



Wilmington Police Department

Directive: 5.13

Towing, Impounding, Seizure, and Inventory of Conveyances

CALEA Standards: 1.2.4, 61.4.1,,61.4.3



I. Purpose

The purpose of the directive is to establish the authority for towing, impounding, and inventory of conveyances by Officers of the Wilmington Police Department.

II. TOWING

Towing, seizures, and impoundments are never used punitively by the Police, and will only be forcibly done when legal criteria permitting those actions exist. When vehicles are seized as evidence, asset forfeiture, or for processing, they will be towed to either WPD or the WPD Impound lot by the City's contracted wrecker service.

A. The North Carolina General Statutes provide for seizure and/or impounding of conveyances in the following circumstances:

- 1.** Whenever a conveyance is subject to forfeiture under the provisions of the North Carolina General Statutes, to include but not limited to NCGS 14-2.3, 90-112, and 20-28.3.
- 2.** Whenever any vehicle is parked or left standing in violation of North Carolina General Statute 20-161. In order to impound a vehicle for violation of this section, the vehicle must be located upon the right-of-way of a public highway.
- 3.** Whenever a vehicle is left upon public property in a derelict condition subject to N.C.G.S. 20-137.9.

B. The Wilmington City Code, Article VII, Sec. 5 authorizes the towing of motor vehicles that are abandoned, junked, and present a health or safety hazard.

C. Other Authority

- 1.** Whenever the officer has probable cause to believe the vehicle is the subject of a crime, has been involved in the commission of a crime, or contains evidence of a crime.
- 2.** Whenever the protection of the owner's/operator's property is at issue and no other means of protecting the property is apparently available. When any officer makes a physical arrest of the driver of a vehicle and the same circumstances exist.
- 3.** Whenever a vehicle is impounded, police departments have the

right to inventory the contents of the vehicle for protection against claims of lost, stolen, or damaged property, and to provide protection of police from potential danger.

- D. Private Property:** Whenever a private property owner is requesting that Officers of the Wilmington Police Department arrange for towing of a vehicle from private property, officers will instruct the property owner to make the towing arrangements themselves. This does not preclude an officer's responsibility to make appropriate inquiries on the vehicle to ensure the vehicle is not stolen or involved in other crimes.

III. Definitions

- A. Hold-** is placed on any vehicle when the owner must obtain a release from the police department that stored the vehicle or from the court to regain possession of the vehicle. Vehicles will have a "Hold" placed on them in the following circumstances:
- 1.** Anytime a vehicle is being held subject to court order.
 - 2.** Anytime a vehicle is being held subject to a search based on probable cause.
 - 3.** Vehicles that are evidence, contained evidence, or were used in the execution of a major crime. Those vehicles will be held subject to disposition by the court.
 - 4.** Vehicles that are subject to forfeiture will be held subject to disposition by the court.
 - 5.** Anytime a vehicle is to be processed by the CSI Unit (fingerprinting, tire impressions, paint scrapings, and other evidence, etc.) and cannot be done immediately at the scene before towing.
- B. Inventory** - a procedure used to identify property located in an impounded vehicle that is in the lawful custody of the Police Department and is solely for care taking purposes and is limited to that necessary for care taking of the property of the vehicle.
- C. Impounding** - a procedure used for removing and storing vehicles under one of the authorizations listed in this order.

IV. Procedures

- A. Procedures for Towing Motor Vehicles**
- 1.** Vehicles abandoned on the street for more than 48 hours:
 - a.** The officer will make reasonable attempts to locate and warn the owner of the vehicle that it may be ticketed or towed.
 - b.** A license plate check and VIN number check will be made by the officer to determine ownership, if the car is stolen, or if the vehicle may have been used in criminal activity.

- c. A neighborhood check will be made to determine any knowledge of the vehicle or its owner.
 - d. A departmental approved 48 Hour sticker will be placed on the vehicle.
 - e. If the vehicle has not been moved within 48 hours, the officer may do the following:
 - i. A parking ticket can be issued at the officer's discretion.
 - ii. The vehicle may be towed away and stored by a rotation wrecker with the supervisor's authorization.
- 2. Procedures for Impounding Motor Vehicles other than Abandoned Vehicles (seizure or evidence)**
- a. The officer will notify their supervisor to authorize the tow and then notify the dispatcher who will send the next rotation wrecker.
 - b. All seized motor vehicles taken into the impound lot must be documented in an incident report, and or Vehicle Tow/Impound report, and Evidence/Property Receipt and Chain of Custody form by the investigating Police Officer. The report will state: who, what, when, where, and how he/she came into possession of described motor vehicle. Vehicle report paperwork will be turned in to the Records Division. The Evidence/Property Receipt and Chain of Custody form which will be placed in the evidence lockers with any inventoried items.
 - c. The impounded vehicle will be put on an Evidence/Property Receipt and Chain of Custody form. Any inventoried items will be placed on a separate Evidence/Property Receipt and Chain of Custody form.
 - d. The Impound log board is in the Evidence Section of police headquarters. The impound log board will contain information on held vehicles such as case number, numbered parking space, impound date, make and model of vehicle, owner, assigned case officer, and if the vehicle can be released.

