General Order

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38.0 Purpose: To establish an orderly method of accounting for and managing impounded vehicles.

38.1 Policy: It shall be the policy of the Department to follow the guidelines set forth in this General Order.

38.2 Vehicles Involved in an Accident:

A. Vehicles involved in accidents will be impounded only if they cannot be driven and they are illegally parked, or, if they would present a hazard if not impounded. All persons having custodial interest in the vehicle must be absent from the scene.

B. When the owner/operator requests that a disabled/wrecked vehicle be towed, the officer will suggest that he/she have the vehicle taken to a location of choice by the nearest available crane. The vehicle will not be impounded.

C. When a vehicle has been involved in a fatal accident and it is believed that a mechanical malfunction may have been responsible, the vehicle will be impounded.

38.2.3 Illegally Parked Vehicles: Vehicles shall not be routinely impounded for parking violations. When possible, the officer will give the owner/operator a reasonable

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opportunity to remove the vehicle. However, officers are not restricted from issuing appropriate violation notices or summonses. Impoundment is authorized in the following circumstances:

A. If a vehicle is parked or standing in a fashion that impeded the movement of traffic or blocks a driveway or entrance, or is left unattended on any road, highway, alley or parking lot, in a manner which constitutes a threat to public safety.

B. If a vehicle is parked in a fire lane, or interferes with access to a fire hydrant, or interferes with the passage of an emergency vehicle.

C. If a vehicle is parked on a snow emergency route and interferes with snow removal efforts and impedes traffic during a snow emergency.

D. If a vehicle is parked in an area marked, "No Parking Zones, Reserved Numbered Spaces."

E. If a vehicle is parked in violation and is found to have at least three unpaid parking citations, the impound is left to the officer's discretion.

38.2.4 Diplomatic Vehicles: Vehicles owned by a person who enjoys diplomatic immunity will not be impounded. If necessary, a contract crane will be used to move any diplomatic vehicle creating a safety or traffic hazard. However, it will be moved no farther than the closest available legal parking place, and the diplomat and/or State Department will be notified by telephone. Alternatively, the nearest available crane may be contacted for a personal tow.

38.2.5 Vehicle with Defective Equipment: Vehicles with defective, deficient or altered equipment should not be impounded unless the continued operation of the vehicle poses an immediate danger to persons or property.

38.2.6 Arrester Person's Vehicle: When the operator of a motor vehicle is arrested, but his/her vehicles can be left lawfully parked, or when the owner/operator can arranged legal removal of the vehicle, the vehicle will not be impounded.

A. If the vehicles is to be left lawfully parked after an accident, arrest or other circumstance, the owner/operator should be advised of the 72 hour parking ordinance.

B. Officers are reminded to exercise sound judgment in these instances and will ensure that vehicles left on the scene are parked in a secure fashion.

38.2.7 Persons to Prove Authorized Possession: Vehicles shall not be impounded solely because the owner or operator does not have a registration card, unless there is no other reasonable or authorized possession, to the satisfaction of the officer.
38.2.8 General Impound Guidelines: When a vehicle is impounded, the officer will:

A. Inventory the vehicle and include an inventory list on the Vehicle Impoundment and Inventory Record. If additional space is needed for the inventory, a Form 95 will be used.

B. The impound case number, date, department, and officer's identification number should be written on the vehicle's windshield with a grease pencil.

C. Complete a Vehicle Impoundment and Inventory Record, obtain the Supervisor's approval and submit it to the Communications Office prior to the completion of the current tour of duty.

D. The on-duty Dispatcher should verify the vehicle's license plate, retain a copy in the Communications office vehicle impound file, and forward a copy to the Administrative Office.

38.3 Administrative Responsibilities:

A. Administrative Office will review their copies of the impound record for accuracy and completeness.

B. The towing company will supply Administrative Office with a copy of the invoice which will be attached to their copy of the impound record.

C. In cases where the last known registered owner has not been notified, a certified mail notification will be prepared and sent to them.

D. If a vehicle for which a release has been issued is still on the impound lot after seven days, the lot owner will contact the Administrative Office who will then notify the last known registered owner.

E. If a mail notification is returned unclaimed or undelivered, a Notice of Intent to Make Disposal will be placed in a newspaper of general circulation within seven days to fourteen days of the impound date.

F. Following expiration of twenty-one days from the date of notice by mail or publication, SMVA Form CS-78 will be issued to the appropriate crane service for disposal to a wrecker or scrap processor.

