

# JUNEAU POLICE DEPARTMENT PROCEDURES



<b>Title:</b>	<b>Vehicle Towing and Impounds</b>	<b>Chapter: 4.608</b>
<b>Date Issued:</b>	<b>November 16, 2007</b>	
<b>Revised:</b>	<b>August 3, 2021</b>	
<b>Reviewed:</b>	<b>August 3, 2021</b>	

## I. PURPOSE

The purpose of this policy is to provide guidelines for JPD personnel when towing and impounding motor vehicles.

## II. POLICY

The authority to impound shall be summoned only to satisfy a State statute or CBJ ordinance to include the following: Driving under the Influence (DUI); Driving while License Canceled, Revoked or Suspended (DWLC/R/S); Driving without Insurance (DWOI); Evidence, Safekeeping, or Junk/ Abandoned Vehicles. It shall be the policy of the Juneau Police Department to only impound vehicles or items necessary to secure evidence as required by code or statute, to prevent violation of a criminal or traffic law, or as necessary to fulfill the Community Caretaker role.

## III. DEFINITIONS

*Abandoned Vehicle* – A vehicle registered or titled as required under state law, that reasonably appears to have been left unattended, standing, parked upon or within ten feet of the traveled portion of a highway, or vehicular way or area, in excess of 48 hours; or a vehicle registered or titled as required by state law that reasonably appears to have been left standing or parked on private property in excess of 24 hours; or upon other public property for more than 48 hours without the consent of the owner or person in charge of the property. (CBJ 36.30.230)

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

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*Evidence Impound* – Any motor vehicle or item that is collected, found, recovered, seized, transferred, or otherwise comes into the custody of the Juneau Police Department, and retained for any criminal or internal investigation, judicial, quasi-judicial, or adjudicatory proceedings.

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

*Junked Vehicle* – A vehicle that is not currently registered under AS 28.10 (except for a vehicle used exclusively for competitive racing); is stripped, wrecked or otherwise inoperable due to mechanical failure; has not been repaired because of mechanical difficulties or because the cost of repairs required to make it operable exceeds the fair market value of the vehicle; or is in a condition that exhibits more than one of the following elements: broken glass; missing wheels or tires; missing body panels or parts; or missing drive train parts. (CBJ 36.30.230)

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

*Vehicle* – A vehicle is a device in, upon, or by which a person or property is or may be transported or drawn upon highways, roads, or trails, including devices for off-highway use. (CBJ 36.30.230)

## IV. PROCEDURES

### A. Types of Impounds

#### 1. Evidence Impounds

Vehicles or items shall be impounded to a Juneau Police Department secure storage area when the vehicle or item is evidence of a crime or violation, or probable cause exists to believe it contains evidence of a crime or violation. As such, evidence impounds shall not be subjected to inventory searches. Impounded vehicles or items shall be processed as soon as practical. Before seizing a vehicle as evidence, a supervisor must be contacted for approval. The vehicle must be entered in the RMS evidence case

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file as seized for evidence, and the impound report form turned in to the Evidence custodian. Once the status of the vehicle is no longer evidence, the impound form's Release Approval must be signed so the vehicle can be released to its owner. In lieu of completing the form, the case officer or prosecutor may submit written authorization that the vehicle may be released.

## 2. Public Safety Impounds

a. Juneau officers may impound a vehicle that meets any of the following criteria:

- (1) Is left on a roadway or under circumstances which obstruct the normal movement of traffic and the vehicle is unattended (13AAC 02.345.a) (CBJ 72.02.340.a)
- (2) Is reported stolen or taken without the owner's consent (13AAC 02.345.b.1) (CBJ 72.02.345.b.1)
  - (a) Unless the vehicle is going to be processed or held as evidence, the owner should be contacted to respond to pick up the vehicle.
- (3) Has had its Vehicle Identification Number (VIN) removed, defaced, or otherwise altered (AS 28.05.091)
- (4) Is found or being operated without license plates or other evidence of registration which is invalid with respect to that vehicle (13AAC 02.345.b.2) (CBJ 72.02.345.b.2)
  - (a) The license plate shall be seized and impounded separately from the vehicle.
- (5) Is abandoned as provided in CBJ 36.30.230, and the owner or driver has not given notice to JPD of the circumstances and that they are making provisions to remove the vehicle (13AAC 02.345.b.3) (CBJ 72.02.345.c)
- (6) Is located where official traffic control devices prohibit stopping, standing, or parking (13AAC 02.340.d.1.K) (CBJ 72.02.340.2.H)
- (7) Is parked in violation of the snow removal ordinance (CBJ 72.24.020)
- (8) Is mechanically unsafe to operate upon any street or alley or right of way (AS 28.05.091) (CBJ 72.22.060)
- (9) Is being driven by a person arrested and there is no one present, or that can be called, that the driver wishes to give control of the vehicle. (13AAC 02.345.c) (CBJ 72.02.340.c)
- (10) Is being driven by a person arrested for DUI (liquor or drugs), reckless driving, negligent driving, or any felony (CBJ 72.022.060) (CBJ 72.23.100). If the person arrested for DUI

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is not charged following a breath test, the impounded vehicle shall be released.

