



ERIE POLICE DEPARTMENT



Written Directives

Number: **200.002**

Title: Vehicle Impounds		Pages: 7
Effective Date: 09/22/15	Review Date: 06/01/20	Amended Date: 06/12/19

POLICY:

The impounding of vehicles and subsequent inventory of property contained therein is necessary to protect individual property which is in Erie Police Department custody, and to protect the Erie Police Department and the Town of Erie against claims of loss or theft.

DEFINITIONS:

ABANDONED MOTOR VEHICLE: Any motor vehicle left unattended on public property, including any portion of a highway right-of-way, for twenty-four hours or longer as defined in section 6-10-6(A)(3) Erie Municipal Code. Any motor vehicle stored in an impound lot at the request of a law enforcement agency and not removed from the impound lot within 72 hours after the time the Erie Police Department notifies the owner or agent the vehicle is available for release upon payment of any applicable charges or fees.

APPRAISAL: As defined in CRS 42-4-1802(4), a bona fide estimate of reasonable market value made by any motor vehicle dealer licensed in this state, or by any employee of the Colorado State Patrol, or any sheriff's or police department, whose appointment for such purpose has been reported by the head of the appointing agency to the executive director of the department of motor vehicles.

DISABLED MOTOR VEHICLE: Any motor vehicle which is stopped or parked, either attended or unattended, upon a public right-of-way, and is, due to any mechanical failure or any inoperability because of a collision, fire, or any other such injury, temporarily or permanently inoperable under its own power.

HOLD: The temporary custody and storage of a vehicle pending processing or further investigation.

IMPOUND: The taking into custody of a vehicle by the Department.

INVENTORY: The process of identifying and recording the contents of a towed or impounded vehicle.

PRIVATE TOW: The removal of a vehicle at the request of the registered owner or their designee.

PUBLIC PROPERTY: Any real property having its title, ownership, use, or possession held by the federal government, the State of Colorado, or any county, municipality, as defined in section §31-1-101(6) C.R.S., or other governmental entity of this state.

PUBLIC TOW: The removal of a vehicle by the Department through a Town-approved tow company.

PROCEDURES:**I. VEHICLE IMPOUNDS**

A. Vehicles may be impounded by a Town-approved tow company when:

1. The driver is removed from the vehicle due to an arrest for a traffic or criminal violation, (See section III for exceptions);
2. The vehicle has evidentiary value in a criminal case;
3. The vehicle presents an immediate hazard and the vehicle owner cannot be contacted to move the vehicle;
4. The vehicle cannot be legally driven on a public roadway due to being unregistered, uninsured, so mechanically disabled it is not safe or roadworthy, or is displaying fictitious or stolen registration. (Fictitious or stolen registration should be removed from the vehicle and seized for evidence or safekeeping.); or
5. The vehicle has been determined to be abandoned as defined in this directive. (See section VII(2)(f) regarding impounding abandoned vehicles.)

B. When a vehicle is impounded, the officer will fully complete a Vehicle Tow/Impound Report as required under CRS 42-4-1803(1)(b).

C. Using the least intrusive means to enter, an officer impounding a vehicle shall complete an inventory of all significant articles located in the vehicle. These items will be noted on the tow sheet or on a supplemental report if necessary.

CACP STANDARD 200.1

1. Any articles estimated to be of considerable value, such as firearms, jewelry, large amounts of currency etc. will be removed from the vehicle and entered into Evidence at the Erie Police Department for safe-keeping.
2. The officer will examine the contents of any container which is not locked to determine if there are any significant articles within the container.
3. Vehicles should be inspected for damage and any damage shall be noted.

D. The impounding officer will have the tow truck operator sign the impound form. The impounding officer will provide the tow truck operator a copy of the impound form as required under section CRS 42-4-1803(1)(b).

II. HOLDING RELEASE OF VEHICLE FROM IMPOUND

- A. Vehicles may be placed on a hold in impound if it is necessary to process or maintain the vehicle for the investigation of a crime or accident.
- B. Vehicles placed on hold for evidentiary reasons shall not be held for any period of time longer than is reasonably necessary to complete processing.