B. Vehicle Impound Procedures

- 1. Only authorized persons shall have access to the impound lot for storage. Those persons will be the Desk Officers, Evidence Personnel, and any other designated representative of the Chief of Police.
- 2. Motor vehicles to be impounded will be taken to the impound lot by the city's contracted wrecker service and parked in a designated space for either seizure in the S1 to S8 parking

spaces, or evidence in the E1 to E8 parking spaces. The impound lot is located at 1114 South 17th Street, Coleman Center, with entrance gates on the 16th Street side.

- a.** The Keys and Evidence/Property Receipt form for the impounded vehicle will be placed in an evidence locker after normal business hours. During normal business hours, the keys and Evidence form will be turned over to Evidence Personnel. The keys and paperwork will be kept on the impound log board.
 - b.** All vehicles will be inventoried by law enforcement personnel before being placed in the impound lot. Inventoried items either for seizure, safekeeping, or criminal evidence will be taken to police headquarters and placed into evidence lockers; items will not remain inside the motor vehicle.
 - c.** The assigned Police Officer will meet the tow truck and Desk Officer or Evidence Personnel at the impound lot for storage of vehicle. Non- commercial seized vehicles shall be placed only in one space. The assigned officer shall indicate on the Evidence/Property Receipt which numbered space the impounded vehicle is parked in. There is a weatherproof box located near the entrance gate in the impound facility that contains OCA cards. The assigned officer shall complete the OCA card and place it on the dashboard in a manner not to block the view of the VIN number.
- 3.** Release of impounded vehicles will be the responsibility of Evidence Personnel after authorization is given as to the final disposition of the case. Written release will be obtained from the tow service.
- 4.** The hours of operation for storage of impounded vehicles is 24 hours a day by the Desk Officer or Evidence Personnel. Release of impounded vehicle will be between the hours of 8:00AM to 4:00PM by Evidence Personnel. Desk Personnel shall place seized motor vehicle into impound lot after 4:00PM till 8:00AM. Release of any motor vehicle will be Monday thru Friday normal business hours for Evidence Personnel.
- 5.** Impounded vehicles will not be kept past thirty days unless it is held longer for seizure or other special circumstances. Vehicles held for criminal evidence or traffic evidence shall be processed or photographed and released as soon as possible, but before thirty days.

6. Keys for gates to the impound lot will be kept by Evidence Personnel and at the WPD Headquarters Front Desk. Codes for the alarm will also be available for Evidence Personnel and Desk Personnel to de-activate or activate the alarm which is located to the right of the gate to the impound compound.
7. All bills that may be outstanding for release of impounded vehicle have to be satisfied before a motor vehicle can be released. The collection of outstanding bills to tow truck companies or insurance companies will not be the responsibility of police department, unless these said companies file a hold with the Evidence Unit of outstanding bills. The only tow company used for the impound lot will be the city tow service.

C. Alarm Condition Procedures for Police Impound Lot

1. If Desk Personnel receive a call of an alarm at the impound lot, there are two video cameras that can be checked from the desk to see the condition of the impound lot. Like any other alarm, a patrol car should be dispatched to check on the alarm condition. If the alarm needs to be reset manually and after normal business hours or weekends, the Desk Personnel will respond to reset the alarm. During normal business hours, the Evidence Personnel can reset the alarm.
2. In cases of emergency or other circumstances, the following personnel will be called:
 - a. Property/Evidence Supervisor
 - b. Administrative Services Division Lieutenant
 - c. Administrative Services Division Captain

D. Procedures for determining whether to impound vehicles

Officers will, in **every** case, get authorization from their supervisors before impounding any vehicle by use in specified policy above and using the following criteria:

1. The officer will first determine if there are investigatory reasons for lawful impoundment of the vehicle.
2. The officer must determine if leaving the vehicle will create a traffic hazard, infringe on property rights, or cause otherwise questionable legal situations.

E. Procedures to follow if the vehicle does not have to be impounded

1. Depending on the circumstances, the officer will give the owner/operator of the vehicle a choice of towing the vehicle on

his own, leaving the vehicle parked in a safe place or allowing a responsible licensed driver to take control of the vehicle.

2. If the owner/operator wishes to have the vehicle towed, the officer will do the following:
 - a. The officer will determine if the owner/operator has a preference as to which towing company to call, and have that company called if a preference was stated.
 - b. If the owner/operator states no preference, the officer will notify the dispatcher to send the next wrecker on the rotation list.
 - c. If it is the owner's/operator's decision to tow the vehicle, there is no need to call the supervisor to authorize the tow.
3. If the owner/operator does not wish the vehicle to be towed, the officer will determine if it is feasible to park or move the vehicle to a safe place.

