

ILLINOIS STATE POLICE ENF-016, TOWS

RESCINDS: ENF-016, 2013-055B, revised 11-24-2015.	REVISED: 10-24-2017 2017-063
RELATED DOCUMENTS: None	RELATED CALEA STANDARDS: 1.2.4, 61.2.2, 61.4.1, 61.4.3, 82.2.4, 82.2.5

I. POLICY

The Illinois State Police (ISP) will use tow services for removing:

- I.A. Vehicles/boats pursuant to a custodial arrest.
- I.B. Abandoned or disabled vehicles/boats when required to ensure public safety.

II. AUTHORITY

- II.A. 625 ILCS 5/4-203, "Removal of motor vehicles or other vehicles; Towing or hauling away"
- II.B. 625 ILCS 5/18d. "Illinois Commercial Safety Towing Law"
- II.C. 625 ILCS 5/11-1302, "Officers authorized to remove vehicles"
- II.D. 20 ILCS 2635/1 et seq., "Illinois Uniform Conviction Information Act"

III. PROCEDURES

III.A. Forms

- III.A.1. A Vehicle or Boat Tow-In Recovery Report, hereinafter referred to as the Tow Report, will be used for all vehicles/boats towed at the request of officers of the Department. Officers must submit reports via the ISP reporting software application if the district/work unit has functioning ISP reporting software. Officers who do not have access to a mobile data computer (MDC) or functioning ISP reporting software at the time of the report, will complete a hard copy tow report ISP 5-370, (this form is available in the ISP Document Library at <http://maphome/documentlibrary/>), and enter the report into ISP reporting software when they return to their district/work unit.
- III.A.2. The officer should complete a Tow Report, if necessary, at the scene of the tow whenever feasible.
- III.A.3. A Tow Report is not required if the tow is made at the owner's or operator's request, and he/she is present.
- III.A.4. When a vehicle/boat is towed because of a custodial arrest, a Tow Report must be completed regardless of whether the driver requests a tow service of their preference.
- III.A.5. When a vehicle is towed because of seizure with statutory authority for forfeiture proceedings, a Tow Report will be completed regardless if a custodial arrest occurs.
 - III.A.5.a. Seized vehicles will be handled as evidence in accordance with ISP Directive OPS-201, "Evidence – Collecting and Packaging."
 - III.A.5.b. Vehicles seized under authority of drug statutes will be handled in accordance with ISP Directive OPS-055, "State Drug Asset Seizure and Forfeiture," and be documented on the Notice/Inventory of Seized Property, form ISP 4-064a (this form is available in the ISP Document Library at <http://maphome/documentlibrary/>).

- III.A.6. Officers will:
- III.A.6.a. Complete a Tow Report in all cases where a stolen vehicle/boat is recovered. Officers must select the "recovered" option on the ISP reporting software tow-in form when a stolen vehicle is involved. Selecting "recovered" will open up additional information regarding the stolen vehicle/boat (i.e. LEADS number, NCIC number) for the officer to complete.
 - III.A.6.b. Request the recovered stolen vehicle/boat be towed to the nearest secure storage area for safekeeping and processing.
 - III.A.6.c. Contact the District Vehicle Investigation Officer (VIO) who will assume investigative responsibility, including directing the District Telecommunicator to send a Law Enforcement Agencies Data System (LEADS) administrative message to the originating authority advising:
 - III.A.6.c.1) Where the unit is being held
 - III.A.6.c.2) The running condition of the vehicle/boat
 - III.A.6.c.3) Request disposition from the owner
- III.A.7. The VIO will notify the District Telecommunicator to locate the LEADS message. (The purpose of locating a LEADS record is to flag the record to show that law enforcement action has been taken in the event an inquiry is made by another agency prior to cancellation by the originating authority.)
- III.A.8. The Department officer(s) who completes the Tow Report will make an examination and inventory of the contents of all vehicles/boats towed or held by authority of a department officer(s). This examination and inventory will be restricted to those areas where an owner or operator would ordinarily place or store property or equipment in the vehicle/boat, and would normally include, but not be limited to:
- III.A.8.a. Bags
 - III.A.8.b. Boxes
 - III.A.8.c. Console
 - III.A.8.d. Containers
 - III.A.8.e. Front and rear seat areas
 - III.A.8.f. Glove compartment
 - III.A.8.g. Luggage
 - III.A.8.h. Map case
 - III.A.8.i. Receptacles
 - III.A.8.j. Sun visors
 - III.A.8.k. Trunk and engine compartments
- High Value items (see ISP Directive OPS-200 section II.), "Evidence-Definitions and Responsibilities," inventoried from within vehicles/boats and/or Found/Lost/Personal Property directly/indirectly associated with the towed vehicle/boat shall be secured per ISP Directive OPS-201 section IV.A.2.d, "Evidence-Collecting and Packaging."
- III.A.9. Distribution of copies of the Tow Report
- The officer will give the:
- III.A.9.a. Original document to District Communications where it is entered into LEADS, then forwarded to the VIO.
 - III.A.9.b. One printed copy from ISP reporting software tow-in report to the tow company and the owner or his/her agent must sign this copy and return it to the District VIO for the records.
 - III.A.9.c. One printed copy from ISP reporting software tow-in report copy to the owner, if present.

