




Clayton County Police Department PROCEDURES

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| Subject | | Procedure # | |
| VEHICLE IMPOUNDS & RELEASES | | D31 | |
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I. PURPOSE

To establish procedures to be followed for towing, impounding and inventorying motor vehicles, and to set guidelines for releasing vehicles, including those held for investigative purposes.

II. POLICY

Motor vehicles are subject to towing, inventories, and impoundment and subsequent release for many and varied reasons ranging from the preservation of evidence in a criminal case, safeguarding property, law violations, protecting the public, or securing property under asset forfeiture statutes, among other reasons. It shall be the policy of the Clayton County Police Department (CCPD) to conduct motor vehicle tows, inventories, impounds and releases only in accordance with applicable laws and the following procedures.

III. DEFINITIONS

Contract Wrecker: The wrecker service under contract with the Clayton County Government to tow vehicles within a specified police district.

Highway: The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for the purposes of vehicular travel.

Impoundment: The seizing and temporary custody of a motor vehicle for a legitimate police purpose.

Inspection: An examination of the exterior and interior of the vehicle for damaged or missing parts.

Private Pull: The act of an officer requesting a contracted wrecker to remove a vehicle from the roadway as a courtesy to a citizen when the vehicle has no evidentiary value and any accrued fees will be a civil issue between the contract wrecker and citizen.

Roadway: That portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder.

IV. PROCEDURES

A. General

1. The CCPD contracts with wrecker services within the County to provide vehicle impounds. Impoundment of motor vehicles shall use the designated contract wrecker service, and impoundment lots as authorized by the Department.
 - a. E911/Communications will maintain a list of authorized contract wrecker services, and calls for such service will be based on the district the vehicle is being towed from.
 - b. If a contract wrecker is unavailable or unable to respond in a timely manner, another contracted wrecker service will be notified to respond, if approved by a supervisor.
2. All vehicles shall be inventoried before impoundment. Officers directing that a vehicle be impounded, or an officer acting on behalf of the CCPD in accepting custody of a vehicle, shall inspect the vehicle and inventory its contents unless the responsibility for the same has been properly transferred to another officer.
3. An inventory should be conducted at the location at which the vehicle is seized unless limited by reasons of safety or practicality. If an immediate inventory is impractical or unsafe, officers shall make their supervisor aware of such occurrence and note the reason(s) on the *Vehicle Inventory Form*. An inventory shall be performed as soon as possible; the time and place of delayed inventory will also be noted in the officer's report.
 - a. Reasons for delay of inventory may include, but are not limited to the following:
 - 1) The vehicle was unstable because of the damage sustained in the accident.
 - 2) The vehicle was locked and access could not be gained without causing damage, unless a search warrant is obtained. When this occurs a visual inspection shall be conducted from outside and items shall be listed on the form.
 - 3) The location created a problem or it was unsafe for officers to undertake the inventory at that time and place.
 - 4) The vehicle is being seized because it holds evidence that needs to be preserved.
 - b. Regardless of the reason(s), the vehicle should be placed in a secured impound lot authorized by the CCPD, pending the inventory or search.
4. Motor vehicles shall not be impounded for purposes other than those defined by statute or ordinance, (e.g., not as a form of punishment, or as a means of conducting a vehicle search when probable cause does not exist, or consent to search cannot be obtained).
5. An inventory shall not be conducted in the following situations:
 - a. The vehicle does not impede traffic flow and is not illegally parked;
 - b. The vehicle is disabled, either by mechanical failure or as a result of damage due to a motor vehicle accident, where the owner/driver is present and makes satisfactory arrangements to have it removed by someone other than a contracted wrecker; or
 - c. When a vehicle is towed by a contract wrecker service at the request of the owner/driver, also known as a "Private Pull".
6. In the case of a "Private Pull", the officer will explain that all fees that are accrued will be the responsibility of the owner. There is no law enforcement involvement with a "Private

