

TOPEKA POLICE DEPARTMENT POLICY AND PROCEDURE MANUAL
5.4 VEHICLE SEIZURES, TOWING AND INVENTORY

SUBJECT: Vehicle Seizures, Towing and Inventory		
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5.4.1 PURPOSE

To provide the procedure when towing vehicles. It shall ensure that all vehicles are legally towed and the proper paperwork is completed. This will allow personnel to determine quickly where a vehicle is, the reason it was towed, and if it may be released.

5.4.2 POLICY

All vehicles shall be inventoried prior to being impounded unless the vehicle is being seized in relation to a crime and being held for consent/search warrant to be processed.

5.4.3 PROCEDURE

A. Stranded Motorist

1. Officers assisting stranded motorists who request a wrecker shall request a non-preference wrecker through SCECC unless the owner requests a specific wrecker company.

B. Motor Vehicle Accidents

1. Vehicles towed from the scene of an accident will not be impounded unless the vehicle is needed for investigative purposes.
2. Hit and run accidents that occur on a public street, will be worked the same as regular accidents. At the scene, take photographs of car parts and damage to all vehicles on scene. Submit the photos to AXON. If the suspect vehicle is on scene, photograph the vehicle and attempt to contact the owner. In the event contact with the owner is not made, have Heartland Recovery tow the vehicle. Do not seize the Hit and Run suspect vehicle.
3. If the owner or driver of the vehicle is unable to request a specific wrecker, the officer will ask dispatch for a non-preference wrecker. The wrecker company assigned by dispatch will be noted on the accident report.
4. If the owner or driver of the vehicle is not available, officers should check the interior of the vehicle for valuables and return them to the owner if possible or place into property.

C. Documentation of Towing

1. Any employee that assists with securing a tow truck for a citizen will document the nature of the contact, the name of the wrecker company used and where the car was towed on the officer contact log.

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2. All vehicles impounded will be documented on the mobile vehicle seizure report prior to the vehicle being taken by the contracted wrecker company.

D. Seizing Impounded Vehicles

1. A vehicle will be seized and impounded, only after supervisory approval, when it is:
 - a. A vehicle that is disabled and constitutes a traffic obstruction and the drivers or other potential drivers present are impaired, unlicensed, physically incapacitated, cannot safely operate, or otherwise provide for the vehicle's custody or remove it to a secure and lawful location;
 - b. A vehicle illegally parked and it constitutes a hazard or obstructs safe movement of traffic;
 - c. A vehicle driven by operators who have been arrested or taken into custody, and the unattended vehicle would create a traffic hazard or obstruct safe movement of traffic;
 - d. A vehicle abandoned or left unattended on a highway or public road in excess of forty-eight (48) consecutive hours;
 - e. A vehicle in an unsafe condition and cannot be safely driven or removed to a lawful secured location;
 - f. A vehicle that is a recovered stolen vehicle and must be seized for evidence or the owner cannot respond to take possession;
 - g. Needed as evidence in criminal investigations/prosecutions;
2. When an arrested person agrees to leave their vehicle legally parked on a city street, officers may affix a 48-hour sticker to the vehicle;
 - a. If 48-hour sticker is affixed the officer shall notify the arrested person that the vehicle is subject to tow if it is not removed within 48 hours; and
 - b. Vehicles of arrested persons should not be parked in private lots without the permission of the lot owner.

E. Insurance

1. Vehicles that have no insurance and are illegally parked or constitute a traffic hazard may be towed.
2. Vehicles with no insurance that are legally parked should be cited.
3. Vehicles with no current proof of insurance should be cited and released.

F. Stolen Vehicles

1. Stolen vehicles on public property may be seized without a warrant.
2. Stolen vehicles in plain view on private property may be seized if the officer(s) are legally on private property.
3. Stolen vehicles not in plain view, such as carport or garage require consent or a search warrant to be recovered.
4. Prior to seizing a stolen vehicle, officers should exhaust all reasonable efforts to contact the victim/owner and arrange for the vehicle to be picked up. Fees incurred on recovered stolen vehicles are unable to be waived as they are assessed by the contracting company.

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G. Stolen Registration Plates

1. Officers should seize stolen registration plates and only seize the vehicle if there is no insurance, it is illegally parked, or constitutes a hazard.

H. Required on All Seizures

1. Officers shall complete a Vehicle Seizure Report in mobile for any vehicle seized or impounded.
2. The mobile report will be completed prior to the vehicle being removed by the contracted tow company.
3. Officer seizing the vehicle will submit the mobile vehicle seizure report and to provide the contracted wrecker company a victim sheet containing the case number for the seizure.
4. All vehicles shall be inventoried prior to being removed by the contracting wrecker unless they are being held for consent or search warrant in relation to a criminal investigation. Items that remain in the vehicle will be documented on the Vehicle Seizure report. Any items removed from the vehicle will be documented on an Evidence Custody Receipt and submitted to the property and evidence room.

I. Seized for Processing

1. Vehicles seized for processing will be towed to a process stall or placed in a secure area.
 - a. Whenever possible, CSI should be requested to process the vehicle in place before being towed.
 - b. If the investigation allows, and the owner or operator of the vehicle is readily available to make the determination of disposition of the car and it is otherwise not required to be impounded, the owner will be allowed to do so.
2. A vehicle that is placed in a process stall will be inventoried by the processing officer prior to being towed to the contracting provider's lot.
3. Vehicles seized for homicides or other major felonies will be towed to a CSI process stall. In the event that all of the process stalls are full, the officer in control of the seized vehicle will immediately contact a CSI officer for determination as to where to place the seized vehicle.

