

FLORENCE POLICE DEPARTMENT GENERAL ORDER

Subject: <b style="text-align: center;">VEHICLE IMPOUNDMENT	Procedure: General Order 29.4.3 CALEA 61.4.3	Total Pages: 8
Authorizing Signature: Original with Authorizing Signature on File	Effective: 3/9/18 <input type="checkbox"/> New <input checked="" type="checkbox"/> Amended <input type="checkbox"/> Rescinds	

I. POLICY

It is the policy of this Department to impound vehicles when necessary to protect evidence, secure property, and provide safety to the public.

II. PURPOSE

This written order establishes guidelines and procedures for the impoundment of vehicles.

III. SCOPE

This written order is applicable to all personnel.

IV. RESPONSIBILITY

It shall be the responsibility of all employees to comply with this directive.

V. CONTRACT

The City of Florence utilizes contract wrecker services for:

- A. Removing from the public streets of Florence, Alabama, all abandoned motor vehicles which are removed pursuant to Code of Alabama 1975, Title 32-13-1 and 32-13-2, as needed; and,
- B. All cases where vehicles are removed because the vehicle does not have proper protection due to the owner or driver being arrested or removed from the vehicle.

VI. DEFINITIONS

- A. **VEHICLE** - For the purpose of this directive, means any device which is used for the transportation of humans, animals or property.
- B. **ITEM**: For the purpose of this directive means any property other than a vehicle.

VII. CODE OF FLORENCE, ALABAMA

The Florence Police Departments adopts all ordinances within the Code of Florence, Alabama including applicable ordinances regarding the impoundment of vehicles.

VIII. GENERAL PROCEDURES FOR IMPOUNDMENT

- A. When it becomes necessary to impound a vehicle, the Officer initiating the action will request dispatch notify the impounding service, specifically stating the location to which the wrecker is to respond, the size and type of the vehicle to be towed.
- B. If the impoundment is for an item instead of a vehicle the requesting Officer will state the type of item, size and approximate weight if possible. Materials or items that are HAZARDOUS in nature will be examined by a supervisor prior to being impounded.
- C. Dispatch will notify the impounding service without delay, furnishing all pertinent information as given by the Officer.
- D. If the contract wrecker has not arrived within thirty minutes of their initial notification, another wrecker service may be utilized. In such case, the times will be verified using the officer's radio log.
- E. Officers will run the vehicle or item through NCIC to check for any stolen report on file. The driver or person in charge of the vehicle will also be checked to determine if any outstanding warrants exist for their arrest.
- F. The contents of each impounded vehicle will be inventoried if possible. When possible this inventory will be conducted in the presence of and witnessed by the driver or person in charge of the vehicle.
 - 1. Officers may open, inspect, and inventory unlocked closed containers, i.e., luggage, opaque bags and boxes, etc., whose contents cannot be determined from examining the exterior of the container.
 - 2. A complete inventory will encompass unlocked items located in the passenger compartment, trunk, glove box, or any other existing interior or exterior compartment affixed to the vehicle.
 - 3. Locked containers located anywhere in the vehicle as described in this directive, will not be unlocked, inventoried, or searched without the following: permission from the owner, probable cause, or a valid search warrant.
 - 4. Any contraband, controlled substance, or articles of any type which would subject the driver (or occupants) to criminal prosecution will be documented and turned in according to existing procedures. The driver will be informed, as soon as possible, of the discovery of any such article.

IX. ABANDONED VEHICLES

- A. Vehicles left unattended on the roadway and presenting an immediate traffic hazard, may be impounded. Vehicles which have been left unattended, but do not present an immediate traffic hazard, will be checked by the Officer through records for registration and stolen reports.

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- B. Any vehicle which has been left unattended on public property or highway right of way, that does not pose an immediate traffic hazard, will have a Seven Day Notice sticker placed on the vehicle. This Seven Day Notice sticker will be placed in a readily noticeable location upon the vehicle. The sticker will contain the following information:
 - 1. Date,
 - 2. Time,
 - 3. Case number, and
 - 4. Name of the officer placing the sticker.
- C. After seven days, if the vehicle has not been removed, or brought into compliance with our city code (Sec.13-202 & Sec. 22-125 of the Florence City Code) the vehicle will then be towed in compliance with all sections of this directive.
- D. Officers will not impound abandoned vehicles from private property unless directed by a sworn supervisor or another section of this directive.
- E. Abandoned vehicles identified as stolen will either be impounded or released to the registered owner after completing the required reports. Approval from the appropriate investigator and crime scene processing may be necessary.
- F. When an abandoned vehicle has been located, a reasonable attempt will be made to contact the registered owner. Information gained from sources such as the vehicle registration, VIN, “in-house” involvements, or from various papers located in the vehicle can assist in identifying the owner and informing them of the impoundment of the vehicle.
- G. Records of all impounded vehicles are maintained with the Services Division. A copy of each Vehicle Impoundment and Inventory is left with the desk officer.
- H. A reasonable amount of time will be allotted to the registered owner of the vehicle to respond and retrieve the vehicle. If the vehicle is a safety hazard, it should be towed according this directive.

