



Clayton County Police Department

PROCEDURES

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 publicly-maintained roadway, 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 lawful purpose.

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

Inventory: A warrantless search of a motor vehicle, conducted in accordance with departmental standard operating procedures and not intended for a criminal investigation, for the purpose of safeguarding valuables and other personal property contained in the vehicle at the time of its impoundment.

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. CONTRACTED WRECKER SERVICES

The Department 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.

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.

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.

V. PROCEDURES

A. Justification for a 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 procedure. The inventory will ensure valuable possessions within a vehicle under police custody are accounted for. Any contraband which is found inadvertently during a vehicle 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, etc.) to look into areas where personal property is not normally kept.
3. The justification for a vehicle 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.
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.

B. Vehicle Inventory Procedures

1. The impounding officer shall verify that the vehicle's affixed/displayed license plate is assigned/registered to the vehicle. Verification may be confirmed by comparing the vehicle identification number (VIN) on the vehicle to the VIN listed in the license plate registration, to ensure they are the same. A license plate that is not assigned/registered to the vehicle being impounded will be removed and placed into evidence by the impounding officer.
2. All vehicles shall be inventoried before impoundment. Officers directing that a vehicle be impounded, or an officer acting on behalf of the Department 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, detective or crime scene technician.
3. An inventory will 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*. The officer will also document the reason(s) in the *Incident Report*, to include the time and place of the delayed inventory.
 - 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 visible items will be listed on the form.

- 3) The location or conditions 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 will be placed in a secured location authorized by the Department, pending the inventory or execution of a search warrant.

4. 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".
5. When impoundments are ordered, the impounding officers shall:
 - a. **Remain on scene until a wrecker driver removes the vehicle, or to ensure an identified agent of the driver/owner for the vehicle takes control of such vehicle.**
 - b. If possible, allow the driver/owner to remove unsecured valuables of a non-evidentiary nature, from the vehicle prior to its impoundment.
 - c. Take measures to ensure that the driver and/or any passengers are not stranded. If necessary, provide the driver and/or passengers with reasonable transportation.
6. The following procedures shall be followed when inventorying a vehicle before impoundment.
 - a. **Officers conducting a vehicle inventory should be as thorough and accurate as practicable in preparing an itemized inventory. This inventory is intended to:**
 - 1) **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;**
 - 2) **Protect the Department against claims or disputes over lost, stolen or damaged property; and**
 - 3) **Protect Department personnel and the public from injury or property damage due to hazardous materials or dangerous items that may be inside the vehicle.**
 - b. The interior and exterior of the vehicle shall be inspected for signs of damage or missing equipment.
 - c. The inventory must be conducted to fulfill the police caretaking function of securing the contents of each vehicle impounded by the Department.
 - d. 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.
 - e. 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. This includes, but is not limited to, glove compartment, vehicle trunk, cargo bed and rooftop cargo carrier. Furthermore, locked compartments must also be inventoried if the keys or an unlocking mechanism are available within the vehicle and can be released to the contract wrecker driver.

- 2) Any locked compartments that are a part of the vehicle (i.e., glove compartment, vehicle trunk, cargo bed, rooftop carrier, etc.), must also be inventoried if either the keys are available to be released to the contract wrecker driver or an unlocking mechanism for such compartment(s) is/are 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: Locked vehicle compartments not inventoried, will be noted on the Vehicle Inventory Form.

f. Unlocked Containers

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

Officers will open, inspect, and inventory all unlocked containers, whether "open" or "closed," 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 Clayton County Fire & Emergency Services (CCFES) Chief, or CCFES designee, will assume control of any scene involving hazardous materials and Department personnel will provide support as required.
- 4) The vehicle inventory will resume upon release of the scene by the CCFES.

g. 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.

- 1) If the owner gives consent, officers shall ask for the key or combination.
- 2) If the owner does not provide consent or is unable to unlock the item with a key or combination, officers 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.

h. 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 CCFES. 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*.

7. Private Pull

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.

