

HONOLULU POLICE DEPARTMENT

POLICY TRAFFIC OPERATIONS

April 23, 2015

Policy Number 6.12

TOWING PROCEDURES

POLICY

Towing of vehicles shall be carried out in accordance with the applicable laws of the State of Hawaii and City and County of Honolulu and the procedures of the Honolulu Police Department.

PROCEDURE

I. TOWING GUIDELINES

A. The officer at the scene shall:

1. Remove, or cause to be removed, a vehicle in violation of Sections 15-13.8, 15-13.9, 15-14.8, or 15-16.5 of the Honolulu Traffic Code;
2. Issue the necessary citations;
3. Request the services of the towing company through the Communications Division (officers should not contact towing companies directly);
4. Inform the Communications Division of the location and license number of the vehicle, the reason for towing, and the need for any special equipment;
5. Complete the Inventory of Towed Automobile, HPD-48 form;
6. Remain at the scene until the vehicle is towed; and

7. Inform the Communications Division when the vehicle has been towed and provide the vehicle's description and license number and the name of the towing company.
- B. The Communications Division shall:
1. Call for the services of the towing company holding the contract for that zone;

If the towing company is unable to handle the call under the terms of the towing contract, obtain the services of another company according to the terms of the towing contract.
 2. Immediately inform the officer of any delay in the arrival of the tow truck; and
 3. Notify the Hawaii Armed Services Police when an official military vehicle is parked in a tow zone. If the vehicle is not moved within a reasonable period of time, the officer may ask the Communications Division to have the vehicle towed.
- C. Under the current towing contract, operators/owners of vehicles that are disabled or stolen and vehicles that require towing or removal because of collisions may request towing services of their choice. Officers shall relay such requests to the Communications Division.
- D. Officers may also relay private requests for towing services to the Communications Division when appropriate (e.g., from a driver whose car is stalled off the roadway). Relaying such requests is a courtesy to the public, not a requirement.
- E. Certain exceptions to standard procedures are authorized for tow-zone violations only in specified towing-contract zones; these exceptions are permitted under the city's "tag-and-go/tag-and-bag" policy.

Where authorized by the contract, the officer shall issue a citation and inform the Communications Division of the violation. It is not necessary for the officer to remain at the scene until the vehicle is towed nor is it necessary for the officer to complete an inventory form.

II. TOWING INTO POLICE CUSTODY

If towing into police custody requires the expenditure of city funds, the investigating officer shall:

- A. Assess the situation to determine if removal is warranted for:
 - 1. Protection of public health;
 - 2. Safekeeping of property; or
 - 3. Preservation of evidence in criminal proceedings.
- B. Obtain the concurrence of his or her immediate superior and then complete the appropriate police reports and a To/From report to the Finance Division.
- C. Attach the towing company's invoice to the To/From report, which shall include the following information:
 - 1. Circumstances requiring towing services;
 - 2. Applicable police report number(s);
 - 3. Name of the company providing the tow service;
 - 4. Cost of towing;
 - 5. Times of tow wagon's arrival and departure from the pickup site;
 - 6. Distance between pickup site and storage area;
 - 7. Vehicle owner's name, address, and telephone number (if known); and
 - 8. Documentation and results of attempts to locate/notify owner.

III. TOWING AS A RESULT OF AN ACTIVATED ALARM

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Under Section 15A-5.6, Revised Ordinances of Honolulu 2021 (ROH), a vehicle may be towed when its alarm system has been activated for at least ten minutes.

A. The officer must make reasonable efforts to locate the owner of the vehicle to request that the alarm be silenced. If the owner does not silence the alarm or if, after reasonable efforts, the owner cannot be located, the vehicle may be towed. The general guidelines outlined in section II above apply.

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B. The officer may authorize the towing company to enter the vehicle to silence the alarm. After the alarm has been silenced by the towing company, Section 15A-5.7, ROH, requires that the vehicle be towed.

