



TIVERTON POLICE DEPARTMENT

GENERAL ORDERS

Subject: Motor Vehicle Impoundment		General Order Number: 330.90
Section: 300- Law Enforcement Operations		Subsection: 30-Traffic
Amends/Supersedes:		
Effective Date: 09/29/2020	Revised Date: 09/29/2020	Review Date: As Needed
Per Order Of: Patrick W. Jones, Chief of Police		
RIPAC: 11.11		
Distribution: Sworn Department Members		

NOTE: This written directive is for the internal governance of the Tiverton Police Department, and is not intended and should not be interpreted to establish a higher standard of care in any civil or criminal action than would otherwise be applicable under existing law.

I. PURPOSE

It is the purpose of this policy to provide guidelines for towing and impounding motor vehicles.

II. POLICY

Officers are routinely faced with the question of whether to impound or tow motor vehicles for purposes of safekeeping property, securing evidence, protecting the public, or securing property under asset forfeiture statutes, among other reasons. This policy provides guidelines that officers should use to decide issues related to the propriety of and procedures for impounding motor vehicles.

III. DEFINITIONS

Impoundment: For purposes of this policy, the seizing and temporary custody of a motor vehicle for a legitimate police purpose, such as for evidentiary purposes.

Public Assistance Towing: Impoundment should be contrasted with towing of disabled and other motor vehicles for public assistance or for purposes of public safety. While these may involve a legitimate police purpose, they normally do not involve custody of the vehicle by the police agency or authorization of the police for its release.

IV. PROCEDURES

A. General

1. Impoundment of motor vehicles shall use contract commercial towing services, towing vehicles, and impoundment lots as authorized by this department.
2. Vehicles impounded by or otherwise taken into the custody of this agency shall be inventoried in a manner consistent with this agency's policy on

motor vehicle inventories (See General Order 330.80 Motor Vehicle Inventories).

- a. Inventories should be performed at the scene or at a safe place nearby whenever this can be done safely and effectively.
 - b. Officers shall complete forms authorized by this agency whenever a vehicle is towed for impoundment as evidence or for other purposes.
3. 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 vehicle searches when probable cause does not exist or consent to search cannot be obtained).
 4. When impoundments are ordered, the operator and any passengers should not be stranded. Officers shall take those measures necessary to ensure that the operator and any passengers of the vehicle are provided transportation.
 5. Vehicle operators may be permitted to remove unsecured valuables of a non-evidentiary nature from the vehicle prior to its removal for impoundment.
 6. Impounded vehicles shall be released to owners with proof of ownership and personal identification, and following proof of payment of any impoundment storage, or related fees.

B. Impoundment for Evidence

1. A vehicle shall be towed if a subject is arrested for purposes of incarceration and one of the following circumstances exists:
 - a. The vehicle was used as a major instrument in a crime.
 - b. The vehicle contains evidence of a crime that cannot be processed at the scene and must be secured to ensure its evidentiary integrity.
2. Officers should not unnecessarily impound motor vehicles for purposes of gathering evidence when such processing can be reasonably, effectively, and safely conducted at or near the scene.
3. A "hold" may be placed on any vehicle impounded for evidence for such period of time necessary to complete evidence collection.
 - a. Holds on vehicles must be approved by a supervisor.
 - b. Investigating officers shall complete their investigation of the vehicle in a timely manner so that it can be released to the owner.
 - c. Recovered Stolen Vehicles
4. Impoundment of stolen vehicles or suspected stolen vehicles is appropriate when the following circumstances exist:
 - a. The owner cannot be contacted,
 - b. The owner is contacted and cannot or will not respond in a reasonable amount of time, or
 - c. Immediate removal is necessary for safety reasons or purposes of safekeeping.
5. Officers should document reasonable efforts to contact owners with means readily available.

C. Motor Vehicle Crashes

1. Vehicles may be impounded if the vehicle is needed for purposes of the investigation following a vehicle crash. Such cases may but do not necessarily involve custody of the operator.

2. Following motor vehicle crashes, an officer may request impoundment when the operator is unwilling or unable to take charge of the vehicle, and
 - a. The vehicle cannot be legally parked and sufficiently secured at the scene, or
 - b. There is property in or attached to the vehicle that cannot be sufficiently secured at the scene or placed in the custody of a responsible third party.
- D. Impoundment for Forfeiture
Officers may impound a motor vehicle with the intent of initiating forfeiture proceedings when the vehicle is used in the commission of a crime as specified by state law. Officers must receive approval from the Chief of Police or his/her designee before initiating forfeiture proceedings.
- E. Other Bases for Impoundment
Officers may cause the impoundment of a vehicle in other circumstances as follows:
 1. When a vehicle is found displaying license plates not assigned to that vehicle by the state;
 2. When a VIN number has been removed, replaced, or purposely modified;
 3. When a vehicle, because of faulty equipment, is determined to be a hazard if operated, or
 4. When otherwise permitted by state or local law.
- F. Public Assistance Towing
Public assistance towing of motor vehicles should be distinguished from impoundment as it does not typically involve police custody of the motor vehicle. Officers may order that vehicles be towed under the following types of circumstances:
 1. Danger to the Public
Vehicles that present a danger to the public may be towed. Typically these involve the following circumstances:
 - a. Abandoned or inoperable vehicles that have been left on or that cannot otherwise be moved from the roadway and that are in a position where they may impede traffic or create a hazard;
 - b. Vehicles parked illegally;
 - c. Vehicles parked in such a way that would interfere with snow removal.
 2. Aid to Motorists
Officers may request towing services for motorists.
 - a. following vehicle crashes or in other instances where involved vehicles are not operable; or
 - b. when, following arrest of the owner/operator or for other reasons, the vehicle cannot be left at the scene without substantial risk of theft from or damage to the vehicle or personal property contained therein.