4. Waiver of Liability

- a. Officers will advise every owner/operator of a vehicle that is left at the scene that the police department is not responsible for any losses or damages that may occur.
- b. Every individual who wishes that his/her vehicle be left at the scene will be given a copy of the Waiver of Liability Form by the officer and asked to sign it. The signed Waiver of Liability form will be attached to the case report. If the owner/operator refuses to sign the Waiver of Liability and the vehicle is legally parked, the Officer will note on the Liability form "Refused to sign, vehicle left at scene."
- c. The officer will encourage the owner/operator to make all reasonable efforts to secure his vehicle and property.

F. Procedures for Inventory of Impounded Vehicles

1. Officers will, in every case, conduct an inventory of any impounded vehicle. The inventory of an impounded vehicle will include all areas within the vehicle that may contain valuables or weapons; however, officers will not break open locked containers such as luggage and will simply list the item on the inventory as a locked piece of luggage.
 - a. The officer will always notify the dispatcher to send a wrecker **before** beginning the inventory.

- b.** The officer will completely fill out the Inventory of Impounded Vehicle Form in duplicate. One copy being left with the vehicle, the other copy submitted with the storage report to records.
- c. The scope of the inventory will include**
 - i. Unlocked glove compartments, trunks, etc.; locked glove compartments and trunks if a key is available and any other readily accessible area where property might normally be stored.
 - ii. Unlocked boxes and containers (suitcases, briefcases, unsealed envelopes, etc.)
 - iii. Locked boxes and containers need merely be listed on the inventory form.
- d.** The inventory list will include all items of apparent or prospective value fully described using serial numbers, brand names, color, model numbers, and sizes distinguishing marks.
- e.** In all cases where circumstances permit, the inventory should be conducted on the scene and in the presence of the owner/operator of the vehicle (if possible) and one or more competent witness which can include the wrecker driver and one or more police officers.
 - i. The inventory can be conducted later at another location or at the towing service garage if circumstances preclude inventory at the scene.
 - ii. The officer will have all witnesses including the wrecker driver sign the inventory form.
- f.** Valuable property, such as a large sum of money or expensive jewelry should be dealt with according to existing procedures for securing personal property.
- g.** Any evidence that the vehicle may have been used in criminal activity, contraband, or evidence of a crime found during the inventory will be seized and handled as any other criminal evidence.
- h.** During the inventory, if the officer finds evidence that would necessitate a more thorough search of the vehicle, the officer will ensure probable cause exists before proceeding any further.

2. Procedures for handling impounded vehicles that are to be

processed by Crime Scene Technicians for evidence

- a.** Pending processing, the vehicle will be towed to the CSI bay at the Wilmington Police Headquarters. The officer will make sure the vehicle is secure (windows raised, doors locked) and a strip of tape will be placed over the lock to show signs of entry or tampering.
- b.** After processing, the officer, evidence technician, or a supervisor will then notify the Communications Center and the car will be stored in one of the following manners:
 - i.** If the vehicle is evidence and the prosecutor demand that we retain custody of the vehicle, it will be stored at the WPD Impound Lot.
 - ii.** If the vehicle is to be released to the owner and the owner is unable or unwilling to come take custody or arrange custody for their property, the vehicle will be stored in a rotation lot by summoning the next rotation wrecker.

G. Release of Vehicles and Property

- 1.** An owner wishing to reclaim an impounded vehicle will go to the Desk Officer or Officer in Charge and show proof of ownership.
 - a.** The Desk Officer or Officer in Charge will check to see if there has been a 'Hold' placed on the vehicle.
 - b.** No vehicle with a "Hold" placed on it is to be released without consulting with the officer who placed the "Hold" or their supervisor.
- 2.** The Desk Officer or Officer in Charge, upon presentation of proof of ownership, will have the owner sign the designated section of the Disposition of the Stored Vehicle Report form and the Stored Vehicle Log.
 - a.** They will sign a release form and surrender it to the owner.
 - b.** They will then complete the Stored Vehicle form and fill out the release information in the Stored Vehicle Log.
 - c.** Should the owner/operator request to merely retrieve personal property from the vehicle, they will be referred to the investigating officer, who will accompany them to the vehicle. Documentation will be made as to what property was retrieved.

H. Records

Any time a vehicle or conveyance is removed, stored, towed, or seized by an officer, a record or report of that action will be made and forwarded to the Records Unit. The report will include:

1. Time, date, and location of action taken.
2. Name of the Officer taking the action.
3. Reason for removal, towing, or seizure.
4. Towing service name, address, and location stored, unless that information may be detrimental to the safety and security of the vehicle.
5. Any charges pending
6. Notification or attempted notification of the owner.

I. Notification of Registered Owner

When a vehicle or conveyance is towed, removed, stored, or seized, the officer taking the action should promptly notify the registered owner, unless such notification would be detrimental to an investigation. The notification or attempt to notify will be documented in the report mentioned above. The records unit will also send a letter to the owner, which will notify them of the current location of their vehicle.

J. Supervisory Responsibility

The supervisor will in **every** case authorize the impounding of any vehicle and he/she will carefully weigh the circumstances prior to making the decision to authorize the impoundment of the vehicle or not.