C. Motor Vehicle Accidents

1. 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 placed in the custody of a responsible third party identified by the driver/owner;
 - c. There is property in or attached to the vehicle that cannot be placed in the custody of a responsible third party identified by the driver/owner; and
 - d. The vehicle is disabled and must be removed from the scene.
2. Officers will conduct a vehicle inventory and complete a *Vehicle Inventory Form*, when necessary. Officers will complete a *Motor Vehicle Accident Report*, and any other report documentation required for such incident.

D. 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.

E. 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.

F. 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 V. G.). 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. Check the vehicle and immediate area for any injured and/or incapacitated individuals.
- c. 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.
- d. 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 pursuant to OCGA § 40-11-14.
- e. Time Frames for Removal of Abandoned Vehicles [CALEA 61.4.3]
 - 1) 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 from public roadways after five (5) days, pursuant to OCGA § 40-11-15(a). The five (5) day period shall begin at the time the *CCPD Unattended Vehicle Notice Check Card* 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, pursuant to OCGA § 40-6-206(c)(5). The eight (8) hour period shall begin at the time the *CCPD Unattended Vehicle Notice Check Card* was affixed to the vehicle.
 - 3) **EXCEPTION:** If the abandoned vehicle constitutes a traffic hazard, it may be removed immediately (OCGA § 40-6-206).
- f. 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.
- g. When a vehicle appears to have been stripped or vandalized, it will be impounded immediately.
- h. 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 before the end of their shift or tour of duty.

G. 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 or representative. Prior to releasing the vehicle from impound the owner or representative will either pay the outstanding parking fees or if the owner or 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 procedure, 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.

H. 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.

I. 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 an investigative search, not an inventory search. Proper legal authority to search a vehicle with this intent must be obtained. For further information regarding vehicle search incident to arrest, refer to CCPD SOP: *A11: Warrantless Searches (Search & Seizure)*.

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 documentation required for such incident.

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, shall be submitted directly to a Narcotics Unit supervisor 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 will 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 shall be performed, when a stolen vehicle is recovered:
 - 1) The stolen vehicle report will be confirmed immediately and cleared from GCIC.
 - 2) The vehicle will be inventoried and searched for evidence, when applicable.
 - 3) Attempts will be made to locate and contact the owner.
 - 4) Officers should check with the agency that first reported the vehicle as stolen to determine if they want to process the vehicle. If so, arrangements must be made to do so prior to impoundment of the recovered vehicle. Once the vehicle is turned over to a contracted wrecker service and secured in the impound lot, it will require the other jurisdiction to obtain a search warrant to access and process the vehicle.
 - 5) If the vehicle can be driven, it may be released to the owner via *Property Receipt* at the scene.
 - 6) If the vehicle is inoperable, or the owner is not immediately available, the vehicle will be impounded by a contracted wrecker service. The officer will complete a *Vehicle Inventory Form and Vehicle Impound & Owner Notification Sheet (Blue Sheet)*.

J. Document/Property Release Only

A release of documents or property only from an impounded vehicle may be granted.

1. The following documentation is required for Document/Property release only.
 - a. Valid identification.
 - b. Proof of ownership or lawful authority to access/enter the motor vehicle.
 - 1) Owners may authorize another person to access/enter their vehicle for the purpose of obtaining documents or property.
 - 2) The person seeking access/entry to the owner's vehicle must provide a **Notarized** document (e.g., Power of Attorney, standard letter, etc.) from the owner, designating a specific representative to access/enter the vehicle.

The notarized document must include the following information:

- a) Owner's legal name;
- b) Minimum description of the vehicle, to include make, model, year and VIN;
- c) The legal name of the owner's designated representative;
- d) State that the named designated representative is authorized to access/enter the described vehicle to obtain documents and/or property from within.
- e) As stated previously, the document must be notarized.

2. Accepted Forms of Valid Identification

- a. The person is required to present valid government-issued photographic identification, e.g., state-issued driver's license or identification card, U.S. passport, U.S. military identification card, Georgia weapons carry license, etc.

General forms of photographic identification (e.g., employment identification, school identification, private club or organization identification, etc.) are not acceptable forms of identification alone for Document/Property Release Only.