Pull” unless there is the occurrence of criminal activity. An *Incident Report* is not required, unless criminal activity is involved, a report is requested by either party, or other circumstances exist. **Note: A *Vehicle Inventory Form* will not be completed on a “Private Pull” and an inventory of items will not be conducted.**

7. When impoundments are ordered the officers shall:
 - a. Take measures to ensure that the driver and/or any passengers are not stranded;
 - b. If necessary, provide the driver and/or passengers with reasonable transportation;
 - c. If possible, allow the driver/owner to remove unsecured valuables of a non-evidentiary nature, from the vehicle prior to its removal for impoundment; and
 - d. Remain on scene to ensure an identified agent of the driver/owner for the vehicle takes control of such vehicle, or until a wrecker driver removes the vehicle.

B. Vehicle Inventory

1. An officer may conduct a vehicle inventory without a warrant or probable cause when the vehicle has been lawfully seized or impounded pursuant to this policy. An inventory of a vehicle is not a search. The inventory will ensure valuable possessions within a vehicle under police custody are accounted for. Any contraband which is found inadvertently during an inventory may be seized.
2. Officers will not conduct a vehicle inventory as a purposeful and general means of discovering evidence of a crime. Hence, officers shall not inventory parts of a vehicle that require special tools or cameras to look inside gas tanks, engine blocks, tires or other parts, or intentionally cause damage or substantially alter the vehicle (e.g., ripping or tearing of carpet or upholstery, removing door panels) to look into areas where personal property is not normally kept.
3. **Officers conducting a vehicle inventory should be as thorough and accurate as practicable in preparing an itemized inventory. This inventory is intended to:**
 - a. **Protect the owner of the vehicle as well as the owner of any personal property contained in the vehicle, while it remains in police custody;**
 - b. **Protect the CCPD against claims or disputes over lost, stolen or damaged property; and**
 - c. **Protect CCPD personnel and the public from injury or property damage due to hazardous materials or dangerous items that may be inside the vehicle.**
4. The justification for an inventory of an impounded vehicle is based on the validity of the impoundment, not the arrest of the driver. If the impoundment was improper, any items seized will not be admissible as evidence in court.

C. Inventory Procedures

The following procedures shall be followed when inventorying a vehicle before impoundment.

1. **Exterior Inspection:** The exterior of the vehicle shall be inspected for signs of damage or missing equipment.
2. **Interior Inspection:** The interior of the vehicle shall be inspected for signs of damage or missing equipment.

3. **Inventory:** The inventory must be conducted to fulfill the police caretaking function of securing the contents of each vehicle impounded by the CCPD.
 - a. An inventory of personal property will be conducted throughout the passenger compartment of the vehicle to include: on top, between and under seats; accessible areas under or within the dashboard area; door panel storage pockets; cup holders; center/overhead consoles; sun-visors; glove box; under floor mats; rear cargo area; and any other area or compartment where personal property is stored.
 - b. In addition to the passenger compartment as described above, an inventory of personal property will also be conducted in the following locations:
 - 1) Any unlocked compartments that are a part of the vehicle to include but not limited to: glove compartment, vehicle trunk, cargo bed and rooftop cargo carrier;
 - 2) Any locked compartments that are a part of the vehicle to include but not limited to: glove compartment, vehicle trunk, cargo bed and rooftop carrier, if either the keys are available to be released to the contract wrecker driver or an unlocking mechanism for such compartment is available within the vehicle; and
 - 3) Any other reasonable place in the vehicle or its trailer/attachments where personal property may be kept, to include any "hidden compartments" where valuables are kept.

Note: Officers must examine the contents of all unlocked containers, including containers inside other containers that might hold personal property.

c. Unlocked Containers

Officers will open, inspect, and inventory all unlocked "open" or "closed" containers, whose contents cannot be determined from examining the exterior of the container. Containers shall include but are not limited to: wallets, purses, organizers, briefcases, backpacks, boxes, storage bins, bags, or other containers designed for storing personal property, or containers which are designed for hazardous materials.