- III.A.10. Districts should use a tow numbering system to ensure accountability, prevent duplication, and enhance efficiency. The number should include the District; two-digit year; and sequential number. Example: 09/05/0000
- III.A.11. Personnel should ensure the applicable guidelines in case law and the Illinois Compiled Statutes are adhered to when placing a "hold" on towed vehicles/boats.

III.B. Placement on District Tow List

NOTE: The Illinois State Toll Highway Authority Engineering Department handles the District 15 tow list and is not subject to paragraph III.B. of this directive. Contracts containing specific operating procedures with individual tow firms regulate tows on the tollways.

- III.B.1. Placement on a District Tow List (DTL) is at the discretion of the District Commander. Each district may adopt additional requirements, guidelines, and procedures in addition to those stated herein and document them on District Tow List Application Memorandum of Understanding (DTLA), form ISP 5-382 (this form is available in the ISP Document Library at <http://maphome/documentlibrary/>).
- III.B.2. Each district may temporarily waive the requirements herein if exigent circumstances exist.
- III.B.3. Placement on the DTL shall not create nor should it be interpreted to create a property interest for any individual or entity. "Property interest" refers to tow companies treating their placement on the DTL as a tangible asset of the company.
- III.B.4. The District will use a District Tow List Application Memorandum of Understanding (DTLA), form ISP 5-382, (this form is available in the ISP Document Library at <http://maphome/documentlibrary/>), for placement on tow lists when considering the selection of towing firms.
 - III.B.4.a. In the event there is a vacancy on the DTL, tow service owners wishing to be considered for placement on the approved list must submit a completed DTLA to the appropriate District Commander.
 - III.B.4.b. All tow services and tow truck operators must comply with the Illinois Compiled Statutes, district requirements, and the terms/conditions contained herein and printed on the DTLA.
 - III.B.4.c. The tow service must agree to be available on a 24-hour basis.
 - III.B.4.d. The tow service must provide the District with an up-to-date list of day and night telephone numbers and agree to notify the District promptly of any changed telephone numbers or email addresses. (The use of an answering machine or pager is not acceptable.)
 - III.B.4.e. The tow service must agree to respond promptly to the scene when requested to do so.
 - III.B.4.f. The tow service must maintain an adequate storage facility, providing security from pilferage or other damage.
 - III.B.4.g. The tow service must require proof of ownership, i.e., title, registration, driver's license, etc., before any vehicle/boat is released from custody.
 - III.B.4.h. Rates for services must be reasonable as determined by the District Commander.
 - III.B.4.i. The tow service must release unattached personal property to the owners of the property without charge for service.
 - III.B.4.j. Any District Commander may add additional requirements based on specific needs of the District and document them on the District Tow List Application Memorandum of Understanding (DTLA), form ISP 5-382.
 - III.B.4.k. The tow service must provide a list of the names, addresses, dates-of-birth, and social security numbers of the owners, corporate officers, and operators of the tow entity, and those employees who will provide service in the towing or storage of vehicles.

