709 Abandoned Vehicles Towing and Inventory Practices

Virginia Beach Police Department General Order
Chapter 700 – Traffic Operations
CALEA Standards: 1.2.4, 61.4.3 A, B

Purpose:

The purpose of this policy is to establish guidelines that shall be utilized in the removal and towing of

A. Unattended, abandoned, wrecked, or junked vehicles

B. Vehicles that are involved in traffic crashes

C. Vehicles that constitute traffic hazards

D. Vehicles seized for evidentiary purposes

E. Vehicles impounded pursuant to the Virginia Code

Definitions:

Vehicle - For the purposes of this general order, vehicle will refer to every vehicle that is self-propelled, or designed for self-propulsion, and boats.

Policy:

Police Officers and Community Service Officers (CSO) bear the responsibility of removing unattended, abandoned, wrecked, or junked vehicles from the public roadways and/or private property in the City of Virginia Beach in furtherance of promoting safe travel, safe and orderly neighborhoods, and compliance with the licensing requirements of the Commonwealth of Virginia and the City of Virginia Beach.

Police Officers and CSO Officers have the **responsibility** of protecting property that comes into their custody, and this responsibility extends to property within vehicles that have been seized, towed, or otherwise removed from the custody of the owner by direction of the officer.

Unattended, Abandoned, Wrecked, Junked, and Evidentiary Vehicles (CALEA 61.4.3 A, B)

Various City and State Codes define unattended, abandoned, wrecked, or junked vehicles. Department members must be aware of these definitions.

When an abandoned vehicle is brought to the attention of or observed by a Police Officer or CSO, an inquiry shall be made to determine the vehicle's status. If the vehicle has not been reported stolen, the officer shall complete the appropriate forms to have it removed from the property. All efforts to contact the owner should be documented.

<u>On Public Property or Private Property Without Owner, Lessor, or Occupant's Permission:</u>

All vehicles defined by City code as unattended, abandoned, wrecked, or junked on public property shall be disposed of as follows:

A. The investigating officer or his/her officer/CSO designee shall complete an Abandoned Vehicle Tag and the appropriate blocks of the Notice of Vehicle Tow, Impoundment, Seizure, Abandoned form (PD 50-6.)

B. By the end of the shift, the completed Notice of Vehicle Tow, Impoundment, Seizure, Abandoned form (PD 50-6) will be forwarded to a designated person within the precinct.

C. An officer or Community Service Officer will verify the condition of the vehicle and that it meets the following criteria:

1. Abandoned on public property and has been tagged for four (4) days.

2. Unattended/Inoperative on public property and has been tagged for ten (10) days.

3. Abandoned or unattended on private property without owner, lessor, occupant's permission and has been tagged for ten (10) days or verified through the officer's investigation that the vehicle has been on the property for ten (10) days. The investigating officer shall have the person in control of the private property, whether as owner, tenant, occupant, lessee, or otherwise, sign the indemnity portion of the PD 50-6 to guard the City against any loss or expense incurred by reason of the removal.

D. After verification, the contracted abandoned vehicle towing agent of the City of Virginia Beach shall be notified immediately of the location of the vehicle. The Abandoned Vehicle Re-Check portion of the Notice of Vehicle Tow, Impoundment, Seizure, Abandoned form (PD 50-6) will be completed and the original form shall then be forwarded immediately to the Support Division's Vehicle Impound Coordinator with the specified copy maintained within the precinct.

E. Department members will refrain from telling citizens to remove a vehicle from public property to private property. To do so would be directing the citizen to violate City Code and would also present unnecessary work for the Housing Code Enforcement Unit, which has the task of getting vehicles removed from private property.

F. The contracted abandoned vehicle towing agent shall remove the vehicle within 72 hours upon receipt of the notification. For tows of abandoned vehicles, the officer/CSO does not need to remain on scene for the tow and the contracted towing agent does not need to sign the PD 50-6.

G. The towing agent will notify Emergency Communications and Citizen Services (ECCS) and provide the required tow data.

With respect to abandoned vehicle tow disputes in which the Police Department requested the tow via an Abandoned Vehicle Tag and Notice of Vehicle Tow, Impoundment, Seizure, Abandoned form (PD 50-6), the officer or CSO should treat the dispute as any other tow dispute and shall not render an extension on the tow without supervisory authority. The cost of the requested tow would be charged to the command that initiated the abandoned tow notice.

