Any complaint alleging a violation of the agreement or other misconduct by a non-preference operator shall be referred to the sergeant assigned to tow contracts for investigation. The office may periodically review the performance of each authorized non-preference operator.

The Office will assist citizens by calling any towing company desired. If the citizen has no preference and requests towing service, one of the authorized firms shall be called in rotation.

All deputies are specifically prohibited from directly or indirectly soliciting for or recommending any garage or tow service.

## 502.3 IMPOUND AT ARREST SCENES

Whenever a person in charge or in control of a vehicle is arrested, it is the policy of this office to provide reasonable safekeeping by leaving the vehicle secured and lawfully parked at the scene unless the arrested party requests to arrange for someone to pick it up or they request the vehicle be towed at their expense. Deputies should allow a reasonable amount of time for a person to arrive to retrieve the vehicle.

While the Oregon Revised Statutes may authorize the impoundment of a vehicle for issues such as driving with a suspended or revoked license (ORS 809.720), impounds are only authorized if,

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in such cases, leaving the vehicle would create a hazard or obstruction. An exception is for tows due to not having insurance which is authorized by statute and policy.

In all such cases where a vehicle remains at the scene, the handling employee shall inform the arrestee and note in the report that the Office will not be responsible for theft or damages.

### **502.4 IMPOUNDS RELATED TO CRIMINAL INVESTIGATIONS**

Vehicles that are needed for the furtherance of an investigation or prosecution of a case or are otherwise appropriate for seizure under ORS 133.535 may be appropriate for impound and storage as evidence. Generally a warrant to seize a vehicle is required for impound to take place. The time needed to apply for a warrant to search a vehicle and not having enough personnel to monitor the vehicle in place is not, in and of itself, a reason to tow and store the vehicle without a warrant. That being the case, deputies should consider if both the seizure and the search should occur where the vehicle is located if it is thought retention will no longer be necessary once complete and it can be done safely.

State law requires the impounding deputy to take reasonable steps to protect against loss or damage to impounded vehicles and any contents that may have been taken as evidence (ORS 133.537).

Deputies should make reasonable efforts to return a recovered stolen vehicle to its owner rather than store it, so long as the vehicle is not needed for evidence. If a recovered stolen vehicle is towed, the deputy shall share the owner's contact information, including the person's home address and telephone number, with the towing service that assumes control of the vehicle (ORS 98.857). Deputies unable to contact an owner while at the scene should make reasonable efforts to reach them at a later time to advise them of the recovery.

### **502.5 VEHICLE INVENTORIES**

The contents of all impounded vehicles shall be inventoried in accordance with the following procedure:

- (a) An inventory of personal property and the contents of open containers will be conducted throughout the passenger and engine compartments of the vehicle including, but not limited to, the glove box, other accessible areas under or within the dashboard area, any pockets in the doors or in the back of the front seat, in any console between the seats, under any floor mats and under the seats.
- (b) In addition to the passenger and engine compartments as described above, an inventory of personal property and the contents of open containers will also be conducted in the following locations:

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1. Any other type of unlocked compartments that are a part of the vehicle including, but not limited to, unlocked glove compartments, unlocked vehicle trunks and unlocked car top containers.
  2. Any locked compartments including, but not limited to, locked glove compartments, locked vehicle trunks, locked hatchbacks and locked car-top containers, provided the keys are available and are to be released with the vehicle to the third-party towing company or an unlocking mechanism for such compartment is available within the vehicle.
- (c) Closed containers located either within the vehicle or any of the vehicle's compartments will not be opened for inventory purposes except for the following, which shall be opened for inventory: wallets, purses, coin purses, fanny packs, personal organizers, briefcases or other closed containers designed for carrying money or small valuables, or closed containers which are designed for hazardous materials.
- (d) Other closed containers shall be opened and inventoried if the owner acknowledges they contain cash in excess of \$10, valuables or a hazardous material.
- (e) The inventory is not a search for evidence of a crime, however, deputies shall seize evidence or contraband located during the inventory. Items should be scrutinized to the extent necessary to complete the inventory.
- (f) Tow truck operators are to receive a copy of the tow report.

These inventory procedures are for the purpose of protecting an owner's property while in sheriff's custody, to provide for the safety of deputies, and to protect the Office against fraudulent claims of lost, stolen, or damaged property.

### **502.6 VEHICLE SEARCHES**

Case law regarding search and seizure is ever changing and frequently subject to interpretation under the varying facts of each situation. Vehicle searches should be handled according to current training and a deputy's familiarity with relevant case law. Generally, a search warrant should be sought prior to conducting a search of a vehicle.

Because circumstances under which a warrantless search of a vehicle might be permissible are very limited, and because vehicle searches are subject to many restrictions, deputies should, whenever possible, seek supervisory approval before conducting a warrantless search of a vehicle.

### **502.7 SECURITY OF VEHICLES AND PROPERTY**

After a thorough inventory of the vehicle has been completed and all contraband, evidence and weapons have been removed the deputy should make reasonable accommodations to permit a driver or owner to retrieve small items of value or personal need (e.g., cash, jewelry, cell phone, prescriptions).

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If a search of a vehicle leaves the vehicle or any property contained therein vulnerable to unauthorized entry, theft or damage, search personnel shall take such steps as are reasonably necessary to secure and/or preserve the vehicle or property from such hazards.

### **502.8 RELEASE CRITERIA**

A vehicle impounded under this section shall be released to a person entitled to lawful possession of the vehicle upon compliance with the following:

- (a) Proof that a person with valid driving privileges will be operating the vehicle.
- (b) Proof of compliance with financial responsibility requirements for the vehicle.
- (c) Payment of the Polk County Sheriff's Office administrative fee and any towing and storage charges.
- (d) A security interest holder in the vehicle is not required to comply with (a) and (b) and may obtain release by paying the administrative fee, towing and storage fees.

### **502.9 RECORDS**

Records Section members shall ensure that pertinent data regarding a towed vehicle is promptly entered into the appropriate database.

#### **502.9.1 VEHICLE STORAGE REPORT**

Office members towing a vehicle shall complete a vehicle tow report. The report should be submitted to the Records Section as soon as practicable after the vehicle is towed.

#### **502.9.2 NOTICE AFTER TOW**

Within 48 hours, excluding weekends and holidays, of a vehicle being towed, it shall be the responsibility of the Records Section to send a notice of tow to all registered owners and others having a recorded interest in the vehicle. Notice shall be sent to all such individuals by certified mail. The notice shall include (ORS 819.180):

- (a) That the vehicle has been taken into custody and towed; the identity of the appropriate towing authority; and the statute, ordinance, or rule under which the vehicle has been taken into custody and towed.
- (b) The location of the vehicle, or the telephone number and address of the authority that will provide that information.
- (c) That the vehicle is subject to towing and storage charges, the amount of charges that have accrued to the date of the notice, and the daily storage charges.
- (d) That the vehicle and its contents are subject to a lien for payment of the towing and storage charges, and that the vehicle and its contents will be sold to cover the charges if the charges are not paid by a date specified by the appropriate authority.
- (e) That the owner, possessor, or person having an interest in the vehicle and its contents is entitled to a prompt hearing to contest the validity of taking the vehicle into custody

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and towing it, and to contest the reasonableness of the charges for towing and storage if a hearing is requested in a timely manner.

- (f) The time within which a hearing must be requested and the method for requesting a hearing.
- (g) That the vehicle and its contents may be immediately reclaimed by presentation to the appropriate authority of satisfactory proof of ownership or right to possession, and either payment of the towing and storage charges or the deposit of cash security or a bond equal to the charges with the appropriate authority.