- (11) Is blocking a fire or bus zone
  - b. Juneau police officers and community service officers may remove or have removed any abandoned or junked vehicle from the highway or public place, except that junked vehicles may be removed in any case after 24 hours. (AS 28.11.020)
  - c. JPD will not impound junk or abandoned vehicles on private property.
  - d. When to impound
    - (1) A vehicle shall be impounded whenever it cannot be safely and lawfully left where stopped or safely and lawfully transported from the scene.
    - (2) A vehicle can be safely and lawfully left where stopped when any of the following apply:
      - (a) It is properly and legally parked on a public roadway, so long as it is not blocking or impeding traffic.
      - (b) It is parked on the property of the registered owner, in a parking lot of the registered owner's residence, or parked legally on the street near the registered owner's residence.
    - (3) A vehicle can be safely and lawfully transported from the scene under the following conditions:
      - (a) The registered owner is on scene, is sober, is licensed and insured, is free to leave, and elects to drive the vehicle.
      - (b) The registered owner is on scene and identifies another person who may respond promptly to the scene and who is sober, licensed and insured, is free to leave, and the owner authorizes the other person to take the vehicle.
3. Safekeeping Impounds
- a. Grounds for a Safekeeping Impound
    - (1) If a vehicle cannot be both legally parked and sufficiently secured at the scene of a police action or crime
    - (2) If an arrestee is unwilling/unable to make alternative arrangements for the vehicle
    - (3) If there is other property which cannot be retained by the arrestee or adequately protected at the scene
    - (4) If the arrestee requests a police impound for safekeeping
    - (5) Subsequent to a motor vehicle collision if a vehicle cannot be both legally parked and sufficiently secured at the scene

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- (6) Subsequent to a motor vehicle collision if the operator is unwilling/unable to take custody or make arrangements for the removal of the vehicle
- (7) Subsequent to a motor vehicle collision if the vehicle is causing an environmental hazard
- (8) Subsequent to a motor vehicle collision if there is other property, such as, a trailer or boat, which cannot be sufficiently protected at the scene, or which the owner requests be impounded for safekeeping, or which the owner is unwilling/unable to take custody of at the scene.
- (9) Recovered stolen vehicles when the owner cannot be contacted.
- (10) Recovered stolen vehicles when the owner can be contacted and requests an impound for safekeeping.
- (11) Recovered stolen vehicles when the owner cannot or will not respond in a reasonable amount of time.
- (12) Stalled vehicles which are vulnerable to theft, vandalism, or other loss if not protected.
- (13) If the registered owner cannot be verified, or suspicious circumstances warrant additional investigation, the vehicle will be impounded for safekeeping.

## **B. Impound Procedure**

1. The vehicle must be towed by the appropriate towing contractor currently under contract to the CBJ.
2. All keys belonging to the vehicle must remain inside the vehicle (if practical).
  - a. The towing contractor maintains keys for regular impounds.
  - b. JPD Property and Evidence staff maintain keys for evidence impounds.
3. When applicable, the owner or operator of a vehicle about to be impounded shall be asked to remove all valuables from the vehicle prior to impoundment.
4. Officers will complete the appropriate impound report form. Impound reports must be submitted no later than the end of shift.

## **C. Inventory Searches**

1. Inventory searches are limited to plain view only and shall be conducted from the exterior of the vehicle. Photos may be taken from the exterior of the vehicle.

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2. Officers are authorized to open and remove valuable or perishable items and pets if they are in plain view. If officers open the door to remove valuable or perishable item in plain view or pets, an inventory must be taken of all property inside the vehicle, with the exception of closed or locked containers unless a warrant has been obtained.
  - a. Items of value that are removable should be removed and turned over to the Evidence custodian for safekeeping.
  - b. Pets shall be given to a third party as designated by the owner/operator or to Animal Control
3. The property observed will be logged on an impound inventory report.
4. The evidence report must be printed at the scene, signed by a witness, and left in the vehicle.
5. Firearms should be identified by serial number. Items other than firearms, valuables, perishables, and pets will be left inside the vehicle.
6. When hazardous materials are found, Capital City Fire & Rescue will be contacted for disposal of the items, and the information will be noted in the police report.
7. When items of contraband or evidence of a crime are discovered during an inventory process, the inventorying shall be stopped and a search warrant secured before continuing the inventory.
8. Any significant interior or exterior damage to the vehicle must be documented prior to the impound. Photographs or video of the damage shall be taken and stored in the digital evidence management system.
9. Filling out an evidence report does not eliminate the need for officers to make a note of valuable items observed on the impound form.