- 1) When an officer encounters a hazardous material that may have been released, the officer will exit the vehicle immediately, evacuate citizens in the vicinity, request the services of the Clayton County Fire Department (CCFD) and notify their supervisor.
- 2) Officers will not attempt to enter a vehicle where there will be a known hazardous material exposure.
- 3) The CCFD Fire Chief, or CCFD designee, will assume control of any scene involving hazardous materials and CCPD personnel will provide support as required.
- 4) The vehicle inventory will resume upon release of the scene by the CCFD.

d. Locked Containers

Locked containers (e.g., luggage, safe, or other similar repositories of personal effects), located anywhere in the vehicle, will not be unlocked and inventoried or searched without permission from the owner or a valid search warrant based on probable cause. If an owner gives consent, the officer shall ask for the key or

combination. If the owner does not provide consent or is unable to unlock the item with a key/combination, the officer shall not damage or break open the item to inventory its contents.

Note: Locked containers, not inventoried, will be listed on the *Vehicle Inventory Form* as "one (1) locked/sealed container" with a description of the container. Locked vehicle compartments will also be noted on the *Vehicle Inventory Form*.

- e. When an officer encounters a suspicious package or a compartment/container that might contain a hazardous device, such officer shall stop the inventory immediately and notify their supervisor as soon as practicable. Under no circumstances should the suspicious package/hazardous device be touched, picked up, or moved by an officer conducting such inventory. Safety procedures shall be implemented to protect civilians and officers.

If necessary, the supervisor will notify specialized units (i.e., Bomb Squad) and the CCFD. When the Bomb Squad responds to an incident, they will have the final authority as to which tactics and methods are used to eliminate the threat of any hazardous device.

For further information on safety guidelines and Bomb Squad operations, refer to CCPD SOP D12: *Hazardous Devices & Bomb Squad Operations*.

- 4. **Documentation:** The impounding officer will ensure all required paperwork is completed.
 - a. *Vehicle Inventory Form:* A *Vehicle Inventory Form* will be filled out on all vehicles impounded by the CCPD. Officers shall document the vehicle information, any damage to the vehicle not incurred during a vehicle accident for which the vehicle is being impounded, and a detailed list of items that were inventoried and the removal of any evidence/property.
 - 1) Officers may ask the driver/owner to verify the completeness of the *Vehicle Inventory Form* and have them sign it, if feasible and/or they are willing to do so.
 - 2) Upon completion, the *Vehicle Inventory Form* will be signed by both the wrecker driver and the officer; the original (white) copy of the form will be kept by the officer and submitted with the report, and the yellow copy will be given to the wrecker driver.
 - b. *Property Receipt:* Any property that is seized or taken into custody by officers from an impounded vehicle, shall be itemized on a *Property Receipt*.
 - 1) Firearms, valuables (e.g., money, jewelry, electronics) and any other items that an officer believes should be retained as safekeeping shall be removed and collected via *Property Receipt*.
 - 2) If contraband or evidence are discovered during the inventory, the items should be recorded and/or photographed in the location they were found, if possible. The officer shall remove and collect the items as evidence via *Property Receipt*, unless the items need to be processed by a specialized unit due to the severity and/or type of crime.

Items that are collected via *Property Receipt* shall be transported to the Property & Evidence Unit, unless they are relinquished to the rightful owner.

- c. Incident Report: In all cases when a vehicle is impounded, an *Incident Report* shall be completed, except on occasions when only an *Accident Report* is required. Items that are removed from an impounded vehicle will be notated in the officer's report.

