



Alexandria Police Department

Directive 11.22



IMPOUNDING/REMOVING VEHICLES

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11.22.01 POLICY AND PURPOSE

The purpose of this directive is to establish procedures for the impounding or removal of vehicles.

11.22.02 AUTHORITY

The authority to remove or impound vehicles must be specifically provided by law or clearly implied as a matter of duty.

Implied Authority – is the authority to remove or impound a vehicle in the absence of statutory authority when it is necessary for the proper performance of duty (taking custody of a stolen vehicle, protecting the vehicle of an arrestee, or securing a vehicle for evidentiary purposes).

Statutory Authority – is provided by legislative acts of either the State or the City. They may be expressed as a mandatory duty but are usually permissive in nature. In either event, all statutory conditions set forth are to be met in order for the removal or impound to be lawful.

11.22.03 DEFINITIONS

- A. Impounded Vehicle** – A vehicle that a law enforcement officer or parking enforcement officer, on behalf of a law enforcement agency, temporarily takes possession of until the conclusion of the investigation and legal proceedings or until the owner complies with the requirements for its release. An impounded vehicle will be transported by the contracted wrecker service to a predetermined authorized storage lot or other location authorized by a sergeant or higher authority.
- B. Seized Vehicle** – A vehicle that the Department intends to take possession of and that can be forfeited to the agency's jurisdiction, the Commonwealth of Virginia, or to the United States Government.
- C. Safekeeping** – A vehicle that the Department has taken possession of temporarily for the purposes of ensuring the vehicle's condition and wellbeing are maintained. An example of towing a vehicle for safekeeping would be a medical emergency, the vehicle is unsecure as a result of a crime, or the driver is not legally permitted to operate the vehicle and it is not legally parked.

11.22.04 RULES AND RESPONSIBILITIES

- A.** An officer must have a lawful reason to impound a vehicle. The decision to impound a vehicle must be objectively reasonable in light of the totality of the circumstances (see *Fauntleroy v. Commonwealth & Reese v. Commonwealth*). Any vehicle whether attended or unattended, either on public or private property, may be impounded or removed if:
1. The vehicle constitutes evidence;
 2. There is a need for safekeeping;
 3. Seizure is mandatory; or
 4. An emergency exists, and the operator is unable or unwilling to remove the vehicle and its removal is necessary to properly handle the emergency.
- B.** Unattended or abandoned vehicles on public streets parked in violation of law, vehicles that constitute a hazard to traffic, *and vehicles that have failed inspection or bear the inspection sticker of another vehicle* are subject to impoundment (see also Alexandria City Code §5-8-22).
- C.** *It may be considered objectively unreasonable to tow a vehicle that is legally parked if the owner or operator declines an offer to have the vehicle towed and one of the above authorizations does not apply.*

D. Duty to Owner or Operator

1. In all impoundments of vehicles not constituting evidence or confiscation, the impounding officer will make all reasonable efforts to contact the owners or operators to provide them with the opportunity to remove the vehicle.
2. No persons whom an officer has reason to believe is *having a mental crisis* or intoxicated will be permitted to remove, authorize removal, or otherwise participate in the disposition of any vehicles. When vehicles are owned by such persons or are in their custody but owned by a member of the immediate family, then a competent member of the immediate family may assume responsibility for the vehicle.

11.22.05 PROCEDURES

- A. Impounding officers are responsible for determining who is the actual titled owner of vehicles they impound. They will ensure that both the Vehicle Identification Number (VIN), read from the vehicle and the state tag are checked separately for being stolen in VCIN and NCIC. The officer will also obtain separate registration listings on the VIN and the state tag. If the computers are not in operation at the time, the impounding officer will request that the inquiries be held until returns are available.
- B. *The Department of Emergency Communications (DEC)* employees will staple all VCIN/NCIC listing inquiries and replies to the Inquiry or Request Data Form (APD-32B). As soon as the officer marks back in service, indicating that the vehicle has been impounded, the dispatcher will forward the information to a call taker who will enter the impound information from the APD-32B into WebRMS Tow History. The APD-32B and attached returns will then be held until the Towed Vehicle Report (APD 0052) is sent to DEC.

