

**SUBJECT: Impounding and Moving
of Vehicles**

NUMBER: 2501



GENERAL ORDER

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2501.01 POLICY

The Force shall only move vehicles for safety reasons or to improve traffic flow. When necessary, vehicles may be impounded for safekeeping, the preservation of evidence, or when required by law. Impounded vehicles shall be stored securely until the vehicle is returned to the rightful owner or his/her agent, or disposed of in accordance with Federal Government regulations.

2501.02 DEFINITIONS

Abandoned vehicle - a motor vehicle that was surrendered or deserted with the apparent intent of never again claiming a right or interest in it.

Grossly unsafe - a state of disrepair or mechanical condition of a motor vehicle which, if operated, could present an immediate danger to life and/or property.

"HOLD" - a legal determination that prevents the release of an impounded vehicle from Force custody.

Impounding - the seizure and storage of a motor vehicle in accordance with law, regulation, and Force guidelines.

Impounding officer - the officer who initially impounds a motor vehicle.

Impound Control Officer - an officer/Force civilian employee assigned at each Field Office and the Washington metropolitan area to coordinate impounds and related procedures for that area.

2501.03

GENERAL PROVISIONS

- A. Whenever possible and appropriate, a vehicle owner or operator shall be responsible for the removal of a vehicle that requires towing. The owner or operator shall be afforded a reasonable opportunity to remove the vehicle before the Force moves or impounds it.
- B. Whenever possible, an officer shall accompany a crane driver who is depositing or removing a vehicle to/from a Force-operated impound lot, to ensure the vehicle is not damaged.
- C. In the interest of public and officer safety, an officer may only operate a citizen's vehicle when it is necessary to move the vehicle to the side of the roadway, or when required by unusual circumstances.
- D. No vehicle shall be impounded from another agency's primary jurisdiction unless:
 - 1. A Force officer is making an arrest incidental to the impounding of the vehicle.
 - 2. The vehicle was originally reported stolen from or involved in a crime that occurred in an area of Force primary jurisdiction.
 - 3. The vehicle is/was involved in a serious crime being investigated by a Force officer/investigator.
- E. An officer shall follow the policies and procedures outlined in this General Order; however, applicable Regional/Field Office policy and procedures shall take precedence.

2501.04

MOVING A VEHICLE - NO IMPOUND

- A. A vehicle may be moved to an alternate location to:
 - 1. Alleviate a hazard or clear public space.
 - 2. Free the roadway of an obstruction that inhibits the movement of traffic, e.g., during peak traffic periods.
 - 3. Meet public safety demands, e.g., special events.

- B. If possible, a vehicle shall be secured after it is moved. An Unattended Vehicle Tag (USPP Form 8) shall be completed and attached.
- C. The Communications Section shall be advised of the vehicle information and new location if the vehicle is moved to a location not reasonably visible to the owner/operator.

2501.05 IMPOUNDING A VEHICLE

- A. When permitted by law, an officer shall always attempt to exercise the following alternatives in lieu of impounding a vehicle.
 - 1. Request the owner or operator to make arrangements for the removal of the vehicle.
 - 2. Allow a licensed driver designated by either the operator or rightful owner to move the vehicle.
 - 3. Move the vehicle off the roadway.
- B. No vehicle shall be impounded without the approval of a District Sergeant or Force supervisor/official.
- C. A vehicle may be impounded:
 - 1. When it may be evidence of a crime or has been involved in a fatal or serious personal injury motor vehicle accident. (See Section 2501.08.)
 - 2. When it may contain evidence of a crime. (See Section 2501.08.)
 - 3. When the operator is incapacitated because of illness or injury.
 - 4. When the operator has been arrested. It shall be the arresting officer's responsibility to inform the Desk Officer of all information pertaining to the disposition of the arrestee's vehicle and property.
 - 5. In certain cases when the vehicle is not properly registered or the operator is not properly licensed. (See Section 2501.09.)
 - 6. When the lawful owner of the vehicle cannot be determined at the scene.
 - 7. When the vehicle is being operated in a grossly unsafe mechanical condition.

