

WEST PALM BEACH POLICE DEPARTMENT

III-28 IMPOUNDMENT OF VEHICLES

EFFECTIVE: 01/01/2005

CALEA Standards: 61.4.3

CFA Standards: 25.02

I. POLICY: The West Palm Beach Police Department has established guidelines to properly impound vehicles towed due to abandonment, crash, the creation of a traffic hazard, or involvement in any criminal activity.

II. DEFINITIONS:

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

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

C. 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, boat trailer, etc.

III. PROCEDURE:

A. Abandoned Vehicles:

1. Any vehicle that has been abandoned on a City street and is disabled, junked, wrecked, or partially dismantled in excess of 24 hours is in violation of City Code. Sergeants can authorize the immediate removal of such vehicles based upon the circumstances.

2. An officer who observes a vehicle in such condition will complete an Abandoned Vehicle Notice and attach the red sticker to the windshield of the vehicle. The top white copy of the notice will be turned in to the reviewing supervisor and routed as a parking warning.

3. The Abandoned Vehicle Notice to the windshield will remain in place for at least 5 days.

4. The officer will not immediately impound the vehicle nor obtain a case number unless it is a traffic hazard.

5. 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, and/or checking telephone directories or other reference sources.

a. When an officer locates a vehicle which he or she believes to be stolen (punched steering column, loose V.I.N. plate, etc.) and the NCIC/FCIC computer check is negative, the officer will attempt to verify ownership.

1) If ownership cannot be established, the officer will contact the Auto Theft Unit for direction.

2) If an Auto Theft Detective is unavailable, the officer will impound the vehicle and place a "HOLD" on the vehicle for the Auto Theft Unit. The officer will leave a message on the Auto Theft Unit's voice mail system informing them of the case number and location of the vehicle.

3) The officer will notify Dispatch Operations following the same procedure as outlined in SOP IV-4, Auto Theft Investigation, Section II, (F).

4) The report will be forwarded to the Auto Theft Unit for investigation by writing "Attention Auto Theft Unit" across the top of the police report.

6. The impounding officer will complete a City of West Palm Beach Impoundment and Storage Notice and mail it to the vehicle's registered owner by certified mail, return receipt requested.

7. The officer will return to the location of the abandoned vehicle after 5 days. The officer will arrange for the removal of the vehicle pursuant to City Code and have the towing service that is under contract with the City remove the vehicle. Keys, if present, will be turned over to the towing service.

8. The officer will complete a Vehicle Storage Report (VSR).

9. The VSR will be filled out COMPLETELY. All blocks on the form must be completed by the investigating officer.

10. When a vehicle cannot be identified through either a tag or Vehicle Identification Number (VIN), it will be towed from the roadway.

a. In the event that a VIN cannot be located in the standard location on the dashboard, the officer will contact an Auto Theft detective or check alternate locations.

1) If the vehicle was manufactured before 1970, the officer should check for a sticker located on the door post of the driver's door. This sticker was mandated by federal regulation and should appear there.

11. The VSR will be attached to the officer's report and routed according to instructions on the form.

12. The information from the VSR will be used by Dispatch Operations personnel to enter the vehicle into NCIC/FCIC as Abandoned/Recovered. Dispatch will maintain records of all vehicles removed, stored, or towed from the direction of a member.

B. Crashes:

1. A vehicle disabled as a result of damage sustained in a crash will be removed from the roadway.

2. The officer investigating the crash will ensure involved vehicles are removed from the roadway.

3. The owner or driver of the vehicle may request the person or tow company he or she prefers to remove the vehicle. The officer will advise Dispatch Operations who will notify the person or company to respond.

a. When the owner or driver has no preference for a towing service, the officer will request the service currently under contract with the City.

4. If the owner or driver of the vehicle is not present at the scene, the investigating officer will request the towing service under contract to the City.

5. The investigating officer will complete a VSR. The "Owners Notification" copy will be given to the driver of the vehicle by the investigating officer.

