

# Georgia Department of Public Safety Policy Manual

<b>SUBJECT</b> <b>REMOVING VEHICLES</b>	<b>POLICY NUMBER</b> <b>17.06</b>
<b>DISTRIBUTION</b> <b>ALL EMPLOYEES</b>	<b>REVISED DATE</b> <b>4/9/2019</b>
	<b>POLICY REVIEWED</b> <b>4/9/2019</b>

## 17.06.1 Purpose

To establish procedures to be followed in removing abandoned and unattended vehicles from the roadway.

## 17.06.2 Policy

In order to safeguard property and provide for the safety of the public, it shall be the policy of the Georgia Department of Public Safety to remove abandoned and unattended vehicles from the roadways of this state, when the owner cannot or will not provide for such removal.

## 17.06.3 Definitions

- A. Abandoned Vehicles - any motor vehicle or trailer which has been left unattended on a public street, road, highway, or other public property for a period of at least five days and when it reasonably appears to a law enforcement officer that the individual who left the vehicle unattended does not intend to return and remove such vehicle, (40-11-3(a)).
- B. Unattended Vehicle - any motor vehicle or trailer which has been left unattended on a:
  - 1. Public street, road, highway, or other public property, and poses a threat to public health or safety. An officer shall be authorized to immediately remove said vehicle to a garage or other place of safekeeping.
  - 2. Public street, road, highway, or any other public property for a period of at least 24 hours and when it reasonably appears to a law enforcement officer that the individual who left such motor vehicle unattended does not intend to return and remove it.
  - 3. Controlled access highway that is part of a National System of Interstate and Defense highways for a period of more than eight hours.

## 17.06.4 Procedures

- A. In instances where vehicles are unattended in the roadway, the member shall immediately attempt to contact the driver/owner and/or have the vehicle removed.

## B. Accidents

1. Vehicles in accidents that are left unattended shall be towed from the scene as provided for in Wrecker Qualifications/Rotation Lists Policy #7.05.
2. Vehicles involved in a crash may be evidence and if so the proper chain of custody and security shall be maintained.
  - a. In some situations, fenced lots may not provide sufficient security for such vehicles. In these cases, the investigating member shall arrange for the vehicle to be secured inside a locked building until it can be properly examined.
  - b. All examinations of vehicles shall be completed as quickly as possible to allow the return of the vehicle to its owner. If the vehicle cannot be returned, the owner shall be so notified as soon as possible.

## C. Arrests

1. Vehicles impounded due to an arrest/incident may be evidence and if so the proper chain of custody and security shall be maintained.
  - a. In some situations, fenced lots may not provide sufficient security for such vehicles. In these cases, the investigating member shall arrange for the vehicle to be secured inside a locked building until it can be properly examined.
  - b. All examinations of vehicles shall be completed as quickly as possible to allow the return of the vehicle to its owner. If the vehicle cannot be returned, the owner shall be so notified as soon as possible.
2. Vehicles cannot be held solely to establish the identity of an unknown driver/occupants or to require the proof of insurance.

## D. Removing Vehicles For Searches

1. When a vehicle is legally removed from the roadway to conduct a search at an alternate location, visual contact shall be maintained with the vehicle at all times while it is being transported. Normally, the investigating member should maintain such visual contact.
2. If necessary to allow for disposition of arrested persons, the investigating member may arrange with another law enforcement officer(s) to provide the visual surveillance of the vehicle while it is being transported.

## E. Emergency Lane

1. Vehicles parked in emergency lanes, as an obvious result of an emergency, shall be protected as much as possible. Members should attempt to locate the drivers of disabled vehicles and offer assistance.
2. Persons using emergency lanes to sleep, hunt, fish, hike, etc., shall be asked to move. Subsequent violations by the same person should be dealt with by enforcement measures.

## F. Procedure for Department Dispatchers

1. Upon notification of the impounding of an unattended vehicle, the dispatcher shall assign a case number and enter the vehicle as a recovered/abandoned vehicle with GCIC.
2. When leased or rented equipment, such as a trailer, truck, etc., is towed and stored, the dispatcher shall attempt to notify the owner (company). The following radio officers report entries shall be made:
  - a. Name of the person notified;
  - b. Description of the stored equipment;
  - c. Reason towed, and
  - d. Location of the stored equipment.

#### G. Removing Vehicles

1. The member shall request a check of the GCIC/NCIC files to determine to whom the vehicle is registered and if it has been reported stolen.
2. Wrecker Qualifications/Rotation Lists Policy #7.05 shall apply in determining which wrecker service will tow the vehicle.
3. Under no circumstances will a member of this Department use such vehicles for their personal use.
4. Inventories shall be conducted under the following circumstances:
  - a. Whenever a member arrests the driver/owner of a vehicle and the arrest involuntarily separates the driver/owner from their vehicle, unless the vehicle is released to the control of a custodian designated by the driver/owner at the time of the arrest.
  - b. Whenever a member removes an abandoned, stolen or unattended vehicle from the roadway.
5. The inventory will be conducted for the sole purpose of safeguarding personal property or public safety.
6. If the registration information is available by computer, the name and address of the last legal owner and all security holders or lien holder's information will be recorded on the Inventory form (DPS 811). If this information is not available by computer it shall be so noted on the DPS 811.
7. All items of value will be listed on the "Vehicle Inventory & Damage" and "Officer Remarks" sections of the Vehicle Tow Receipt in the DPS Records Management System. If keys to locked containers in the vehicle are to be transferred to a third party, any locked containers will be opened and inventoried. This includes the trunk and glove compartment.
8. Dissemination of Copies of Vehicle Inventory.
  - a. One copy shall be properly filed in the Post/Unit.

- b. One copy will be given to the owner/driver of the vehicle.
  - c. One copy will be given to the wrecker driver.
9. Any peace officer or the law enforcement agency which causes a motor vehicle to be removed to a garage or other place of safety or which is notified of the removal of a motor vehicle from private property shall within three business days from the time of removal or notice and if the owner is unknown, attempt to determine vehicle ownership through official inquiries to the Department of Motor Vehicle Safety vehicle registration and vehicle title files. These inquiries shall be made from authorized criminal justice information system network terminals, (O.C.G.A. §40-11-3, d1).
10. If the name and address of the last known registered owner of the motor vehicle is obtained from the Georgia Crime Information Center, the peace officer who causes the motor vehicle to be removed shall, within three calendar days, make available to the person removing such motor vehicle, the name and address of the last known registered owner of such motor vehicle, the owner of the motor vehicle as recorded on the title of such vehicle, and all security interest holders or lien holders. If such information is not available, the peace officer shall, within three calendar days, notify the person removing or storing such vehicle of such fact, (O.C.G.A. §40-11-3, d2).