8. In certain areas (e.g., New York) when the vehicle does not carry liability insurance as required by the State in which it is registered.
9. If the vehicle is abandoned or left unattended for more than 48 hours (72 hours in D.C.), and the officer has exhausted all reasonable means of contacting the owner to request its removal. (See Section 2501.07.)
10. When required by law (e.g., District of Columbia - Driving While Intoxicated arrest) or authorized by regulation in areas of primary jurisdiction.

D. The impounding officer shall:

1. Notify the Communications Section and use standard procedures to determine if the vehicle is properly registered and whether the license plates are stolen or wanted.
2. Advise the Communications Section of the:
 - a. Need for a contract crane.
 - b. Present location of the vehicle and where it will be taken.
 - c. Vehicle license number, State of registration, vehicle identification number (VIN), make, model, style, and color of vehicle, and name and address of the registered owner. If the officer is unable to identify the owner, this shall be noted on the Impounded Vehicle Record (USPP Form 43-04).
 - d. Need for their personnel to contact the owner of the vehicle. If Communications Section personnel are unable to notify the owner at the time the vehicle is impounded, the impounding officer shall be advised and follow-up attempts to contact the owner of the vehicle shall be that officer's responsibility. The officer's attempt to contact the owner shall be documented on a Supplemental Case Incident Record (NPS Form 10-344).
 - e. Complete an Impounded Vehicle Record (USPP Form 43-04). Information shall be legibly printed or typed, and all damage to the vehicle shall be noted on it. In addition, the case number and date shall be printed on the back of the hard copy.

4. The Impounded Vehicle Record (USPP Form 43-04) shall be forwarded as follows:
 - a. Vehicles taken to the Force Impound Lot

The officer shall keep the original copy and the pink copy; the blue copy shall be forwarded to the Information Management Section. The original copy shall be held in an Impound Control file at CIB and then sent to the Information Management Section after the vehicle is released. The pink copy shall be filed according to worksite policy. The yellow copy remains with the tow service operator. The vehicle keys and the USPP Form 43-04 (minus the hard copy) shall be immediately delivered to CIB.
 - b. Vehicles taken to the contract crane's impound lot

The tow service operator shall be given the vehicle keys and the original, yellow, and hard copy of the USPP Form 43-04. The blue copy shall be forwarded to the Information Management Section. The pink copy shall be filed according to worksite policy.

In the Washington metropolitan area, the impounding officer shall send by facsimile machine a copy of a completed USPP 43-04 to the Headquarters Communications Section prior to the end of his/her tour of duty.
 - c. Vehicles impounded in Field Office areas

The USPP Form 43-04 (minus the hard copy) shall be forwarded to the Field Office Impound Control Officer. The vehicle keys shall be given to the tow service operator.
 - d. Ensure that the hard copy of USPP Form 43-04 is affixed to the inside of the windshield on all impounded vehicles, if the vehicle condition permits. Only the case number and date printed on the back of the hard copy should be readable from the outside of the vehicle.
5. Legibly write the following information on the original copy of the towing contractor's invoice (see Section 2501.03 E).

- a. The impounding officer's full name and badge number
- b. The location the vehicle was towed from and the final destination
- c. A notation by the impounding officer whenever a second or subsequent tow of an impounded vehicle is initiated
- d. A notation that indicates the Force Case Incident Number

Note: The towing contractor is not authorized to tow an impounded vehicle until the impounding officer satisfies the above requirements.

2501.06

INVENTORY OF IMPOUNDED VEHICLES

- A. It is Force policy that all seized or impounded vehicles shall be inventoried to protect the Force against claims of lost, stolen, or damaged property, and to protect Force personnel and the public against injury or property damage from hazardous materials or substances in the vehicle.
- B. An officer who impounds a vehicle on Force primary jurisdiction shall inventory the vehicle as soon as possible. Prior to conducting an inventory, circumstances permitting, an operator shall be given the opportunity to provide for the safekeeping of property located in or on the vehicle.
- C. A vehicle should be inventoried before being released to a crane service. When possible, the contract crane should be escorted to the impound lot by an officer and the vehicle inventoried at the lot.
- D. A vehicle inventory shall extend to areas of the vehicle in which personal property or hazardous materials may be found, including but not limited to the passenger compartment, engine compartment, trunk, and glove box.
- E. All closed containers found within the vehicle shall be opened for purposes of the inventory. Closed and locked containers shall not be forced open, but shall be logged on the USPP Form 43-04 as such. If a key or lock combination is available, locked containers may be opened and inventoried. An officer may request the assistance of a canine unit to inspect locked containers that he/she feels are suspicious or unusual.