III. ON SCENE VEHICLES RELEASED

- A. When an arrestee is the registered owner of a vehicle, the arrestee may request the vehicle be legally parked at the scene or released to a responsible, licensed individual rather than having the vehicle towed.
 - 1. If the vehicle is to remain on scene, the officer will take reasonable care, such as locking doors and rolling up windows, to ensure the vehicle and contents are secured.
 - 2. The keys to the vehicle will remain with the registered owner if the vehicle will not be picked up right away. If someone is contacted to pick up the vehicle, the officer may retain possession of the keys to give to the person picking up the vehicle.
 - 3. Officers are not required to move the vehicle of an arrestee or other person who cannot legally drive a vehicle off the roadway.
- B. The impounding officer will ensure anyone taking control of a vehicle for the benefit of the registered owner signs the impound form under the Driver Signature section releasing the Department from liability. However, if the vehicle is being left on scene at the request of the driver, the driver will sign the impound form under the Driver Signature section releasing the Department from liability.
- C. An inventory will not be completed when the vehicle is legally parked or is going to be released at the scene to a third party. The Erie Police Department will not assume responsibility for the vehicle.

IV. TOWS - ACCIDENT RELATED

Owners of vehicles involved in accidents may request the Department call for a specific towing company. This can be done through Dispatch. If the motorist does not or cannot state a preference for a specific company, Dispatch will notify a company from its rotating list of companies. The officer may not suggest any specific company.

V. IMPOUNDED - LOCAL STOLEN/WANTED VEHICLE

- A. Local stolen vehicles recovered in our jurisdiction will be towed by a Town-approved tow company and stored at their lot unless the vehicle is to be protected for further investigation.
- B. Whenever a stolen vehicle is recovered within the Town of Erie, an officer shall complete a supplemental report as well as a tow sheet. A copy of the tow sheet will be immediately forwarded to Erie Police Department Records. This procedure is to be followed whether the officer impounds the vehicle or releases it to the owner at the scene.
 - 1. The recovered vehicle may be released to the owner at the scene if the vehicle has been, or does not need to be, processed or held as evidence.
 - 2. The owner must sign the release on the tow sheet when taking custody of his/her vehicle at the scene.
 - 3. When an officer is notified from another agency a vehicle stolen from Erie has been recovered, the officer receiving such notification shall complete a supplemental report utilizing the case number originally assigned to the case. All reasonable attempts to process or have the vehicle processed should be made.

VI. IMPOUNDED - OUTSIDE STOLEN VEHICLE

- A. The outside agency which entered the vehicle as stolen should be contacted, advised of the recovery of the vehicle, and given the opportunity to choose the method of tow and place of storage. If no choice is expressed, the vehicle will be towed by a Town-approved tow company and stored at their lot.
- B. Whenever a stolen vehicle is recovered within the Town of Erie, an officer is required to complete a report as well as a tow sheet. A copy of the tow sheet will be immediately forwarded to Erie Police Department Records. This procedure is to be followed whether the officer impounds the vehicle or releases it to the owner at the scene.
- C. The recovered vehicle may be released to the owner at the scene if the vehicle has been, or does not need to be processed or held as evidence. The owner must sign the release on the tow sheet when taking custody of the vehicle at the scene.

VII. ABANDONED VEHICLE - 24 HOUR NOTICE

Vehicles which remain unmoved in excess of a 24 hour notice by the Erie Police Department may be deemed abandoned after the following actions are taken:

