

VEHICLE IMPOUNDMENT PROCEDURES

1. **PURPOSE:** To establish guidelines and procedures for the impoundment of vehicles.
2. **POLICY:** The Huntsville Police Department will impound vehicles when necessary to protect evidence, secure property and provide safety to the public.
3. **SCOPE:** This directive is applicable to all personnel.
4. **RESPONSIBILITY:** It is the responsibility of all personnel to comply with this directive.
5. **CONTRACT:** The City of Huntsville is under contract to utilize the services of the wrecker service to which the contract is awarded for:
 - a. Removing from the public streets of Huntsville, Alabama, all abandoned motor vehicles which are removed under and pursuant to Code of Alabama 1975, Title 32-13-1, 32-13-2, and 32-8-84 as needed.
 - b. All cases where vehicles are removed because the vehicle does not have proper protection due to the owner or driver being arrested or removed from the vehicle.
6. **DEFINITIONS**
 - a. **VEHICLE:** For the purpose of this directive means any device which is used for the transportation of humans, animals or property.
 - b. **ITEM:** For the purpose of this directive means any property other than a vehicle.
7. **GENERAL PROCEDURES**
 - a. When it becomes necessary to impound a vehicle, the Officer initiating the action will request Communications personnel notify the impounding service, specifically stating the location to which the wrecker is to respond, the size and type of the vehicle to be towed, and whether or not dollies will be required to affect the tow.
 - b. If the impoundment is for an item instead of a vehicle the requesting Officer should state the type of item, size and approximate weight if possible. Materials or items that are **HAZARDOUS** in nature will be examined by a sworn supervisor prior to being impounded.
 - c. Communications personnel will notify the impounding service without delay, furnishing all pertinent information as given by the Officer. Communications personnel will complete all the communication forms required in relation to the impoundment.

- d. Officers will check the vehicle or item to be impounded using their mobile computer or through records for any stolen report on file. Any property contained within the vehicle which bears a serial or other identifying number will also be checked to determine if it has been reported stolen. The driver or person in charge of the vehicle will also be checked to determine if any outstanding warrants exist for their arrest.
 - e. The contents of each impounded vehicle will be inventoried if possible. When possible, this inventory will be conducted in the presence of, and witnessed by, the driver or person in charge of the vehicle.
 - f. Officers will open, inspect, and inventory all unlocked closed containers, i.e., luggage, opaque bags and boxes, etc., whose contents cannot be determined from examining the exterior of the container.
 - g. A complete inventory will encompass all unlocked items located in the passenger compartment, trunk, glove box, or any other existing interior or exterior compartment affixed to the vehicle.
 - h. Locked containers, located anywhere in the vehicle as described in this directive, will not be unlocked and inventoried or searched without permission from the owner or valid search warrant based on probable cause. 4. Any contraband, controlled substance, or articles of any type which would subject the driver to criminal prosecution will be documented and turned in according to existing procedures. The driver will be informed, as soon as possible, of the discovery of any such article.
8. IMPOUNDMENT AFTER ARREST: After effecting an arrest of a driver, the vehicle involved will be impounded under the following circumstances (see also Section 25-84, City of Huntsville Municipal Ordinances):
- a. Any vehicle to be without proper protection by reason of the person in charge or control thereof having been arrested and incarcerated, such officer shall have authority immediately to cause the vehicle to be removed and impounded.
 - b. Prior to releasing the vehicle to a family member, officers must obtain permission from the owner of the vehicle. This permission must be documented in the officer's report to ensure accountability and clarity in the release decision.
9. IMPOUNDMENT INVOLVING DRIVER'S LICENSE VIOLATIONS (see also Section 25-84, City of Huntsville Municipal Ordinances):

Whenever the driver of a motor vehicle fails to produce a valid driver's license upon the lawful request of an officer who is acting in his capacity as a law enforcement officer, such officer shall have authority immediately to cause the vehicle to be impounded, regardless of ownership, subject to the following conditions:

- a. The officer shall make a reasonable attempt to verify the license status of a driver

who claims to be properly licensed, but who is unable to produce the license on demand. A notation of the officer's attempt to verify that the driver is properly licensed shall be noted on the departmental report. If the officer is unable to verify that the driver is a properly licensed driver, the vehicle shall be impounded, and the driver and occupants of the motor vehicle will be transported to a place of safety by the impounding officer.

- b. The officer shall not impound a motor vehicle pursuant to this section if the license of the driver expired within the preceding 60 days and the driver would otherwise have been properly licensed.
- c. The officer shall not impound a motor vehicle pursuant to this section if the owner of the motor vehicle or a family member of the owner is present in the motor vehicle and has a valid license.
- d. The officer may elect not to impound the motor vehicle in the event there is a medical necessity jeopardizing life or limb.

