

	<b>PALACIOS POLICE DEPARTMENT</b>	
	<b>Policy 7.16 Vehicle Impoundment and Inventory</b>	
	<b>Effective Date:1/04/2021</b>	<b>Replaces:02/07/2006</b>
	<b>Approved:</b>  <b>Milton Rivera, Chief of Police</b>	
	<b>Reference:</b>	

## I. POLICY

A motor vehicle is an important piece of personal property that must be properly managed and supervised if the police take it into custody. Because abandoned vehicles constitute a public nuisance and a hazard to traffic, members of our community view their removal as an essential police service. Also vehicles involved in accidents or crimes may require towing and inventorying for evidentiary purposes. When towing is performed at an owner's request, the owner will be given the option of specifying a towing company. The department will select a tow company in other cases. Officers will also specify a tow company if there is a traffic hazard and the tow company selected by an individual cannot arrive in a timely manner.

## II. PURPOSE

The purpose of this policy is to establish procedures for towing and for keeping an inventory of vehicles.

## III. AUTHORITY TO TOW

### A. Accident

1. Any vehicle involved in an accident shall be removed to the shoulder of the road or some other place out of the way of traffic as soon as possible after officers have obtained necessary investigative information.
2. Vehicles shall be removed from the shoulder without unnecessary delay.
3. The only departmental vehicles that can be used to push cars are ones that are equipped with push bars. The officer driving must have been trained in their use.
4. If the procedure above is not possible and a traffic hazard results, the officer may order towing of the vehicle at the owner's expense.
5. Vehicles may be impounded if the vehicle is needed for purposes of the investigation following a vehicle crash. Such cases may but do not necessarily involve custody of the operator.

6. Following vehicle crashes, an officer may request impoundment under one or more of the following circumstances:
  - a. The operator is unwilling or unable to take charge of the vehicle.
  - b. The vehicle cannot be legally parked and sufficiently secured at the scene.
  - c. There is property in or attached to the vehicle that cannot be sufficiently secured at the scene or placed in the custody of a responsible third party.

#### B. Emergency

Any vehicle found illegally parked in the vicinity of a fire, a traffic accident or an area of emergency that creates a traffic hazard or interferes with the necessary work of police, fire, or other rescue workers may be towed on an officer's orders at the owner's expense. Vehicles being used by radio, T.V., and press are exempt unless they obstruct police, fire, or rescue operations, or create an unreasonable traffic hazard.

#### C. Impeding/danger to traffic

No vehicle shall be stopped in such a manner as to impede or render dangerous the use of the highway by others except in cases of mechanical breakdown or accident. If a disabled vehicle is not promptly removed and creates a traffic hazard, the officer may order the vehicle towed at the owner's expense.

#### D. State/county/municipal vehicles

Paragraphs A, B, and C above shall not apply to any vehicle owned or controlled by the state or a local unit of government while actually engaged in construction or highway maintenance.

#### E. Blocking driveway or parking area

Any officer discovering or having report of any motor vehicle, or a trailer, or other vehicle blocking a driveway or parking area, or obstructing or interfering with the movement on any driveway or parking area without the landowner's permission may order the vehicle towed at the owner's expense.

#### F. Unattended traffic hazard/violation of law

Officers may call for the tow of any unattended motor vehicle found on a public street or grounds that constitutes a traffic hazard or is parked in such a manner as to be in violation of the law.

G. Abandoned vehicle

1. Any motor vehicle abandoned on public property is subject to towing at the owner's expense.
2. A vehicle may be presumed to be abandoned if it lacks either a current license plate, a current county, city, or town tag or sticker, and has been left unattended on public property (other than an interstate or primary highway) for more than 48 hours.

H. Removal from private property

1. No removal shall be ordered from private property.
2. Property or business owners may act immediately to have vehicles towed that are occupying a lot, area, space, building, or part thereof without permission of the owner.

I. Evidence/crime involvement

1. Upon supervisory approval, vehicles that are of an evidentiary value or have been used in the commission of a crime shall be towed at the request of the investigating officer to old firehouse garage on 4<sup>th</sup> and Commerce Ave. **The garage door will be secure to not allow any unauthorized person access. CID will approve any release of the vehicle.**
2. Impoundment of stolen vehicles or those suspected of being stolen is appropriate under the following circumstances:
  - a. The owner cannot be contacted.
  - b. The owner is contacted and cannot or will not respond in a reasonable amount of time.
  - c. Immediate removal is necessary for safety reasons or purposes of safekeeping.

NOTE: Towing of a vehicle that has been reported stolen is at the owner's expense.

NOTE: Officers should document reasonable efforts to contact owners with means readily available.

A. Prisoner's vehicles

1. Vehicles belonging to arrested persons that are left at the scene of the arrest may be at substantial risk of theft or of damage to the vehicle or to personal property contained in the vehicle. It is, therefore, the policy of this department to tow all prisoner's vehicles to an impound lot at the owner's expense for protection of the vehicle except in the following situations:
  - a. A friend or relative of the prisoner is at the scene, and the arrestee wishes to release the vehicle to that person provided the person

possesses a current driver's license, and the arrestee consents to the release either in writing or on the audio/video in-car recording system.