6. If the crash is a hit and run and the driver is unknown, the investigating officer will advise Dispatch Operations as soon as possible so the vehicle can be entered into NCIC/FCIC as abandoned/recovered. A hold will be placed on the vehicle until the hit and run can be followed up.

a. The impounding officer will complete the 'Hold For' section on the VSR specifically citing the officer's name the vehicle is being held for and his or her telephone number.

b. In the event the impounding officer does not know who the follow-up officer will be, the "Crash Investigation Unit" may be placed in this section.

c. The vehicle may be held for purposes of investigation for only 5 days.

7. If the crash is a fatality or serious enough that it may result in a fatality, the vehicle will be towed to Police Headquarters or a designated inspection location where it can be examined by a Traffic Homicide Investigator and processed by a Crime Scene Investigator.

8. 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.

a. It will be the responsibility of the Traffic Homicide Investigator to arrange for the release of these vehicles.

9. The VSR will be turned in with the officer's crash report.

C. Arrests:

1. The misdemeanor arrest of an individual who is driving a vehicle will result in the vehicle being towed to an approved storage facility by the authorized towing firm. The towing agent will then assume all responsibility for the vehicle. The officer will complete a VSR form and turn it in with their report.

a. If the arrested individual is the owner of the vehicle and a companion is present who he or she is willing to give possession of the vehicle and the arrested person and companion are cognizant of what they are agreeing to, the arresting officer may permit the companion to take the vehicle. Such action will be noted in the investigative report.

b. If the arrested individual is not the owner of the vehicle, the officer will notify the registered owner via telephone and ascertain whether or not the driver's companion has permission to take possession of the vehicle.

c. If the officer is not able to contact the registered owner of the vehicle in a reasonable amount of time, the officer will impound the vehicle.

2. Felony arrest of individuals who are in possession of or are driving a vehicle will result in the vehicle being towed to the storage facility of the authorized towing agent or headquarters as appropriate.

D. Impoundment of motor vehicles; controlled substances and prostitution:

1. A motor vehicle will be subject to seizure and impoundment whenever a police officer has probable cause to believe the vehicle:

a. Contains any controlled substance or cannabis as defined in F.S.S. 893; or

b. Was used in the purchase, attempt to purchase, sale, or attempt to sell such controlled substance or cannabis; or

c. Was used to facilitate the commission of an act of prostitution, assignation, or lewdness as defined in Florida Statute.

2. Upon impoundment of a motor vehicle, the police officer will:

a. Have all vehicles impounded towed by the current contract towing agent to their storage yard.

b. Obtain registered owner and lien holder information from Dispatch Operations by requesting a lien check (QL). The AQL@ will provide both registered owner and lien holder information.

3. The impounding officer will complete a Vehicle Storage Report (VSR).

4. This section will not apply and the vehicle will not be seized or impounded if:

- a. The possession, use or sale of the controlled substance and/or cannabis is authorized by Chapter 893 or Chapter 499 of the Florida Statutes; or
- b. The vehicle was stolen at the time it was subject to seizure and impoundment; or
- c. The vehicle was operating as a common carrier at the time it was subject to seizure and impoundment; or
- d. A law enforcement agency has expressed its intent in writing to institute forfeiture proceedings on the vehicle.

E. Criminal Investigations:

1. Any vehicle towed because of involvement or suspected of involvement in a serious crime or has some other evidentiary value and/or impounded in the course of a criminal investigation will be towed to Police Headquarters by the authorized towing agent.
2. The officer will notify Criminal Investigations Division personnel for direction reference handling, processing, and storage of the vehicle.
3. If the officer places a "HOLD" on the vehicle, a VSR will be completed to include the name, rank, and ID number of the officer who authorized the hold and the reason for the hold.
4. No holds will be placed on any vehicle without the name of the specific officer or detective who is authorizing the hold.
5. The top of the VSR should be marked "Criminal Investigation" by the impounding officer.
6. When an officer encounters a vehicle that has been reported stolen, has been used to facilitate serious crimes, or is suspected of being used to facilitate serious crimes in another jurisdiction, the officer will notify the Detective Bureau and Crime Scene for processing prior to releasing it to the owner.