D. Motor Vehicle Accidents

1. Vehicles may be impounded for evidentiary purposes following a vehicle accident. Such cases do not necessarily involve custody of the driver.
2. Following vehicle accidents, an officer may request impoundment when:
 - a. The driver/owner is unwilling or unable to take control of the vehicle;
 - b. The vehicle cannot be legally parked and sufficiently secured at the scene or placed in the custody of a responsible third party; and
 - c. There is property in or attached to the vehicle that cannot be sufficiently secured at the scene or placed in the custody of a responsible third party.
3. Officers will conduct a vehicle inventory and complete a *Vehicle Inventory Form*, when necessary. Officers will complete an *Accident Report*, and any other report/paperwork required for such incident.

E. Unattended Vehicles on Highways/Public Roadways (Road Hazard and/or Obstructing Traffic)

1. Vehicles, which are left unattended on a highway or public roadway in a manner that obstructs traffic or creates a hazard, may be impounded immediately by a contract wrecker, when the owner or the person responsible for the vehicle are unable to remove the vehicle immediately, or when the owner or person responsible for the vehicle cannot be located in the immediate vicinity or otherwise be contacted for disposition.
2. If the vehicle is impounded by a contract wrecker and contact was not made with the owner, officers will conduct an inventory of the vehicle, complete a *Vehicle Inventory Form*, *Incident Report*, *Vehicle Impound & Owner Notification Sheet (Blue Sheet)* and any other report or paperwork required for such incident. The officer will have the vehicle entered on GCIC as an abandoned vehicle as soon as possible. The officer will make every effort to contact the vehicle owner via telephone if possible.
3. Vehicles with fire damage, even if the VIN or vehicle registration is unknown, will be towed to a contract wrecker yard unless further criminal investigation is required.

F. Vehicles that are Inoperable (Road Hazard and/or Obstructing the Roadway)

1. Inoperable vehicles that are a road hazard and/or obstructing the roadway, shall be removed by the owner or the person responsible for the vehicle. Vehicle owners are responsible for the timely removal of their vehicle and for the security of any vehicle that is parked. If they are unwilling or unable to remove the vehicle within a reasonable amount of time, the vehicle will be impounded by a contract wrecker.
2. The vehicle owner may request a tow service to be called and such request will be honored when the response can be made within a reasonable timeframe. If no specific tow service is desired, and the owner agrees to have their vehicle removed by a contract wrecker, after having been explained by the officer that all fees that are accrued will be the responsibility of the owner, then such officer will notify E/911 Communications and request a contract wrecker to respond on a "Private Pull".

3. A *Vehicle Inventory Form* will not be completed and an inventory of items will not be conducted, when vehicles are either towed or removed by another wrecker service at the owner or responsible person's request, or towed by a contract wrecker service at the owner or responsible person's request (also known as a "Private Pull"). An *Incident Report* is not required, unless a report is requested by either party, or when other circumstances exist.

G. Removal of Abandoned Vehicles

Personnel who receive complaints of vehicles being abandoned should obtain all pertinent information, including but not limited to, complainant's information, license plate number, VIN, description, location, time lapse, and any other information that is relevant to such complaint.

1. Vehicles Abandoned on Private Property

- a. Officers will not impound vehicles abandoned on private property unless they are stolen, involved in a crime, or involve parking violations/Code violations as outlined in Clayton County Ordinances. For information on impounding vehicles pursuant to Clayton County Ordinances refer to this policy, (i.e., *section IV. H.*). The property owner has the right and responsibility of removing vehicles from their property.
- b. All vehicles that are abandoned on private property shall be checked through GCIC to determine if the vehicle is stolen.