- b. Other forms of Photographic Identification

- 1) If valid government-issued photographic identification is not available, two (2) other forms of identification combined are required, e.g., credit cards, employment identification, or other another form of identification with a photograph of the owner. One (1) of the other forms of identification must display the owner's signature.
- 2) In addition to the aforementioned identification requirements, have the person sign a blank piece of paper and the signature will be compared to the signature on the identification that was submitted. If there is any doubt, contact a supervisor.

K. Releasing Impounded Vehicles

Vehicles will only be released to the owner or a designated representative. When a vehicle is impounded by the Department, 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 Impound Release Form*, the owner or designated representative must come in person to the Department's Records Unit.

1. Vehicle Impound Release Procedures

A vehicle impounded shall not be released, unless the person claiming ownership of the vehicle **presents all of the following documentation:**

- a. **Valid driver's license.**

Should the owner not possess a valid driver's license, the owner will be required to formally designate a representative who possesses a valid driver's license and appears in person at the time the impound release is sought.

- b. **Proof of ownership or lawful authority to operate the motor vehicle.**

Accepted forms of proof of ownership include, but are not limited to:

- 1) Current motor vehicle registration;
- 2) Vehicle title (properly signed) on which the owner's name appears on the front; or
- 3) **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.

- c. **Proof of valid motor vehicle insurance for that vehicle.**

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 a Designated Representative of the Listed Owner

- a. Owners may designate a representative to obtain the release of the vehicle.
- b. The designated representative claiming the vehicle for the owner must provide a **Notarized** document (e.g., *Consent to Release Vehicle*, Power of Attorney, standard letter, etc.) from the owner, designating a specific representative to obtain and operate the vehicle.

The **Notarized** document must include the following information:

- 1) Owner's legal name;
- 2) Minimum description of the vehicle, to include make, model, year, and VIN;
- 3) The legal name of the owner's designated representative;
- 4) State that the named designated representative, using the representative's legal name, is authorized to obtain the release of the described vehicle.
- 5) As previously stated, the document must be notarized.

- c. In accordance with OCGA § 16-7-53.1, the owner's designated representative is also required to provide a valid driver's license, proof of ownership documents in the owner's name, or notarized copies of the documents in the owner's name, and valid motor vehicle insurance for the vehicle. This is in addition to the owner's notarized document designating the representative to obtain the vehicle.

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 identification.
- b. Rental vehicles may be released from impound on a current rental agreement in the authorized renters name with proper identification, if authorized to do so by the rental agency.

5. Release of Corporately-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 identification. 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 on company letterhead 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 identification must be shown.

7. Release to Repossessor

- a. A repossession 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 repossession must present a notarized *Affidavit of Repossession* which includes:
 - 1) A description of the vehicle;
 - 2) The name, address and phone number of the repossession;
 - 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.
 - 5) The lien holder must provide a notarized *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.
- c. If the person listed on the *Affidavit of Repossession* designates another person to pick up the vehicle, that person must produce a notarized letter from the repossession authorizing the designated person to pick up the vehicle. The designated person must also be in possession of ownership documents and proper identification.
- d. In the alternative, the finance company can seek a court order.

8. Documents to be maintained by the Records Unit

For all vehicle impound releases, copies will be made of the owner or designated representative's driver's license, proof of ownership, valid insurance. When applicable, the original notarized letter from the owner designating a representative will be maintained; a copy may be provided to the designated representative, if requested.

All of the aforementioned documents will be filed and/or uploaded to RMS by the corresponding case number.

L. Investigative Holds for Vehicle Impounds

1. In order to place a vehicle on an investigative hold, the officer must obtain authorization from a concerned CID, Narcotics, or Traffic Unit supervisor; **there are no exceptions**. This may require the involvement of the impounding officer's supervisor to obtain authorization. This procedure is necessary to ensure that responsible parties are aware of any vehicle placed on an investigative hold.
2. When a vehicle is impounded to a designated secured location using an investigative hold, including at a wrecker yard for further processing and/or investigation, the following procedures will be followed:

A *Vehicle Inventory Form* will be filled out by the impounding officer, which shall contain the following information:

- a. The 'Hold Tracking' subsection (within the 'Activity' section) of the *Vehicle Inventory Form* will be completed to its entirety.