G. When applicable, arrangements will be made with the Administrative Office for vehicle disposal under Transportation Article 25-207. If the Department has no further interest in the vehicle, it shall be released to the crane service to facilitate their obtaining a mechanic's lien. If the Department does have an interest in the vehicle, it will be prepared for auction.
38.4 Impounding Vehicles for Evidentiary Purposes:

A. Vehicles used in a crime may be impounded if necessary for evidentiary or identification purposes.

B. When a vehicle is towed to the station, it will be followed by the officer.

1. The officer impounding a vehicle for evidence processing shall notify the Investigating Officer that the vehicle is ready for processing or, if possible, process the vehicle himself/herself.

2. The Investigating Officer shall process all vehicles involved in any:

   *murder
   *rape or attempted rape
   *serious aggravated assault
   *armed robbery

3. In any incident not listed above, processing by the Investigating Officer is at his/her discretion, based on the seriousness of the incident, availability of manpower, and work priorities.

C. Whenever a vehicle is impounded for evidentiary purposes, the owners are responsible for towing and storage fees.

38.5 Recovered Stolen Vehicle Procedures:

A. Vehicles recovered in stolen or unauthorized use cases may be impounded. However, if the owner to the vehicle lives close to the recovery location and the vehicle appears to be operable, the officer should make an attempt to contact the owner and request that he/she respond immediately to the scene to take custody of the vehicle. If the owner is unable to respond, the vehicle will be impounded.

B. When a towing company other than one which normally tows for the Office of Campus Safety impounds a vehicle and discovers it to be stolen, an officer will be sent to the storage location. If necessary, the vehicle may be removed from its temporary location and transferred to the Department's approved storage lots. The decision to move the vehicle will be influenced by the availability of the owner and/or the degree of safety provided for the vehicle at the current location. If any problems should arise with the tow company, assistance should be requested from a supervisor.
38.6 Vehicle Release - Cost $10.00

A. Issuance of Vehicle Release: Except in cases where a vehicle is impounded for evidentiary purposes, a vehicle release will not be denied to a person who has produced receipt for $10 for release, and adequate documentary evidence that he/she is entitled to the vehicle. Such documentary evidence will be required when any person other than the last registered owner requests release, and documents must be photocopies and attached to the original release form.

B. Documentary evidence should consist of, but is not limited to, two or more of the following:

* certificate of title
* endorsed title
* bill of sale
* notarized authorization
* power of attorney from owner
* proof of next-of-kinship
* owner's driver's license, with photo

C. If there is doubt concerning the adequacy of documentary evidence, the vehicle should not be released. The citizen should be advised to go to the Administrative Office for release during their normal business hours.

D. The vehicle owner will not be denied a release for his/her vehicle solely because he/she refuses to sign a summons.

38.6.1 Release Following Request for a Crane:

A. When a crane has been called for an impound and the owner/custodian arrives at the scene prior to the crane hookup, the officer will release the vehicle to the owner/custodian with compensation to the crane operator.

B. If the crane has been hooked up but has not left the scene upon the arrival of the owner/custodian, the officer should release the vehicle on the scene and allow the owner/custodian to negotiate the fee with the crane operator. Once the vehicle release has been issued, the matter becomes one of a civil nature, to be settled by the vehicle owner and the crane operator.

38.7 Narcotics Related Impounds (Forfeitures):

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A. Impound Officer's Duties: When a vehicle is impounded for a narcotics related violation which is believed to meet the forfeiture criteria set forth in Article 27, Section 297, the impounding officer shall:

1. Notify Communications to send a crane.

2. Have the vehicle craned to a regular impound lot or the Police Station. The Police Station should be used only when a large amount of narcotics is found and the vehicle is to be processed for evidence.

3. Complete a police report and include a detailed vehicle inventory and statement regarding the officer's request for forfeiture.

4. Submit to his/her Commander a detailed memo describing all circumstances of the arrest and the justification for recommending forfeiture.

5. Complete a memorandum as necessary which summarizes the Commander's response, and send a copy to the Administrative Office.

B. Commander's Responsibilities: When a memorandum requesting forfeiture is received by a component Commander, he or she shall:

38. Determine whether the criteria set forth in Article 27, Section 297, have been met and forfeiture is advisable.

2. Approve or deny forfeiture.

3. If approved, forward the impounding officer's memo and concurrence to the Chief of Police and notify the impounding officer of the disposition.

4. If denied, return the memorandum to the impounding officer with a statement of non-concurrence.

C. Administrative Services' Responsibilities: When a supplemental report is received by Administrative Services on forfeiture:

38. They shall ensure that the vehicle is stored at the police lot or impound lot if the forfeiture is to be pursued, and sign an invoice for the original crane service.

2. When forfeiture is terminated by the court, the State's Attorney's Office will notify the Police Department of the disposition. If forfeiture is denied, the Administrative Office shall notify the owner and arrange for the vehicle's release.