



Procedure 607 – Impounding Vehicles

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Forms Referenced in Procedure:	SAPD Form #13 SAPD Form #113 SAPD Form #113-2R SAPD Form #114 SAPD Form #2091-A	Related Procedures:	504, 509, 602, 606, 701

.01 INTRODUCTION

This procedure establishes guidelines for the impoundment of motor vehicles.

.02 TERMINOLOGY (For specific use within this procedure, see Glossary)

Certificate	Insurance	Downtown Area	Minimum Coverage
Evidence of Financial Responsibility	Motor Vehicle	Financial Responsibility	Proof of Insurance
Impounded	Uninsured Driver		

.03 CLASSIFICATION OF IMPOUNDED VEHICLES

- A. Impounded for forfeiture;
- B. Impounded for evidence;
- C. Impounded as prisoner's personal property;
- D. Impounded for traffic violations;
- E. Impounded as an abandoned vehicle;
- F. Impounded as a recovered stolen vehicle; and
- G. Impounded from crash scene.

.04 STORAGE FACILITIES

- A. Growdon Storage Facility Located at 3625 Growdon Road. This facility receives all impounded vehicles, except vehicles impounded for downtown area parking violations.
- B. Storage facility belonging to the holder of the current wrecker contract. This facility receives vehicles impounded for downtown area parking violations.

.05 EXCLUSIVE AUTHORITY TO TOW VEHICLES

- A. Officers have authority to impound any vehicle found parked in violation of any city ordinance related to traffic or parking, abandoned in a public place, or constitutes a traffic hazard.
- B. Exclusive authority to tow non-drivable vehicles involved in crashes is given by city ordinance to the company holding the current wrecker contract.
- C. Officers have the authority to impound the vehicle of any person driving without state mandated minimum auto liability insurance coverage. This policy allows officers the option of impounding the vehicle if a motorist, insured or not, cannot produce the required insurance documentation before being towed.





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- 1. Officers will first check for Evidence of Financial Responsibility on the vehicle, if the driver is unable to provide such proof, the officer will accept Proof of Financial Responsibility on the driver.
- 2. Failure to provide Evidence of Financial Responsibility provides the officer authority to impound the vehicle. (TTC 601.051 601.124)

.06 OFFICERS' RESPONSIBILITIES

- A. Officers submit a written report, showing justification for impoundment, when impounding any vehicle, except vehicles involved in crashes or from a "0700 0900 or 1600 1800 Tow-Away-Zone" are taken to the contract wrecker company storage facility. Copies of the report are forwarded to:
 - 1. The Vehicle Crimes Unit; and
 - 2. Municipal Court, if applicable, attached to the Order of Impoundment.
- B. Officers impounding vehicles are responsible for completing the Towing Service Record (TSR). When applicable, in the remarks column the officer notes the following:
 - 1. Any waiting or labor time after the first fifteen (15) minutes; and
 - 2. The words "Hold for Municipal Court" for any vehicle impounded pursuant to an Order of Impoundment.
 - 3. The words "NO INSURANCE" for any vehicle impounded pursuant to TTC 601.051-601.124.
- C. Officers impounding vehicles are responsible for the vehicle and its contents. Officers will:
 - 1. Complete the Towing Service Record (TSR), listing any damage noted on the vehicle;
 - 2. Stand by at the scene until the vehicle is removed; and
 - 3. Impound any property, including keys, left in the vehicle, unless the tow is for failure to provide Evidence of Financial Responsibility as required pursuant to TTC 601.051. After the inventory, the driver/occupants should be encouraged to remove all personal property from the vehicle before it is towed.
 - 4. Property receipts will be used for all impounded property, in accordance with GM Procedure 606, *Impounding Property*. Officers are required to Complete SAPD Form #113, *Receipt For Property*, in duplicate, for any property received from an individual or Licensed Vehicle Storage Facility. SAPD Form #113 is routed as follows:
 - a. Original to Records Office;
 - b. A copy to the person from whom the property is taken.
- D. Officers inform prisoners their vehicles are impounded at the Growdon Storage Facility. If a prisoner is not booked into a detention facility, the officer will transport the driver to the Growdon Storage Facility to retrieve his vehicle.
- E. Officers inform the vehicle owners/drivers their vehicles are impounded at the Growdon Storage Facility for failure to provide Evidence of Financial Responsibility pursuant to TTC 601.051. Officers will provide the vehicle owner/driver with SAPD Form #13, *Impounded Vehicle Release*, explaining how and where to recover their vehicle.

.07 IMPOUNDED FOR FORFEITURE

A. Officers may seize and impound vehicles used or intended to be used for the illegal transportation or delivery of any controlled substance in violation of the Texas Health and Safety Code, Sections 481 or 483.