10. **ABANDONED VEHICLES:** Vehicles left unattended on the roadway, and presenting an immediate traffic hazard, may be ticketed and impounded. Vehicles which have been left unattended, but do not present an immediate traffic hazard, will be checked by the Officer through records for registration and stolen reports. Any vehicle which has been left unattended on public property or highway right of way for more than 48 hours, where there have been documented attempts to contact the owner, will be considered abandoned. Officers will not impound abandoned vehicles from private property unless directed by a sworn supervisor or another section of this directive.

- a. Abandoned vehicles identified as stolen will either be impounded or released to the registered owner after completing the required reports. Approval from the appropriate investigator and crime scene processing may be necessary.
- b. When an abandoned vehicle has been located, the Officer will have Communications attempt contact with the registered owner. If no contact can be made and it becomes necessary to impound the vehicle, Records personnel will make a reasonable attempt to contact the vehicle's owner. All contacts and attempts to contact an owner of an impounded vehicle should be noted on the impoundment report.

11. **IMPOUNDMENT HEARING:** Any registered owner of an impounded vehicle may request an impoundment hearing to determine the legality of the impoundment. A Uniform Shift Commander or designee will conduct such hearings and will make a ruling based on all facts presented in the case. If the Hearing Officer rules in the complainant's favor, the City of Huntsville will incur all expenses related to the impoundment.

12. **RECORDS:** Records Division will maintain records on all vehicles impounded by the Department. Records will reflect, at a minimum, the time, date, location, requesting Officer, reason for removal or tow, towing service, location of the vehicle, and notification (or attempts) of the registered owner.

13. **FORM COMPLETION:** The impoundment report form is to be completed as specified in the block-by-block instructions of this procedure, using a black ink ballpoint pen with sufficient pressure to ensure that all copies are legible.

a. Complete the form using the following block information:

- 1) **DATE:** Enter the date and time the vehicle was impounded. The time is to be recorded using military time.
- 2) **DAY:** Circle the appropriate letter to indicate the day of the week.
- 3) **COMPLAINT NUMBER:** Enter the full complaint number obtained from Communications.
- 4) **IMPOUNDMENT NUMBER:** Enter the full impoundment number obtained from Records Division.
- 5) **LOCATION:** Enter the location from which the vehicle is being impounded. The location is recorded as block number and street name or street and intersecting street; however, in some cases this cannot be done. In unusual cases the location should be entered as precisely as possible to identify the location.
- 6) **ZONE:** Record the patrol zone from which the vehicle was impounded.
- 7) **AREA:** Mark the appropriate block to indicate if the location from which the vehicle was impounded is inside the city limits, outside the city limits.
- 8) **RECOVERED STOLEN:** If the vehicle is being impounded due to being a recovered stolen vehicle, enter the agency having jurisdiction over the original theft. If the recovery is being made due to an ACJIS or NCIC hit, this information can be obtained from Records. It is very important that the proper agency be identified for follow up notification and to assist in further investigation.
- 9) **AGENCY CASE NUMBER:** If recovered stolen, enter the case number issued by the originating agency. This information may be obtained from Records.
- 10) **OTHER REASON IMPOUNDED:** If other than stolen, enter the exact reason that the vehicle is being impounded, such as traffic hazard, abandoned, used in commission of a crime (specify crime), etc.
- 11) **CITATION NUMBER:** If a traffic or arrest citation was issued in

relation to the impoundment, enter the citation number(s) here.

- 12) **ARREST NUMBER:** Record the arrest number issued by the Detention Officer in the event that the driver or person in charge of the vehicle is arrested.
- 13) **CASE NUMBER:** Enter any related case number. If the case number has been previously recorded under block number 9, disregard this block. Currently issued case numbers are obtained from the dispatcher. Past case numbers are obtained through Records.
- 14) **VEHICLE YEAR:** Enter the last two digits of the year of manufacture of the vehicle.
- 15) **VEHICLE MAKE:** Enter the model of the vehicle, using standard NCIC abbreviations.
- 16) **VEHICLE MODEL:** Enter the model of the vehicle, using standard NCIC abbreviations.
- 17) **VEHICLE STYLE:** Enter the standard NCIC code such as 2D to describe the style of the vehicle.
- 18) **COLORS:** Enter the color of the vehicle, top color first, using standard NCIC abbreviations.
- 19) **TAG NUMBER:** Enter the tag number as it appears on the license plate, to include any special characters such as (-) or (/).
- 20) **TAG YEAR:** Enter the expiration year of the tag.
- 21) **TAG STATE:** Record the state of issuance for the tag, using standard NCIC abbreviations.
- 22) **VIN:** Record the full vehicle identification number of the impounded vehicle. If the VIN cannot be located or is in question, it may be referenced as to location or configuration through the National Automobile Theft Bureau books which are maintained in Records.
- 23) **SIZE:** Mark the appropriate block to indicate the size of the vehicle.
- 24) **LOADED:** If the vehicle is a truck, mark the appropriate block to indicate whether or not it is loaded. Blocks number 7, 23, and 24 determine, according to contract, how much the impounding agency may charge for the wrecker service.