F. Evidence:

1. Any vehicle towed as evidence in a criminal case should first be determined to have substantial value to the case.
2. All vehicles towed as evidence will be towed by the approved towing agent and placed in the police pound.
 - a. Vehicles determined to need special handling or processing may be towed to a designated facility or location at the direction of the lead investigator or Crime Scene Investigator.
 - b. No vehicle will be towed to designated facilities or to headquarters for processing without prior notification of the on duty crime scene investigator.
 - c. When there is no CSI on duty, the on-call CSI and a supervisor will be notified.
 - 1) Authorization must be received from crime scene personnel to gain access to the vehicle processing area located in the basement of the Police Parking Facility.
 - d. Anytime a vehicle must be placed onto the fourth floor storage area of the Police Parking Facility and the member requesting the storage space does not have access to the area, he or she will contact a supervisor for the access key.
 - 1) The key for the fourth floor storage area will be kept in the storage closet in the patrol area and secured in the key bank.

- 2) Any time a member requests the access key from a supervisor, the supervisor will sign the key out when it is taken by a member and sign it in upon return.
3. 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 (the VSR will act as the Property/Evidence receipt).
4. The keys for the vehicle will be left with the vehicle, towing agent, or lead investigator or CSI, as appropriate.
5. The investigating officer will arrange for the release of the vehicle upon completion of the case or upon authorization by the State Attorney's Office.

G. Forfeitures:

1. The Florida Contraband Forfeiture Act 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.
2. Any vehicle used in the commission of any major felony will be seized and impounded with a hold placed on it for the Criminal Investigations Division to determine whether it can be held for forfeiture.
3. Vehicles that are being held for forfeiture will be towed to the storage facility of the contract towing service.
4. A VSR will be completed for each vehicle impounded pending forfeiture hearings. The VSR will be plainly marked "HOLD FOR FORFEITURE" across the top of the VSR.
5. A "Contraband Forfeiture" form will be completed by the arresting officer and forwarded to the Evidence Supervisor with his or her report and the VSR no later than the end of the impounding officer's shift.
6. The Evidence Supervisor will ensure all notifications to owners and other interested parties required by City Code or Florida Statute are completed within the required time limits.
 - a. The impounding officer will hand deliver the "Notice of Intent to Proceed With Forfeiture" to the driver of the vehicle at the time of the seizure and impoundment.
 - b. Any party owning an interest in the vehicle, to include but not be limited to, lien holders, registered owners, and drivers will be notified of the intent to proceed with forfeiture by certified mail, return receipt requested, within 5 days of the vehicle being impounded.

H. Traffic Hazards:

1. When an officer encounters a vehicle that is either disabled or abandoned and presents a hazard to the safe and efficient flow of traffic, the officer will have the vehicle removed from the street or roadway to a place of safety.
2. When the owner or driver of the vehicle is present, the officer will stand by and offer assistance as appropriate.
 - a. When the vehicle requires a towing service for removal, the driver will be afforded the opportunity to state a preferred tow service.
3. When the driver of the vehicle is not present, the officer will advise Dispatch Operations of the location of the vehicle and request the authorized towing service respond to remove the vehicle.

4. The officer will complete a VSR and give the tow truck driver the appropriate copy of the VSR. The driver will remove the vehicle to the appropriate storage area and assume all responsibility for the vehicle.

5. The officer will advise Dispatch Operations of the vehicle description and all pertinent information so 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 or her report.

I. Search of Impounded Vehicles:

1. An inventory search will be conducted of all vehicles, including the trunk, to be towed for storage or impound at any designated storage or impound site.

2. Officers will conduct inventory searches of closed containers found in vehicles to be towed for storage or impound to include, but not be limited to,:

- a. Toolboxes,
- b. Attaché cases or briefcases, and/or
- c. Cardboard or other boxes or containers.