C. The owner of the vehicle is responsible for the costs of deactivating the alarm and towing the vehicle.

IV. INVENTORY OF TOWED AUTOMOBILE FORM

A. Purpose

The Inventory of Towed Automobile, HPD-48 form, is a receipt showing the condition and contents of the vehicle at the time of its release to the tow driver. Accurately completed forms may help refute charges of neglect, carelessness, or theft in the handling of towed vehicles.

B. Procedure

Except as authorized by section I F above, the officer in charge shall prepare an inventory form whenever a vehicle is towed under police supervision, but the owner is not present.

1. The officer shall note whether the vehicle and glove compartment were found locked or unlocked.

2. Except for the procedure outlined in section III above, locked vehicles are to remain locked. Any forced entry, if committed or witnessed by the officer, may be detrimental to the officer and the department.
3. The officer shall list all items found in the cabin of the vehicle. If possible, the officer shall also inventory and list the items found in the glove compartment and the trunk.
4. The officer shall process as found property any personal item of value (e.g., purse, wallet, money, or jewelry) if the officer feels that security of the item cannot be ensured and the item is not considered to be evidence.
5. The officer shall note the physical condition of the vehicle (e.g., dents, scratches, or flat tires) and shall indicate the manner in which it was towed (on a dolly or otherwise).
6. If the inventory form is to be attached to a police report, the officer shall note the report number in the upper right corner of the form.
7. The tow driver shall be asked to witness and sign the inventory form.

C. Distribution of Inventory Form

The officer preparing the inventory form shall distribute the copies as indicated below:

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1. Original:
 - a. For routine tow-zone violations, the element requesting the tow shall retain the copy for 30 days.
 - b. For other tows, the officer shall attach the original to the original copy of the police report.

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- 2. Two copies shall be given to the tow driver. The tow driver shall be instructed to give one copy to the person in charge of the storage yard.
- 3. One copy shall be retained for the officer's use.

V. DISPUTES INVOLVING TOWING VEHICLES AND FEES

7-5-2023

- A. Except for situations under the purview of Section 290-11, Hawaii Revised Statutes (HRS), all contracted tow companies are required to accept payment by credit card, debit card, or cash.
- B. All contracted tow companies on Oahu are required to remain available 24 hours a day, every day.
- C. In some cases, a dispute arises about the tow truck driver not accepting a credit card for payment or some other complaint arises about the tow or its applicable charges. In such cases, the owner should be advised that he or she may call the Department of Customer Services (see the attachment) to pursue a complaint with the city.
- D. Failure or refusal to pay towing charges is a civil matter between the vehicle owner and the tow company. Complainants who wish to pursue the matter should be advised to seek a civil remedy.
- E. Towing disputes on public and private properties, including an irrecoverable vehicle due to a tow company closure, shall be documented by officers on a Miscellaneous Public report.

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VI. TOWING UNDER SECTION 290-11, HRS

The following applies to trespass vehicles towed under Section 290-11, HRS:


- A. Vehicles left unattended on public and private property without the authorization of the property owner or occupant may be removed, provided that the property owner or occupant has posted a notice prohibiting unauthorized parking on the property in accordance with Section 290-11, HRS. The property owner, occupant, or person in charge of the property is obligated to engage a towing company to carry out the removal, and the vehicle's owner is obligated to bear the expense.

Officers may provide standby assistance in such cases but shall not provide anything further.

- B. Tow companies are required to accept payment by credit card and cash.
- C. If a vehicle is in the process of being hooked up or is hooked up to a tow truck and the owner appears on the scene, the towing company shall unhook the vehicle and not charge any fee to the owner of the vehicle.

For example, if a vehicle is hooked up and the tow truck's engine is running but the truck is waiting to enter traffic to begin transporting the vehicle to the storage location, the owner's appearance will be considered "on the scene," and the vehicle should be unhooked at no charge.

7-5-2023


ARTHUR J. LOGAN
Chief of Police

[Attachment

Post on bulletin
board for one week

Policy first issued
May 9, 2002

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**April 23, 2015
Attachment**

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CONTACT INFORMATION

In the event of a dispute as described in section V C of this directive, the telephone contact number is:

Department of Customer Services

(808) 768-4381

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