On Private Property with Owner, Lessee, or Occupant's Permission:

The Housing Code Enforcement Unit has the sole authority to regulate abandoned or inoperative vehicles when the owner, lessee, or occupant has given permission for the vehicle to be on the private property of the owner, or lessee. The Housing Code Enforcement Unit also has sole authority to regulate abandoned and/or inoperative vehicles when the occupant is the owner of the vehicle.

Towing of Vehicles

Vehicle Inventory Procedure

In the event that a vehicle is seized or towed for any reason (other than as evidence in a crime) by police personnel, the officer or CSO shall compile an inventory of the contents of the vehicle without delay. The inventory should include items found in the glove box, trunk, and all storage areas. All containers found in the vehicle as part of this inventory, other than those containers with an original seal intact, should be opened and the contents listed in the appropriate block of the Notice of Vehicle Tow, Impoundment, Seizure, Abandoned form (PD 50-6). If during the inventory search, an item of high value or one that poses a potential safety hazard or risk to public safety is located the officer will take custody of such items and submit them to Property and Evidence on PD-478, (Property and Evidence Voucher). Such items include but are not limited to firearms, jewelry, and amounts of currency greater than fifty dollars ($50). The description of such items on both the PD-50-6 and PD-478 should be detailed in nature. Terms such as miscellaneous, assorted, or various should not be used. See the Evidence Collection and Handling Field Guide for packaging requirements. Items permanently affixed to a vehicle or boat need not be inventoried.

NOTE: Containers should not be opened if there is any reason to suspect that they would be hazardous to the officer or others. A supervisor shall be notified if such a container is located.

Vehicles Towed for Traffic Hazards

If an officer or CSO has a vehicle or boat towed because it constitutes a traffic hazard, it will be documented on a Notice of Vehicle Tow, Impoundment, Seizure, Abandoned form (PD 50-6). After the inventory has been reviewed with the wrecker operator and the wrecker operator's signature is obtained, the officer or CSO will give a copy of the PD 50-6 to the wrecker operator and route the remaining copies as necessary.

Vehicles Towed for Traffic Crashes

If the officer or CSO finds it necessary to have a vehicle or boat towed because it has become inoperative as the result of a crash, and the owner is not injured or has not been significantly unnerved by the crash, it is the owner's responsibility to provide protection for his property.

The officer responsible for investigating a traffic crash or his/her officer/CSO designee shall determine from the owner or operator any preference for a wrecker service. If an authorized towing agent from the city's towing list is requested, there is a maximum fee allowed, which is set and agreed upon by all authorized towing companies. If the citizen requests his/her own towing company, the police department does not control the fee.

If there is no stated preference, the officer or CSO shall request ECCS to send the nearest available wrecker.

Whereas a crash scene should be cleared as quickly and as safely as possible, if the request for a specific wrecker causes undue delay in accomplishing this objective, then the officer or CSO has the responsibility to request the nearest wrecker. The Officer or CSO must remain at the scene of an accident until the wrecker/towing company has secured the vehicle and/or has left the scene.

If the officer or CSO finds it necessary to have a vehicle towed because it has become inoperative as the result of a crash and the owner is injured or unable to provide protection for his property, it becomes the officer's or CSO's responsibility to ensure the protection of the vehicle. The officer or CSO will complete the Notice of Vehicle Tow, Impoundment, Seizure, Abandoned form (PD 50-6). The incident report number shall be recorded in the "REMARKS" section of the PD50-6. The officer or CSO will conduct and review the complete inventory with the wrecker operator and have him sign the PD 50-6. A copy of the PD 50-6 will be given to the wrecker operator, and the remaining copies will be routed as necessary.

Towing of Vehicles for Evidentiary Purposes

A Forensic Services Technician or Crime Scene Officer will process vehicles that contain or bear evidence of a crime. Severe weather conditions, lack of proper lighting, unruly crowds, etc., may, however, prohibit such activity on the scene. When any of these conditions exist, or there is a need for processing the scene within the vehicle that will require an extended period of time, the vehicle should be towed to the City Impound Lot or FSU Bay by the City Wrecker and secured.

Vehicles to be towed for evidentiary purposes or processing shall require authorization by a supervisor.

Only the City Automotive Services Wrecker may be utilized for towing vehicles seized for evidentiary purposes. To avoid unnecessary expense brought about when the wrecker is delayed on the scene, the city wrecker will not be called until the vehicle is actually ready to be towed. Whenever possible, the towing of vehicles for evidentiary purposes should occur during normal business hours of the City Automotive Services unless prior arrangements have been made. If the City Automotive Services Wrecker cannot be utilized, the supervisor must approve the tow prior to requesting ECCS to notify a wrecker company.

