

<b>Series</b> 200 Operations	<b>Effective Date</b> 10/7/2016	<b>Review Date</b> Two Years	<b>Directive Number</b>  <b>204.4</b>
<b>Chapter</b> 204 - Traffic Operations			<input type="checkbox"/> <b>New Directive</b> <input checked="" type="checkbox"/> <b>Revised</b> <small>Revisions in italics</small>
<b>Reviewing Office</b> <i>Fleet Management and Telephone Crime Reporting (TCR)</i>			
<b>References</b>			

## IMPOUNDING OF VEHICLES

### 204.4 - 1 PURPOSE

The purpose of this directive is to assist Detroit Police Department (DPD) members in determining whether a vehicle should be impounded and to give appropriate impound procedures.

### 204.4 - 2 POLICY

It is the Department's policy to safeguard all vehicles that are towed by members and to ensure that all vehicle procedures are adhered to. Members must understand when the towing and storage of vehicles is appropriate and *legitimate*. Abandoned vehicles constitute a public nuisance, a hazard to traffic, and the community views their removal as an essential service. Likewise, vehicles involved in accidents or crimes may require towing and inventorying for evidentiary purposes.

### 204.4 - 3 Procedures

1. Whenever a vehicle, including motorcycles, is impounded by a member of the Department for any reason, (e.g., evidence, safekeeping, accidents, *abandonment*, etc.), two (2) original copies of an Impounded Vehicle Card (DPD406) shall be completed in dark blue or black ink. The information shall include the *vehicle license plate number, vehicle identification number, year, make, and color* and the location the vehicle is being held or *where the vehicle was moved*.
2. Any member impounding a vehicle shall complete Impounded Vehicle Cards (DPD406) with an itemized list detailing the "Accessories on Vehicle" section. At no time shall an officer list "intact" in lieu of an itemized accounting. At no time shall an impounded vehicle be left unattended on the street or any location other than an area designated for the storage of impounded vehicles. The vehicle shall be impounded from the scene to an authorized police tower's storage lot unless otherwise directed by a specific command wanting the vehicle in accordance with another crime. *A vehicle owner has the option to use a private tow as long as the vehicle can be towed within a reasonable amount of time and does not cause a hazard to other vehicular traffic.*
3. Members of the Detroit Police Department shall call Telephone Crime Reporting (TCR) when entering and/or releasing stolen vehicles or impounded vehicles from LEIN. *If a member enters the vehicle into LEIN under his/her precinct's ORI number, TCR is unable to release the vehicle, therefore causing released vehicles to still be shown as*

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*impounded in LEIN. TCR is the DPD entity designated to enter, release, and/or cancel vehicles into or from LEIN. The only vehicles that should be entered into LEIN from a precinct are private tows.*

4. *The member recovering a vehicle and the tower shall both sign the inventory side of both Impounded Vehicle Cards (DPD406) to verify the condition of the vehicle at the time of the tow. One (1) copy of the Impounded Vehicle Card (DPD406) shall remain with the vehicle. The other copy shall be turned in at the precinct station desk.*
5. *The member recovering a vehicle shall stay with the tower until the impounding of the vehicle is completed, unless emergency circumstances exist.*
6. *Impounded Vehicles - Telephone Crime Reporting (TCR) shall be notified by members when a vehicle has been impounded. TCR shall be responsible for ensuring the vehicle has been recovered in the LEIN system.*
7. *Impounded Vehicles - Telephone Crime Reporting (TCR) shall be notified by members when a vehicle has been impounded.*

**204.4 - 3.1 Requests for a Tow**

1. *When a member encounters a situation such as an accident, impound, or recovery, the member shall contact the dispatcher over the air to request a tow from an authorized tow company.*
2. *The dispatcher shall forward the name of the tow company, estimated time of arrival, and the control number over the air to the member requesting the tow.*
3. *At no time shall any Department member personally call any tow company to tow stolen recoveries, abandoned vehicles, accident vehicles, or any police tows.*

**204.4 - 3.2 Detail Tows**

*Details include any instance where a tow truck will be required to be on scene or on standby and a minimum of three (3) vehicles will be towed. This includes: raids, blitzes, events, or other special deployment activities. The command requesting the detail tow shall fill out an Inter-Office Memorandum (DPD568) "Tow Detail" form and fax it to Communications at (313) 596-5059. The tow company will be notified and the control number given directly to the tow company. A supervisor assigned to the detail is responsible for ensuring TCR is notified to have the vehicles entered into LEIN. Communications should not be contacted for tow information.*