- III.B.4.l. Pursuant to the Illinois Uniform Conviction Information Act, the tow entity shall submit its owners, corporate officers, and operators of tow vehicles to a background check and include the results of these checks with submission of the DTLA. The tow entity shall provide updated record checks to the District:
 - III.B.4.l.1) Upon request of the District Commander.
 - III.B.4.l.2) Upon the substitution or employment of a person who is required to be identified on the DTLA.
- III.B.4.m. Only those persons disclosed in paragraph III.B.4.k. and for whom a record check has been filed pursuant to paragraph III.B.4.l. shall be permitted to participate in tow services rendered. These files will be available at the District for periodic checks.
 - III.B.4.m.1) All tow services will provide the District Commander or designee a certificate of completion of an Illinois Department of Transportation (IDOT) Traffic Incident Management (TIM) training course for their agents who will be responding and removing vehicles for the ISP. Failure to provide certification of the completion of an IDOT-TIM course may result in suspension or disqualification at the discretion of the District Commander (Public Act 99-0438).
 - NOTE:** Employees/Agents who have not undergone the TIM training may not be allowed to tow vehicles for the ISP.
 - III.B.4.m.2) All tow services on an ISP tow list will provide their agents or make available a high-visibility retro-reflective safety vest which meets or exceeds Performance Class 2 of the American National Standards Institute (ANSI) / International Safety Equipment Association (ISEA) 207-2011 standards. These vests will be worn on scene by the tow service's agents while removing vehicles from the roadway for ISP. Failure to comply with this provision may result in a suspension or disqualification from the DTL at the discretion of the District Commander or designee.
- III.B.4.n. In reviewing the DTLA, the District Commander may consider all matters revealed by the Non-Criminal ORI criminal history record checks or investigations of the tow entity or tow personnel.
- III.B.5. Reasons for removal from the DTL will include, but not be limited to, the following:
 - III.B.5.a. Complaints from the public or members of the Department
 - III.B.5.b. Complaints of excessive charges
 - III.B.5.c. Conduct deemed inappropriate by the District Commander
 - III.B.5.d. Non-Criminal ORI criminal history record check information not acceptable to the District Commander
 - III.B.5.e. Failure to:
 - III.B.5.e.1) Disclose or update information as required by this directive
 - III.B.5.e.2) Comply with administrative and legal requirements
 - III.B.5.e.3) Respond promptly to calls for service
 - III.B.5.f. Inept performance
 - III.B.5.g. Providing gratuities
 - III.B.5.h. Avoiding calls of unwanted tows such as abandoned vehicles
- III.B.6. District Commanders will review and update the DTL and the DTLAs to ensure policy compliance on an annual basis.

III.C. Calls for service

- III.C.1. The owner or operator may select the tow service of their preference as long as there will be no undue delay in clearing the roadway.
- III.C.2. The officer will advise District Communications if the requested tow service is "owner's request."
- III.C.3. If the owner or operator is not at the scene or is incapacitated, the officer will notify the District by radio and request a tow service.
- III.C.4. The Telecommunicator will then dispatch the tow service that is closest or has area responsibility and the capability of performing the needed service.
- III.C.5. A call to a tow service that for any reason cannot handle the call will result in that service being passed over and another service on the list being requested.
- III.C.6. District Communications will maintain a log of requests for tow services.
- III.C.7. When possible, requests for tow services will be distributed equitably.

III.D. Complaints

- III.D.1. The District VIO will review and/or investigate any complaints concerning any tow service by the public or officers of the Department and will make a recommendation to the District Commander.
- III.D.2. The District Commander will review the complaint and recommendation.
 - III.D.2.a. The District Commander will:
 - III.D.2.a.1) Notify the owner of the tow service in writing the results of the review and the District Commander's determination of appropriate measures to resolve the complaint and assure public safety and the integrity of the ISP.
 - III.D.2.a.2) Advise the owner by a return receipt mailing that they can request a meeting.
 - III.D.2.a.2)a) This request must be made in writing and received by the District Commander within seven calendar days of the issuance of the District Commander's letter to the operator.
 - III.D.2.a.2)b) This meeting will be held at District Headquarters with the District Commander or designee and any other person(s) the District Commander requests to be present.
 - III.D.2.a.3) At the meeting, the tow service owner will have the opportunity to discuss the complaint and the proposed measures to resolve the complaint. The meeting shall be informal and shall operate in the following manner:
 - III.D.2.a.3)a) The District Commander or a designee shall chair the meeting and make any determination required during the course of the meeting.
 - III.D.2.a.3)b) The Chairperson shall inform the tow service owner of the complaint and the proposed resolution.
 - III.D.2.a.3)c) The tow service owner shall respond to the complaint and the proposed resolution.

III.D.2.a.3)d) The calling of witnesses, taking of testimony, and cross-examination of witnesses shall be allowed only at the discretion of the Chairperson.

III.D.2.a.3)e) After the meeting, the Chairperson will finalize the appropriate corrective action and will notify the tow service owner of the final decision in writing.

III.D.2.b. Corrective actions may range from a written reprimand, temporary removal from the approved tow service list for a specific time, or permanent removal. Reinstatement after temporary removal shall be at the sole discretion of the District Commander.

III.D.2.c. Notwithstanding the above, in the event a complaint is determined by the District Commander to be of a nature which endangers the public or the integrity of the ISP, the District Commander has the discretion to immediately remove a tow service from the DTL without prior notice to the tow service owner. The tow service owner will be notified within a reasonable time after the removal and will be given the opportunity to request a meeting as described in paragraph III.D.2.a.2).

| Indicates new or revised items.

-End of Directive-