To prevent conflict between the owner of a vehicle towed for evidentiary purposes and the city wrecker driver or approved wrecker company driver, officers will remain with the vehicle until the wrecker leaves with the vehicle in tow. The person authorizing the tow will have the vehicle towed to the City Impound Lot. If needed for evidentiary purposes, the vehicle can be placed inside or under a shelter to protect it from the elements. Additionally, the person authorizing the tow will complete the appropriate blocks of the Notice of Vehicle Tow, Impoundment, Seizure, Abandoned form PD50-6.

Seized Vehicles

Seized vehicles shall be towed by the City Automotive Services Wrecker and taken to either the City Impound lot or to Special Investigations. Officers will remain with a seized vehicle until the city wrecker leaves with the vehicle in tow. If a vehicle is put into the

City Impound Lot, officers must get the key from the Services Division and meet the City Wrecker Driver at the City Impound Lot to open the gate for safekeeping of the vehicle.

When a motor vehicle is seized for confiscation under authority granted by the Code of Virginia, the seizing officer will review the inventory with the Property and Evidence Unit Supervisor or representative. If the officer removes any item from the vehicle as evidence, the item will be documented on a separate property voucher (PD 478), and it will be packaged and submitted to the Property and Evidence Unit in accordance with the present policy concerning evidence.

Routing of Paperwork and Keys for Evidence and Seized Vehicles

The officer responsible for towing seized or evidence vehicles shall list the name of the case investigator, if known, on the Notice of Vehicle Tow, Impoundment, Seizure, Abandoned form (PD 50-6). Additionally, the officer shall ensure the PD 50-6 provided to the Vehicle Impound Coordinator is legible.

The officer shall record the number of key fobs/remotes and the number of keys associated with the towed vehicle in the top right corner of the PD50-6. This section shall be completed before the wrecker driver signs the PD50-6.

A. When towing a vehicle for any reason, other than vehicles being towed to the police impound lot on Leroy Road, officers shall complete this section by recording the number of key fobs/remotes and the number of keys that are being towed with the vehicle and/or turned over to the wrecker driver.

B. For all vehicles towed to the police impound lot on Leroy Road, officers shall record the number of key fobs/remotes and the number of keys that are being turned over to Property and Evidence. These keys shall be placed in a Seized/Evidence Vehicle Key Envelope (PD50K) and the envelope label completed. The envelope label collects basic information from the case that allows P&E staff to identify the keys and records the number of key fobs/remotes, the number of car keys, and the number of other keys (house keys, etc.) that are in the envelope. The PD50K envelopes are available in a small mailbox attached to the blue P&E drop box located in the visitor parking lot at 2667 Leroy Road.

C. The PD50K envelope should be sealed using the clasp only. Officers should not seal the PD50K envelope with adhesive or evidence tape. If the keys need to be vouchered as evidence, a voucher will be required, and the keys should be submitted to Property and Evidence in accordance with evidence procedures.

During Property and Evidence business hours, the completed PD 50-6 and vehicle keys shall be delivered to Property and Evidence or placed in the blue P&E drop box located in the visitor parking lot at 2667 Leroy Road. This must be completed before the end of the officer’s shift.

For vehicles towed after hours, the completed PD 50-6 and vehicle keys shall be placed in a P&E evidence locker at Headquarters or in the blue P&E drop box located in the visitor parking lot at 2667 Leroy Road. This must be completed before the end of the officer’s shift.

Impounded Vehicles – Alcohol-Related Vehicle Impoundments – 30-Day Holds

Any officer who impounds a vehicle pursuant to Virginia Code for operating a motor vehicle while their license, learner's permit, or privilege to drive has been (1) suspended or revoked for driving while intoxicated, or (2) driving after having been adjudicated a habitual offender, when that adjudication was based at least in part upon an alcohol-related offense, or (3) when the license has been administratively suspended or revoked for unreasonable refusal of tests, the vehicle shall be towed and the officer must complete the applicable portions of the Notice of Vehicle Tow, Impoundment, Seizure, Abandoned form (PD 50-6) and forwarding the white copy of the Notice of Vehicle Tow, Impoundment, Seizure, Abandoned form (PD 50-6) to the courts for appeal purposes. There will be a 30-day hold on the vehicle until a court order for release is provided to the authorized towing company.