**204.4 - 3.3 Driving a Vehicle to the Precinct to be Towed**

1. *A member ideally should wait for a tower to respond to the scene and refrain from driving the impounded vehicle. In rare instances, a member may drive the impounded vehicle to the precinct of occurrence for a tow.*
2. *Each case shall be judged on its own merit (e.g., safety, civil unrest, etc.), and the member shall articulate the reason in his/her Crisnet Report. Members shall also consider the following when deciding to drive an impounded vehicle to the station for a tow:*
  - a. *The maintenance history of the vehicle;*

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- b. *The member's ability to drive the vehicle; and*
- c. *The member's responsibility for any damage incurred to the vehicle while driving to the station.*

**204.4 - 3.4 Evidence Vehicles**

1. *When vehicles are impounded in crimes such as homicide, robbery, sex crimes, and carjacking, members shall enter the vehicle into the TRACKER evidence system in addition to the two (2) Impounded Vehicle Cards (DPD406). One (1) impound card shall stay with the vehicle and the second impound card shall be conveyed to the member's command. The vehicle shall be towed to the current authorized evidence lot. The CRISNET number shall be listed on both Impounded Vehicle Cards (DPD406). Evidence vehicles shall be recorded in the precinct Property Book.*
2. *To maintain the integrity of the chain of custody, a Department member shall escort the evidence vehicle to the DPD authorized evidence lot. The escorting member shall document the tow truck company and driver's name on his/her Activity Log (DPD250).*
3. *Motor vehicles seized in connection with a violation of the liquor, gambling, vice or controlled substance laws shall be processed in accordance with Department forfeiture procedures as delineated in Section 204.4 - 5, Vehicles Forfeited for Violation of Controlled Substance Act (VCSA), Prostitution, and Gambling.*

**204.4 - 3.5 Vehicles not on Evidence**

Vehicles not needed as evidence may be parked legally roadside at the request of the owner if the following exist:

- a. *Ownership is not in question;*
- b. *Vehicle can be locked; and*
- c. *No traffic hazard is created.*

**204.4 - 3.6 Delivery of Impounded Vehicle(s) to Auto Pound or Crime Scene Services**

1. *Once the vehicle is processed by Crime Scene Services it shall be the responsibility of Crime Scene Services to make the appropriate LEIN entry and notify the OIC of the case. It shall be the responsibility of the OIC to notify the owner and complete a Task in the TRACKER system and forward the Task to the Auto Pound-Group in the TRACKER system.*
2. *Fatal or critical accident vehicles shall be transferred to the tow yard designated to store evidence vehicles and are to be processed by Crime Scene Services. One (1) copy of the Impounded Vehicle Card (DPD406) shall accompany the vehicle. The OIC of the case from Fatal Squad shall be responsible for releasing any fatal or critical accident vehicles through the TRACKER system by sending a Task to the Auto Pound-Group in the TRACKER system. The Task shall include the reason for the tow and who the vehicle may be released to.*

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**204.4 - 3.7 Storage Fees**

1. Complainant's vehicles, towed for the purpose of collecting and processing evidence, will be transported and held *at the Department's approved evidence lot* without cost to the complainant or registered owner if the crimes are one of the following:
  - a. Homicide;
  - b. Criminal Sexual Conduct;
  - c. Robbery; or
  - d. Carjacking.
2. This does not apply if a false felony report was made. Some exceptions may be made where vehicles have been towed for the processing of evidence and the complainant or registered owner was not a victim of the above listed crimes.
3. The member who processes the vehicle for evidence shall immediately notify the officer in charge (OIC) of the case or the OIC's supervisor that the vehicle has been processed for evidence. The officer in charge or his/her supervisor shall be responsible for immediately notifying the owner of the location of the vehicle and *forward a Task in the TRACKER system to the Auto Pound-Group for release. Include the reason for the tow and who the vehicle shall be released to.*
4. *Releases shall be processed through the TRACKER system as soon as possible and the OIC must notify the registered owner as soon as possible. Releases shall be made readily available to citizens as soon as possible. The Department may seek disciplinary action against sworn members who place an improper hold on an impounded vehicle. In addition, members (sworn and non-sworn) who neglect his/her duty by failing to release a vehicle or causing any undue delay may also be subject to disciplinary action. When holds are placed on a vehicle, no storage fees are assessed by the authorized tower.*
5. Recovered stolen vehicles *may be* towed for the purposes of collecting or processing evidence. Sworn members may request the vehicles be processed for fingerprints; however, the vehicle shall not be *processed through the TRACKER system. In the event the owner wishes to claim the vehicle prior to it being processed, the vehicle shall be returned to the owner without delay.* The owner of the vehicle shall be responsible for the payment of the towing and storage fees.