X. VEHICLE IMPOUNDMENT UPON ARREST

- A. **TRAFFIC RELATED AND/OR OTHER THAN TRAFFIC RELATED ARRESTS:** In the event a driver is placed under physical arrest, the officer will determine if the driver’s vehicle poses an immediate traffic hazard.
 - 1. **PUBLIC PROPERTY:** If the vehicle poses an immediate traffic hazard and cannot be removed from the roadway the vehicle will be impounded. Except in extreme or unusual circumstances, no employee or representative of the Florence Police Department will operate the defendant’s car in an effort to remove it from the

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roadway.

2. PRIVATE PROPERTY:

- 1) If the vehicle is parked legally on private property, the officer, with the driver or owner's permission, may release the vehicle to a present or readily available (either at the scene or moments away from the scene) legal driver.
- 2) If the private property owner or representative of the owner is readily available, and agrees to allow the vehicle to remain, the officer, at the owner/driver's request will leave the vehicle where it is. By choosing to leave the vehicle on private property, the defendant accepts all responsibility for the vehicle and its contents. This includes any theft, damage, or loss that occurs as a result.
- 3) Otherwise, the vehicle will be impounded pursuant to all provisions contained herein.

XI. REMOVING VEHICLES DUE TO TRAFFIC COLLISIONS

- A. At the scene of a traffic collision, when a driver is injured and no other representative of the injured is present or readily available, or when the collision scene creates a hazardous traffic condition, or when the driver is traumatized to the extent they are incapable of making a decision, a contract wrecker service will be notified to remove the vehicle(s).
- B. Otherwise, drivers of vehicles involved in traffic collisions will be allowed to select their choice of properly licensed wrecker services to tow their vehicle. If the driver has no preference on which wrecker service is summoned, the contract wrecker service will be notified. If the vehicle is blocking the roadway or is causing some other public safety hazard, the wrecker service of choice must still be able to respond within the thirty (30) minute window as mentioned previously.
- C. No inventory is required of vehicles removed from accident scenes, UNLESS the vehicle involved in the accident is part of a criminal investigation.

XII. INVENTORY SEARCHES

- A. All vehicles impounded will be inventoried. The inventory will be documented on the Vehicle Impoundment and Inventory Record.
- B. All inventory searches will be in accordance with General Order 1.2.4 "Searches and Seizures – Vehicle Inventory Searches" (page 4).

XIII. LEGALITY OF IMPOUNDMENT QUESTIONED

- A. In the event a registered owner was to question the legality of their vehicle impoundment, the registered owner is to be referred to the on-duty supervisor.

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- B. The facts of the impoundment will be reviewed and a decision made concerning whether the impoundment followed policy.
- C. In the event the supervisor decides in favor of the owner, the vehicle will be released and the city will cover the impoundment fees.
- D. In the event the supervisor decides that the proper impoundment procedures were followed, the registered owner may be referred to the city attorney's office.

XIV. VEHICLE IMPOUNDMENT AND INVENTORY RECORD COMPLETION

The Vehicle Impoundment and Inventory Record form is to be completed as specified in the block by block instructions of this procedure. Upon completion, the form is to be distributed as follows:

- 1. White (Original) copy is to be turned in at the desk.
 - 2. Yellow copy is to be given to the wrecker service.
 - 3. Pink copy is to be given to the driver of the impounded vehicle.
 - 4. If no owner or driver is present, the pink copy is to be attached to the original. It will be given to the owner of the vehicle by desk personnel when they arrive at the police department to have the vehicle released.
- A. VEHICLE INFORMATION:
- 1. Record the vehicle's year, make, type or model, color, and odometer reading.
 - 2. Record the tag number, tag state, and the VIN. Verify the VIN with the registration.
 - 3. Record the operator's name, address, and phone number.
 - 4. Record the operator's driver's license number, state, and status.
 - 5. Record the name, address, and phone number of the vehicle's registered owner (if different from driver).
- B. REASON FOR IMPOUNDMENT:
- 1. Check the appropriate box regarding the nature of the impoundment.
 - 2. Record the exact location from which the vehicle is towed.
 - 3. Record the name of the wrecker service towing the vehicle.
 - 4. Record the location where the vehicle is to be towed.
 - 5. Record the *wrecker driver's* name.
 - 6. Have the *wrecker driver* sign the form.

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7. Record, by checking the appropriate box, where the driver of the vehicle was transported to and have the driver initial if willing.

C. **INVENTORY AND CONDITION OF VEHICLE WHEN TOWED:**

1. Check the appropriate box indicating who has possession of the keys. If "other," be specific in blank provided.
2. Record the overall condition of the vehicle by checking the appropriate box.
3. List any damage to the vehicle.
4. List, by way of inventory, any personal property that was left in the vehicle, removed by the operator, or removed by the officer.
5. If the officer recovers any contraband or other evidence, be sure to record the evidence locker #. (This number will not be on the owner or wrecker driver's copy).

