



PAWNEE COUNTY SHERIFF'S OFFICE  
SHERIFF DARRIN VARNELL

Policy: Vehicle Impounds	REFERENCES:47 O. S. 4-107, 902, 955, & 1115 (1) 47 O. S. 7-606A 47 O. S. 1137.1 and 1137.3
<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 The Pawnee County Sheriff's Office for non-judicial administrative action in accordance with the laws governing employee discipline.</i>	
Applicable State Statutes:	

**POLICY:**

Deputies will impound vehicles only when necessary. Deputies are authorized to move or cause to be removed any vehicle from a street, highway, shoulder, or other public way to the nearest impound yard utilized by the Pawnee County, that meets the criteria for vehicle impoundment, per Oklahoma State Law. State statute prohibits Deputies from using the insurance database as the primary reason for a traffic stop. Deputies shall use discretion when impounding vehicles based on the lack of compulsory insurance.

**SUMMARY:** Procedures for impounding vehicles.

**DEFINITIONS:**

INVESTIGATIVE HOLD – a temporary, ten-day hold on an impounded vehicle for investigative purposes.

OTHER HOLD – a temporary hold placed on an impounded vehicle for reasons other than investigative purposes (i.e., no insurance, expired tag, or other OTC).

VEHICLE IMPOUNDMENT – to remove or cause to be removed a vehicle from a street, highway, shoulder, or other public way by an officer, and stored in a designated facility utilized by the Pawnee County.

## **PROCEDURES:**

### 1. Deputies may impound vehicles in the following situations:

- a. A vehicle is evidence in a crime or needs to be held for investigative purposes.
- b. A vehicle has been abandoned or the driver was arrested, and the vehicle is left unattended in a location that would constitute a traffic hazard or is highly susceptible to damage or vandalism. This includes private property open to the public when the offense the vehicle was initially stopped for occurred on a public way.
- c. A report has been made that such vehicle has been stolen and the owner cannot be notified or is unable to come to the scene and take possession of the recovered vehicle within a reasonable amount of time.
- d. A vehicle is confiscated pursuant to law.
- e. been marked for tow and is parked or left standing in the same location on a public roadway more than 48 hours.
- f. The owner or operator has been involved in an accident or has been taken into custody and is not physically, mentally, or legally capable of driving the vehicle or of giving consent to leave it.
- g. The vehicle is operated on a public street or highway and the vehicle's registration has been expired in excess of ninety days.
- h. The vehicle is operated on a public street or highway and the vehicle is determined to not have compulsory insurance pursuant to state law.

### 2. Deputies may offer the owner/operator one of the following options for the disposition of the vehicle as long as registration and/or insurance are current and the court has not ordered it impounded:

- a. Allow a responsible person who possesses a valid operator's license to Assume responsibility for the vehicle and its contents.
- b. Summon a person of the owner/operator's choice to come to the scene, in a timely manner, to take custody of the vehicle.
- c. Properly Park and secure the vehicle.

### 3. When towing a vehicle:

- a. Deputies shall always request the wrecker in rotation.
- b. Deputies shall request wrecker service at the location of the impoundment.
- c. Deputies shall complete a Tow-In Report for each vehicle that is impounded.

4. Deputies may place an investigative hold on an impounded vehicle for the following reasons:

- a. The vehicle is evidence in a crime.
- b. The vehicle is subject to confiscation pursuant to law.
- c. The vehicle is to be processed for evidence.
- d. The vehicle's owner must be identified for investigative purposes.

5. Deputies may place other holds on impounded vehicles for the following reasons:

- a. The vehicle's owner, after notice, the court has ordered it impounded as a nuisance.
- b. The vehicle may be impounded, and a hold placed for the Oklahoma Tax Commission if the registration has been expired in excess of ninety days.