- b. The 'Towed To' subsection (within the 'Vehicle' section) of the *Vehicle Inventory Form* will indicate the secured location being utilized, to include a wrecker yard.
 - c. A supervisor will review and approve, if correct, the *Vehicle Inventory Form* before the vehicle impound and investigative hold are completed.
- 3. Authorization to release a vehicle placed on investigative hold shall only be given by the assigned CID/Narcotics/Traffic Unit detective, or by the concerned CID/Narcotics/Traffic Unit supervisor.
- 4. When the investigation is complete and the vehicle is no longer needed, the assigned CID/Narcotics/Traffic Unit detective, or the concerned CID/Narcotics/Traffic Unit supervisor will notify the vehicle owner immediately.
 - a. If the vehicle is being maintained at the Clayton County Sheriff's Office Impound Lot, CSI Bay, or another secured location that is not one of the contracted wrecker services impound lots, and the owner will respond within a reasonable amount of time, the assigned CID/Narcotics/Traffic Unit detective, or the concerned CID/Narcotics/Traffic Unit supervisor, will release the vehicle to the owner from that secured location. Proper chain of custody will be documented and maintained.
 - b. If the owner will not respond to the secured location within a reasonable amount of time, the assigned CID/Narcotics/Traffic Unit detective, or the concerned CID/ Narcotics/Traffic Unit supervisor, will have the vehicle impounded to a wrecker yard by a contracted wrecker service. The original contracted wrecker service used to transport the vehicle from the location where it was seized to the secured location will be utilized for the impoundment.

When impounded to a wrecker yard, the vehicle owner will be directed to contact the Records Unit about the impound release process and to obtain a *Vehicle Impound Release Form*. The owner will be responsible for all contracted wrecker service fees.

- 5. Regarding 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), they will be controlled by the assigned CID/Narcotics/Traffic Unit detective, or the concerned CSI personnel, whoever is present. They will also be responsible for notifying the owner and releasing the vehicle in accordance with the aforementioned procedures.

VI. DOCUMENTATION

A. Vehicle Inventory Form

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

1. A single *Vehicle Inventory Form* will be completed for each vehicle impounded by the Department. **Only one (1) vehicle may be listed on a single *Vehicle Inventory Form*, regardless of which version (handwritten or digital) is utilized.** For the future purpose of authorizing the release of an impounded vehicle, each vehicle must be listed on its own *Vehicle Inventory Form*.

The *Vehicle Inventory Form* is available in paper form which may be handwritten, or in a digital version through RMS which may be typed.

2. Officers shall document the full 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. Any property of value left in the vehicle, shall be listed on the *Vehicle Inventory Form*.

Any evidence/property that is removed from the vehicle shall be listed in the officer's *Incident Report*. This pertains to items seized as evidence, or items removed for safekeeping purposes, along with the officer's reason(s) for removal.

3. At the time of impound, and before the wrecker service driver departs with the impounded vehicle, Officers will provide the wrecker service driver with a copy of the *Vehicle Inventory Form*. This may be the yellow paper carbon copy of the handwritten version, a paper copy that was printed by the officer, or a digital copy emailed to an email address designated by the contracted wrecker service.
4. Officers will submit the completed *Vehicle Inventory Form* to their supervisor no later than the end of the shift, or tour of duty, when the vehicle was impounded. This submission requirement applies to both the original handwritten paper version and the digital version through RMS.
5. Supervisors will review *Vehicle Inventory Forms* on a daily basis to ensure they are submitted by the end of the impounding officer's shift or tour of duty. Supervisors will ensure they are correct and approved within twenty-four (24) hours.

B. Vehicle Impound & Owner Notification Form (Blue Sheet)

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

1. A single *Vehicle Impound & Owner Notification Sheet (Blue Sheet)* will be completed for each abandoned or recovered vehicle that is impounded. **Only one (1) vehicle may be listed on a single *Vehicle Impound & Owner Notification Form (Blue Sheet)*, regardless of which version (handwritten or digital) is utilized.** In accordance with OCGA § 35-1-4 and § 40-11-1 et al, owner notification is required for all abandoned and recovered vehicles that are impounded.