NOTE: Money (coins excluded), firearms, and contraband ARE NOT to be left in impounded vehicles. These items must be inventoried and/or taken as evidence and appropriately logged in.

6. Record the Reporting Officer's name and ID #.
7. Record the date and time of the impoundment.

XV. RELEASE OF IMPOUNDED VEHICLES

A vehicle will be released to the Legal Registered Owner with a current U.S. driver's license and with proof of current insurance. The registered owner may give written notarized authorization to a representative with a valid U.S. driver's license.

- A. Ownership will be verified by:
 1. NCIC print out, or
 2. Title, or
 3. Application for Title, or
 4. Current tag receipt
- B. Proof of insurance can be verified by a current insurance card, or current temporary insurance card that is provided by the insurer.
- C. Additional consideration for the release of a vehicle are:
 1. The legal registered owner needs his/her current U.S. driver's license and proof of insurance.
 2. If the legal registered owner has a suspended, revoked, or expired driver's license, he/she can use that driver's license for picture identification only. He/She will need to bring two other people with him/her that possess current U.S. driver's license. The

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registered owner must provide proof of insurance.

3. If the legal registered owner does not have a driver's license, he/she will need picture identification (preferably his own country's driver's license) and two persons with him, each with a current U.S. driver's license.
4. If the legal registered owner has been arrested for DUI and his Alabama driver's license has been taken away, he/she will have been given a Goldenrod (yellow) AST 60 Form as a replacement for his Alabama driver's license. If the AST 60 is current when presented by the registered owner, the AST 60 can be used as identification. The registered owner must provide proof of insurance.

XVI. PRIVATE PROPERTY IMPOUNDMENTS

- A. If a vehicle is parked on private property or in a leased parking space, and the property owner or lessee requests, the vehicle can be towed by a wrecker company of the owner or lessee's choice. The property owner or lessee is responsible for contacting the wrecker company of their choice, or Florence Police Dispatch can transfer the property owner or lessee to the wrecker company of their choice upon request.
- B. Florence Police Dispatch will give the appropriate wrecker company a case number and ask for the following information regarding the vehicle to be towed:
 1. Vehicle tag number,
 2. Make, model, and color of vehicle, and
 3. Location of the vehicle being towed.
- C. If the vehicle requested to be towed from private property is believed to be stolen based on the return from NCIC, an officer will be dispatched to respond.
- D. Officers will no longer be required to respond to the scene for a simple report unless requested by the complainant or there are extenuating circumstances that require police intervention such as the vehicle in question is reported stolen, involved in another crime, or something similar.

XVII. SAFE STREETS ORDINANCE NO. 2008-03

- A. Section 1 (b) (1) of the Florence City Code states:
 1. If a driver is unable to produce a valid driver's license on the demand of a law enforcement officer, the motor vehicle is subject to impoundment regardless of ownership, unless the law enforcement officer is reasonably able, by other means, to verify that the driver is properly licensed. Prior to impounding the motor

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vehicle, a law enforcement officer shall make a reasonable attempt to verify the license status of a driver who claims to be properly licensed, but who is unable to produce the license on demand of the law enforcement officer. A notation of the officer's attempt to verify that the driver is properly licensed shall be noted on the departmental report. The driver and occupants of the motor vehicle will be transported to a place of safety by the impounding officer and a vehicle impound report made with a full inventory of items in the motor vehicle.

2. A law enforcement officer shall not impound a motor vehicle pursuant to this section if the license of the driver expired within the preceding sixty (60) days and the driver would otherwise have been properly licensed.
 3. If the owner of the motor vehicle or another family member of the owner is present in the motor vehicle and has a valid license, the motor vehicle shall not be impounded and towed.
 4. If there is a medical necessity jeopardizing life or limb, the law enforcement officer may elect not to impound the motor vehicle.
 5. A law enforcement officer who requests that a motor vehicle be towed onto the property of another pursuant to this section shall do so by using a vehicle impound report.
- B. Section 1 (b) (2) of the Florence City Code states: A motor vehicle impounded pursuant to this section shall be released if the person redeeming the motor vehicle satisfies in full the fees provided for by Subsection 1(c) and:
1. The registered owner appears at the Florence Police Department or a representative of the owner with written notarized authorization from the registered owner appears, and presents a valid driver's license and a copy of the written authorization, if applicable, to be copied by the Florence Police Department;
 2. If the registered owner does not have a valid driver's license, he or she may bring someone with them who has a verified valid license and the motor vehicle may be released without written notarized permission; or
 3. Upon order of a court of competent jurisdiction.

XVIII. APPLICABLE FORMS

The City of Florence, Vehicle Impoundment and Inventory Record will be used when impounding vehicles pursuant to this direct.