
	<b>PARADISE VALLEY POLICE GENERAL ORDER</b>  <b>Towing, Impounding and Inventory of Vehicles</b>	Order Number
		<b>61.8</b>  Date <b>12-13-18</b>

## 61.8 Towing, Impounding and Inventory of Vehicles

Any time an *officer* tows, impounds or otherwise stores a vehicle, the *officer shall* complete the necessary *reports* and notify the proper Department section of the action taken.

### 61.8.1 Vehicle Inventories

- A. *Officers shall* inventory a vehicle when doing so is required by G.O. #61.8.2. The purpose of a vehicle inventory is to protect the:
  1. property in the vehicle,
  2. *Department* from claims of lost, damaged or stolen property, and
  3. community from potential danger.
- B. *Officers shall* inventory a vehicle at the scene from which the vehicle is being removed, unless it is unsafe or impractical to do the inventory at that time. *Officers must* complete the Vehicle Inventory Form, describe the vehicle and list all items found within the passenger compartment and trunk, including items found in containers within the vehicle. Locked containers (including the trunk or glove compartment) *shall* be unlocked with keys or (with the approval of a *supervisor*) a locksmith *may* be called. Entry *should* not be forced except with the approval of a *supervisor*.
- C. Items with a value of less than \$200 *may* be left in a locked vehicle or in the vehicle's trunk. Items with a value of more than \$200, and jewelry, weapons, money and items of personal property (wallets, purses, etc.) *shall* be impounded as either *safekeeping* or prisoner's property. *Officers should* note on the Vehicle Inventory Form the presence or absence of items such as stereos, speakers, video displays, and GPS devices that are often targeted for theft.
- D. Items of *evidence* or contraband that are discovered during the inventory *should* be handled consistent with established *evidence procedures*.
- E. Both a *DR* or Accident *report* and a Vehicle Inventory Form *will* be completed each time a vehicle is inventoried.

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### 61.8.2 Towing Vehicles; Required Vehicle Inventories

- A. *Officers may order a vehicle towed in a variety of different situations. The Department uses All City Towing to tow vehicles, unless the owner or driver of the vehicle expresses a preference for another tow company.*
1. When a vehicle is towed for any reason, the *officer shall* include the name of the tow company and the storage location of the vehicle in the *DR* or other record of the tow.
  2. The tow company should not be contacted until the vehicle is ready to be removed from the scene.
  3. If a tow company is cancelled after being notified, that *should* also be included in the documentation regarding the incident.
  4. *Arizona law* requires a tow truck driver who removes a vehicle from a collision scene to clean up any debris prior to leaving the scene; this requirement *should* be enforced.
- B. *Officers may tow a vehicle, and shall complete an inventory, as provided below:*
1. *An officer may have a vehicle towed from the scene of a collision when:*
    - a. the owner or driver specifies a tow company to tow the vehicle. In this situation, the *officer* is not authorized to inventory the vehicle.
    - b. the owner or driver of a vehicle involved in the collision requests the *officer* to summon a tow company to tow the vehicle and expresses no preference for a tow company. In this situation, the *officer* is required to inventory the vehicle.
  2. When a person involved in a collision is no longer at the scene, and a vehicle cannot be moved safely off the roadway, the *officer shall* have the vehicle towed. In this situation, the *officer* is required to inventory the vehicle, if reasonable given the vehicle's condition.
  3. *An officer may tow a vehicle when it is illegally parked and is creating a hazard (for example, blocking a fire lane) or when it has been abandoned*



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as defined in A.R.S. § 28-4801. The vehicle *must* be inventoried if it is unlocked and neither the driver nor the owner is present. Locked vehicles *shall* be towed locked and need not be inventoried. The *officer shall* complete a parking citation and leave a copy with the vehicle.

4. An *officer may* tow a vehicle incident to an *arrest* of the driver of a vehicle. When a person is *arrested*, their vehicle *may* be:

- a. released to a third party named by the arrestee (if the third party can respond in a reasonable time), or
- b. secured at the scene (if the arrestee requests it be left at the scene, the vehicle can be secured and there is a legal place to park the vehicle), or
- c. towed for storage, at the direction of the *officer* or the request of the arrestee; or
- d. impounded as *evidence*.


If the vehicle is towed for storage or impounded and is unlocked, it *shall* be inventoried.

5. If the vehicle is impounded as *evidence* or is processed for *evidence* (for example, a stolen recovered) before being released. If the vehicle itself is impounded as *evidence*, the procedures in G.O. #61.8.4 *shall* be followed.
6. If the vehicle is impounded under A.R.S. § 28-3511. See G.O. #61.8.5.