The *Vehicle Impound & Owner Notification Sheet (Blue Sheet)* is available in paper form which may be handwritten, or in a digital format through RMS which may be typed.

2. A *Vehicle Impound & Owner Notification Sheet (Blue Sheet)* will be completed and submitted no later than the end the shift, or tour of duty, when the vehicle was impounded as abandoned or recovered.

In addition, the impounding officer is required to attempt to contact the registered owner at the time of impound. The results of that attempt will be documented on the *Vehicle Impound & Owner Notification Sheet (Blue Sheet)*, as well as in the corresponding *Incident Report*. The documentation will note what method (e.g. in-person, by phone or by mail) was utilized to attempt contact, or make direct contact, with the owner. **In-person or phone call owner notifications by impounding officers are permitted. Leaving a voicemail, and not being able to have direct communication with the owner does not satisfy the requirement of owner notification. Text messaging and all other forms of electronic communication for the purpose of owner notification is strictly prohibited.**

3. Supervisors will ensure that the *Vehicle Impound & Owner Notification Sheet (Blue Sheet)* has been completed and submitted by the impounding officer and that all required fields have been filled. Supervisors must approve each *Vehicle Impound & Owner Notification Sheet (Blue Sheet)*.

If the handwritten paper version of the *Vehicle Impound & Owner Notification Sheet (Blue Sheet)* was utilized, supervisors must forward it to the Records Unit within twenty-four (24) hours of submission. If the typed digital version through RMS was utilized, forwarding is not necessary, but approval within twenty-four (24) hours is mandated.

4. The Records Unit is responsible for processing the *Vehicle Impound & Owner Notification Sheet (Blue Sheet)* and immediately mailing a certified owner notification to the registered owner, if the impounding officer was unsuccessful with notifying the owner.

C. Property Receipt

Any evidence/property removed by officers from an impounded vehicle, shall be itemized on a *Property Receipt* and documented in the *Incident Report*.

1. Firearms, valuables (e.g., money, jewelry, electronics) and any other items that an officer believes should be maintained for safekeeping shall be removed and itemized on a *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, itemize them on a *Property Receipt*, and document them in the *Incident Report*, unless the vehicle and/or items need to be processed by a specialized unit due to the severity and/or type of crime.

All items that are removed from a vehicle and itemized on a *Property Receipt* shall be transported to the Evidence & Property Unit, unless they are relinquished to another officer or party, e.g., owner, other agency, etc. If relinquished to another officer or party, the *Property Receipt* will be utilized to maintain the chain of custody.

D. Incident Report

In all cases when a vehicle is impounded, an *Incident Report* shall be completed, except on occasions when only a *Motor Vehicle Accident Report* is required. All items that are removed from an impounded vehicle will also be documented in the *Incident Report*, in addition to the *Property Receipt*.

VII. CONTINGENCIES WHEN RECORDS MANAGEMENT SYSTEM (RMS) IS DOWN

Should pertinent computer and/or internet systems be inoperable for any reason, impounding officers, assigned detectives and/or concerned supervisors, will utilize paper documentation and forms to complete and document actions taken throughout the process, to include, but not limited to impoundments, investigative holds, owner notifications and vehicle impound releases.

VIII. SUPPORTING CASE LAW

Cooper v. California 386 US 58, 87 S. Ct. 788 (1967)

Harris v. United States 390 US 234, 88 S. Ct. 992 (1968)

South Dakota v. Opperman 428 US 364, 96 S. Ct. 3092 (1976)

Michigan v. Thomas 458 US 259, 102 S. Ct. 3079 (1982)

Colorado v. Bertine 479 US Bertine 479 US 367, 107 S. Ct. 738 (1987)

Florida v. Wells 495 US 1, 110 S. Ct. 1632 (1990)

IX. CANCELLATION

This procedure amends and supersedes the following standard operation procedure: *D31: Vehicle Impounds and Releases*, dated April 18, 2023.