

<b>Anchorage Police Department</b> Regulations and Procedures Manual	<b>Operational Procedures</b> <b>3.03.010</b>	
<b>Policy and Procedure Title</b> Towing – Vehicle Impounds	<b>Effective Date</b> April 2, 2025	Page 1 of 6
<b>Replaces Prior Policy:</b> August 23, 2022	<b>Approved by:</b> Chief Sean Case	

**This Policy is for departmental use only and does not apply in any criminal or civil proceeding. This Policy should not be construed as creation of a higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this Policy will only form the basis for departmental administrative sanctions. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting.**

### **3.03.010 Towing--Vehicle Impounds**

#### **PURPOSE**

To advise all personnel of the laws and procedures governing impoundment of vehicles by Department employees through a tow operator.

#### **POLICY**

The authority to impound shall be summoned only to satisfy a State statute or Municipal, ordinance to include: Operating Under the Influence (OUI); Driving while Licensed Canceled, Revoked or Suspended (DWLC/R/S); Soliciting Prostitution (SOL); Driving without Insurance (DWOI); Evidence, Scofflaw, Safekeeping or Junk/ Abandoned Vehicles. It shall be the policy of the Anchorage Police Department to only impound vehicles or items as necessary to secure evidence, as required by code or statute, to prevent violation of criminal or traffic law, and as necessary to fulfill the Community Caretaker role.

#### **DEFINITIONS**

**Community Caretaker Authority:** Police activity that provides a public service excluding the detection, investigation, or acquisition of evidence relating to the violation of a criminal statute.

**Evidence Impound:** Any motor vehicle or item, that is collected, found, recovered, seized, transferred, or otherwise comes into the custody of the Anchorage Police Department, and retained for any criminal or internal investigation, judicial, quasi-judicial, or adjudicatory proceedings. Only a sole source contracted tow company shall tow vehicles or items at the request of a member of the Department.

**Impound:** Any motor vehicle or item, that is collected, found, recovered, seized, transferred, or otherwise comes into the custody of the Anchorage Police Department, and retained for any criminal or internal investigation, judicial, quasi-judicial, or adjudicatory proceedings. Only a sole source contracted tow company shall tow vehicles at the request of a member of the Department.

**Item:** For the purposes of this policy, any non-motorized vehicle to include, but not limited to, aircraft, camper shell, household appliances, safe, slide-in camper,

motor vehicle utility boxes, trailers, watercraft, vehicle frames, vehicle parts or other property which requires towing.

**Inventory Search:** Documenting the contents of an impounded vehicle as permissible by law. Closed containers should not be opened as part of an inventory search.

**Locate Impound:** A vehicle impound based on a valid order issued by the Alaska Court System.

**Officer:** For purposes of this policy, the term “officer” applies to sworn officers and Community Service Officers (CSO's). Within this procedure, both can execute all the provisions cited.

**Public Way:** Public or private property open to the public by right, either expressed or implied or by custom, for the purposes of travel.

**Safekeeping Impound:** Any motor vehicle or item, that is collected, found, recovered, seized, transferred, or otherwise comes into the custody of the Anchorage Police Department under the Community Caretaker Authority which cannot be safely and lawfully left or transported from the scene.

**Vehicle:** For purposes of this policy, any motorized unit designed for the transport of people or trailers.

## **PROCEDURE**

### **I. Types of Impounds**

#### **A. Evidence Impounds:**

Vehicles or items shall be impounded to an Anchorage Police Department secure storage area when the vehicle or item is evidence of a crime or violation, or probable cause exists to believe it contains evidence of a crime or violation. As such, Evidence impounds shall not be subjected to inventory searches. Impounded vehicles or items shall be processed as soon as practical. The sole source tow contractor shall be used except for items which can be transported by a CSO.

#### **B. Public Safety Impounds:**

##### **1. Grounds for a Public Safety Impound:**

- a) Chapter 9.28 (serious traffic offenses);
- b) Section 9.30.020 (illegal on-street parking, unattended vehicle illegally left standing, vehicle reported stolen, incident to an arrest which requires immediate appearance before a judge, parking violation, parked to create a significant danger, vehicle used in eluding police);
- c) Section 9.30.155.D (vehicle in public parking lacking license plates,

registration tags or tags expired more than 12 months);

- d) Section 9.30.235.B (unauthorized parking in space reserved for persons with disabilities);
- e) Section 9.30.260 (improperly parked vehicle with four or more unresolved parking citations as a public nuisance, parking violation poses imminent threat to public health, safety or welfare);
- f) Section 9.52.010.B (VIN or license plate altered or removed or on different vehicle);
- g) Section 15.20.020.B.12 (public nuisance vehicles);
- h) Section 15.20.040 (abandoned vehicles); or
- i) Section 15.20.060 (junk vehicles).

## **2. When to impound:**

- a) Vehicles shall be impounded whenever they cannot be safely and lawfully left where stopped or safely and lawfully transported from the scene.
- b) A vehicle can be safely and lawfully left where stopped when:
  - (1) It is properly and legally parked on a public roadway, so long as it is not blocking or impeding traffic; or
  - (2) It is parked on the property of the registered owner, in a parking lot of the registered owner's residence, or parked legally on the street near the registered owner's residence.
- c) A vehicle can be safely and lawfully transported from the scene when:
  - (1) The registered owner is on scene, is sober, is licensed and insured, is free to leave, and elects to drive the vehicle; or
  - (2) The registered owner is on scene and identifies another person on scene who is sober, licensed and insured, is free to leave, and the owner authorizes the other person to take the vehicle.