#### **61.8.3 Abandoned Vehicles**

- A. An abandoned vehicle is a vehicle, trailer or semitrailer subject to registration under A.R.S. § Title 28 that is lost, stolen, abandoned or otherwise unclaimed and that has been abandoned on a public highway, public property or elsewhere in this state, including private property. *Evidence* that a vehicle was left unattended for a period of **forty-eight hours within the right-of-way of any highway**, road, street or other public thoroughfare **or for a period of seventy-**




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**two hours on public or private property** or elsewhere in this *state* is prima facie evidence of abandonment. A.R.S. § 28-4801.

- B. It is illegal to abandon a vehicle on any street or highway, public land (including parks land) or private property. A.R.S. § 28-4831.
- C. Abandoned vehicles on private property. If an *officer* is dispatched to a call regarding an abandoned vehicle that is on private property, the *officer shall* determine whether the vehicle has been on the property for more than 72 hours (required time in order to be considered abandoned). If so, the *officer shall* run a registration and warrant check on the vehicle and verify the VIN and license plate number. If any of those checks result in information on the vehicle (that it is stolen, for example) the *officer shall* take appropriate action. If there are no results, the *officer shall* advise the property owner that they *may*, at their discretion, have the vehicle towed. *Officers shall* not arrange for the vehicle to be towed.
- D. Abandoned vehicles on any street or highway, or public property.
  - 1. If the vehicle is blocking a street or highway, the *officer shall* write the appropriate parking citation and have the vehicle towed. The vehicle *must* be inventoried if it is unlocked and neither the driver nor the owner is present. Locked vehicles *shall* be towed locked and need not be inventoried. The *officer shall* complete a parking citation and leave a copy with the vehicle.
  - 2. If the vehicle is on a street or highway or on other public property but is not an immediate hazard, the *officer shall* mark the vehicle as abandoned and document having done so. The *officer shall* make a reasonable attempt to advise the last registered owner of the vehicle that the vehicle has been marked and *will* be towed after 48 hours if not removed. The *officer* marking a vehicle *shall* either follow-up on the vehicle and remove it after the 48 hours or *shall* arrange for another *officer* to do so.

When the vehicle is towed, the *officer shall* complete the appropriate vehicle towing/storage *report* and complete any inventory, as required by this policy.

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#### **61.8.4 Impounding Vehicles as *Evidence***

- A. Normally, a vehicle is only impounded when it is *evidence*, is an instrumentality of a crime, is fruit of a crime, is *seized* for forfeiture, or when required by statute. Other than vehicle impoundments required by statute, a vehicle *shall* be impounded only with the approval of a *supervisor*.
- B. Impounded vehicles, with the exception of those mandated by A.R.S. § 28-3511, are to be stored at the secure police *Department* lot. A tow company *will* be used to tow the vehicle. In order to establish the *chain of custody*, the impounding *officer shall* accompany the wrecker to the impound area and remain with the vehicle at all times until it is secured.
- C. At the impound area, the vehicle *shall* be parked in an appropriate space; its location *shall* be included in the *DR*. Unless the vehicle is subject to forensic analysis, the *officer shall* properly inventory the vehicle, complete the Vehicle Inventory Form, ensure the windows are rolled up (or adequately covered if that is not possible), and lock the doors if the keys are available. If the vehicle is subject to forensic analysis, any inventory *should* be coordinated with the *personnel* who *will* be doing that analysis.
- D. When releasing a vehicle from impound, the *officer shall* complete a supplemental *report*, file it with Records and notify the property custodian.

#### **61.8.5 Vehicle Impounds Under A.R.S. § 28-3511**

- A. A.R.S. § 28-3511 requires that law enforcement agencies impound vehicles when the:
  1. driver's driving privileges are revoked for any reason, except that the vehicle *shall* not be impounded if the person's privilege to drive is valid in this state, or
  2. driver has never been issued a driving license or permit in any jurisdiction, or
  3. driver is subject to an ignition interlock device and is operating a vehicle without a functioning certified ignition interlock device (except in the case of a substantial emergency as defined in A.R.S. § 28-1464), or