C. Towed Vehicle Report (APD-0052)

1. Police impounds will be documented using the Impound module in the Field Based Reporting (FBR) program. It is designed to document the actions taken to comply with the City and State laws governing impoundments and confiscations. The physical APD-0052 form should only be utilized when the FBR program is unable to generate TOW numbers and cannot print the TOW reports to the various predetermined locations (DEC & Impound Lot). In this case DEC will be responsible for entering the vehicle into WebRMS upon receipt of the physical APD-0052.
2. Any damage on vehicles will be noted in the Impound module or on the APD-0052 prior to the vehicle being moved. The impounding officer will remain with the vehicle until it is physically removed from the scene by the tow truck unless directed otherwise by a dispatcher or supervisor. If for some reason the impound is cancelled, the officer will notify the dispatcher.

3. The impounding officer is responsible for running a wanted check on the tag of the vehicle to be impounded. Once the return is received, the impounding officer will note the VIN number and physically verify that it matches the vehicle being impounded. Once this has been done, the officer will run a wanted check on the VIN number and mark the box "Was NCIC Checked for Stolen" as "Yes" to verify that both the tag and VIN number have been verified as being not stolen and that the vehicle being impounded is properly documented.
4. The impounding officer will not submit the Impound module until the impounded vehicle is on the tow truck and leaving the scene of the stop.
5. If the APD-0052 is utilized, the impounding officer is responsible for the following distribution of the APD-0052.
 - a. The original (white) and the second copy (yellow) will be submitted to a supervisor for review before ending the tour of duty.
 - b. After supervisory review and signature, it will be delivered to Headquarters and turned over to DEC prior to the end of the day (or tour of duty);
 - c. The Department of Emergency Communications personnel will verify that the information on the impounded vehicle has been properly entered into WebRMS and attach the proper APD-32B and DMV returns. If the owner of the vehicle has not been notified of the impoundment, the vehicle will be entered into the VCIN stored vehicle system. The APD-0052 and all attachments will then be given to the DEC supervisor.
 - d. The DEC supervisor verifying the impounded vehicle information will sign the APD-0052 and forward it to the Property and Evidence Section.
 - e. Property and Evidence Section personnel will ensure that a registered letter is sent to owners and lien holders of unclaimed vehicles advising them of the impoundment within 15 days of the impound.
 - f. The third (pink) copy will be given to the wrecker driver by the impounding officer to be turned over to the Impound Lot staff with the vehicle. The impounding officer must complete as much of the APD-0052 as possible before giving the pink copy to the wrecker driver.
6. If an APD-0052 paper form is completed due to the FBR system being unavailable, DEC will be responsible for entering the vehicle impound information into WebRMS when they receive the form.

D. Removal of Property from the Vehicle

1. When a vehicle is impounded, the impounding officer is responsible for inventorying all property located in the passenger area and, if the keys are available, in the locked compartments (trunk, glove compartment or console, etc.).

2. All valuable property (i.e. portable electronic devices, computers, wallets, jewelry, etc.) will be inventoried and turned into the Property and Evidence Section for safekeeping. This will be documented via an Evidence Sheet generated from a report.
3. Property deemed to have little monetary value (*i.e. hand tools, paperwork*) must be secured out of view in a locked trunk or glove compartment of the vehicle. The Impound module or a report will indicate which articles of property were left in the vehicle.

E. Abandoned Vehicles/Vehicles Parked Over 72 Hours: The officer initiating the appropriate check notice will make reasonable efforts to locate and notify the owner of the vehicle in order to give the owner an opportunity to move the vehicle before impoundment (see Directive 11.16, Parking Enforcement).

F. Towing and Storage

1. The City contracts for towing services on a yearly basis. Any officer having problems with the contract company will notify, in writing, the *Support Services Division Commander (SSD)* (through channels) denoting the particular problem(s).
2. All vehicles impounded by officers of this Department will be taken to a *pre-determined* City lot designated for this purpose unless otherwise authorized by a sergeant or higher authority (*see table, 11.22.05 M*). If a vehicle is not being towed or stored for a police purpose, the registered owner, or his or her agent, may authorize the removal of his/ her vehicle to a private facility.
3. **Receipt of Towed Vehicle (APD Form 052-H)** - *The form on which the officer or parking enforcement officer documents the tow of a vehicle and the location where the vehicle will be towed. This ensures the location of the vehicle is known by all parties and is acknowledged by the wrecker driver.*

Officers and parking enforcement officers towing vehicles shall:

