



TALLAHASSEE POLICE DEPARTMENT

GENERAL ORDERS

 Proudly Policing Since 1841	SUBJECT Vehicle Impounding		 Nationally Accredited 1986
	CHIEF OF POLICE <i>Signature on File</i>		
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AUTHORITY/RELATED REFERENCES

FS 715.07, Vehicles or Vessels Parked on Private Property; Towing
 COT Ordinance 20-46 – 20-49, Impounding Vehicles
 COT Ordinance 20-131 – 20-135, Abandoned and Non-Operating Vehicles
 General Order 12, Radio Communications
 General Order 42, Impounding and Controlling of Property and Evidence
 General Order 72, Search and Seizure
 OSB 3, Community Service Technician Program

ACCREDITATION REFERENCES

CALEA Chapters 61, 82
 CFA Chapter 18

KEY WORD INDEX

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POLICY

Members are responsible for adhering to established protocols regarding the impoundment, inventory, storage and releasing of vehicles impounded by the

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Department.

DEFINITIONS

Crime Scene: Any location where physical evidence is present, or may be present, that may assist in explaining the events of a crime or certain non-criminal incidents (e.g., missing persons, suicides).

Crime Scene Vehicle: A vehicle which is deemed the crime scene of a serious felony crime or incident (e.g., shooting, sexual battery, death investigation, traffic homicide, serious bodily injury crash).

Hold: An impound status indicating the vehicle owner cannot retrieve the vehicle from impoundment without permission of the authorized member.

Impound(ment): The seizing of a vehicle by an authorized member and the subsequent towing and storage of the vehicle by the City of Tallahassee contract towing company.

Second Party Verification: A post-input query of a teletype entry into FCIC/NCIC to ensure the entered information is complete, accurate and valid as mandated by FDLE.

TraCS: Traffic and Criminal Software.

(Vehicle) Inventory: An accounting of the personal property items located in an impounded vehicle, including unlocked and locked compartments and containers, in order to 1) protect the owner's property while in Department custody, 2) protect the Department against claims or disputes over lost or stolen property and 3) protect members and citizens from dangerous objects.

PROCEDURES

I. AUTHORIZATION TO IMPOUND VEHICLES

- A. The Department has established vehicle impoundment, inventory, storage, and release protocols in support of City Ordinances and State Statutes.

Authorization –

- B. Officers and Community Service Technicians are the only members authorized to impound vehicles and in the course of their official duties are authorized to impound vehicles located within the City of Tallahassee when the vehicle is:

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1. Parked on any roadway, right-of-way or other public or private property where the vehicle is blocking an entrance or a driveway into public or private property from any roadway,
 2. Parked on privately owned property belonging to and obviously a part of a single-family residence without the permission or consent of the owner of such property,
 3. Illegally parked and left unattended upon a roadway,
 4. Disabled and a traffic obstruction or hazard (to persons or property) and the person in charge of the vehicle is:
 - a. Absent from the vehicle, or
 - b. Incapacitated or otherwise unable to facilitate the vehicle being moved,
 5. Considered a crime scene or contains evidence pertinent to the investigation of a criminal act and certain non-criminal incidents,
 6. In the possession of a person who is arrested while driving or in physical control of the vehicle and although the vehicle is not evidence there is no other viable alternative to impoundment, or
 7. Abandoned as described in section X below (Violation Notice Procedures) and the owner does not remove the vehicle as directed.
- C. Except as noted in subsection B 7, members shall obtain supervisory approval prior to impounding a vehicle for situations described in subsections B 1-6, above.

II. IMPOUNDMENT DOCUMENTATION, NOTIFICATION AND TRACKING

The protocols in this section are applicable to every vehicle impounded by the Department (i.e., towed by contract towing company), regardless of the reason for the impoundment or the likely disposition of the vehicle.

- A. Each vehicle impoundment shall be reported on a TraCS created Vehicle Tow and Storage Receipt which provides documentation of the following information:
 1. Date and time of the impounding,

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2. Location from where the vehicle was towed,
 3. Name of member requesting the tow,
 4. Reason for the tow,
 5. Name of the towing company,
 6. Notification (or attempts) to the registered owner,
 7. Insurance company and policy number-if available, and
 8. Location to where the vehicle was towed.
- B. The impounding member is responsible for obtaining the tow truck driver's signature on the Vehicle Tow and Storage Receipt.
- C. When the vehicle is abandoned and the owner is not aware the vehicle is impounded, members are responsible for prompt notification to the CDA Teletype operator to ensure FCIC/NCIC entry is made for the impounded vehicle and entry in the CDA tow log.
- D. In situations as described in subsection C above, members shall perform a second party verification on the impounded vehicle in a manner described in General Order 12 (Radio Communications).
- E. The impounding member shall as soon as practical complete a TraCS (tow) form and an Impounded Vehicles form (PD 102), and e-mail both to "TPD Vehicle Impounds."
1. The PD 102 is available on TPD-Net (forms file).
 2. Electronically save the PD 102 with the case number as the file name.
 3. The e-mail subject line should be the file name (case number).
 4. The TPD Vehicle Impounds e-mail group includes members of the Property Crimes Task Force, Forensic Unit, Property and Evidence Unit, Hit and Run Unit, the Wrecker/Towing Officer, and a representative from the contract towing company.