- 1. PRE-IMPOUND ACTIONS:
 - a. Obtain owner/registration information; and

- b. Make a reasonable attempt to locate and notify the owner regarding the status of the vehicle.
- c. Query the license plate number and the VIN if accessible to determine whether or not the motor vehicle has been reported stolen. If the vehicle is reported stolen, the vehicle shall be recovered, secured, and the registered or rightful owner will be notified.
- d. If reasonable, conduct a canvass to obtain information regarding the vehicle or property.
- e. Affix a tow tag to the driver side window or other visible location. No case report number is assigned unless the vehicle is towed. Obtain a CAD number from Dispatch for the action of tagging the vehicle.
- f. Obtain a printout of a listing of the tagged vehicle's DMV record information, to include the plate number, VIN, vehicle description and registered owner. Provide a copy of this printout with a note to Records to advise the location, time and date the vehicle was tagged. The note should also include the CAD number obtained from Dispatch.
- g. Place a copy of the tag on the dry erase bulletin board in Patrol.
- h. Records will have the vehicle entered into the Colorado Crime Information Center (CCIC) database as abandoned. The CCIC entry record of all vehicles tagged, but not towed, will be purged by Records within 30 days.
- i. Officers will routinely check the location of any logged tagged vehicles. Any vehicles which have been removed from their tagged location, whether due to impound or removal by the registered owner or personal representative, shall be erased from the bulletin board.

2. IMPOUND ACTION:

- a. Review the abandoned vehicle log to ensure all pre-impound actions have been completed;
- b. Check location to establish the vehicle/property is still there and has not been moved;
- c. Verify again the vehicle has not been reported stolen;
- d. Tow the vehicle using a Town-approved Tow Company; and

- e. Complete an Impound Report, attaching a copy of the tow sheet per CRS 42-4-1803(1)(b).
- f. If unsecured, the impounding officer shall enter the vehicle and complete an inventory of all significant articles located in the vehicle. If secured, the impounding officer should, using the least intrusive means necessary, enter the vehicle and complete an inventory of all significant articles located in the vehicle. These items will be noted on the tow sheet or on a supplemental report if necessary.
- g. Once a vehicle is impounded, if Records Personnel are on duty, they shall update the vehicle as impounded into CCIC with a note the vehicle has been impounded by the Erie Police Department and the storage location. However, if Records Personnel are not on duty, the officer will notify Dispatch to update the vehicle has been impounded and needs to be entered into CCIC.

3. AFTER IMPOUND ACTIONS:

- a. Records will complete a DR 2008 Form provided by the Department of Revenue. Following the removal of the vehicle, a Notice to Owner of Towed/Abandoned Vehicle must be completed by the abandoned vehicle specialist or Records and mailed via certified mail, return receipt requested, to the last address on record for the registered owner within 72 hours.
- b. The abandoned vehicle specialist, or an officer specifically appointed to conduct vehicle appraisals, is responsible for the following:
 - i. Verify the VIN as correct; and
 - ii. Document the general condition and appraised value of the vehicle.
- c. An officer will be assigned to process abandoned vehicles from the time of recovery until such time the abandoned vehicle has been either released to the rightful owner or sold during a public or private sale. All abandoned vehicles will be processed pursuant to C.R.S. 42-4-1804.
- d. Erie Police Department Records will also monitor the status of any public tows. If the owner on record has failed to reclaim the vehicle within 72 hours following postmark of a notice sent by certified mail, the vehicle will be deemed abandoned.
- e. Abandoned vehicles will be appraised and sold pursuant to CRS 42-4-1805. No dealer or tow operator may appraise or sell abandoned vehicles towed from public property on behalf of the Erie Police Department.

- i. An initial abandoned vehicle appraisal may not be altered without approval from the Chief of Police.
- ii. Only a sworn supervisor or abandoned vehicle specialist may execute the sale of an abandoned vehicle, unless the Chief has granted prior written authorization permitting otherwise. A hard copy of the written authorization will be kept on file.
- iii. Employees of the Erie Police Department will not purchase any vehicle they know, or reasonably should have known, is being offered for sale pursuant to this section. Employees of the Erie Police Department will not induce another person to purchase an abandoned vehicle on their behalf.

RULES:

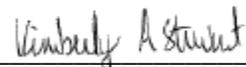
NONE

REFERENCES:

Erie Police Department policy chapter 9

CSP operations 311.2

Cherry Hills Police Department Policies and Procedures manual #823



Kimberly A. Stewart
Chief of Police