2. Vehicles Abandoned and Parked on a Public Highway (Not a Hazard)

When vehicles are abandoned or parked on a public highway and they are not a hazard, the following procedures will be followed:

- a. A GCIC check will be made to determine who the owner is and if the vehicle is stolen.
- b. If the vehicle is not stolen, a reasonable effort will be made to locate the owner. This includes but is not limited to checking local files for phone numbers of the owner, checking the registered owner's driver's license for a contact number, etc.
- c. If contact is not made with the owner, the officer will complete a *CCPD Unattended Vehicle Notice Check Card* (orange in color) and obtain an abandoned vehicle number from the dispatcher/local computer which shall be written on the card and affixed to the windshield or driver's side window of the vehicle.
- d. Time Frames for Removal of Abandoned Vehicles [CALEA 61.4.3]
 - 1) If the owner is not located and the abandoned vehicle notice has been affixed to the vehicle, the vehicle will be removed from public roadways after five (5) days, pursuant to OCGA § 40-11-3. The five (5) day period shall begin at the time the abandoned vehicle notice was affixed to the vehicle.
 - 2) If the owner is not located and a *CCPD Unattended Vehicle Notice Check Card* has been affixed to the vehicle, the vehicle will be removed after eight (8) hours if it is abandoned on The Dwight D. Eisenhower System of Interstate and Defense Highways. The eight (8) hour period shall begin at the time the abandoned vehicle notice was affixed to the vehicle.
 - 3) EXCEPTION: If the abandoned vehicle constitutes a traffic hazard, it may be removed immediately (OCGA § 40-6-206).

- e. Any vehicle abandoned on I-285 inside the airport tunnel, which crosses underneath the Hartsfield-Jackson Atlanta International Airport runway, or designated “No Stopping” areas, shall be removed immediately.
- f. When a vehicle appears to have been stripped or vandalized, it will be impounded immediately.
- g. If the vehicle is impounded by a contract wrecker and contact was not made with the owner, the officer will conduct a vehicle inventory and complete a *Vehicle Inventory Form, Incident Report* (notating any law violations and/or the date and time the *CCPD Unattended Vehicle Notice Check Card* was affixed to the vehicle, when applicable), *Vehicle Impound & Owner Notification Sheet (Blue Sheet)* and any other report or paperwork required for such incident. The officer will have the vehicle entered on GCIC as an abandoned vehicle as soon as possible.

H. Impounding Vehicles for Parking Violations (Clayton County Ordinance 94-64)

Pursuant to Clayton County Ordinance 94-64, officers shall have the authority to:

- 1. Impound any vehicle parked in an “emergency no parking” zone and the cost thereof and reasonable storage fees shall be paid by the vehicle's owner or representative.
- 2. Impound any vehicle parked in violation of Clayton County Ordinance *Article III. Parking, Stopping and Standing* when there is probable cause to believe that the vehicle was previously parked in violation of such article and the owner has not paid the violation or been issued a *Uniform Traffic Citation (UTC)* within fourteen (14) days of the previous violation. The cost thereof and reasonable storage fees shall be paid by the vehicle's owner/representative. Prior to releasing the vehicle from impound the owner/representative will either pay the outstanding parking fees or if the owner/representative wishes a hearing before a judicial officer, be issued a UTC for each violation.
- 3. Impounding of illegally parked vehicles will be done pursuant to this policy, however there is no requirement to give the owner the option of moving said vehicle.
- 4. The officer will conduct a vehicle inventory and complete a *Vehicle Inventory Form, Incident Report* and any other report or paperwork required for such incident.

I. Impounding Vehicles Following an Arrest

- 1. When the driver of a vehicle is arrested for a violation of state law, the vehicle may be impounded for safekeeping; however, officers will make a reasonable attempt to have the vehicle removed by an agent/towing service of the driver's choice who is properly qualified and physically capable of operating the vehicle. In such a case the vehicle shall be released to that individual. The identification information of the individual to whom the vehicle is being released shall be obtained and noted in the *Incident Report*.
- 2. If the driver of a vehicle is arrested on private property, and the driver either owns, has control of, or has permission from the owner of the property, the vehicle should not be impounded except upon the request of the driver/owner, or if exigent circumstances exist.
- 3. If the driver of a motor vehicle has been arrested, the vehicle may be impounded when:
 - a. There is no one present who is authorized and capable of removing the vehicle.
 - b. The driver has made no specific request about the disposition of the vehicle.