3. The investigating officer will remove any portable personal property of apparent value from any vehicle subject to a hold. The property is to be placed into evidence for safekeeping or released to someone authorized by the owner/driver.

a. All property removed from vehicles will be noted on a Evidence Property Report Form and a copy will be provided to the tow driver with the VSR.

b. Items of no apparent value left in the vehicle will be noted on the VSR.

4. Any portable personal property of apparent value within any vehicle being towed but not subject to a hold will be noted on the VSR.

a. The officer will advise the tow driver of any property of apparent value left inside the vehicle so the tow driver can take proper precautions to safeguard the property as well as the vehicle.

IV. DOCUMENTATION:

A. Towed and/or impounded vehicles will be documented on a Vehicle Storage Receipt (VSR) to include the following information at a minimum:

1. Time of towing or impoundment;
2. Date;
3. Location;
4. The member requesting the tow;
5. The reason for the tow or removal;
6. The name of the towing service;
7. The location of the vehicle;
8. Notification or attempts of notification to the registered owner;
9. Inventory or contents; and
10. The placing and removal of holds on the vehicle;

B. Dispatch Operations personnel will initiate entry and removal of FCIC entries when appropriate.

V. DISPATCH OPERATIONS:

A. It is the responsibility of Dispatch Operations personnel to enter reported abandoned vehicle information into the NCIC/ FCIC computer system provided:

1. There is sufficient information to enter the vehicle into the computer system.
2. The computer system is operating.
3. The officer has the VIN # or correct tag # of the vehicle.
4. Whenever a vehicle is towed and the owner is not present, the investigating officer will instruct Dispatch Operations to enter the vehicle in the NCIC/FCIC computer systems as "Abandoned/ Recovered."

B. Dispatch Operations will cancel the vehicle from the NCIC/FCIC computer systems as appropriate.

VI. LICENSE PLATES AND DECALS:

A. When a license plate and/or decal is found unattached to a vehicle and is not reported stolen, whether valid or invalid (expired, unassigned, altered, etc.), an Evidence/Property form will be completed and the tag and/or decal will be submitted to Property and Evidence no later than the end of the shift as found property.

B. License plates and/or decals reported stolen will be verified as recovered by Dispatch Operations with the entering agency. The license plate and/or decal will be delivered to Property and Evidence as recovered stolen property and/or evidence, as appropriate.

C. When an invalid license plate and/or decal (expired, unassigned, altered, etc.) is identified attached to a vehicle, whether the vehicle is impounded or not, the license plate and/or decal will be seized, an Evidence/Property form completed, and the tag and/or decal will be submitted to Property and Evidence no later than the end of the duty day. If no citation is issued or arrest made or anticipated, the license plate and/or decal will be submitted as found property.

D. Found license plates and/or decals, recovered stolen license plates and/or decals, and license plates and/or decals no longer needed as evidence will be disposed of by the Property and Evidence Section according to current DHSMV requirements. Retention periods do not apply as license plates and decals are the property of the State of Florida and are, in effect, being returned to the owner.

VII. REFERENCES:

- FSS Ch.499 Drug, Cosmetic, and Household Products.
- FSS 796.07 Prohibiting prostitution, etc.; evidence; penalties; definitions
- FSS Ch. 893 Drug Abuse Prevention and Control.
- FSS 932.701-707 Florida Contraband Forfeiture Act
- City Code 13-88 Definitions. For Article VI- Abandoned, Wrecked, or Junked Vehicles on Private Property.
- City Code 19-204 Parking for Certain Purposes Prohibited.
- City Code 20-161 Hearings; administrative penalty.
- SOP # III-18 Supervisor Notification.
- SOP # III-29 Traffic Warnings, Citations, and Arrests
- SOP # III-31 Traffic Crash Investigations.
- SOP # III-33 Emergency Highway Assistance.
- SOP # IV-4 Auto Theft Investigations.
- SOP # IV-6 Crime Scene Investigation and Evidence Collection.
- SOP # IV-11 Property and Evidence Management.

Delsa R. Bush, Chief of Police

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