## **D. Tow Trucks**

1. The pink copy of the completed impound sheet will be given to the tow truck driver.
2. If the tow truck is cancelled within 10 minutes of the initial request, there is no fee chargeable to the vehicle owner. However, once the tow truck is 10 minutes into the call, there is a charge even if the vehicle is not towed.
3. When applicable, the tow truck driver will be advised that the vehicle is being seized as evidence and will be advised where it is to be taken.



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- a. Access to the interior of the vehicle is not permitted by the tow operator. Any access needed to the interior or mechanical areas shall be with approval and accompaniment of the JPD case officer or their designee.
4. When impounding unusual items and it is determined that a tow truck is the right vehicle to use, Dispatch personnel will relay a description of the item to the tow company.

## **E. Vehicle Disposition**

1. Vehicles in safekeeping status or otherwise eligible for release and disposal shall be tracked by Property and Evidence staff.
  - a. Procedures shall be followed to ensure notifications required by law are made to owners and any lien holders. The notification will include information on timelines, fees and processes related to obtaining the vehicle.
  - b. Notification includes mailing of certified letters and public notification prior to vehicle sale or disposal.
2. If the owner fails to retrieve the vehicle, after all notification procedures have been followed, the vehicle will be subject to disposal or prepared for public auction.

## **F. Impounding Abandoned Vehicles**

1. When a vehicle is suspected of being abandoned, a pink tag (JPD4a – Notice of Intent to Impound) will be completed and affixed to the vehicle).
2. When the required time has expired and the vehicle has not moved, an officer will impound the vehicle.
3. A citation will be issued to the registered owner or other responsible party identified through an investigation for the appropriate violation.
4. Inventory searches are limited to plain view only and shall be conducted from the exterior of the vehicle. Photos may be taken from the exterior of the vehicle. All inventory search procedures shall be followed.
5. The Release Authorization on the impound sheet shall be completed.
6. The pink copy will be given to the tow truck driver who will take the vehicle to the City's impound lot.
7. The form will be turned in to the Property and Evidence Unit.

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## **G. Airport and Harbor Impounds**

1. Airport and Harbors enforcement agents are authorized to cite and impound vehicles that are abandoned or illegally parked.
2. Each department will send citations and completed impound sheets to the Records Unit.

## **H. All-Terrain Vehicles, Snow Machines, Jet-Skis and Other Large Items that Require a Tow Truck**

1. When impounding unlicensed vehicles, the frame number shall be listed in the serial number block on the impound sheet, and the engine number listed in an inventory block even if it is the same number.
2. If the vehicle is going to be stored at the impound lot, the impound sheet shall be turned in to the Property & Evidence Unit.
3. If the vehicle is going to be stored at the Juneau Police Department, the impound form shall be turned in to the Property & Evidence Unit.
4. When impounding something other than a vehicle and a tow truck is the best way to move it, the shift supervisor shall be advised before requesting the tow truck.
  - a. A property tag shall be attached to the item if it is evidence.
  - b. The tow truck company will bill the Department for the tow charges.
  - c. The impound sheet shall be turned in to the Property & Evidence Unit.
  - d. The storage location for oversized items will be coordinated between the shift supervisor and the Evidence Specialist or designee.

## **I. Forfeiting Impounded Vehicles**

1. When a person is arrested for felony DWI, the vehicle is subject to forfeiture.
2. The vehicle shall be impounded as evidence until the prosecuting attorney determines if the vehicle will be forfeited.
3. The impound sheet and impound tag shall be turned in to the Property and Evidence Unit.
4. If the vehicle is forfeited, the DAO must send an intent to forfeit order or a forfeiture order to the JPD Property and Evidence Unit.



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5. If the prosecuting attorney declines forfeiture, the Release Approval shall be signed so the vehicle can be returned to its owner. The DAO must send an intent to forfeit order or a forfeiture order to the JPD Property & Evidence Unit. If the vehicle is not forfeited and is eligible for release, the DAO must submit in writing that the vehicle may be released.

JPD

Ed Mercer

A handwritten signature in cursive script that reads "Ed Mercer".

Chief of Police

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