- a. Complete the form in its entirety;*
 - b. Ensure the wrecker driver signs the form;*
 - c. Provide the wrecker driver with the yellow copy; and*
 - d. Scan the white copy into RMS under the incident.*
4. Impounded vehicles will not be towed to Headquarters unless specifically authorized by a sergeant or higher authority. If vehicles are to be processed for evidentiary value by Crime Scene Investigators, they will be towed to the Impound Lot and put on the processing list by the officer involved in the impoundment. If the vehicle is authorized to be towed to Headquarters for processing, a second Impound module will be completed for any future location change. If a future location change is made, the officer conducting the location

change must complete a supplemental TOW entry in WebRMS to document the location change.

5. In certain circumstances it may be appropriate for the Department to authorize a waiver of impoundment and/or storage fees for an impounded vehicle.

a. The below listed circumstances are the only pre-authorized reasons for waiving towing and storage fees:

- i. Medical emergencies, and*
- ii. Victim of a crime.*

Any other requests for a waiver of tow and impound storage fees must be approved by a supervisor and must be submitted in writing to the Property & Evidence Section Supervisor (PES) & Supervising Impound Officer at the Impound Lot. If necessary, the property supervisor will forward the request to the impound officer. The memorandum or email should include the reasons for the waiver of fees, a description of the vehicle, and case number.

6. *When vehicles need to be released outside of normal business hours, normally for emergency purposes only, the on-duty watch commander must contact the Property Section Supervisor who will then contact the Transportation and Environmental Services (T&ES) Supervising Impound Officer. If the PES cannot be reached the SSD Division Commander will be contacted. Once contact is made, the PES will provide the T&ES supervisor with the on-duty watch commander's contact information. The T&ES supervisor will call the watch commander and coordinate the release of the vehicle if authorized. For accountability and tracking purposes, the Property Supervisor shall be notified by the watch commander (via e-mail) of the status of the vehicle following the conversation with the T&ES supervisor.*

G. Repossessed or Privately Towed Vehicles: All vehicles repossessed or towed by private citizens or entities (i.e. apartment complexes, businesses with private parking lots, etc.) that come to the attention of this Department will be entered into WebRMS by DEC personnel.

H. Limiting or Stopping Impoundment Activities: In times of emergency, or when inadequate storage facilities exist, orders to cease or to limit impoundments on a priority basis may be issued by a watch commander, Patrol Sector Commander or higher authority.

I. Placing A Hold On A Vehicle

1. *Aside from vehicles involved in a driving under the influence investigation, holds will not be placed on vehicles unless the vehicles are to be used for evidentiary or seizure purposes.*
2. The investigating officer may place a hold with authorization from a supervisor. The officer must enter the name of the authorizing supervisor into the Impound

module or on the APD-0052, if one is being utilized. The officer will also document the reason for the hold, any additional hold information, and the name and phone number of the investigating officer in the Impound module.

3. Holds may not exceed five (5) days (or 120 hours) without written approval, *via* email or in memorandum form, from a sergeant or higher authority. The memorandum extending the hold must be sent to the Impound Lot, with a copy forwarded to the Property and Evidence Section Supervisor. The memorandum will specify:
 - a. Case number;
 - b. Vehicle description;
 - c. Registered owner;
 - d. Reason for extending hold;
 - e. Specific number of days the hold is being extended; and
 - f. Name of impounding officer.
4. A hold is not necessary if confiscation proceedings are initiated. However, the intent to confiscate must be clearly indicated in the report TOW fields and the report narrative or on the APD-0052 before detaching the third (pink) copy from the form. Refer to the procedures on confiscation (see 11.22.04.K, below).
5. If a hold is no longer needed for any reason, such as when the initial 5 day hold period is over or when an extension period expires, a sergeant or higher authority will make written notification, via email or memorandum to the Impound Lot staff and to the Property and Evidence Section that the hold is lifted. Property personnel will ensure the updated information is entered into WebRMS.

