

WINTER HAVEN POLICE DEPARTMENT

GENERAL ORDER 61.7

ABANDONED, IMPOUNDED AND TOWED VEHICLES

ACCREDITATION STANDARDS: CALEA – 61.4.3; CFA – 18.05, 18.13

EFFECTIVE DATE: March 28, 1996

RESCINDS: G.O. 61.7 July 25, 2013 and all applicable Amended/Temporary Order prior to January 5, 2018

LAST REVISED DATE: January 5, 2018

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POLICY

It shall be the policy of the Winter Haven Police Department to establish procedures to safeguard property in impounded vehicles, Department members, and the Department from any legal action resulting from damage to or theft from an impounded or stored vehicle.

PURPOSE

The purpose of this General Order is to provide a policy for the inventory, impounding and towing of vehicles.

SCOPE

This General Order shall apply to all Department members.

DISCUSSION

The responsibility for proper delivery of vehicles, along with all required documents, rests with the seizing or impounding member. It is necessary for the protection of the member and the Department to inventory vehicles being towed or stored.

PROCEDURE

I. Authorized Removal

- A.** Members are authorized to impound motor vehicles upon approval from a supervisor in the following situations: (CALEA 61.4.3a, b)
- 1.** When the vehicle is of evidentiary value in a criminal investigation.
 - 2.** City Code 18-32 provides:
 - a.** When any vehicle is left unattended upon any bridge, causeway, or viaduct, or in any subway, tunnel, or upon any street where such vehicle constitutes an obstruction to traffic.
 - b.** When a vehicle upon a street is so disabled as to constitute an obstruction to traffic, or the person in charge of the vehicle is by reason of physical injury, incapacitated to such an extent as to be unable to provide for its custody and removal.
 - c.** When any vehicle is left unattended upon a street and is so parked illegally as to constitute a definite hazard or obstruction to the normal movement of traffic.
 - d.** When any vehicle is left unattended upon a street continuously for more than twenty-four hours and may be presumed to be abandoned.
 - e.** When the driver of such vehicle is taken into custody by the Department and such vehicle would thereby be left unattended upon a street.
 - f.** When removal is necessary in the interest of public safety because of fire, flood, storm or other emergency situation.
 - 3.** When a vehicle is being driven upon a public street or highway in an unsafe condition that it creates a significant hazard.
 - 4.** When the driver of the vehicle is stopped and has a suspended drivers license, and the driver has no reasonable alternative in removing the vehicle from the roadway.
 - 5.** When the driver's license or registration check specifies "SEIZE TAG," and the driver is verified as the sole owner of the vehicle, as provided in Florida State Statute 324.201.
 - 6.** When the person in charge of the vehicle is mentally incapacitated or intoxicated.
 - 7.** When the person in charge of the vehicle is taken into custody and cannot provide a reasonable alternative to having it towed.
 - 8.** When the vehicle is subject to confiscation in accordance with the Florida Contraband Forfeiture Act (Florida State Statute 932.701).
 - 9.** When a stolen vehicle is recovered and the owner cannot immediately be contacted.

II. Abandoned Vehicles (CALEA 61.4.3a, b)

- A.** Members shall not tow or remove abandoned vehicles from private property, unless the vehicle is involved in a criminal investigation.
 - 1.** Members who have been designated as Code Enforcement Officers may tow vehicles from private property when investigating a code enforcement violation, which pertains to the vehicle.
- B.** If the vehicle is determined to be stolen, an officer shall be dispatched to the location and recover the stolen vehicle accordingly.
- C.** When a vehicle is impounded, a complete inventory shall be listed on the Winter Haven Police Department Impounded Vehicle Inventory Report (Inventory Report). If circumstances preclude a complete inventory of a vehicle at the scene, the inventory may be completed at the storage facility, at the earliest opportunity. (CFA 18.05)
 - 1.** Any inventory shall encompass all areas of the vehicle including, but not limited to: (CFA 18.13)
 - a.** The inside compartments, dash, glove box, console, under seats, and all containers therein;
 - b.** The trunk area and containers therein;
 - c.** All exterior containers, boxes, truck beds, tanks and engine compartment; and
 - d.** Locked containers will not be forced open during an inventory, but shall be logged on the Inventory Report as such. However, if a key or combination is available, the container shall be opened and inventoried.
 - 2.** If possible the inventory shall be accomplished in the presence of the operator or owner.
 - 3.** Currency found within the vehicle shall be counted in the presence of the owner and/or operator and one witness. If not, the currency shall be counted in the presence of at least one witness and returned to the owner, or submitted as personal property or evidence.
 - 4.** The Inventory Report shall include the date, time, location, requesting officer, reason for removal or tow, charges pending, towing service, location of the vehicle and whether or not the owner was notified. (CALEA 61.4.3c) (CFA 18.13)
- D.** Vehicles that are involved in major offenses where extensive crime scene processing is necessary shall be impounded at a designated storage facility.

