

PALM BEACH GARDENS POLICE DEPARTMENT

IMPOUNDMENT OF VEHICLES

POLICY AND PROCEDURE 4.2.3.18

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PURPOSE: This procedure provides guidelines concerning the impoundment of vehicles that are towed due to abandonment, crash, the creation of a traffic hazard, or involvement in criminal activity.

SCOPE: Officers and Investigators

REVIEW RESPONSIBILITY: Patrol Operations and Investigations Bureau Majors

POLICY: This department shall ensure the safe and efficient flow of vehicular traffic on our streets and highways by removing/towing abandoned, crashed, hazard, or criminally involved vehicles to a place of safety.

PROCEDURES

1. INFORMATION AND DOCUMENTATION

- a. The following information is required when documenting the towing or impounding of vehicles:
 - i. Time;
 - ii. Date;
 - iii. Removal location;
 - iv. Name and ID number of requesting officer;
 - v. Reason for removal or tow;
 - vi. Name of towing service;
 - vii. Towed to location;
 - viii. Notification or attempts to notify the registered owner, and
 - ix. Inventory of contents

2. ABANDONED VEHICLES

- a. Officers will handle abandoned, parked, or stored vehicles on public property or public traffic ways as required in F.S.S. 316.194, 316.195 and 704.103(2).
- b. Any vehicle that has been abandoned on municipal property, public property, or on a city street, and is disabled, junked, wrecked, or partially dismantled in excess of 48 hours is in violation of city ordinance.
- c. An officer who observes a vehicle in such condition shall complete an abandoned vehicle notice and attach the red sticker to the windshield of the vehicle.
- d. The officer will not immediately impound the vehicle nor obtain a case number unless it is a traffic hazard.
- e. The officer will make every attempt to locate the registered owner of the vehicle. Such attempts to locate may include, but not be limited to, a neighborhood canvass, PALMS search, or checking telephone directories and other reference sources.
- f. If a check of NCIC/FCIC reveals the vehicle to be stolen, then it should be processed at the scene and released to the owner unless it was involved in the commission of a crime.
- g. In the event the owner cannot be located the vehicle will be towed to the tow company lot; the impounding officer shall continue efforts to notify the owner.
- h. When the vehicle is used in the commission of a crime, the vehicle may be towed to the police department or towing company lot, as designated by the investigator. Arrangements should be made to have Crime Scene process the vehicle so that critical evidence may not be lost, and to facilitate timely release to the owner.
- i. When this agency recovers a vehicle reported stolen in another jurisdiction, the officer will direct communications to notify the reporting agency of the recovery. The agency reporting the vehicle stolen should notify the owner and direct this agency as to the towing of the vehicle, if required. If the officer cannot locate a VIN, the officer may contact the Auto Theft Task Force.
- j. The inventory and vehicle storage receipt (VSR) will be handed in with the officer's report and routed according to instructions on the form. If the vehicle impounded was towed by the contract towing service and placed in their storage facility, then the information from the VSR will be entered into NCIC/FCIC by the Communications Center.

3. TRAFFIC CRASHES

- a. If a vehicle has been involved in a crash and is disabled as a result of damage sustained in the crash, such vehicle must be removed from the roadway.
- b. Any officer investigating a motor vehicle traffic crash will ensure that the vehicles involved have been removed from the roadway.
- c. If the owner or driver of such vehicle is present, then the owner or driver shall be asked to state the name of the person or company they desire to remove the vehicle. The officer will advise dispatch and such company shall be notified of the request for service.
- d. If the owner or driver of the vehicle is not present at the scene, then the investigating officer will request the services of the towing company under contract to the city to provide such service.
- e. If the crash is a hit and run and the driver is unknown, the investigating officer will advise dispatch as soon as possible so the vehicle can be entered into NCIC/FCIC as abandoned/recovered. Additionally, a hold will be placed on the vehicle until the hit and run can be followed up.

- i. The impounding officer will complete the "hold 'for" section on the VSR. This section will have the officer's name that the vehicle is being held for and the department telephone number.
 - ii. In the event the impounding officer is not the follow-up investigator then "crash investigation unit" may be placed in this section.
- f. If the crash is a fatality or serious enough that it may result in a fatality, then the vehicle will be towed to the secure storage facility of the authorized towing agent where it can be examined by the traffic homicide investigator.
- g. A hold will be placed on the vehicle pending the conclusion of the investigation and authorization for release by the office of the state attorney.
 - i. It will be the responsibility of the traffic homicide investigator to arrange for the release of these vehicles.
- h. The VSR will be turned in with the officer's crash report.