**204.4 - 3.8 Impounding Mini-Bikes, Mopeds, and Go-Carts**

Mini-bikes, mopeds and go-carts coming into the possession of the Department *shall be impounded at an authorized Department tow yard.*

**204.4 - 3.9 Suspension or Termination of Police Authorized Towers**

The *assistant chief, Office of Support Operations*, may suspend the services of a police authorized tower. *In addition, a recommendation may be made to the Board of Police Commissioners requesting termination of a police authorized tower. Precinct*

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commanders shall forward a report and recommendation to the *Office of Support Operations* whenever a violation or concern arises regarding a police authorized tower.

## **204.4 - 4 Abandoned Vehicles**

### **204.4 - 4.1 Definition**

An “Abandoned Vehicle” is defined *in MCL 257.252a* as *either of the following*:

- a. *A vehicle that has remained on private property without the consent of the owner;*
- b. *A vehicle that has remained on public property for a period of not less than forty-eight (48) hours;*
- c. *A vehicle on a state road or highway for at least eighteen (18) hours with a valid registration plate affixed to the vehicle; or*
- d. *A vehicle on a state road or highway without a valid registration plate affixed to the vehicle for any period of time.*

### **204.4 - 4.2 Registered Abandoned Scrap Vehicle**

A “Registered Abandoned Scrap Vehicle” is any vehicle which meets all of the following requirements:

- a. Is on public or private property;
- b. Is seven (7) or more years old;
- c. Is apparently inoperable or so extensively damaged that the cost of repairing the vehicle would exceed its fair market value; and
- d. Is currently registered in the state of Michigan or displays current year registration plates from another state.

### **204.4 - 4.3 Unregistered Abandoned Scrap Vehicle**

An “Unregistered Abandoned Scrap Vehicle” is any vehicle which meets all of the requirement as set forth above for a registered abandoned scrap vehicle, except that such vehicle is not currently registered in this state and does not display current registration plates from another state.

### **204.4 - 4.4 Precinct Desk Procedures**

The following procedures shall apply:

- a. Members assigned to the *precinct* station desk who receive abandoned vehicle complaints by telephone or in person shall *obtain* from the complainant the license plate number and location of the vehicle, and the length of time the vehicle has remained at its location;
- b. The license plate number shall be checked and registration *information* obtained via the Law Enforcement Information Network (LEIN). If the vehicle is determined to be stolen, members shall be governed by stolen and recovered vehicle procedures; and

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- c. If the vehicle is not stolen, the information received from the complainant shall be entered in the *precinct's* Abandoned Vehicle Book. *The vehicle information shall then be forwarded to the Detroit Police Abandoned Vehicle GroupWise email at [abanvehicle@detroitmi.gov](mailto:abanvehicle@detroitmi.gov).*

#### **204.4 - 4.5 Abandoned Vehicle Procedures**

The following procedures shall apply:

- a. *Through information retrieved from the Abandoned Vehicle GroupWise email and his/her normal patrol duties, the abandoned vehicle officers assigned to the Abandoned Vehicle Task Force shall investigate vehicles which appear to be abandoned;*
- b. *The abandoned vehicle officer shall examine the vehicle, noting its condition and the correctness of the license plate and vehicle identification number;*
- c. *The abandoned vehicle officer shall contact Municipal Parking #1 Impound Lot between the hours of 7:00 a.m. and 4:00 p.m. on radio channel Y-DPDTA-09 or by telephone at 313-596-5570 to receive the abandoned vehicle control number and name of the tow company towing the vehicle;*
- d. *The abandoned vehicle officer shall complete two (2) Impounded Vehicle Cards (DPD406) and must legibly print his/her name and sign each card. One (1) card shall be given to the tower and the second card will be retained and filed at the #1 Auto Pound. The officer at the Municipal Parking #1 Impound Lot shall enter the vehicle into LEIN and file the Impounded Vehicle Card (DPD406); and*
- e. *The Department member impounding the vehicle shall sign the tow bill invoice from the tower. The tower shall convey and present one (1) copy of the impound card and the pink copy of the tow bill (invoice) to personnel at the #1 Impound Lot.*

#### **204.4 - 4.6 Abandoned Scrap Vehicles**

The following procedures shall apply:

- a. The abandoned vehicle officer shall examine the condition of the vehicle, noting the correctness of the license plate and vehicle identification numbers, and shall determine if the vehicle has been reported stolen;
- b. If the vehicle has not been reported stolen and meets the requirements of a registered or unregistered abandoned scrap vehicle, an Abandoned Vehicle Notice (DPD114), shall be affixed to the vehicle;
- c. If the vehicle is not removed within the prescribed period it shall be processed in accordance with applicable laws and ordinances; and
- d. If the owner does not claim the vehicle within seven (7) days after the Department has received notification from the custodian, the vehicle shall be processed as an abandoned vehicle.