III. Impound Procedures

- A.** The member responsible for having a vehicle towed shall ensure that a Inventory Report is completed. (CALEA 61.4.3c)
- B.** A registration check shall be made to determine the identity of the owner.

- C.** If the registered owner is not present at the scene the member will use every means available to contact the owner.
- D.** If contact is made with the registered owner, the member shall ascertain a reasonable alternative from the owner to impounding the vehicle.
- E.** If the owner cannot offer a reasonable alternative, the vehicle shall be impounded accordingly.
- F.** In the case of a vehicle that is stolen locally, reasonable attempts to contact the owner shall be made prior to towing the vehicle.
 - 1.** In the case of a vehicle stolen from another county or city, the member shall contact the Crime Information Center (CIC), who in turn will notify the originating agency of the recovery.
- G.** When a vehicle is stopped on a public roadway causing a traffic obstruction and the driver/owner is not with the vehicle and cannot be contacted, the member will wait 15 minutes prior to towing, unless circumstances require immediate removal.
- H.** Whenever a vehicle is removed as a result of being a traffic hazard, abandoned, obstruction, etc., or is a stolen vehicle, the vehicle shall be stored at the towing company.
- I.** Vehicles which are to be processed for evidence, such as recovered stolen vehicles, shall, whenever possible, be processed where they are found and shall not automatically be impounded.
- J.** Whenever a vehicle is removed for forfeiture purposes, the vehicle shall be stored in the WHPD impound lot.
- K.** A vehicle may be impounded with a police "hold" under the following circumstances: (CFA 18.13)
 - 1.** Vehicles seized for evidence.
 - 2.** Vehicles reasonably believed to be involved in hit and run traffic crashes.
 - 3.** Vehicles involved in serious injury or fatal traffic crashes.
 - 4.** Vehicles used in the commission of a felony.
 - 5.** Other circumstances as outlined in Florida State Statute 323.001.
- L.** If a member places a "hold" on a vehicle, that member shall enter their name and identification number on the Inventory Report so the wrecker service will know whom to contact when someone comes to claim the vehicle. The reason for the "hold" shall also be noted by the officer in the remarks section of the Inventory Report. In accordance with Florida State Statute 323.001, a hold placed on a motor vehicle stored within a wrecker operator's storage facility may be held for a period not to exceed 5 days, excluding holidays and weekends, unless extended in writing to the wrecker operator. (CFA 18.13)

- M.** The member placing a “hold” on a vehicle has the responsibility to attempt to contact the registered owner. If the owner cannot be immediately contacted, the impounding officer should continue attempting to contact the owner until notification is made. If the owner still has not been contacted by the officer, the wrecker service will notify the officer when the owner responds to claim the vehicle. Only the member placing the “hold” has the authority to rescind the “hold” status of the vehicle. (CFA 18.13)

 - 1.** Under certain exigent circumstances, the Shift Supervisor can release a “hold” on a vehicle.
- N.** The impounding member shall request a rotation wrecker for the impounded vehicle and complete the impound process including the inventory of the vehicle.

 - 1.** The member shall advise CIC the location, vehicle make, year, license number or VIN number, and if the owner is the driver or present at the scene.
- O.** After completing the Inventory Report, the member shall have the wrecker driver sign for the vehicle, at which time the wrecker driver shall be given the “pink” copy. (CALEA 61.4.3c)
- P.** The member shall give the owner of the impounded vehicle the “goldenrod” copy of the completed impound form. If the owner is not present, the member shall leave the copy attached to the form. (CALEA 61.4.3c)
- Q.** The “yellow” copy shall be given to CIC who will file the copy in the designated impounded vehicle file. (CALEA 61.4.3c) (CFA 18.13)
- R.** When the owner is not notified, the impounding member shall provide CIC with a Vehicle Entry Form, stating the tag number, make, model and year of the vehicle and the VIN number of the vehicle. CIC members will check the form and if data is insufficient to be entered, the impounding member will be advised of the needed data. (CFA 18.13)
- S.** Vehicles entered into NCIC/FCIC shall be cancelled/removed by CIC upon notification from the investigating member or a representative of the wrecker operator’s facility that the vehicle has been returned to the owner, junked, etc. (CFA 18.13)

IV. Owner Notification

- A.** The impounding member shall check the registration of the vehicle to ascertain the registered owner’s name and address.
- B.** The impounding member shall attempt to contact the registered owner by telephone or in person prior to the end of their tour of duty.
- C.** If the registered owner cannot be immediately contacted, the impounding member should continue attempting to contact the owner until notification is made.
- D.** The impounding member shall indicate in any related reports whether or not the owner was contacted and what action was taken.

V. Definitions – None

APPROVED 

Charles E. Bird
CHIEF OF POLICE