- F. Property related to the operation of the vehicle (e.g., spare tire, auto jack) and items securely fixed to the vehicle (e.g., citizens band radio, CD or tape player, TV's, special wheels) shall not be removed. These items shall be individually listed/checked off on the Impounded Vehicle Record (USPP Form 43-04).
- G. Property located in or around the vehicle (other than property under Section 2501.06.F) shall be itemized on the USPP Form 43-04. The reverse side of the original copy of the USPP Form 43-04 shall be used to list property remaining with the vehicle.
- H. All property removed from the impounded vehicle and taken into custody shall be recorded on an Evidence/Property Control Receipt (USPP Form 43-11). For evidence property, the seizing officer shall complete the chain of custody section on the reverse side of the form.
- I. All visible damage to an impounded vehicle shall be noted on the USPP Form 43-04, and photographed. This includes broken glass, inoperative windows, and damaged or missing interior/exterior parts.
- J. Photographs can be taken of an impounded motor vehicle and/or its contents for the purpose of documenting unusual conditions (e.g., persons living in the vehicle, large sums of money within the vehicle).

2501.07 ABANDONED AND UNATTENDED VEHICLES

- A. After his/her preliminary investigation, an officer shall determine whether to make an immediate request to impound an abandoned/unattended vehicle or if the vehicle should be marked with an Unattended Vehicle Tag (USPP Form 8) and appropriate violation notices issued.
- B. When the VIN on an abandoned or unattended vehicle is missing, altered, or does not correspond with that on file with the motor vehicle department, the vehicle shall be impounded and, with supervisory approval, a "HOLD" shall be placed on the vehicle. The reason for the "HOLD" shall be noted on the USPP Form 43-04. The impounding officer shall be responsible for the follow-up investigation, unless relieved by CIB.

2501.08 VEHICLES HELD AS EVIDENCE

- A. An officer impounding a vehicle as evidence shall:
 - 1. Obtain supervisory approval for any vehicle placed on "HOLD." The approving supervisor's name and badge number must appear on the form.

2. Notify the Communications Section there is a "HOLD" on the vehicle.
 3. Notify a criminal investigator.
 4. Ensure the vehicle and property therein is safeguarded.
 5. Secure the vehicle and mark it as evidence.
 6. Ensure that the Impounded Vehicle Record (USPP Form 43-04) is marked for "HOLD."
 7. Ensure the chain of custody is maintained.
- B. Impounded vehicles to be searched pursuant to a search warrant, and vehicles held as evidence and/or that require evidence processing shall be taken to a Force impound lot or other area as directed by a Force criminal investigator or Identification Unit officer.
 - C. Any material recovered from the vehicle as evidence must be recorded on an Evidence/Property Control Receipt (USPP Form 43-11A).
 - D. The vehicle keys shall be turned over to a criminal investigator or an Identification Unit officer and that officer's name and badge number noted on the USPP Form 43-04. If these personnel are not available, the keys and a completed USPP Form 43-04 with the notation "HOLD" marked on it shall be turned in to the Central District/Field Office as soon as possible. The vehicle chain of custody must be maintained.
 - E. Only a criminal investigator, Identification Unit officer, or the officer who placed the "HOLD" on the vehicle may remove the "HOLD."
 - F. When an officer removes a "HOLD" from an impounded vehicle and the owner is not present to take custody of the vehicle, the officer shall notify the vehicle owner that the vehicle may be claimed. Notification shall also be made to the criminal investigator and Identification Unit officer.
 - G. Before a vehicle placed on "HOLD" can be released to its owner, the officer making the release must complete the appropriate section of the Impounded Vehicle Record (USPP Form 43-04) that authorizes the release.
 - H. A Notice to Owner-Impounded Vehicle (USPP Form 12) shall be mailed to the owner by the area Impound Control Officer.

