Officer Use of Vehicle Towing

A Policy Review Conducted by
the Citizen Review Committee and
the Independent Police Review Division

September 2007
MEMORANDUM

September 17, 2007

TO: Ms. Leslie Stevens, Director
    Independent Police Review
    and
    Citizen Review Committee Members

SUBJECT: Portland Police Bureau Response to Towing Policy Review

I would like to thank the members of the Citizen Review Committee and the Independent Police Review for their continued efforts to assist the Police Bureau in improving the service we provide to the community. I understand that having your vehicle impounded can be a difficult experience for citizens and a source of frustration for many.

The Police Bureau agrees with and will implement eight of the nine recommendations. We will be revising our towing policy in the near future in response to discussions with the Mayor’s Office and will include the recommendations made in this report. When the revised policy is issued, we will also prepare roll call videos or other training materials and will include discussion regarding the duties for assisting motorists and the discretion to allow registered owners to pick up vehicles reported to be stolen.

We will also consider whether TriMet would be willing to provide vouchers to give to stranded drivers and passengers and whether there are social services agencies available to assist homeless drivers when their vehicles are impounded.

The one recommendation that requires more comment is the recommendation to analyze the use of vehicle impounds to determine whether there are any patterns of impounds that should be addressed, including economic status, race, neighborhoods or officers involved. It is not entirely clear how such an analysis would be possible with current resources. For example, how would the Bureau determine the economic status of drivers whose vehicles have been towed? In addition, the fact that one officer may be involved in incidents that result in tows more often than another officer does not provide much useful data without much more knowledge about the particular circumstances of each tow.
The Bureau currently conducts analyses in many areas and resources are stretched. I am not willing to divert resources at this point. However, the Bureau remains committed to being transparent and responsive to the community and will continue to seek new ways to provide meaningful information to the public. If the Citizen Review Committee would like to identify particular data that the Bureau currently collects for use in its own analysis, we would be happy to provide that data.

Thank you again for your work on behalf of the citizens of Portland generally, and for the work you put into this report.

Sincerely,

ROSANNE M. SIZER
Chief of Police
Background

The Portland Police Bureau (PPB or Bureau) orders tows of thousands of vehicles each year as required or permitted by state statutes, city code, and PPB policies. See Appendix A for the complete text of the relevant laws and policies.

A recent procedure change has shifted more of the responsibility for vehicle storage to PPB (as part of the Property Evidence Division’s move to the Guilds Lake facility) while only outsourcing the actual tow. PPB Captain Mike Reese estimated this change will increase tow revenues to the City by $1.2 million.

Issue

Each year, drivers appeal nearly 150 police-ordered tows to the City of Portland’s Code Hearings Office and file up to 25 complaints with the Independent Police Review Division (IPR).

The Citizen Review Committee (CRC) appointed a Tow Policy Workgroup and approved its mission to address the following questions:

1) Are there elements of the current PPB tow policy/practice that needlessly aggravate the public?

2) If (1) is true, what logical changes to current policy/practice might be recommended to improve citizen satisfaction?
Methodology

Three CRC members were appointed to the Tow Policy Workgroup: Michael Bigham (served as workgroup chair), Loren Eriksson (vice-chair), and Theresa Keeney. CRC chair Hank Miggins and member Marcella Red Thunder were occasional meeting attendees.

The workgroup was staffed by former IPR Senior Management Analyst, Scott Warner, with his replacement Derek Reinke assisting on the final report. IPR Director Leslie Stevens and Assistant Director Pete Sandrock also attended select workgroup meetings.

The workgroup reviewed PPR policy on vehicle towing and a selection of 13 recent citizen-initiated complaints—each involving at least one allegation of improper or incorrect tow.

PPB staff invited as guest speakers/interviewees, included: Commander Martin Rowley of Traffic Division; Captain Mike Reese of Drug and Vice Division; Captain Randall Killinger and Cathi Bauer of Records Division. Discussions were also held with Marian Gaylord, the City of Portland’s Tow Coordinator; Greg Frank, Tow Hearings Officer; Reva Shippers, Tow Hearings Clerk; and David Woboril, Deputy City Attorney.

Monica Goracke, Staff Attorney for Oregon Law Center, spoke with Tow Workgroup members regarding challenges faced by the homeless when their vehicles are towed.