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B. When impounding a seized vehicle officers will follow GM Procedure 509, *Legal Asset Seizure*, and route a copy of reports to the Legal Asset Seizure Detail.

.08 IMPOUNDED AS EVIDENCE

- A. When an officer has probable cause to believe a vehicle has been used in the commission of a crime, <u>excluding</u> <u>minor traffic offenses</u>, the vehicle is impounded as evidence.
 - 1. Under exigent circumstances a search warrant may not be necessary for impoundment of the vehicle.
 - 2. If the vehicle is on private property, the officer attempts to obtain permission from the owner of the property to remove the vehicle. If permission is received, the officer has the owner sign SAPD Form #2091-A, *Consent of Search of Private Premises*, and impounds the vehicle.
 - 3. If exigent circumstances do not exist or if the owner does not consent to a search, a search warrant is obtained in accordance with GM Procedure 504, *Execution of Search Warrants*, prior to impounding the vehicle.
- B. When a vehicle is impounded as evidence, the officer will:
 - 1. Write "Evidence" on the TSR;
 - 2. Route a copy of his report to the appropriate follow-up unit; and
 - 3. Request a UEDI/Crime Scene Unit Investigator to process the vehicle.

.09 IMPOUNDED AS PRISONER'S PERSONAL PROPERTY

- A. When a person in control of a vehicle is arrested, the officer impounds the vehicle, unless:
 - 1. The registered owner is present and requests to drive or legally park the vehicle; or
 - 2. The driver is the registered owner and elects to:
 - a. Leave the vehicle legally parked; or
 - b. Release the vehicle to a licensed passenger or person at the scene. Before the vehicle is released, the person receiving the vehicle signs a property receipt.
- B. When an intoxicated person in control of a vehicle is arrested, the vehicle is impounded, unless the officer elects to release the vehicle to the registered owner or a member of the registered owner's immediate family. Before the vehicle is released, the person receiving the vehicle signs a property receipt.
- C. When a juvenile in control of a vehicle is arrested, the officer impounds the vehicle, unless the registered owner is present and requests to drive or legally park the vehicle.

.10 IMPOUNDED FOR TRAFFIC VIOLATIONS

- A. Officers ticket and/or impound vehicles for any of the following traffic violations or court orders:
 - 1. "Tow-Away-Zone" Parking Restrictions:
 - a. Vehicles in violation of downtown area "Tow-Away-Zone" parking restrictions are impounded at the storage facility of the company holding the current wrecker contract.





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- b. Vehicles parked in fire lanes at shopping malls are issued a ticket, but not impounded unless they are obstructing fire fighting equipment.
- Traffic Hazards;
- Uninsured Driver;
 - a. Driver/occupants, if 17 years of age or older, have the option of:
 - (1) Arranging for transportation of their choice. The officer should encourage and assist in making all reasonable attempts to arrange for this private transportation as the primary means of transport. Private transportation must be accomplished within the 30 minute wait-time allowed before towing;
 - (2) If transportation is not accomplished within the thirty (30) minute wait time allowed before towing the officer shall transport the individual as outlined below:
 - (3) Being taken to the nearest police substation or residence, which ever is closer;
 - (a) Requesting the officer drop them off at another location, if closer than substation or residence;
 - (4) Waiving Transportation Released at the scene if safe to do so.
 - (5) Officers shall document every incident where the driver/occupants refuse transportation by the officer using an Incident report.
 - b. Driver/occupants under 17 years of age have the option of:
 - (1) Requesting a parent, legal guardian or custodian picks them up. The officer should encourage and assist in making all reasonable attempts to arrange for this private transportation as the primary means of transport. Private transportation must be accomplished within the 30 minute wait-time allowed before towing;
 - (2) Being returned to the Youth Processing Office if unable to locate a parent, legal guardian, or custodian;
 - (3) Being taken to their residence, if closer than the Youth Processing Office.
 - (4) Waiving Transportation Released at the scene if safe to do so, in accordance with GM Procedure 602, *Juveniles*.
 - (5) Officers shall document every incident where the driver/occupants refuse transportation by the officer using an Incident Report
 - c. Officers transporting any individuals, male or female, will request a time check and give their vehicle odometer reading to the dispatcher upon leaving the scene and upon arrival at their destination.
 - d. The contents of the vehicle being towed must be inventoried and documented using an Incident Report.
- 4. Parked over two (2) hours on the untraveled portion of an expressway; and
- 5. Municipal Court Orders of Impoundment, provided:
 - a. The vehicle is illegally parked;
 - b. The officer has a copy of the court order; and