6. When Deputies place a hold on an impounded vehicle, they shall complete the Tow-In Report and turn it in. Fill in the hold information requested at the bottom as described below:

- a. In the HOLD FOR section, the detail, division, and/or name of the investigator assigned to the case shall be indicated. If unknown, the detail or division appropriate to the offense shall be designated.
- b. If the ANY HOLD section at the top of the page is marked YES, yet no hold is specified in the bottom HOLD FOR section, then the vehicle will not be placed on hold. If the ANY HOLD section at the top of the page is not marked, yet a hold IS specified in the bottom HOLD FOR section, then the vehicle will be placed on hold.
- c. The REASON FOR TOW section is not to be construed as HOLD FOR or EXPLANATION OF HOLD.
- d. The EXPLANATION OF HOLD section is to supplement information when

the HOLD FOR section is marked. Information in the explanation area is NOT visible to non- police employees.

e. Under the section marked EXPLANATION OF HOLD, provide the following information:

- 1) Arrest number, if applicable.
- 2) Incident Report number, if applicable.
- 3) Crime type, location, date of occurrence, and the victim's name, if applicable.

7. Any other details that are pertinent to the offense such as:

- a. No insurance.
- b. Expired Tag.
- c. OTC hold.

8. The initial hold for investigative purposes is for ten days. To extend the hold beyond the initial ten days, the investigator shall mark the appropriate block and return the Confirmation of Vehicle Hold Report to the investigator.

9. The assigned investigator may release or confirm the hold by contacting the impound lot and the deputy. When a vehicle was seized for having an altered vehicle identification number (VIN) the seizing agency must not release the vehicle until an assigned replacement VIN is issued and affixed.

10. If a hold has been placed on a vehicle for no insurance, the officer will inform the owner of the process for retrieving their vehicle as follows:

- a. The owner of an impounded vehicle can retrieve their vehicle from the impound service provider without proof of insurance, as long as the vehicle is towed or hauled from the location without being operated on a public roadway. The owner of the impounded vehicle must provide proof of ownership of the vehicle before it can be recovered from the impound service provider.

11. While attempting to determine if a vehicle has state compulsory insurance, Deputies may attempt to contact the owner's insurance provider directly at their discretion. This situation may come about when the vehicle does not have a database return for state compulsory insurance, or the driver cannot provide physical proof of insurance at the scene of an investigation. If the driver insists that they have valid insurance and can provide the name of the insurance

company, the officer will switch over to records and request that the insurance company be contacted for verification prior to towing the vehicle.

### **REGULATIONS:**

1. Deputies shall complete a Tow-In Report on each impounded vehicle and turn it in to the Records Sections as soon as possible. All information pertinent to the impoundment shall be completed.
2. Deputies shall conduct an inventory of all impounded vehicles prior to the vehicle being towed to the storage facility.
3. If a hold for confiscation is placed on the impounded vehicle, all property discovered inside the vehicle will be turned in to the Property Room.
4. When an investigative hold has been confirmed, only the assigned investigator or a supervisor may release the hold.
5. If an arrestee's vehicle is left at the scene, the officer shall ensure the vehicle is properly parked and is secured to the extent possible under the circumstances. Leaving the vehicle at the scene is not an option when the approval of the arrestee cannot be obtained. The disposition of the vehicle shall be included on the Arrest & Booking Data Sheet.
6. Deputies will make every attempt to contact the owner of a stolen vehicle before towing the vehicle. Attempts to contact the owner will be documented on the Incident Report and will be noted in the call log.
7. In circumstances where a vehicle is involved in a collision or incident and it is determined the vehicle does not have compulsory insurance as pursuant to state law, the officer should impound the vehicle unless there are exigent circumstances. The exception to this practice will be based on deputy discretion determined by specific circumstances related to the vehicle (i.e., elderly person, unsafe environment, inclement weather, animals, children).
8. No vehicle shall be seized and towed for insurance purposes under this policy if the vehicle is displaying a temporary license plate that has not expired as pursuant to state law.