- c. The driver has made no request to use a specific towing service.
- d. The driver has made a specific request for the disposition of the vehicle or requested a specific towing service and the officer has made a reasonable but unsuccessful effort to comply with this request.
- e. The driver of a vehicle has been removed from the scene and is either physically or mentally unable to make a request for disposition of their vehicle.

If the driver is not the legal owner, and the legal owner is not present/unable to respond, the vehicle shall be impounded, for the protection of the owner's vehicle and its contents.

- 4. When a vehicle is impounded following an arrest, the officer will conduct a vehicle inventory and complete a *Vehicle Inventory Form*, *Incident Report*, and any other report or paperwork required for such incident.

J. Impounds Related to Criminal Investigations

- 1. Examination of the contents of a motor vehicle pursuant to a criminal investigation or with the intent of discovering evidence of a crime is a search, not an administrative inventory. Proper legal authority to search a vehicle with this intent should be obtained.

For further information regarding vehicle **search** incident to arrest, refer to CCPD SOP: *A11: Warrantless Searches (Search & Seizure)*.

- 2. Vehicles shall be stored, subject to applicable laws and warrant requirements, whenever it is needed for furtherance of an investigation and/or prosecution of the case, or are otherwise appropriate for seizure.
- 3. Notification of any seizure of a vehicle for forfeiture, with the exception of the Narcotics Task Force, shall be submitted to the Forfeiture Officer for processing within twenty-four (24) hours of the seizure.

For further information on forfeiture procedures refer to CCPD SOP *B4: Asset Forfeitures*.

4. Recovered Stolen Vehicles

- a. Officers should make reasonable efforts to return a recovered stolen vehicle to its owner rather than store it, so long as the vehicle is not needed for evidence.

- b. The following should be performed when a stolen vehicle is recovered:

- 1) The stolen vehicle report should be confirmed and cleared from GCIC.
- 2) The vehicle should be inventoried and searched for evidence, when applicable.
- 3) Attempts should be made to locate the owner. If the vehicle was stolen from another jurisdiction, the other jurisdiction should be contacted to ensure the validity of the stolen record as soon as possible. Officers should check with the other jurisdiction to see if they want to process the vehicle.
- 4) If the vehicle can be driven, it may be released to the owner via *Property Receipt* at the scene with a supervisor's approval.
- 5) If the vehicle is inoperable, or the owner is not immediately available, the vehicle will be impounded by a contracted wrecker. The officer will complete a *Vehicle Inventory Form and Vehicle Impound & Owner Notification Sheet (Blue Sheet)*.

- c. Information on the recovery and inventory will be recorded in the officer's report.

5. When a vehicle is impounded regarding a criminal investigation, the officer will conduct an inventory of such vehicle, unless the vehicle and/or items need to be processed by a specialized unit due to the severity or type of crime, or when other exigent circumstances exist. The officer will complete a *Vehicle Inventory Form*, *Incident Report*, and any other report or paperwork required for such incident.

K. Releasing Impounded Vehicles

Vehicles will only be released to the owner or designated representatives. When a vehicle is impounded by the CCPD, the owner or designated representative must obtain a *Vehicle Release Form* from the Records Unit before the vehicle can be released from the wrecker service. In order to obtain a *Vehicle Release Form*, the owner or designated representative must come in person to the CCPD's Records Unit.

1. General Release Procedures Require the Following Documentation

a. Required proof of ownership:

- 1) Current tag registration;
- 2) Vehicle title (properly signed) on which the owner's name appears on the front; or
- 3) A **Notarized** Bill of Sale which is less than thirty one (31) days old **and** documentation such as registration or the title in the seller's name showing the seller had a legal right to sell the vehicle. Exceptions are noted elsewhere.

b. Identification (ID) Requirements

- 1) A driver's license, passport, or other legal photo ID (e.g., military ID) is preferred.
- 2) If a legal picture ID is not available, two (2) other forms of ID are required. Examples are credit cards, work ID, or other form of ID with an image of the owner. One (1) of the ID's must have the owner's signature on the ID.
- 3) In addition to the aforementioned ID requirements, have the person sign a blank piece of paper and the signature will be compared to the signature on the ID that was submitted. If there is any doubt, contact a supervisor.