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- c. The court order is returned to Municipal Court.
- B. If the owner of a vehicle being towed arrives at the location to claim the vehicle and the Contract Wrecker operator has attached ALL the equipment required to tow the vehicle, the vehicle is released to owner and the operator of the Contract Wrecker will be allowed to charge the vehicle's owner a "drop fee". The officer will write "DROP FEE" on the TSR. If ALL the required equipment has not been attached, no "drop fee" can be charged and the vehicle is released to the owner.
- C. When stopping persons with no proof of auto liability insurance, officers shall utilize the following procedures (via the Information Channel) to attempt to verify insurance coverage.
 - 1. Ask the driver for the name of the insurance company, phone number and agent's name.
 - 2. Contact dispatch provide driver's name, age, insurance agency and phone number, vehicle make, model, year, VIN #, agent's name.
 - 3. If dispatch can verify coverage, proceed with stop; do not write ticket for no insurance coverage.
 - 4. If dispatch cannot verify coverage, the officer should consider the circumstances surrounding the situation before deciding if the vehicle should be towed, such as:
 - a. Physical condition of driver, (elderly, sick, etc.);
 - b. Weather conditions;
 - c. Call load;
 - d. If the driver is from out of state;
 - e. If there are small children in the car and/or the number of children;
 - f. If the driver or other occupants are disabled;
 - g. If there are animals in car;
 - h. The nature and quantity of contents in the vehicle (potential financial loss, perishable items, etc.);
 - i. Exigent circumstances;
 - j. Time of day; and
 - k. Location (desolate areas, open fields, safety issues, etc.)
 - 5. If the officer decides to have the vehicle towed, the officer will allow a minimum of 30 minutes, before the wrecker arrives, for the driver to provide proof of insurance. Officers will not initiate an inventory of the vehicle until after the 30 minute timeframe has elapsed. An admission to being an uninsured driver allows the officer to proceed without a mandatory waiting period.
 - 6. Once it has been determined the driver is uninsured, officers shall not allow vehicles to be parked instead of towed. They will either have the vehicle towed or allow the driver to proceed with the vehicle.





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- 7. If an officer makes the decision not to tow an eligible vehicle because the driver fails to provide Evidence of Financial Responsibility, the officer will notify his supervisor of this decision before allowing the driver to proceed. This provides the supervisor the opportunity to review and approve those circumstances which caused the officer to decide not to tow. Nothing in this procedure requires the supervisor to make the scene to determine if a tow is required.
- D. The following N-Codes will be used on all traffic stops involving "Failure to provide Evidence of Financial Responsibility," when the vehicle is released. Also, the sergeant authorizing the decision not to tow will have their name entered on the Dispatch N-Code card.

N-Code#	Code Description
N-Code 19	Decision Not to Tow based on condition of driver (elderly, sick, etc.);
N-Code 20	Decision Not to Tow based on weather conditions;
N-Code 21	Decision Not to Tow based on call load;
N-Code 22	Decision Not to Tow based on the driver is from out of state;
N-Code 23	Decision Not to Tow based on small children in the vehicle and/or the number of children;
N-Code 24	Decision Not to Tow based on if the driver or other occupants are disabled;
N-Code 25	Decision Not to Tow based on the fact that there are animals in vehicle.
N-Code 26	Decision Not to Tow based on the nature and quantity of contents in the vehicle (potential financial loss, perishable items, etc).
N-Code 27	Decision Not to Tow based on exigent circumstances (health-care crisis, etc.);
N-Code 28	Decision Not to Tow based on Time of Day ;
N-Code 29	Decision Not to Tow based on Location (desolate areas, open fields, safety issues, etc.)

.11 IMPOUNDED AS AN ABANDONED VEHICLE

- A. Vehicles abandoned on any public street, or any dedicated street on city property is handled as follows:
 - 1. SAPD Form #114, Official Police Notice (green sticker), is placed on the windshield; and
 - 2. If the vehicle remains after twenty-four (24) hours, a parking ticket is issued for "Using the Street for Storage" and the vehicle is impounded, in accordance with GM Procedure 402, *Differential Police Response* (N-Code 31).
- B. Vehicles abandoned on city-owned property other than dedicated streets are handled in the same manner as an abandoned vehicle on a public street, except no parking ticket is issued.
- C. If parked over two (2) hours on the untraveled portion of an expressway, the vehicles are impounded;
- D. If an owner returns to claim his vehicle before the vehicle has been removed, Subsection .10B of this procedure will apply.
- E. Vehicles abandoned on private property do not fall within the jurisdiction of this Department.