J. Recovery of Stolen Vehicles

1. Any officer recovering a stolen vehicle will notify the Information Services Section (ISS) as soon as possible, in the same manner as reporting a stolen vehicle. Information Services will cancel the VCIN/NCIC entry, or enter a locate message, whichever is appropriate. All messages will be attached to the Offense/Incident Report (APD-7).
2. The recovering officer will request that the vehicle be placed on the processing list for the Crime Scene Investigations Unit if there is reason to believe that the vehicle may contain latent prints or other evidence of value.
3. The recovering officer will notify the owner. If this cannot be done, the officer will notify a DEC supervisor who will **ensure** that the owner is notified as soon as possible. The notification, or lack of notification, will be recorded in the report narrative and on the Impound module or on the APD-0052. Recovered vehicles will be impounded and a TOW entry or an APD-0052 will be completed. If the vehicle is released to the owner, a Vehicle/ Property Release form (APD-79) *will*

be completed.

K. Confiscations

1. State law provides for the seizure of vehicles with the intent to confiscate for certain violations.
 - a. Court Order – seizure and impoundment of a vehicle as bond may be ordered by a court.
 - b. ABC Violations – vehicles used illegally to acquire or transport alcohol (§4.1-339).
 - c. Certain Equipment – vehicles equipped with gas, flame or "smokescreen" emitting devices (§46.2-1087).
 - d. *Illegal Gambling* – vehicles used in *connection with an illegal gambling enterprise* (§19.2-386.30).
 - e. Narcotics Violations – vehicles used in connection with the illegal manufacture, sale, or distribution of controlled substances or possession with intent to distribute controlled substances (§19.2-386.22).
 - f. Racing – vehicles used in prearranged, organized, and planned speed competition on a street or highway *where the owner is the driver or is present in the vehicle and consents to the racing* (§46.2-867).
 - g. Theft related offenses/white collar crimes – vehicles used:
 - i. For transportation of stolen goods valued at *five* hundred dollars (*\$500.00*) or more (§19.2-386.16);
 - ii. For transportation of stolen property obtained as a result of a robbery, without regard to the value of the property (§19.2-386.16);
 - iii. *In substantial connection with money laundering and vehicles used or intended to be used to promote money laundering* (§19.2-386.19).

(Examples include transportation of stolen credit cards or forged checks; transportation of stolen property with the intent to sell (or the stated intent to use the vehicle for this purpose, even if the goods did not make it to the vehicle), and vehicles purchased with the proceeds of a criminal offense.)
 - h. Felony Driving While Intoxicated – *Third* or subsequent DUI arrest within ten years, *or any DUI offense where the suspect has previously been convicted of a felony DUI*, if the vehicle is solely owned and operated by the suspect (§§ 18.2-270(C)(4), 19.2-386.34).

i. Prostitution, Human Trafficking Offenses;

*i. Vehicles used **by the owner or used by another with the owner's knowledge** during the commission of, or in an attempt to commit, a second or subsequent offense of §§ 18.2-346, 18.2-347, 18.2-348, 18.2-349, 18.2-355, 18.2-356 or 18.2-357 or of a similar ordinance of any county, city or town, **during the commission of or in an attempt to commit §18.2-357 where the victim is a minor (§19.2-386.16).***

ii. Vehicles used in connection with the commission of, or in an attempt to commit, or intended to be used to promote activity that violates §§ 18.2-47(B), 18.2-48, 18.2-59, 18.2-346(B), 18.2-347, 18.2-348, 18.2-349, 18.2-355, 18.2-356, 18.2-357, 18.2-357.1, 40.1-29, 40.1-100.2, and 40.1-103; or vehicles purchased with proceeds traceable to one of these offenses (§19.2-386.35).

j. Kidnapping - vehicles used during the commission of a felony kidnapping offense (§18.2-47 through 18.2-50.3), or a misdemeanor violation of §18.2-47(D) (§19.2-386.16).

2. The confiscating officer will notify the Commonwealth's Attorney as soon as possible that a vehicle has been seized. The officer will notify the Commonwealth's Attorney or designee by email of the intent to confiscate the vehicle.
3. If for any reason the impounding officer, or any other officer, finds it necessary to begin confiscation on a vehicle that already has been impounded, the confiscating officer will immediately notify the Impound Lot that confiscation proceedings have begun and notify the Commonwealth's Attorney or designee as well as the Property and Evidence Section.
4. If for any reason confiscation proceedings are halted, the confiscating officer is responsible for obtaining a written release for the vehicle signed by the Commonwealth's Attorney or designee. The confiscating officer must deliver the release to the Property and Evidence Section and a copy must be forwarded to the Impound Lot. *Property and Evidence Section staff* will upload a copy of the release into WebRMS.