### C. Safekeeping Impounds:

#### 1. Grounds for a Safekeeping Impound:

- a) If a vehicle cannot be both legally parked and sufficiently secured at the scene of a police action or crime; or
- b) If an arrestee is unwilling/unable to make alternative arrangements for the vehicle; or
- c) If there is other property which cannot be retained by the arrestee or adequately protected at the scene; or
- d) If the arrestee requests a police impound for safekeeping.
- e) Subsequent to an accident if a vehicle cannot be both legally parked and sufficiently secured at the scene; or
- f) Subsequent to an accident if the operator is unwilling/unable to take custody or make arrangements for the removal of the vehicle; or
- g) Subsequent to an accident if the vehicle is causing an environmental hazard; or
- h) Subsequent to an accident if there is other property (such as a trailer or boat) which cannot be sufficiently protected at the scene, or which the owner requests be impounded for safekeeping, or which the owner is unwilling/unable to take custody of at the scene.
- i) Recovered stolen vehicles when the owner cannot be contacted.
- j) Recovered stolen vehicles when the owner can be contacted and requests an impound for safekeeping.
- k) Recovered stolen vehicles when the owner cannot or will not respond in a reasonable amount of time.
- l) Stalled vehicles which are vulnerable to theft, vandalism, or other loss if not protected.
- m) If the registered owner cannot be verified, or suspicious circumstances warrant additional investigation, the vehicle will be impounded for safekeeping.

#### **D. Locate Impounds:**

1. Grounds for a Locate Impound:
  - a) When a vehicle is stopped for a traffic violation or other lawful reason, if an APSIN check reveals a locate to impound the vehicle, Officers shall impound the vehicle.
  - b) When a vehicle is located parked either occupied or unoccupied within the public way and APSIN reveals a locate to impound, Officers shall impound the vehicle.

#### **II. Impound Procedure:**

1. The vehicle must be towed by the appropriate towing contractor, either the sole source contractor currently under contract to the Municipality of Anchorage and APD or the APD Rotation Tow program
2. All keys belonging to the vehicle must remain inside the vehicle (if practical).
3. Officers will complete the appropriate impound report form, standard form or White Tag for Junk/Abandoned. Impound reports must be submitted no later than the end of shift.
4. Inventory Searches:
  - a) Inventory searches are limited to plain view only and shall be conducted from the exterior of the vehicle.
  - b) Officers are authorized to open and remove valuable perishable items and pets if they are in plain view. If officers open the door, an inventory must be taken of all property inside the vehicle.
    - (1) The property seized and observed will be logged on an evidence report.
    - (2) The evidence report must be printed at the scene, signed by a witness, and left in the vehicle.
    - (3) Firearms and cameras will be identified by serial number. Items other than valuable perishables and pets will be left inside the vehicle.
  - c) Filling out an evidence report does not eliminate the need for officers to make a note of valuable items observed on the impound form.

- d) Closed, body-sized compartments may be checked for persons in distress without need to complete an entire inventory search.
- 5. Document any significant interior or exterior damage to the vehicle prior to the impound.
- 6. The Notice of Intent to Impound or Forfeit Vehicle form must be completed and the goldenrod copy provided to the defendant when the vehicle is being impounded for DUI, DWLC/R/S, DWOI, or SOL.
- 7. Physically verify the last six (6) digits of the Vehicle Identification Number (VIN) to ensure the stolen status of the vehicle.

### **III. ACCESS TO APD EVIDENCE VEHICLE STORAGE LOCATIONS:**

- 1. The only authorized personnel allowed inside of APD evidence vehicle storage locations:
  - a. APD personnel.
  - b. Sworn law enforcement personnel from other law enforcement agencies while being escorted by APD personnel.
  - c. Current contracted, vehicle tow operator while being escorted by APD personnel.
- 2. Any other personnel that may require access to the locations such as maintenance or other service contractors shall only be authorized by the Impounds Supervisor, Terminal Agency Coordinator or their APD designee. These authorized personnel shall be escorted by an APD employee.

### **IV. EVIDENCE VIEWING:**

- 1. Evidence viewing of vehicles should be coordinated through the APD Impounds Unit.
- 2. The case officer/detective should arrange with the authorized contracted APD tow operator to move the evidence vehicle out of the evidence vehicle storage locations and transport the vehicle to the APD Impounds Staging area which is located at 3720 E. Tudor Road. The case officer/detective shall maintain custody of the vehicle while it is being transported.
- 3. The case officer/detective shall maintain custody of the vehicle and its contents while it is being viewed.

4. The case officer/detective shall maintain custody of the vehicle and its contents while the vehicle is out of the APD evidence vehicle storage location and while the vehicle is transported back to the evidence vehicle storage location by the authorized tow contractor ensuring the facility is secure.

## **V. UNAUTHORIZED REASONS FOR IMPOUNDS**

Impounds are not authorized for punitive action against the owner/operator or for coercion.

**\*\*\*END OF DOCUMENT\*\*\***