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.12 IMPOUNDED AS A RECOVERED STOLEN VEHICLE

- A. The term "stolen vehicle" in this procedure refers to either a vehicle officially reported stolen to a police agency or a vehicle not yet reported stolen but whose owner or representative verbally acknowledges the vehicle is stolen.
- B. Recovered stolen vehicles used in conjunction with any serious offense are impounded. The vehicle is released only by the authority of the appropriate follow-up unit.
- C. Recovered stolen vehicles not used in any serious offense are processed as follows:
 - 1. The vehicle is processed for evidence in accordance with GM Procedure 701, Crime Scene Duties.
 - 2. An attempt is made to contact the registered owner by:
 - a. Having the dispatcher contact owner by phone; or
 - b. Having an officer go to the owner's residence. If no one is there, the officer leaves a message.
 - 3. The officer shall document what attempt was made to contact the owner in a written report.
 - 4. If the owner is contacted, the officer allows the owner a minimum of one (1) hour to claim his vehicle at the scene.
 - 5. When recovering a stolen vehicle from a licensed vehicle storage facility, officers are required to complete SAPD Form #113, *Receipt for Property*, in duplicate.
 - 6. Before releasing a recovered stolen vehicle, the officer requires the owner to:
 - a. Show proof of ownership;
 - b. Sign SAPD Form #113-2R, Release of Property; and
 - c. Contact the Vehicle Crimes Unit, if arrests were made.
 - 7. If the vehicle is not released to the owner, it is impounded.

.13 IMPOUNDED FROM CRASH SCENE

- A. Vehicles involved in public property traffic crashes and are not drivable are impounded at Growdon Storage Facility, unless:
 - 1. The driver, registered owner, or a member of the registered owner's immediate family requests the vehicle be taken to a location other than the Growdon Storage Facility;
 - 2. The vehicle was legally parked prior to the crash and is not a traffic hazard; and
 - 3. The vehicle belongs to a governmental agency, is not a traffic hazard, and the agency requests to remove the vehicle by means of their choice.
- B. If a driver of a vehicle involved in a traffic crash is incapacitated, but the vehicle is drivable, the vehicle is impounded at the Growdon Storage Facility for safe keeping, unless the registered owner or a member of the registered owner's immediate family is available to drive the vehicle. Driver must show Evidence of Financial Responsibility as required pursuant to TTC 601.051 before driving away.





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- C. If a driver can make his vehicle drivable after minor repairs, the officer will allow the driver fifteen (15) minutes after the completion of the investigation to repair his vehicle. If the vehicle is still not drivable after that time, it is removed by contract wrecker. Driver must show Evidence of Financial Responsibility as required pursuant to TTC 601.051 before driving away.
- D. Vehicles involved in public property crashes and come to a rest on private property are removed.
- E. Vehicles involved in private property crashes and remain on private property are the responsibility of the owner to remove.

.14 RELOCATING IN LIEU OF IMPOUNDING

- A. Vehicles found parked under the following circumstances are ticketed and/or relocated in lieu of being impounded:
 - 1. On parade routes Ticketed only if parked after restrictions are posted;
 - 2. Hindering repair work by public works crew Ticketed only if parked after restrictions are posted; and
 - 3. Blocking driveways.
- B. Vehicles are relocated in the immediate area. Officers notify the Security Desk as to the new location of the vehicle.
- C. Vehicles are impounded only if it is impractical for them to be relocated. Impractical to relocate means there is no space available in the immediate area or all parking is restricted in the immediate area.
- D. If a vehicle is impounded instead of relocated, the officer will note on the TSR whether the vehicle was parked before or after the parking restrictions were posted.

.15 INVENTORY AND DISPOSITION OF PROPERTY FROM IMPOUNDED VEHICLES

- A. Officers inventory all impounded vehicles for any items of personal property. An inventory is a process for locating personal property so it can be protected while in the custody of the Department.
- B. An inventory is limited to places where a person ordinarily would store or leave items of personal property, such as:
 - 1. Passenger compartment;
 - 2. Trunk, if key is available; and
 - 3. Any open container.
- C. All personal property found during an inventory of a vehicle is listed in the details of a written report. The personal property is listed according to the location where it was found (i.e., under front seat, passenger compartment, trunk, etc.).
- D. All personal property found during an inventory of a vehicle is placed in the Property Room, except property from:
 - Vehicles impounded for "0700 0900 or 1600 1800 Tow-Away-Zone" violations Unless there is any "Valuable Property" in plain view inside the vehicle. If the property is not accessible or the vehicle is locked, refer to #2 below;
 - 2. Locked vehicles If entry cannot be made, the officer inventories visible property, listing the property on the TSR and in his report. The vehicle is impounded at the Growdon Storage Facility, on Secure Row, only after a supervisor personally inspects the vehicle and authorizes the storage by signing the TSR; and
 - Unlocked vehicles with bulky or excessive amounts of property These vehicles are impounded at the Growdon Storage Facility, on Secure Row, only after a supervisor personally inspects the vehicles and authorizes the storage by signing the TSR.