- 25) ACJIS CHECK: Mark the appropriate block to indicate whether the vehicle was reported as stolen through ACJIS or NCIC.
- 26) OPERATIONAL: Mark the appropriate block to indicate, in the best estimation of the impounding Officer, if the vehicle is or is not operational. This information is important when communicating with other agencies in regard to the recovery of stolen vehicles.
- 27) COMMENTS OR OTHER DESCRIPTIONS: This area is for recording any facts pertinent to the impoundment.
- 28) (28-30) VEHICLE CONDITIONS: These blocks are for describing the condition of (28) the body of the vehicle, (29) the windows of the vehicle, and (30) the tires of the vehicle. In block 30 indicate any flat or missing tires. Mark the appropriate block to indicate if a spare tire is present; mark the UNABLE block only if the trunk is locked and no key is available, or if for good cause, the trunk is not inventoried.
- 31) OWNER/DRIVER NAME: Record the full name of the driver. If no driver is present, and the owner is unknown, enter unknown. If the vehicle was not being driven and was abandoned, enter NONE.
- 32) ADDRESS: Record the full address of the person listed in block 31. The address is to include the city and state of residency.
- 33) RACE: Record the race of the person listed in block 31. If no entry is made in block 31, leave this block blank.
- 34) SEX: Record the sex of the person listed in block 31. If no entry is made in block 31, leave this block blank.
- 35) DATE OF BIRTH: Record the date of birth of the person listed in block 31. If no entry is made in block 31, leave this block blank.
- 36) ARRESTED: Mark YES or NO to indicate if the driver was arrested. If no entry is made in block 31, leave this block blank.
- 37) CHARGE: Enter the specific charge for which the driver was arrested. If no arrest was made, leave this block blank.
- 38) INVENTORY: Money, firearms, and contraband items ARE NOT to be left in impounded vehicles. These items must be inventoried separately on an Evidence & Property Custody Document turned into Evidence personnel.

Items which were manufactured as a part of the vehicle need not be inventoried; however, items added later, such as aftermarket stereo

systems, must be inventoried.

The first line of block 38 is predefined for the inventory of keys. If a title or tag receipt is in the vehicle, place this in the second block. All items of value which are to be left in the vehicle are to be listed on the remaining blocks of number 38. Itemization should include number of items, description, and serial numbers if present. If additional space is required for inventory, obtain another blank report form, enter block 4 IMPOUNDMENT NUMBER, and continue inventory in block 38. All forms used in this manner must be signed by the Officer, any witness, and the wrecker driver.

If the driver or person in charge of the vehicle witnesses the inventory, that person should be encouraged by the impounding Officer to disclose any items of value which may have been concealed or not located during the vehicle search.

39) REPORTING OFFICER: The Officer impounding the vehicle signs in this block.

40) BADGE NUMBER: Enter the employee number of the impounding Officer.

41) SUPERVISOR APPROVING: The supervisor approving the report initials this block. In the event that the impoundment report must be turned in to Records prior to being submitted to the supervisor, the Records Supervisor on duty may approve the report.

42) SHIFT COMMANDER: The shift commander approving the report may initial here.

43) WITNESS SIGNATURE: Any HPD officer who witnesses the impoundment process, to include the inventory, signs here.

44) OWNER/DRIVER SIGNATURE: If the owner or driver witnessed the inventory of the vehicle, he will be asked to sign in this block. If he refuses, enter REFUSED. If the owner or driver was in the vehicle and no signature is present, enter a brief explanation of the absence.

45) WRECKER DRIVER SIGNATURE: The wrecker driver or representative of the impounding company signs the form in this space, accepting the vehicle and contents as listed on the report. At the time of signature/receipt by the wrecker driver, the officer will advise if a tag receipt or title was located in the vehicle.

46) IMPOUNDING AGENCY NAME: Record the name of the

impounding agency.

47) ADDRESS: Record the address of the impounding agency to include block number and street name.

48) REGISTERED OWNER: This block is for the use of Records personnel only. The entry will be made only after proper research has been completed.

49) ADDRESS: Records personnel will record the address of the registered owner.

50) PERSON AUTHORIZING RELEASE: Records use only. If authorization is required prior to release of a vehicle, it may be made by telephone. The name of the person who authorizes the release of the vehicle is to be entered in this block by the Records clerk obtaining the authorization.

51) BY-INIT: Records use only. The person who obtained the authorization to release the vehicle initials this block.

52) DATE: Records use only. The Records employee who obtained the authorization enters the date obtained in this block.

53) TIME: Records use only. Enter the time the authorization was obtained.

54) OWNER NOTIFIED BY: Records use only. The Records employee who notified the owner of the vehicle's impoundment status initials the report here.

55) DATE: Records use only. The Records employee enters the time notification was made to the owner of the impounded vehicle.

b. Upon completion, the form is to be distributed as follows:

ORIGINAL: To immediate supervisor or Records.

YELLOW: To the wrecker driver.

PINK: To the owner or driver of the vehicle. If no owner or driver is present, the pink copy is to be attached to the original to be given to the owner by Records.