III. VEHICLE IMPOUNDED BY ANOTHER AGENCY

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The protocols in this section are applicable when another law enforcement agency impounds a vehicle on behalf of the Department.

- A. The member contacted by the impounding agency or the CDA regarding the impounded vehicle is responsible for completing the appropriate supplemental report (e.g., stolen vehicle recovery) in a timely manner.
- B. The contacted member is responsible for:
 - 1. Contacting the CDA for removal of the vehicle status (e.g., stolen vehicle) from FCIC/NCIC,
 - 2. Contacting (or attempting and documenting the attempt to contact) the registered owner, and informing about the recovery and whether or not the vehicle is available for release,
 - 3. Conducting a second party verification on the vehicle in a manner described in General Order 12, and
 - 4. Completing and e-mailing the PD 102 in the manner described in subsection II E above.

IV. CRIME SCENE VEHICLE PROTOCOLS

- A. Members are responsible for taking the necessary special precautions to preserve evidence and not contaminate a crime scene vehicle or any possible evidence contained therein.
- B. Crime scene vehicles shall not be searched or inventoried by any person without the approval of:
 - 1. The appropriate investigator, supervisor or commander of the Criminal Investigations Bureau or Operational Support Bureau, or
 - 2. A Forensic Specialist or Forensic Unit Supervisor.
- C. Members are responsible for treating crime scene vehicles as a crime scene and not entering the interior (i.e., cab, hood, or trunk) of the vehicle or adjusting windows or seats unless at the direction of a member listed in subsection B above.
- D. Members shall note in the narrative section of the Vehicle Tow and Storage Receipt if the vehicle was not inventoried on the scene of the impoundment.

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- E. With the exception of illicit drugs or suspected illicit drugs, any evidence, contraband, or weapon visible in the crime scene vehicle shall be retrieved by a Forensic Specialist.
 - 1. If a Forensic Specialist is not available, the on-scene investigator shall retrieve (or delegate the retrieval of) the evidence, contraband, or weapon visible in the crime scene vehicle.
 - 2. Illicit drugs or suspected illicit drugs shall be retrieved only by an investigator or officer.
- F. At the direction of a member listed in subsection B above, a crime scene vehicle may be temporarily impounded at the designated secure COT Fleet facility storage bay for evidence processing.
- G. Members listed in subsection B above are responsible for determining the proper secure storage location of a crime scene vehicle at the contract towing company's impound facility (i.e., inside or outside storage).

V. VEHICLE IMPOUNDMENT WHEN DRIVER ARRESTED

- A. When a person is arrested while driving or in physical control of a vehicle, and the vehicle is not a crime scene vehicle nor contains evidence pertinent to an investigation, officers may allow the arrested person to provide a reasonable alternative to impoundment. The alternatives are limited to the following:
 - 1. A towing company of the arrestee's choice,
 - 2. A towing company from the Department's rotation list,
 - 3. A responsible and properly licensed adult to take custody of the vehicle, or
 - 4. If legally parked, the vehicle being left where it is stopped.
- B. Officers should consider the following in deciding to allow the arrested person's alternative to impoundment:
 - 1. The arrested person's mental alertness and ability to make rational decisions concerning the vehicle's disposition, and

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2. The reasonableness of the time needed to complete the impoundment alternative.
- C. Officers are responsible for ensuring a person designated by the arrestee to take custody of the vehicle is properly identified (e.g., photo identification) and has a valid driver license.
- D. Officers shall document the disposition of the vehicle in the arrest, traffic crash or offense report, to include information such as the:
 1. Towing company, or
 2. Name and contact information of the person allowed to take custody of the vehicle, or
 3. Exact location of where the vehicle was left legally parked.