J. Search Warrants

1. Vehicles held for a search warrant will be placed in a process stall or other secured area.

K. Scope of Inventory

1. A motor vehicle inventory may extend to all areas of the vehicle in which personal property or hazardous materials may reasonably be found, including, but not limited to the passenger compartment, engine compartment, trunk and glove compartment.
2. All closed containers found within the vehicle shall be opened for purposes of the inventory. Closed and locked containers will only be opened with a key or lock combination.

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L. Seizure Report

1. Officers will complete a Vehicle Seizure Report for any vehicle seized or impounded.
2. Officers will indicate on the Seizure Report the overall condition of the vehicle, any vehicle damage, the location of keys or any items of value that cannot be removed from the vehicle (i.e. stereos, speakers).
3. The Seizure Report will contain an accurate vehicle identification number (copied directly from the vehicle and not from the registration, title or computer information), license information and all other applicable information.
4. A hold will not be placed on any vehicles once they leave the custody of the Topeka Police Department as the chain of custody for the evidence cannot be maintained.
5. Any items of monetary or evidentiary value, or items of contraband, will be removed and listed on the Evidence Custody Receipt (ECR) with a copy placed in the Vehicle Seizure Report and a copy given to the owner, if available. The items seized will then be placed in property with the original ECR.

5.4.4 ABANDONED VEHICLES

A. Public Roadways or Property

1. Assigned personnel will investigate reports of abandoned vehicles and will:
 - a. Mark the reported vehicle with an orange "Vehicle Courtesy Check" sticker;
 - b. Mark the pavement next to the tire to determine if the vehicle has been moved when rechecked;
 - c. Complete an Abandoned Vehicle Report with all requested information and turn in the report through the normal procedure; and
 - d. Recheck the vehicle marked after 48 hours has elapsed and as staffing permits, and determine if the vehicle has been moved.
2. If the vehicle has not been moved personnel will arrange for an officer to cite it for being abandoned on the public roadway and arrange for processing and towing the vehicle. The officer will complete the Vehicle Seizure Report.

B. Vehicles illegally parked on city streets blocking driveways can be towed upon property owner request.

C. Private Property

1. Private property abandoned vehicles, will be handled as follows:
 - a. Vehicles can be towed off financial institution's lots upon property owner request. City Code 10.60.110 (b) provides that prior to towing, the manager or person in charge of the institution location shall sign any ticket or citation issued as a result of a violation of this section, and shall sign a hold-harmless agreement releasing the city from any liability as a result of the removal of the parked vehicle, and accepting responsibility for any damage to the vehicle; and

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- b. Vehicles parked blocking driveways can be towed upon property owner request. An officer must complete a Hold Harmless Agreement and Abandoned Vehicle Citation before arranging the tow.
- 2. The following steps apply to other abandoned vehicles on private property:
 - a. Officers will respond and check to see if the vehicle is stolen. Once NCIC is checked, the results will be documented on the victim information sheet and provided to the reporting party. The contact should be recorded on the officer's contact log.
 - b. Forty-eight (48) hours later, if the vehicle is still there, the reporting party can contact the City's contracted wrecker company, Heartland Recovery, for removal. They will be required to complete a liability waiver indicating their authority to have the vehicle removed, and should provide the incident number from the victim information sheet to Heartland showing that the vehicle is not stolen.

5.4.5 TOW AWAY ZONES

- A. The Chief of Police may designate tow away - no parking zones subject to the approval of the traffic engineer. Tow away - no parking zones will be posted with signs containing the words "no parking" and "tow away zone" by the traffic engineer.
- B. The Chief of Police may designate a temporary tow away zone, not to exceed seven (7) days. This temporary tow away zone shall be posted with temporary signs containing the same words as in #1 above and with the words "By Order of the Chief of Police".
- C. Vehicles found stopped, standing, or parked in a tow away zone, regardless of the length of time it has been left in a tow away zone, may be towed immediately. A citation shall be issued and a vehicle seizure report completed.
- D. Vehicles found stopped, standing, or parked in a tow away zone or fire lane on private property, regardless of the length of time, may be towed immediately as long as the property is posted that city ordinances are enforced. A citation shall be issued and a vehicle seizure report completed.

5.4.6 MOTOR VEHICLE INVENTORY

- A. A motor vehicle inventory is an administrative measure designed to protect motor vehicles and their contents while in police custody, to protect the agency and officers against claims of lost, stolen or damaged property; and to protect Departmental personnel and the public against injury or damaged property due to hazardous materials or substances that may be in the vehicle.
- B. All vehicles will be inventoried prior to being impounded unless they are being held for a search warrant in relation to a criminal investigation.

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C. In General

1. The contents of all motor vehicles that are lawfully seized and/or impounded by this Department will be subject to inventory.
2. Nothing precludes an administrative vehicle inventory from becoming a vehicle search upon discovery of fruits or instrumentalities of crime or probable cause.
3. A motor vehicle inventory may extend to all areas of the vehicle in which personal property or hazardous materials may reasonably be found, including, but not limited to, the passenger compartment, trunk and glove compartment.
4. All closed containers found within the vehicle shall be opened for purposes of the inventory. Closed and locked containers should not be forced open, unless a key or lock combination is available. In that case locked containers may be opened and inventoried.
5. Officers shall indicate on the Seizure Report the overall condition of the vehicle, any vehicle damage, the location of keys or any items of value that cannot be removed from the vehicle (i.e. stereos, speakers).
6. The Officer will log the following information into the tow log book when they return to the station;
 - a. Date;
 - b. Address towed from;
 - c. Vehicle description;
 - d. Tag number;
 - e. Case number;
 - f. Wrecker service towing the vehicle; and
 - g. Officer's name.