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**204.4 - 4.7 Inoperable Motor Vehicle**

The following procedures shall apply:

- a. An inoperable motor vehicle is any motor vehicle, which is not capable of being started and safely operated and does not bear a valid current license plate;
- b. No person shall park an inoperable motor vehicle on private property without obtaining *the owner's consent*;
- c. *An inoperable vehicle on a public roadway shall be removed within forty-eight (48) hours before being deemed abandoned; and*
- d. *An inoperable vehicle on a state road or highway with a valid license plate shall be removed within eighteen (18) hours before being deemed abandoned.*

**204.4 - 4.8 Vehicles Towed for Safekeeping**

Pursuant to MCL 257.252d:

1. *A vehicle may be removed from public or private property for safekeeping at the expense of the last titled owner for any of the following circumstances:*
  - a. *If the vehicle is in such a condition that the continued operation of the vehicle upon the highway would constitute an immediate hazard to the public;*
  - b. *If the vehicle is parked or standing upon the highway in such a manner as to create an immediate public hazard or an obstruction of traffic;*
  - c. *If a vehicle is parked in a posted tow away zone;*
  - d. *If there is reasonable cause to believe that the vehicle or any part of the vehicle is stolen;*
  - e. *If the vehicle must be seized to preserve evidence of a crime, or if there is reasonable cause to believe that the vehicle was used in the commission of a crime;*
  - f. *If removal is necessary in the interest of public safety because of fire, flood, storm, snow, natural or man-made disaster, or other emergency;*
  - g. *If the vehicle is hampering the use of private property by the owner or person in charge of that property or is parked in a manner that impedes the movement of another vehicle;*
  - h. *If the vehicle is stopped, standing, or parked in a space designated as parking for persons with disabilities and is not permitted by law to be stopped, standing, or parked in a space designated as parking for persons with disabilities;*
  - i. *If the vehicle is located in a clearly identified access aisle or access lane immediately adjacent to a space designated as parking for persons with disabilities;*
  - j. *If the vehicle is interfering with the use of a ramp or a curb-cut by persons with disabilities; or*
  - k. *If the vehicle has been involved in a traffic crash, and cannot be safely operated from the scene of the crash.*

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2. If the owner or other person who is legally entitled to possess the vehicle arrives at the location where a vehicle is located before the actual towing or removal of the vehicle, the vehicle shall be disconnected from the tow truck, and the owner or other person who is legally entitled to possess the vehicle may take possession of the vehicle and remove it without interference upon the payment of the reasonable service fee, for which a receipt shall be provided.
3. A police agency that authorized the removal of a vehicle under subsection (1) shall do all of the following:
  - Check to determine if the vehicle has been reported stolen prior to authorizing the removal of the vehicle; and
  - Except for vehicles impounded under subsection (1)(d), (e), or (k), a police agency shall enter the vehicle into the Law Enforcement Information Network (LEIN) as abandoned not less than seven (7) days after authorizing the removal and members shall follow the procedures set forth in section 252a.
4. A vehicle impounded under subsection (1)(d), (e), or (k) must first be released by the police agency that authorized the removal prior to the towing agency or custodian releasing the vehicle to the vehicle owner.
5. Not less than twenty (20) days but not more than thirty (30) days after a vehicle has been released under subsection (4), the towing agency or custodian shall notify the police agency to enter the vehicle as abandoned and the police agency shall follow the procedures set forth in section 252a if the impounded vehicle has not been redeemed.

**204.4 - 5 Vehicles Forfeited for Violation of Controlled Substance Act (VCSA), Prostitution, or Gambling**

1. When an individual, while in possession of a motor vehicle, is arrested for Violation of Controlled Substance Act (VCSA), prostitution, or gambling, the member shall instruct the tow company to convey the vehicle directly to Forfeiture. The Forfeiture impound facility is accessible twenty-four (24) hours a day to receive forfeited vehicles. Members shall never authorize the tow company to convey the vehicle to the tower's lot.
2. To maintain the integrity of the chain of custody, the member forfeiting the vehicle shall escort the vehicle to the Forfeiture impound facility. The escorting officer shall document the tow truck company and driver's name on his/her Activity Log (DPD250).
3. Members shall enter the vehicle into the TRACKER evidence system and complete two (2) Impounded Vehicle Cards (DPD406). One (1) impound card shall remain with the impounded vehicle and the other impound card shall be conveyed to the member's



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*command. The CRISNET number shall be listed on both Impounded Vehicle Cards (DPD406).*

### **Related Procedures:**

- Standard Operating Procedures (SOP) for Abandoned Vehicles and Stolen Vehicles Recovered by Tow Companies

### **Forms and Reports:**

- Abandoned Vehicle Report (DPD131)
- Abandoned Vehicle Notice (DPD114)
- Abandoned Vehicle Recapitulation Report (DPD115)
- DPD 568 "Tow Detail" Form
- Impounded Vehicle Card (DPD406)
- Property Release Form (DPD122)