2. Recently Purchased Vehicles

- a. The vehicle may be released to the new owner if the transfer portion on the back of the original title or tag receipt has been completed and the date of sale is less than thirty one (31) days old. Any copies of these documents must be notarized.
- b. A new vehicle may be released on the licensed car dealer's original Bill of Sale, unless the Bill of Sale is over ninety (90) days old.

3. Releasing to Persons Other than the Listed Owner

- a. Owners may authorize another person to obtain the release of their vehicle.
- b. The person claiming the vehicle for the owner must produce a Power of Attorney form or a notarized letter from the legal owner.
- c. The letter/Power of Attorney must include:
 - 1) Owner's name, address and phone number;
 - 2) Description of the vehicle (make, model, year, and VIN);

- 3) The name of the owner's designee (the person authorized by the owner to obtain the vehicle); and
 - 4) The form or letter must be notarized.
 - d. The person claiming the vehicle for the owner will also be required to produce ownership documents in the owner's name, or notarized copies of the documents in the owner's name.
 - e. The person claiming the vehicle will also be required to show proper ID.
4. Releasing Rental Vehicles
 - a. Rental vehicles may be released to an agent/employee of the rental car agency. The agent must prove that they are an agent of the company and produce ownership papers and proper ID.
 - b. Rental vehicles may be released from impound on a current rental agreement in the authorized renters name with proper ID, if authorized to do so by the rental agency.
5. Release of Corporate Owned Vehicles
 - a. Vehicles owned by corporations or businesses may be released to an official of the company. The company official must have ownership documents and proper ID. They must also be able to prove they are an official of the company. Generally, the following titles are recognized as officials of a business: Owner, President, Vice President, Treasurer, Controller, Secretary, Chief Executive Officer, Chief Financial Officer, and Chief Operating Officer.
 - b. Other employees or agents of the business must have a notarized letter from an official of the company in order to obtain a release. This is not required if their name appears on the ownership papers.
6. Release when the Owner is Deceased
 - a. When the owner of an impounded vehicle is deceased the vehicle can only be released:
 - 1) By authority of a Probate Court;
 - 2) By authority of the executor/administrator of the estate;
 - 3) With the approval of the Record's Unit commander or supervisor, to the surviving spouse of the deceased; or
 - 4) With the approval of the Record's Unit commander or supervisor, to the custodial parent of a minor child.
 - b. In each case, ownership documents and proper ID must be shown.
7. Release to Repossessor
 - a. A reposessor must prove that they have a legal right to the vehicle. Their lien must appear on the front of the original title as the first lien holder.
 - b. The reposessor must present a notarized letter of repossession which includes:
 - 1) A description of the vehicle;
 - 2) The name, address and phone number of the reposessor;

- 3) The name of the company representative who is authorizing the repossession; and
 - 4) The reason for the repossession and the owner's name, address and phone number.
- c. The lien holder must execute the *Agreement to Hold Harmless and Indemnify Form* before the vehicle can be released. This document must be signed by an officer of the corporation or a person who has clear authority, in writing, to execute the document. This must be notarized.
 - d. If the person listed on the repossession letter delegates another person to pick up the vehicle, that person must produce a notarized letter from the reposessor authorizing the delegated person to pick up the vehicle. They must also be in possession of ownership documents and proper ID.
 - e. In the alternative, the finance company can seek a court order.

8. Copies to be maintained by the Records Unit/Watch Office

When an employee releases a vehicle, they will obtain the original document(s) authorizing the release of the vehicle and such documents will be copied and filed. The photo ID of the person shall also be copied and filed.

