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.

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.

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).
11.22.03 RULES AND RESPONSIBILITIES

A. 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 or vehicles that constitute a hazard to traffic are subject to impoundment (see also Alexandria City Code §5-8-22).

C. 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 mentally disturbed 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.

11.22.04 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(s) 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. 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 the Naviline Management System Tow History. The APD-32B and attached returns will then be held until the Towed Vehicle Report is sent to DEC.
C. **Towed Vehicle Report (APD-0052)**

1. The APD-0052 is designed to document the actions taken to comply with City and State laws governing impoundments and confiscations. An APD-0052 will be completed on all vehicles removed or impounded by this Department for any reason.

2. Any damage on vehicles will be noted 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 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. DEC personnel will verify that the information on the impounded vehicle has been properly entered into the Naviline system 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 Section.
   
   e. Property 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.

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 property of any value must be listed on a Property Inventory (APD-39).

3. Valuable property (i.e. portable electronic devices, computers, wallets, jewelry, etc) will be inventoried and turned into Property for safekeeping.
4. Property deemed to have little monetary value must be secured out of view in a locked trunk or glove compartment of the vehicle. The APD-39 will indicate which articles of property were left in the vehicle.

5. The fourth copy of the APD-39 will be left in the vehicle. This procedure will be followed regardless of the anticipated length of time the vehicle will be impounded.

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 Division Chief of Fleet & Fiscal Management (through channels) denoting the particular problem(s).

2. All vehicles impounded by officers of this Department will be taken to a City lot designated for this purpose unless otherwise authorized by a sergeant or higher authority. 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 their vehicle to a private facility.

3. 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 Towed Vehicle Report will be completed for any future location change. The form will be forwarded through channels and the change entered in the Naviline System.

4. In certain circumstances it may be appropriate for the Department to authorize a waiver of impoundment and/or storage fees for an impounded vehicle. This will generally occur when a vehicle was improperly or mistakenly impounded or when emergency circumstances justify a waiver of fees. Such a request must be approved by a watch commander or higher authority and must be submitted in writing to the Transportation Division Chief at the impound lot. The memorandum should include the reasons for the waiver of fees and should be promptly delivered to the impound lot either in person or via email.

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 the Naviline System 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. Holds will not be placed on vehicles unless the vehicles are to be used for evidentiary purposes.

2. The investigating officer may place a hold with authorization from a supervisor. The officer must enter the name of the authorizing supervisor on the APD-0052.

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 Property. 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 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 that the hold is lifted. A copy of any notification authorizing the release of a hold will be forwarded to Property, to be attached to the APD-0052.

J. **Recovery of Stolen Vehicles**

1. Any officer recovering a stolen vehicle will notify Information Services 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 APD-7.
2. The recovering officer will request that the vehicle be placed on the processing list for the Crime Scene Investigations Section 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 see that the owner is notified as soon as possible. The notification, or lack of notification, will be recorded on the APD-0052 and the APD-7. Recovered vehicles will be impounded and an APD-0052 completed, or released to the owner and a Property Inventory (APD-39) completed, including the receipt portion.

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. Lottery Operations – vehicles used in promotion, operation or conduct of lottery or attempted lottery (§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 (§46.2-867).

   g. Theft related offenses/white collar crimes – vehicles used for:

      i. Transportation of stolen goods valued at two hundred dollars ($200.00) or more (§19.2-386.16);

      ii. Transportation of stolen property obtained as a result of a robbery, without regard to the value of the property (§19.2-386.16);

      iii. Transportation of stolen credit cards or forged checks (§19.2-386.19);

      iv. Transportation of property stolen during a suspect’s 3rd or subsequent larceny regardless of the value of the stolen property ("felony petit larceny") (§19.2-386.19);
v. Vehicles may also be seized if they are used in substantial connection with a grand larceny/felony petit larceny, even if the goods were not transported in the car, if the item stolen is something that is typically fenced or laundered such as electronics, jewelry, etc. (§19.2-386.19).

h. Felony Driving While Intoxicated – 3rd or subsequent DUI arrest within ten years if the vehicle is solely owned and operated by the suspect (§ 18.2-270).

i. Prostitution, Human Trafficking Offenses-vehicles used 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.

2. The confiscating officer will notify the Commonwealth’s Attorney as soon as possible that a vehicle has been seized. The officer will forward a copy of the APD-0052 to the Commonwealth’s Attorney or designee.

3. Property will call the Impound Lot to verify that the vehicle is being held for confiscation. After reviewing the APD-0052 with the necessary signatures, Property will forward a photocopy to the Impound Lot.

4. 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.

5. 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 Property and a copy must be forwarded to the Impound Lot.

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 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 an 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, or
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. Proper distribution is listed on the bottom of the form.

5. The arresting officer shall include a detailed narrative of the circumstances establishing probable cause for the stop and resulting impound on the reverse side of the green copy before forwarding it to the Commonwealth’s Attorney.

6. The appropriate block on the Towed Vehicle Report (Reason for hold: §46.2-301.1) will also be checked.

By Authority Of:

Earl L. Cook
Chief of Police