4. ARREST

- a. Misdemeanor arrest of an individual who is driving a vehicle may result in the vehicle being towed to an approved storage facility by the authorized towing firm. If towed, the towing agent will then assume all responsibilities for the vehicle. The officer will complete a VSR and turn it in with their report.
- b. If the arrested individual has a companion with him/her who they want to turn the vehicle over to, and the arrested person is sober and understands what he/she is agreeing to, the arresting officer may permit the companion to take the vehicle. Such action should be noted in the investigation report.
- c. Felony arrest of individuals who are in possession of or who are driving a vehicle will result in the vehicle being towed to the storage facility of the authorized towing agent.

5. CRIMINAL INVESTIGATIONS

- a. Vehicles impounded in the course of a criminal investigation may be towed to the secure storage facility of the authorized towing agent or other designated secured location.
- b. Prior to impounding the vehicle, the officer should notify their Sergeant who should contact the designated Investigations Bureau Sergeant to obtain authorization for the impoundment. "Admin" will be placed in the "hold for" section of the completed VSR.
- c. The top of the VSR should be marked "criminal investigation" by the impounding officer.

6. EVIDENCE

- a. Any vehicle towed as evidence should first be determined to have substantial value to the criminal case.
- b. All vehicles towed as evidence will be towed by the approved towing agent:
 - i. here to the department's secured parking lot, or
 - ii. placed in the secure storage facility of the authorized towing agent.
- c. The investigating officer will complete a VSR in full. The officer will indicate that the vehicle is evidence by writing "evidence" across the top of the VSR.
- d. The investigating officer will complete an evidence sheet for the vehicle.

- e. It is the responsibility of the investigating officer to arrange for the release of the vehicle upon completion of the case or upon authorization by the State Attorney's Office.

7. FORFEITURES

- a. The Contraband Forfeiture Act, Florida State Statute 943.41, authorizes the confiscation of any personal property (including weapons, vehicles, and money) which has been or is actually used to commit or aid in committing any felony.
- b. Any vehicles used in the commission of any felony will be impounded with a hold placed on it.
 - i. the designated Investigations Bureau Sergeant should be contacted in order for a determination to be made whether it can be confiscated.
- c. Vehicles that are being held for forfeiture will be towed to the secure storage facility of the approved towing service.
- d. A VSR will be completed for each vehicle impounded pending forfeiture hearings. The officer will indicate that the vehicle is pending forfeiture by writing "hold for forfeiture" across the top of the VSR.
- e. A contraband forfeiture form may be completed by the arresting officer and forwarded, through channels, to the designated Investigations Bureau Sergeant with copies of their report and the VSR.

8. TRAFFIC HAZARDS

- a. When an officer encounters a vehicle that is either disabled or abandoned, and this vehicle presents a hazard to the safe and efficient flow of traffic, the officer shall have the vehicle removed from the street or roadway to a place of safety.
- b. If the owner or driver of the vehicle is present; the officer will stand by and offer assistance as appropriate.
 - i. If the vehicle requires a towing service for removal, the driver will be afforded the opportunity to state a preferred tow service.
- c. If the driver of the vehicle is not present, the officer will advise dispatch of the location of the vehicle and request that the authorized towing service respond to remove the vehicle.
 - i. The impounding officer will complete a CAD report entitled "traffic". The report, at a minimum, must provide all information that is required in Section 1 of this policy.
- d. The officer will complete a VSR and give the tow truck driver their copy of the VSR. The driver will remove the vehicle to their storage area and assume all responsibilities for the vehicle.
- e. The officer will advise dispatch of the vehicle description and all pertinent information so that the vehicle can be entered into NCIC/FCIC as abandoned/impounded. A control number will be assigned to the vehicle and the officer will include this number in his/her report.

9. INVENTORY OF IMPOUNDED VEHICLES

- a. An inventory will be conducted of all vehicles that will be placed in the storage facility of the authorized towing agent.
 - i. The inventory is to include all open, closed, or locked containers within the vehicle.
- b. A VSR will be completed for all stored vehicles.

10. GLOSSARY

Abandoned Vehicle - A vehicle which is left exposed to the elements and whose owner cannot be located with reasonable inquiry.

Junked Vehicle - A vehicle which is wrecked, deteriorated, or dismantled condition and incapable of lawful operation on public highways or waterways.

Vehicle - Any device by which any person or property is or may be transported or drawn upon a highway or upon water, including but not limited to a motor vehicle, mobile home, trailer, camper, boat and boat vehicle.

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