L. Holding Vehicles for Investigations

1. Officers placing a hold on a vehicle must obtain permission from their direct supervisor.
2. When a vehicle is impounded by officers to a secured supervisory approved impound lot other than a wrecker yard for further investigation, the following procedures will be followed:
 - a. A *Vehicle Inventory Form* will be filled out by the impounding officer, which shall contain the following information:
 - 1) "Hold" shall be written at the top of the *Vehicle Inventory Form*;
 - 2) Reason for the Hold;
 - 3) Unit/Division that placed the Hold;
 - 4) Name of supervisor that approved the Hold; and
 - 5) The location/ address of where the vehicle is being towed.
 - b. A supervisor will sign the *Vehicle Inventory Form* before the vehicle is removed from the incident location. Notate on the *Vehicle Inventory Form* the location of where the vehicle is being held for investigatory purposes.
3. Vehicles placed on hold shall only be released with the approval of the officer that placed the hold or involved supervisor, usually a supervisor of the officer that requested the hold.
4. When the investigation is complete and the vehicle is no longer needed the officer or detective leading the investigation, will notify the owner and the vehicle will be released through the Records Unit. The owner must go to the wrecker service that impounded (or towed the vehicle to the designated location) and pay the bill. The owner must bring a receipt from the wrecker service to the Records Unit before the vehicle will be released.
5. If the owner refuses to retrieve their vehicle at that time, the officer will ensure it is removed by the original contract wrecker to their lot for later release or disposal.

6. This procedure does not apply to vehicles impounded to the Crime Scene Investigation (CSI) Unit bay for investigative purposes (e.g., vehicle was involved in a serious crime or the vehicle contains evidence of a crime that cannot be processed at the scene and must be secured to ensure its evidentiary integrity). Vehicles impounded to the CSI bay will be controlled by CID/CSI personnel, who will be responsible for notifying the owner and releasing the vehicle in accordance with the release procedures listed in this policy (i.e., *section IV. subsection K.*). The release may be coordinated with the Records Section. The vehicle may be released to the owner by CID/CSI or taken to a wrecker yard for release.

M. Vehicle Inventory Form

1. A *Vehicle Inventory Form* will be filled out on all vehicles impounded by the CCPD.
2. Officers shall document the vehicle information, any damage to the vehicle not incurred during a vehicle accident for which the vehicle is being impounded, and a detailed list of items that were inventoried and the removal of any evidence/property. Any item that is removed from the vehicle shall also be notated in the officer's report. Any property of value left in the vehicle, shall be noted on the *Vehicle Inventory Form*.
3. Officers will ensure the *Vehicle Inventory Form* will be turned into their supervisor no later than the end of the shift when the vehicle was impounded.
4. Supervisors will ensure that *Vehicle Inventory Forms* are turned into the Records Unit within twenty-four (24) hours for processing.

See Appendix A of this procedure for the CCPD Vehicle Inventory Form.

N. Vehicle Impound and Owner Notification Form (Blue Sheet)

1. Anytime an officer completes a *Vehicle Impound & Owner Notification Sheet* (Blue Sheet) they will print the form and ensure the copy is turned in to their supervisor no later than the end the shift when the vehicle was impounded as abandoned or recovered.
2. Supervisors will ensure that the *Vehicle Impound & Owner Notification Sheet* (*Blue Sheet*) is turned into the Records Unit within twenty-four (24) hours for processing and owner notification.

See Appendix B of this procedure for the CCPD Vehicle Impound & Owner Notification Sheet (*Blue Sheet*).

3. The Records Unit will be responsible for uploading the form into the RMS application and sending out a certified notification if the officer was unsuccessful with notifying the owner.

V. CANCELLATION

This procedure amends and supersedes the following standard operation procedure: *D31: Vehicle Impounds and Releases*, dated June 26, 2018.