



PAWNEE COUNTY SHERIFF'S OFFICE
SHERIFF DARRIN VARNELL

Policy #	Related Policies: Vehicle Searches
Vehicle Towing - Inventories	
<i>This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this department for non-judicial administrative action in accordance with the laws governing employee discipline.</i>	
Applicable Oklahoma Statutes:	
CALEA Standard:	

- I. **PURPOSE:** The purpose of this policy is to direct deputies in seizures of vehicles, evaluation of warrantless searches and inventories and options other than towing and impoundment
- II. **POLICY:** Deputies are routinely faced with the question of whether to impound or tow motor vehicles for purposes of safekeeping property, securing evidence, or protecting the public, among other reasons. This policy provides guidelines that deputies should use to decide issues related to impounding motor vehicles.
- III. **Discussion:** When considering impoundment of a vehicle by members of the Pawnee County Sheriff's Office deputies will take into consideration the purpose of the impoundment and the reasons for conducting an inventory of the contents of the vehicle.
- IV. **Definitions:**
 - A. **Impoundment:** For purposes of this policy, the seizing and temporary custody of a motor vehicle for a legitimate police purpose, such as for evidentiary or public safety purposes.
 - B. **Public Assistance Towing:** Impoundment should be contrasted with towing of disabled and other motor vehicles for public assistance or for purposes of public safety. While these may involve a legitimate police purpose, they normally do not

involve custody of the vehicle by the Pawnee County Sheriff's Office or authorization of the Pawnee County Sheriff's Office for its release.

V. PROCEDURE:

- A. Impoundment of motor vehicles shall use contract commercial towing services, towing vehicles, and impoundment lots as authorized by the Pawnee County Sheriff's Office.
- B. Motor vehicles shall not be impounded as a form of punishment, or as a means of conducting vehicle searches without a warrant or when probable cause does not exist or consent to search cannot be obtained.
- C. When impoundments are ordered, the operator and any passengers should not be stranded. Deputies shall take those measures necessary to ensure that the operator and any passengers of the vehicle are provided transportation.
- D. Vehicles impounded by or otherwise taken into the custody of the Pawnee County Sheriff's Office shall be inventoried in a manner consistent with this policy.
 - a. Inventories should be performed at the scene or at a safe place nearby whenever this can be done safely and effectively.
 - b. Deputies shall complete forms authorized by the Pawnee County Sheriff's Office whenever a vehicle is towed for impoundment as evidence or for other purposes.
- E. **Non-Criminal Impoundment Decisions:** Considerations for seizing/towing and conducting an inventory search of vehicle. With respect to the decision to impound deputies should explore alternative arrangements short of impoundment. Specifically, the deputies should advise the owner or operator of the options to impoundment:
 - a. The purpose of impoundment is to not investigative but to protect property and avoid false claims.
 - b. The deputy may impound a vehicle when the motorist agrees to such impoundment and has had an opportunity to retrieve his or her belongings.
 - c. The owner or driver of the vehicle should have the ability to opt for alternatives that do not interfere with public safety. Options could include but are not limited to:
 - i. Park-and-lock options on nearby streets or parking lots
 - ii. Calling a friend or third party to drive the vehicle away
 - iii. Release to properly licensed person in the vehicle
 - iv. Impoundment of a vehicle should be permitted only if these options have been adequately explored.
 - d. When impoundment is contemplated, deputies should ask the driver whether there is any property in the vehicle the driver wishes to retain. If so, the driver should be allowed to retrieve it. Vehicle operators may be permitted to remove unsecured valuables of a non-evidentiary nature from the vehicle prior to its removal for

impoundment. The nature of these valuables shall be noted on the appropriate reporting document.

- e. With respect to property left behind, deputies may ask the driver whether there is anything of value requiring safekeeping and make a record of the response in order to protect the deputy and the department from a later claim of theft of valuables.
 - f. When the vehicle is impounded, containers found within the vehicle will not be opened but stored for safekeeping as a unit unless the owner or operator directs otherwise. Absent specific consent to search them, however, deputies must inventory closed containers left behind in the vehicle as a unit, unless the owner or operator directs otherwise.
 - g. Deputies shall properly secure closed containers found in plain view, at the Pawnee County Sheriff's Office for safekeeping in accordance with the Pawnee County Sheriff's Office property and evidence policy.
- F. Impoundment of vehicles when the motorist is not present to give consent: In order to protect the deputy and the Pawnee County Sheriff's Office from a later claim of theft of valuables. Deputies are allowed properly secure closed containers found in plain view at the Pawnee County Sheriff's Office.**
- a. When the vehicle is impounded, containers found within the vehicle will not be opened but stored for safekeeping as a unit, and an inventory list completed.
 - b. The property will be stored in compliance with the department property and evidence policy.
- G. Impoundment for Evidence: A vehicle shall be towed if a subject is arrested for purposes of incarceration and one of the following circumstances exists:**
- a. The vehicle was used as a major instrument in a crime.
 - b. The vehicle contains evidence of a crime that cannot be processed at the scene and must be secured to ensure its evidentiary integrity.
- H. Deputies should not unnecessarily impound motor vehicles for purposes of gathering evidence when such processing can be reasonably, effectively, and safely conducted at or near the scene.**
- I. A "hold" may be placed on any vehicle impounded for evidence for such period of time necessary to complete evidence collection.**
- a. Holds on vehicles must be approved by an agency supervisor.
 - b. Investigating deputies shall complete their investigation of the vehicle in a timely manner so that it can be released to the owner.
 - c. Recovered Stolen Vehicles

J. Impoundment of stolen vehicles or suspected stolen vehicles is appropriate when the following circumstances exist:

- a.** The owner cannot be contacted,
- b.** The owner is contacted and cannot or will not respond in a reasonable amount of time, or
- c.** Immediate removal is necessary for safety reasons or purposes of safekeeping.

K. Deputies should document reasonable efforts to contact owners with means readily available.

L. Motor Vehicle Crashes:

- a.** Vehicles may be impounded if the vehicle is needed for purposes of the investigation following a vehicle crash. Such cases may but do not necessarily involve custody of the operator.
- b.** Following motor vehicle crashes, an deputy may request impoundment when the operator is unwilling or unable to take charge of the vehicle, and
- c.** The vehicle cannot be legally parked and sufficiently secured at the scene, or
- d.** There is property in or attached to the vehicle that cannot be sufficiently secured at the scene or placed in the custody of a responsible third party.

M. Public Assistance Towing: Public assistance towing of motor vehicles should be distinguished from impoundment as it does not typically involve police custody of the motor vehicle. Deputies may order that vehicles be towed under the following types of circumstances:

- a.** Danger to the Public. Vehicles that present a danger to the public may be towed. Typically, these involve the following circumstances:
 - i.** Abandoned or inoperable vehicles that have been left on or that cannot otherwise be moved from the roadway and that are in a position where they may impede traffic or create a hazard;
 - ii.** Vehicles parked illegally
- b.** Aid to Motorists: Deputies may request towing services for motorists:
 - i.** following vehicle crashes or in other instances where involved vehicles are not operable; or
 - ii.** When, following arrest of the owner/operator or for other reasons, the vehicle cannot be left at the scene without substantial risk of theft from or damage to the vehicle or personal property contained therein.