The Police Department can only place a 24-hour hold on a vehicle that was towed for investigative purposes (this does not apply to vehicles that are held for evidentiary purposes). **If the vehicle is to be held for more than 24 hours (this does not include the 30-day/3-day holds DUI/Susp), officers must have the vehicle towed to the City Impound Lot.**

Non-Alcohol Related Offenses- 3 (three) Day Impounds

State Code 46.2-301.1 states that officers *SHALL* impound, for 3 days, the vehicle being operated by any person who drives "without an operator's license in violation of §46.2-300 after having been previously convicted of such offense…."

Therefore, if a person is stopped and not licensed, and the person has at least one prior conviction of such offense, then the Officer SHALL impound the car for 3 days.

The officer shall complete the Notice of Vehicle Tow, Impoundment, Seizure, Abandoned form, "Tow Form" (PD 50-6), and forward the white copy of the Notice to the court.

Do not utilize the City Wrecker for 3-day impoundments. Instead, request "one closest" (next towing company in the rotation) through communications. These towing companies are familiar with these holds and processes.

Exceptions - Do not impound the vehicle for 3 days if:

A. The offender is less than 18 years of age,

B. The offender's license has been expired for less than one year prior to the offense and the reason for the offense (No Operator's License) is because of that expiration.

Vehicle Towing Appeal Process

The Department of Risk Management will handle all citizen appeals regarding towing of vehicles. Risk Management recommends that upon completion of the "Request for Hearing" form (DF-166-2), copies of both the DF-166-2 and PD 50-6 are sent via facsimile to Risk Management at 757-385-1839 and marked to the attention of the Towing Hearing Officer. If the "Request for Hearing" form is completed by other than the command where the vehicle was towed, a copy of the request form shall also be sent to the command where the vehicle was towed. The command where the vehicle was

towed is responsible for forwarding a copy of PD 50-6 to Risk Management. This should be accomplished as quickly as possible, as the review process must take place 72 hours after the “Request for Hearing” is filed. The only reports required by Risk Management are the form DF-166-2 and the departmental form PD 50-6.

Tow Data or Documentation

Whenever a wrecker is requested through ECCS, the reason for the tow and the location of the vehicle shall be given by the requesting officer or CSO.

In all situations where a wrecker has been requested, tow data shall be required. This data shall be given to ECCS by phone or Mobile Data Terminal (MDT) prior to the officer clearing the case or changing out-of-service codes.

A. Tow data shall consist of:

   1. Year, make, model, color of vehicle
   2. License plate registration number and state
   3. Vehicle Identification Number (VIN #)
   4. Whether the owner has or has not been advised of the location of his vehicle
   5. Whether there is a hold on the vehicle and if it is for evidentiary, seizure, or impoundment purposes. The practice of placing holds on vehicles applies only when they are held for evidence, seizure, or impoundment, therefore, officers shall not place holds on vehicles for other reasons.

B. The Officer or CSO will create a tow number utilizing the month and day of the tow and the last three digits of the incident number, i.e., 0817123. If there is more than one tow associated with the same incident number that the tow number for a subsequent vehicle will be 0817123-1, 0817123-2, etc.

The tow number will be recorded on the Notice of Vehicle Tow, Impoundment, Seizure, Abandoned form (PD50-6) in the appropriate block.

A. It shall be the requesting officer or CSO’s responsibility to advise ECCS whenever a wrecker is canceled, or a vehicle is turned over to the owner at the scene. This must be done prior to clearing the case or changing out-of-service codes. In these instances, ECCS will enter “CANCELED” or “TURNED OVER TO OWNER” into the tow log. This is not something that is done anymore, and no tow data receipt number is given/required

B. When a vehicle is towed from the scene of a crash, the tow data receipt number shall be recorded on the bottom of the Accident Report (FR-300) as well as on the Notice of Vehicle Tow, Impoundment, Seizure, Abandoned form (PD50-6).

C. When suspected in a crime, or suspected of being stolen, a hold may be placed on a vehicle by an officer requiring the towing agent not to release the vehicle for 24 hours. The Police Department can only place a 24-hour hold on a vehicle that was towed to an authorized wrecker company for investigative/processing purposes. If the vehicle is to be held for more than 24 hours for investigative/processing purposes, the vehicle must be towed by the City Wrecker to the City Impound lot

and secured in the Police Compound for safekeeping. This does not include the 30-day hold for DUI or a suspended operator's license.

By the Authority of the Police Chief*:*