- I. Vehicles used for the transportation of illicit drugs, illegal firearms, untaxed liquor or cigarettes, and stolen goods, or to facilitate the transport, sale, receipt, possession, or concealment of these items may qualify as forfeitable conveyances. Such vehicles shall be impounded, a "HOLD" placed on them, and a criminal investigator immediately notified. The criminal investigator shall determine whether the seized vehicle should be released or held at a Force impound lot or other area pending a decision by the CIB/Field Office Commander to initiate forfeiture procedures.

2501.09 EXPIRED REGISTRATIONS

- A. An officer shall verify an expired vehicle registration or operator permit through the Communications Section before taking appropriate action. The officer should be reasonably certain that the operator's State motor vehicle administration has not granted an extension.
- B. Absent extraordinary circumstances, a vehicle shall not be impounded solely due to a recently expired registration.
- C. If the vehicle is unoccupied and displays an expired registration, it shall be handled as an abandoned or unattended vehicle. (See Section 2501.07.)
- D. Altered vehicle license plates displayed on an occupied vehicle shall be removed and processed as evidence for prosecution. An Evidence/Property Control Receipt (USPP Form 43-11) shall be completed. The vehicle shall be removed from the scene at the owner's/operator's expense. If the vehicle is to be held as evidence, or the ownership is in question, the vehicle shall be impounded. An Impounded Vehicle Record (USPP Form 43-04) shall be completed and the officer shall record the tag number on the USPP Form 43-04.

2501.10 RESPONSIBILITIES AND FOLLOWUP PROCEDURES

- A. Washington metropolitan area - the officer who releases an impounded vehicle shall immediately provide the case number, release date, and his/her badge number to the Communications Section for entry into the computer. The release date shall be noted on the impound form by the releasing officer.
- B. Field Offices - each Impound Control Officer shall:
 1. Coordinate worksite impound procedures.

2. Ensure that worksite procedures are consistent with Force policies, and coordinate vehicle disposal procedures with Park/Regional offices and the General Services Administration (GSA).
3. Ensure that all forms used to impound a vehicle at the Field Office are complete and properly distributed.
4. Mail a Notice to Owner-Impounded Vehicle (USPP Form 12) to the vehicle owner by certified mail.
5. Maintain a current file of all vehicles impounded at the Field Office.
6. On a continuing basis, attempt to contact the registered owner of an impounded vehicle who has failed to respond to prior notifications.
7. Keep records of all attempts to identify or notify an owner of an impounded vehicle.

C. Washington metropolitan area - the Impound Control Officer shall:

1. Coordinate the Force impound program in the Washington metropolitan area to ensure compliance with appropriate Federal and State requirements.
2. Maintain a file of all vehicles impounded by the Force and stored at lots in the Washington metropolitan area. This file shall also include the status of each vehicle.
3. Ensure that a DMV Registration Request (USPP Form 10) is completed when owner information is unknown.
4. Ensure that a Notice to Owner-Impounded Vehicle (USPP Form 12) is mailed to the owner by certified mail within 7 days of impoundment.
5. Ensure the disposal of all Force-impounded vehicles in the Washington metropolitan area that remain unclaimed for the required waiting period, in accordance with Force guidelines and GSA property disposal procedures.

D. The Communications Section Commander and Field Office Commanders shall ensure that:

1. A current list is maintained of local Force-authorized firms that will tow vehicles and provide storage facilities.
2. These firms are aware that no vehicles are to be released until they are provided with a written release authorization from the Force.
3. The VIN and license plate number of all vehicles impounded are checked through the appropriate computer systems.
4. All necessary impound information is entered into the appropriate computer system.
5. Vehicles and their contents are maintained in their original condition while in Force custody.

Approved



Salvatore R. Lauro, Acting Assisting Chief of Police