VI. VEHICLE INVENTORY PROCEDURES

- A. Unless deemed a crime scene vehicle, impounding members shall ensure a vehicle is inventoried contemporaneous to its impoundment.
- B. Inventories shall be documented on a Vehicle Tow and Storage Receipt.
 1. The member shall indicate on the Vehicle Tow and Storage Receipt whether or not the vehicle key is with the vehicle.
 2. Except as noted in subsection G below, items found during the vehicle inventory shall be listed on the Vehicle Tow and Storage Receipt.
- C. Members are authorized to access the passenger compartment, trunk, and other secured areas of a locked/secured vehicle to conduct a vehicle inventory and are responsible for adhering to the following methods of entry in descending order of preference:
 1. Obtaining a key or keyless entry device for the vehicle,
 2. Reliance upon the contract towing company for gaining access to the vehicle,
 3. Utilization of a lock out tool (e.g., slim jim) or similar device, or
 4. Physical force.

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- D. Members conducting a vehicle inventory shall open all containers found in the vehicle.
- E. Members are authorized to open locked containers found in the vehicle and are responsible for adhering to the following methods of entry in descending order of preference:
1. Obtaining a key or lock combination, or
 2. Physical force.
- F. Any damage to the vehicle or a locked container occurring during the inventory shall be:
1. Promptly reported to an on-duty supervisor, and
 2. Documented as follows:
 - a. Noted on the Vehicle Tow and Storage Receipt,
 - b. Completion of a COT Accident/Incident Field Reporting Form (SA 731), and
 - c. If the reason for the vehicle impoundment involves the completion of an offense report, noted in the narrative section of the report.
- G. When an item of contraband or evidence of a crime is discovered during the inventory of a non-crime scene vehicle, the impounding member is responsible for:
1. Promptly seizing the item, and
 2. Following the protocols in General Order 42 (Impounding and Controlling of Property and Evidence).
- H. The inventory shall take place where the vehicle is stopped or found unless there is a clear reason to move the vehicle before the inventory (e.g., crime scene vehicle, volatile situation at vehicle location, inclement weather).
1. If the inventory is not conducted where the vehicle is stopped or found, it shall be conducted as soon as practical after the impounding.

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2. When the inventory is not conducted where the vehicle is stopped or found, the impounding member shall ensure a member maintains continuous observation of the vehicle until it is towed to a designated impoundment location.
- I. Impounding members are responsible for checking FCIC/NCIC for active wants or holds on the impounded vehicle (using both the license plate and the vehicle identification number).
- J. If the impounding member is unable to ascertain the registration of the vehicle being impounded, the reason shall be noted on the Vehicle Tow and Storage Receipt.
- K. After the completion of the vehicle inventory, a search warrant must be obtained in order to re-enter the vehicle to retrieve a known evidentiary item or search for an evidentiary item believed to be in the vehicle.

VII. RECOVERED STOLEN VEHICLES

- A. The member in charge of the stolen vehicle recovery shall make reasonable efforts to notify the registered owner of the recovery and advise whether or not the vehicle is available for release.
- B. A recovered stolen vehicle is available for release to the owner or other authorized person unless it is:
 1. Needed for further investigation or evidentiary purposes, or
 2. Deemed unsafe to drive due to damage.
- C. A vehicle inventory is not authorized when the vehicle is released to the owner or other authorized person from the recovery scene.
- D. When the vehicle is released to the owner or other authorized person from the recovery scene, the member in charge of the recovery is responsible for ensuring:
 1. Except as noted in subsection E below, the vehicle is processed for evidence (e.g., latent prints) prior to the release, and
 2. The owner or other authorized person taking custody of the vehicle signs the Vehicle Tow and Storage Receipt to indicate receipt of the vehicle.

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- E. Exceptions to the evidence processing mandate include the following:
 - 1. The owner or authorized person refuses to allow processing,
 - 2. The vehicle condition is not conducive to processing (e.g., submerged in water or burned), or
 - 3. The suspect is arrested in the vehicle and there is no other reason to conduct evidence processing.

- F. Whether or not the vehicle is released to the owner or other authorized person or towed by the contract towing company the member in charge of the recovery is responsible for:
 - 1. Following the applicable search protocols in General Order 72 (Search and Seizure) and as warranted, seizing contraband and/or evidence of a crime,
 - 2. Completing a Vehicle Tow and Storage Receipt for the vehicle,
 - 3. Following the protocols in General Order 42 for any property seized from the vehicle, and
 - 4. As soon as practical, completing and e-mailing the PD 102 in the manner described in subsection II E above.

VIII. HOLD AND RELEASE OF AN IMPOUNDED VEHICLE

Holds –

- A. Supervisory permission is required to place a hold on an impounded vehicle.