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4. driver's driving privilege is canceled or revoked for any reason or the person has never been issued a driving license in any jurisdiction, and the person is not in compliance with financial responsibility requirements in Arizona, and the person is involved in an accident that results in property damage or injury or death of another person, or
5. In furtherance of the illegal presence of an alien in the United States and in violation of a criminal offense, the person is transporting or moving or attempting to transport or move an alien in this state in a vehicle if the person knows or recklessly disregards the fact that the alien has come to, has entered or remains in the United States in violation of law.
6. The person is concealing, harboring or shielding or attempting to conceal, harbor or shield from detection an alien in this state in a vehicle if the person knows or recklessly disregards the fact that the alien has come to, entered or remains in the United States in violation of law.
7. A person is driving a vehicle in violation of section 28-693 and the peace officer reasonably believes that allowing the person to continue driving the vehicle would expose other persons to the risk of serious bodily injury or death.
8. A person is driving a vehicle in violation of section 28-708 and the peace officer reasonably believes that allowing the person to continue driving the vehicle would expose other persons to the risk of serious bodily injury or death.
9. A person is obstructing a highway or other public thoroughfare in violation of section 13-2906 and the peace officer reasonably believes that allowing the person to continue driving the vehicle would expose other persons to the risk of serious bodily injury or death.
10. The vehicle is displayed for sale or for transfer of ownership with a vehicle identification number that has been destroyed, removed, covered, altered or defaced.





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- B. A peace officer shall cause the removal and impoundment of a vehicle if the peace officer determines that a person is driving the vehicle and if all of the following apply:
1. The person's driving privilege is canceled or revoked for any reason or the person has not ever been issued a driver license or permit by this state and the person does not produce evidence of ever having a driver license or permit issued by another jurisdiction.
  2. The person is not in compliance with the financial responsibility requirements of A.R.S. chapter 9, article 4.
  3. The person is driving a vehicle that is involved in an accident that results in either property damage or injury to or death of another person.
- C. Except as provided in subsection D of this section, while a peace officer has control of the vehicle the peace officer shall cause the removal and either immobilization or impoundment of the vehicle if the peace officer has probable cause to arrest the driver of the vehicle for a violation of section 4-244, paragraph 34 or section 28-1382 or 28-1383.
- D. A peace officer shall not cause the removal and either the immobilization or impoundment of a vehicle pursuant to subsection C of this section if all of the following apply:
1. The peace officer determines that the vehicle is currently registered and that the driver or the vehicle is in compliance with the financial responsibility requirements of A.R.S. chapter 9, article 4.
  2. Another person is with the driver at the time of the arrest.
  3. The peace officer has reasonable grounds to believe that the other person who is with the driver at the time of the arrest meets all of the following:
    - a. Has a valid driver license.
    - b. Is not impaired by intoxicating liquor, any drug, a vapor releasing substance containing a toxic substance or any combination of liquor, drugs or vapor releasing substances.

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- c. Does not have any spirituous liquor in the person's body if the person is under twenty-one years of age.
  - 4. The other person who is with the driver at the time of the arrest notifies the peace officer that the person will drive the vehicle from the place of arrest to the driver's home or other place of safety.
  - 5. The other person drives the vehicle as prescribed by paragraph 4 of this subsection.
- E. Except as provided in subsection H of this section and as otherwise provided in this Order, a vehicle that is removed and either immobilized or impounded pursuant to subsection A, B or C of this section shall be immobilized or impounded for twenty days. An insurance company does not have a duty to pay any benefits for charges or fees for immobilization or impoundment.
- F. The owner of a vehicle that is removed and either immobilized or impounded pursuant to subsection A, B or C of this section, the spouse of the owner and each person who has provided the department with indicia of ownership as prescribed in section 28-3514 or other interest in the vehicle that exists immediately before the immobilization or impoundment shall be provided with an opportunity for an immobilization or post storage hearing pursuant to section 28-3514.

These are required impounds; the *officer* has no discretion to decide not to impound.

- G. The impounding *officer shall* notify Communications and inform them of the impound. Communications *shall* enter information about the removal and impoundment of a vehicle into ACIC within three business days after the impoundment. Dispatch will notify records, and records will send, by first class mail, notice of impoundment to all registered owners and lien holders of the vehicle. The *officer* who impounds the vehicle *shall* also provide written notice of the impoundment to the driver of the vehicle.
- H. A vehicle that is removed and either immobilized or impounded pursuant to subsection A, paragraph 4 of this section shall be immobilized or impounded for seven days.





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These vehicles shall be inventoried prior to the tow company being called for the tow. Once inventoried, the tow company shall tow the vehicle to their lot..

#### **61.8.5.1    *Hearings to Contest Impound***

A person whose vehicle has been impounded *may*, under A.R.S. § 28-3512, request a hearing to contest the impoundment of the vehicle. The Administrative Hearing Officer *shall* handle post-impound hearings.

#### **61.8.5.2    Release of Vehicle**

Companies that tow vehicles impounded under A.R.S. § Title 28 *must* agree not to release the vehicle to the owner without receiving release paperwork issued by the *Department*. The company *shall* advise any person seeking release of their vehicle to contact the *Department*.