

City of Johns Creek Police Department

<i>Subject:</i> Vehicle Impound; Abandoned Vehicles; Inventory		<i>Number:</i> 02-13
<i>Reference:</i> Evidence and Property Control, Search and Seizure		<i>Amends:</i>
<i>Effective:</i> 04/08 05/19	<i>Review Date:</i> Annually	<i># of Pages:</i> 2

PURPOSE:

Identify the conditions under which an abandoned vehicle can be impounded, and establish guidelines for impoundment.

POLICY: (02-13)

State code authorizes the impounding of vehicles. All impounded vehicles will be towed by the City-authorized towing company. An inventory of the vehicle will be performed before the impoundment.

PROCEDURES:

Circumstances (02-13-01)

State code authorizes the impounding of vehicles under the following circumstances:

- A. An officer may immediately impound and remove a motor vehicle from a public highway when the vehicle poses a threat to the public health or safety.
- B. An officer may impound a motor vehicle that has been abandoned or left unattended on an expressway system after eight hours has expired. The eight hour period begins after the vehicle has been red-tagged.
- C. An officer may impound a motor vehicle that has been left unattended on a public street, road or highway, or other public property for at least five days if it appears to the officer that the individual who left the vehicle unattended does not intend to return and remove the motor vehicle. The five day period begins once the car has been red-tagged.
- D. Any motor vehicle which fails to display a current license plate and revalidation sticker may be impounded and stored at the owner's expense. In situations where expired registration is the only violation, and there are no other extenuating circumstances, vehicles will only be impounded for expirations of 6 months or greater.
- E. If the driver of a motor vehicle has been arrested, the vehicle may be impounded when:
 1. There is no one present who is authorized and capable of removing the vehicle.
 2. The driver has made no specific request about the disposition of the vehicle.
 3. The driver has made no request to use a specific towing service.
 4. The driver of a vehicle has made a specific request for the disposition of the vehicle or has requested a specific towing service and the police officer has made a reasonable but unsuccessful effort to comply with this request.
 5. The driver of the vehicle has been removed from the scene

and is either physically or mentally unable to make a request for the disposition of his/her vehicle. An officer may impound a vehicle for the protection of the vehicle and its contents under the provisions above.

If the driver of a vehicle is arrested on private property, and the driver either owns, has control of, or has permission from the owner of the property, the vehicle should not be impounded except upon the request of the driver.

Vehicle Inventory (02-13-02)

All vehicles shall be inventoried before impoundment. This inventory is intended to:

- A. Protect the owner's property while it remains in police custody.
- B. Protect the police from potential danger.
- C. Protect the police against false claims of stolen or lost property.

If the officer is questioned concerning his/her reasons for performing an inventory of a vehicle being lawfully impounded, the officer should state that the vehicle is being inventoried for the above three reasons. The justification for an inventory of an impounded vehicle is based on the validity of the impoundment, not the arrest of the driver. If the impoundment was improper, any items seized will not be admissible as evidence in court.

Inventory Procedures (02-13-03)

The following steps will be followed when inventorying a vehicle before impoundment.

- A. On the Vehicle Inventory Form the officer shall list all personal property and vehicle accessories such as radios and tape players, and shall describe the vehicle's condition.
- B. Upon completion, the inventory form will be signed by both the wrecker driver and the impounding officer.
- C. The original (white) copy of the vehicle inventory form and impound slip will be given to the wrecker driver. The duplicate (yellow) copy will be submitted with the report. The owner (pink) copy will be given to the owner, if applicable.
- D. In all cases where an impound is made, an incident report will be completed, except when a traffic accident report is made.

Owner Unknown (02-13-04)

If the owner of the vehicle is not known, the officer shall forward the vehicle information to Communications, who will attempt to contact the owner. If the owner cannot be contacted, information on the car will be entered into GCIC. This information will then be available if the car is reported stolen.

Release of Vehicle (02-13-05)

Once a vehicle is impounded, it will **not** be necessary for the owner or authorized operator to secure a release slip at the Department. Releases will be made at the wrecker yard, unless the officer has placed a hold on the vehicle, however the officer can also call the city wrecker to release a vehicle that has been placed on hold.