- B. Supervisors are authorized to place a hold on an impounded vehicle only when the vehicle:
 - 1. Requires evidentiary processing and the processing needs are beyond the capabilities of officers,

 - 2. Is the subject of one or more of the following:
 - a. Forfeiture proceedings,

 - b. A Department investigation, or

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- c. An investigation conducted by another law enforcement agency and the agency has requested a hold on the vehicle.
- C. When a hold is authorized, the impounding member shall indicate the following on the Vehicle Tow and Storage Receipt:
 - a. The person, work unit or agency requesting the vehicle hold, and
 - b. The *specific reason* for the hold (e.g., forensic processing, forfeiture proceedings, pending search warrant). Note: "investigation" is not acceptable.

Releases –

- D. The rescinding of a hold and authorizing the release of vehicle is primarily the responsibility of the member placing the hold, but any of the members listed below are also authorized to rescind a hold and authorize a vehicle's release:
 - 1. The supervisor or Section Commander of the member placing the hold,
 - 2. The detective assigned to the investigation,
 - 3. The supervisor or Section Commander of the detective assigned to the investigation,
 - 4. The Watch Commander, or
 - 5. Any Bureau Commander or higher Department authority.
- E. The member authorizing the release of the vehicle is responsible for:
 - 1. Making timely notification of the release to the vehicle owner or other authorized person, and
 - 2. Promptly sending an e-mail to the "TPD Vehicle Impounds" stating the vehicle may be released.

Financial Responsibility of Towing and Storage Fees –

- F. The Department is only responsible for the payment of storage fees for vehicles placed on "HOLD" when the vehicle is impounded by the Department (i.e., towed by contract towing company) from the date of

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impoundment until the date the vehicle owner or other authorized person is notified the vehicle is available for release.

- G. Only a Bureau Commander or higher Department authority is allowed to waive the towing and storage fees of a vehicle owner (or other authorized person) and direct the fees be paid by the Department.

IX. REMOVING ITEMS FROM AN IMPOUNDED VEHICLE

The following protocols are applicable when a hold is in place on an impounded vehicle and the owner or other authorized person needs to obtain property from the vehicle.

- A. Unless detrimental to an investigation or forfeiture procedure involving the vehicle, members will facilitate reasonable requests from vehicle owners and other authorized persons to remove personal items from an impounded vehicle.
- B. Except as allowed in subsection C below, the member who requested the hold is the only member authorized to release items from the vehicle.
- C. When the member requesting the hold is unavailable, any of the members listed below may authorize the release of items from an impounded vehicle.
 - 1. The Section Commander of the member requesting the hold,
 - 2. The Watch Commander, or
 - 3. Any Bureau Commander or higher Department authority.
- D. The member authorizing the release of items from the vehicle is responsible for ensuring:
 - 1. A member is present at the impoundment location with the vehicle owner or authorized person to facilitate the removal of the item(s), and
 - 2. A supplemental report is completed contemporaneous to the release detailing the release of items from the vehicle (i.e., what was released, who received the item[s], the member present for the release).

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- E. The member present with the owner or authorized person at the impoundment location is responsible for the following:
 - 1. Not allowing the person to remove the item(s) or search through the vehicle, and
 - 2. Locating and removing the item(s) based upon instruction from the person.

X. VIOLATION NOTICE PROCEDURES

- A. Community Service Technicians of the Operational Support Bureau have the primary responsibility for activities related to violation notices.
- B. The mandate of subsection A above does not preclude an officer from engaging in activities related to a violation notice, but when doing so they shall adhere to the protocols of this section.
- C. When members encounter vehicles left unattended and presumed to be abandoned adjacent to any public roadway or on the right-of-way, and the vehicle is not considered a traffic hazard they shall:
 - 1. Conduct a vehicle registration check (by the vehicle identification number if possible), and
 - 2. Make a reasonable effort to contact the vehicle owner.
- D. If the vehicle owner is not contacted or is contacted, but uncooperative in having the vehicle moved, the member shall:
 - 1. Complete a Vehicle Tow and Storage Receipt,
 - 2. Place a Vehicle Notice Label (PD 171) in a conspicuous place on the vehicle, and
 - 3. Forward the vehicle registration information to the designated member in the Operational Support Bureau so a registered letter may be sent to the vehicle owner directing the vehicle be removed.
- E. The designated Operational Support Bureau member is responsible for:
 - 1. Notifying the vehicle owner by certified mail that the vehicle is subject to towing and impoundment if it is not removed within five (5) calendar days from when the letter is mailed, and

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2. Ensuring that at the end of the five (5) calendar days, a member responds to the vehicle location to determine if the vehicle is still abandoned.
- F. A member assigned to follow-up on a violation notice shall respond to the reported location of the vehicle and complete the protocols listed below.
1. If the vehicle is absent from the location, indicate that fact on the Vehicle Tow and Storage Receipt.
 2. If the vehicle is present at the location, complete the appropriate information on the Vehicle Tow and Storage Receipt and follow established impound protocols.

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