- b. The arrestee agrees to lock and leave the vehicle in a legal parking space where a parking violation will not occur before arrangements can be made to recover the car.
2. A vehicle shall be towed if a subject is arrested and one of the following circumstances exists:
  - a. The vehicle was used in a crime.
  - b. The vehicle contains evidence of a crime that cannot be processed at the scene.
3. Officers should not unnecessarily impound motor vehicles for purposes of gathering evidence when such processing can be reasonably, effectively, and safely conducted at or near the scene.
4. A "hold" may be placed on any vehicle impounded for evidence for the period of time necessary to complete evidence collection.
5. Holds on vehicles must be approved by an agency supervisor.
6. Investigating officers shall complete their investigation of the vehicle in a timely manner so that it can be released to the owner.

#### B. Impoundment for Forfeiture

1. As specified by state law, officers may impound a motor vehicle with the intent of initiating forfeiture proceedings when the vehicle is used in the commission of a crime.
2. Officers should contact a supervisor before initiating forfeiture proceedings and shall follow forfeiture procedures as provided by this agency.

## II. TOWING PROCEDURES

- A. Motor vehicles shall not be impounded for purposes other than those defined by statute or ordinance. For example, vehicles cannot be impounded as a form of punishment, or as a means of conducting vehicle searches when probable cause does not exist or consent to search cannot be obtained.
- B. When an impoundment is ordered, the operator of the vehicle and any passengers should not be stranded. Officers shall take those measures necessary to ensure that the operator and any passengers of the vehicle are provided transportation.
- C. Vehicle operators may be permitted to remove unsecured valuables of a non-evidentiary nature from the vehicle prior to its removal for impoundment. The nature of these valuables shall be noted on the appropriate reporting document.
- D. Officers shall know under which provisions (subparagraphs A-J above) and laws the vehicle is to be towed.

- E. If possible, the officer should use the vehicle owner's or operator's choice of towing company.
- F. If the owner/operator does not wish to specify a towing firm or is not available to make a choice, the officer shall ask the dispatcher to send a wrecker.
- G. In an emergency involving major traffic congestion owing to a disabled vehicle, the officer shall notify the dispatcher and request a wrecker.
- H. If the vehicle involved in an emergency is larger than the normal passenger vehicle or pickup size, the officer shall so advise the dispatcher, who has a separate list of specially equipped wrecker services.
- I. Dispatchers shall log each instance of calling a tow service, including the time he or she called the tow service.
- J. When the wrecker arrives on the scene, the officer shall advise the dispatcher of time of arrival and any subsequent problems.
- K. Dispatchers shall be notified of all requests to tow vehicles by officers or owners of private property and shall record date, time, place towed from and to, license number, make or model, and color of vehicle in the towed-vehicle log.
- L. Contracted towing companies agree to respond to scenes within 20 minutes of a call. If a called wrecker does not arrive within the allotted time, the officer may ask the dispatcher to cancel the original wrecker and order a wrecker from another company.

### **III. INVENTORY**

#### **A. Authority and purpose:**

1. A motor vehicle inventory is an administrative procedure designed to protect vehicles and their contents while in departmental custody.
2. The purpose of the inventory is to protect the owner's property and to protect the department against claims and possible dangers.
3. Inventories may be conducted without a warrant or probable cause in the following situations:
  - a. The vehicle has been lawfully seized or impounded.
  - b. Before towing the vehicle for violations, safety reasons, or other purposes as defined by law.

#### **B. Inventory vs. search**

1. An examination of the contents of a motor vehicle pursuant to a criminal investigation or with the intent to search for evidence is not an inventory but a vehicle search and as such is governed by Policies 7.4 and 7.5.

2. Vehicles that are towed at the request of the owner/operator or vehicles that are left legally parked shall not be inventoried.
3. Officers are reminded of the "plain view doctrine" and the limitations upon the authority to search incidental to a lawful arrest. See Policy 7.4 for further details.
4. A vehicle inventory report shall be completed whenever an officer assumes responsibility for towing a vehicle and shall complete an inventory at the location where the vehicle was seized unless reasons of safety or practicality require the inventory to take place later or at a different location.
5. Before the vehicle is removed, officers shall obtain the signature of the tow-truck driver on the inventory report and provide the tow driver a duplicate copy of the report. The tow report will be uploaded to RMS and the original sent to records with report tracking form.
6. These inventories are further designed to protect the department from false claims of loss by others.

#### C. Inventory procedures

1. 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 the owner/operator shall be requested to verify the completeness of the inventory by signature.
2. The scope of the inventory includes all open and closed containers and compartments and any locked containers or compartments as long as the officer has a key. Locked or sealed areas shall not be forcibly entered if doing so will damage them. Locked areas that are not searched will be noted on the impound report. In general, the inventory extends to all areas of the vehicle in which personal property or hazardous materials may reasonably be found.
3. Officers shall not force open a vehicle's trunk or glove compartment to inventory the contents if a key is not available.
4. Any evidence, contraband, fruits of a crime, or instrumentalities of a crime discovered during an inventory shall be handled in accordance with evidence procedures.