All meetings (numbering 19) were public to facilitate comment. Additional input was received from guests attending the workgroup’s public meetings, including: Dan Handelman, Portland Copwatch; Sean Cruz, Legislative aid to Senator Avel Gordly; Maria Rubio, Public Safety Policy Manager to Mayor Potter; and Emily Jackson, Aide to Commissioner Adams. General-citizen meeting attendees included David Sweet, Isgow Mohammed, and Tim Barrett.

The Tow Policy Workgroup and IPR staff drafted proposed recommendations based on the evidence reviewed. The recommendations, and this report, were refined and later finalized after significant input from the original workgroup members, additional CRC members, and additional IPR and Auditor’s Office staff.
Workgroup Conclusions

Based on the complaints reviewed and the comments received from the public, the workgroup concluded that some elements of current PPB policy and practice tend to produce complaints and public concerns:

- Some citizens expressed concern about bias and discrimination in towing decisions, especially when the same vehicle gets towed repeatedly;

- Some citizens have complained that officers left people, including women and children, stranded in unsafe circumstances after a vehicle tow;

- Some citizens have complained that small expensive items were missing from their cars after they recovered them from impound;

- The lawful owners of some recovered stolen vehicles have complained that officers had their recovered vehicles towed and impounded, resulting in additional expense and inconvenience to the crime victim;

- Some witnesses before the workgroup expressed concern about the disproportionate effect that towing may have on homeless persons who store most of their personal belongings in their vehicles;

- Current policy encourages but does not require Bureau members to provide a towed vehicle instruction form, and the form only applies to one type of tow (see Appendix B for a copy of current PPB forms);

- Workgroup members noted that Bureau policy has not been updated to reflect current practices.
Workgroup Recommendations

Recommendation #1

Amend the Directive to allow officers to use their discretion to not tow vehicles in the following circumstances:

- The vehicle is lawfully parked, the driver is arrested and the driver or owner consents to allow the vehicle to be locked and remain under circumstances where it is reasonably safe to do so, or
- The driver is arrested and driver or owner consents to allow a passenger in the vehicle to lawfully continue to drive the vehicle, or
- The driver is cited for driving while suspended or without a license if a passenger in the vehicle could lawfully continue to drive the vehicle, or
- There would be an undue hardship or risk for the occupants (e.g. small child or disabled person in the vehicle).

Recommendation #2

Examine the use of impounds in any future study of biased-based policing. Conduct analysis to determine whether there are any patterns of impounds that should be addressed by the Bureau, including economic status, race, neighborhoods, or officers involved.

Recommendation #3

Directive 630.31 (Assisting Motorists) should be emphasized to officers through roll calls, training bulletins, or training videos.

Recommendation #4

The Bureau should consider providing officers with Tri-Met vouchers to give to stranded drivers and passengers.

Recommendation #5

Vehicle inventory procedures should require officers to ask occupants whether there are small or valuable electronic items such as iPods, cell phones, or other valuables the occupants would want noted on the property receipt.

Recommendation #6

Remind officers through roll calls, training bulletins, or training videos about Directive 630.60 which allows officers recovering a stolen vehicle the discretion to call the registered owner to respond and pick up the vehicle.
Recommendation #7

Bureau should explore different approaches to dealing with vehicle and contents belonging to people living in their vehicles. These approaches may include reaching out to agencies that provide services to the homeless to assist drivers when their vehicles are impounded; and exploring ways to prevent the contents of such vehicles from being disposed of without giving owners an adequate opportunity to retrieve their property.

Recommendation #8

If tows are to be taken to a City tow lot, Directive 630.60 (Towing Scene Responsibilities) should be amended. Currently it says, “The vehicles will generally be towed to private lots.”

Recommendation #9

Directive 630.60 (Driving Uninsured Tows) states that officers should provide an “Instruction Form – Towed Vehicle Instructions.” It appears the form referred to is actually a small slip of paper entitled “How to Retrieve Your Towed Vehicle.” This form covers more than tows for driving uninsured. If in fact this is the intended form, the Directive should be amended to correctly identify the form, require officers to provide the form, and apply to all tows listed on the form—not just uninsured tows.