L. Administrative Impoundment of a Motor Vehicle (VA Code §46.2-301.1)

1. State law provides for the impoundment or immobilization of a vehicle when the driver is arrested for driving after his or her driver's license, learner's permit or privilege to drive has been so revoked or suspended for a violation of the following:

- a. A violation of §18.2-51.4 or 18.2-272 or driving while under the influence in violation of §18.2-266, 46.2-341.24 or a substantially similar ordinance or law in any other jurisdiction;
 - b. Driving after adjudication as a habitual offender, where such adjudication was based in whole or in part on an alcohol-related offense, or where such person's license has been administratively suspended under the provisions of §46.2-391.2;
 - c. Driving after such person's driver's license, learner's permit or privilege to drive a motor vehicle has been suspended or revoked for unreasonable refusal of tests in violation of §18.2-268.3, 46.2-341.26:3 or a substantially similar ordinance or law in any other jurisdiction;
 - d. Driving without an operator's license in violation of § 46.2-300 having been previously convicted of such offense or a substantially similar ordinance of any county, city, or town or law in any other jurisdiction, unless the license of the driver was expired for less than one year prior to the offense, or the driver is under 18 years of age.
2. The impoundment or immobilization for violations of sections "a" through "c" above shall be for a period of thirty days.
 3. The period of impoundment or immobilization for violations of section "d" above shall be until the driver obtains a valid operator's license pursuant § 46.2-300 or for a period of three days, whichever is less. If at any time during the three-day impoundment period the driver presents a valid operator's license to the court, the court shall authorize the release of the vehicle upon payment of all reasonable costs of impoundment or immobilization to the person holding the vehicle.
 4. The arresting officer shall serve a Notice of Impoundment form (F-APD-052G) upon the arrested person.
 - a. The arrestee does not have to sign his/her copy. If the person chooses not to sign, the officer shall write "refused" on the line provided for signature of driver.
 - b. Distribution of the form is as follows:
 - i. Original – Scanned into FBR or WebRMS and then sent to the General District Court Clerk's Office.
 - ii. Carbon Copy - Driver
 5. Officers completing an APD-0052G and initiating a hold on a vehicle are responsible for ensuring that the form is entered into FBR or WebRMS before the end of their shift.

- a. If the vehicle is being **impounded** during normal business hours, the officer will submit the Impound form into FBR and bring the APD-0052G to a supervisor to have it scanned and entered into WebRMS.
 - b. If the vehicle is being impounded while the Impound Lot is closed, the impounding officer will wait to submit the Impound module and bring the APD-0052G to Police Headquarters. The officer will then scan the form to him/ herself, attach it as an attachment to the Impound module, and then submit the Impound to FBR.
6. The arresting officer shall include a detailed narrative of the circumstances establishing probable cause for the stop and resulting impound in the Hold Information section of the Impound module before submitting it into FBR.
 7. The appropriate block on the Impound module (Reason for hold: §46.2-301.1) will also be selected from the drop-down menu.

M. REASON FOR TOW AND STORAGE DESTINATION EXAMPLES

REASON FOR TOW	STORAGE DESTINATION
<i>SEIZED</i>	<i>a.) Police Impound Lot b.) Vice Office (as needed)</i>
<i>EVIDENCE</i>	<i>a.) Headquarters (as needed) b.) Police Impound Lot c.) Vice Office (as needed)</i>
<i>INVESTIGATION</i>	<i>a.) Headquarters (as needed) b.) Police Impound Lot</i>
<i>INCIDENT TO ARREST</i>	<i>Police Impound Lot</i>
<i>30 DAY IMMOBILIZED VEHICLE</i>	<i>Police Impound Lot</i>
<i>SAFEKEEPING</i>	<i>Police Impound Lot</i>
<i>ABANDONED / TRAFFIC HAZARD</i>	<i>Police Impound Lot</i>
<i>PARKING VIOLATIONS</i>	<i>Police Impound Lot</i>
<i>ACCIDENTS</i>	<i>a.) Headquarters (as needed) b.) Police Impound Lot</i>
<i>RELOCATION</i>	<i>To Be Determined by the relocating officer</i>
<i>OWNER / OPERATOR REQUEST</i>	<i>To Be Determined by owner and wrecker service</i>

By Authority Of:

Michael L. Brown
Chief of Police