

**CITY OF OCONOMOWOC POLICE DEPARTMENT
POLICIES & PROCEDURES**

DATE: May 14, 2020

HISTORY: February 17, 2003
September 30, 1997

SUBJECT: Impounding Vehicles

POLICY NUMBER: 96-005

I. PURPOSE

The establishment of guidelines for officers of this department to properly process vehicles to be impounded.

II. POLICY

Officers are routinely faced with the question of whether to impound or tow motor vehicles for purposes of safekeeping property, securing evidence, protecting the public, or securing property under asset forfeiture statutes, among other reasons. This policy provides guidelines that officers should use to decide issues related to the propriety of and procedures for impounding motor vehicles.

III. DEFINITION

- A. *Motor Vehicle*: any vehicle operating or that could be operated on public streets or highways to include automobiles, trucks, trailers, recreational vehicles, mobile homes, motor homes and any other type of vehicle, whether self-propelled or towed. This policy does not apply to vehicles of any type immobilized in one location for use as a temporary or permanent residence or storage facility, or which are otherwise classified by the law as residence or buildings.
- B. *Impoundment*: for purposes of this policy, the seizing and temporary custody of a motor vehicle for a legitimate police purpose, such as for evidentiary purposes.
- C. *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 police agency or authorization of the police for its release.

IV. WHEN A VEHICLE IS SUBJECT TO IMPOUNDMENT

- A. The vehicle pursuant to city ord. 9.13(2) has been deemed abandoned.
- B. The vehicle is being held for evidentiary purposes.
- C. The vehicle is being held for an investigation.
- D. The vehicle, pursuant to Wisconsin State Statute, is in need of impoundment.

V. IMPOUNDMENT PROCEDURES

- A. When impounding a vehicle, officers will follow the following procedure.
 - 1. The vehicle's contents will be inventoried according to department procedures cited in the motor vehicle inventories policy.
 - 2. The officer will complete a property report for the vehicle.

3. An impound sticker will be placed on the left side of the windshield of the vehicle.
 4. The vehicle will be towed to the department impound lot. This is found at the Public Works Building. The officer will follow the tow truck and vehicle to this location.
 5. Officers will decide if the vehicle needs to be secured inside the garage or can be left outside. This will be determined by:
 - a. Type of vehicle
 - b. Seriousness of offense
 - c. Protection of evidence
 - d. Need for chain of custody to be established
 - e. The vehicle's condition, where it can be properly secured to protect the vehicle and its contents
 - f. Condition of the vehicle when taken into custody
- B.** When impoundments are ordered, the operator and any passengers should not be stranded. When necessary, officers shall ensure that they provide the operator and any passengers of the vehicle transportation to a safe location.
- C.** Vehicle operators may be permitted to remove unsecured valuables, (with proof of ownership), of a non-evidentiary nature from the vehicle prior to its removal for impoundment. The nature of these valuables shall be noted on the property report.
- D.** Impounded vehicles shall be released to owners with proof of ownership and personal identification, and following proof of payment of any impoundment, storage or related fees.

VI. Tow Bill

- A.** Instruct tow operators to bill the City of Oconomowoc. Officers will attach the keys to the tow bill.
- B.** The owner/operator, if known, will be provided with a copy of the tow bill record.
 1. This copy will act as the owner/operator's receipt for the vehicle and its contents.

VII. Impounded as Evidence, Forfeiture or Ongoing Criminal Investigation

- A.** Officers will notify a supervisor if additional processing needs to be done.
- B.** Upon any type of seizure, or impoundment of any vehicle, officers will notify their shift supervisor.
- C.** Any time officers release such vehicles, they will notify the shift supervisor.

VIII. Vehicle Seized as Evidence (for this Department)

- A.** Within five (5) working days, the officer will contact the District Attorney's Office to determine if the vehicle can be released.
- B.** A supplemental report will be done regarding the information from the District Attorney's Office as it relates to the release or continued seizure of the vehicle.
- C.** If authorized to be released, the officer will notify the owner in person or by mail. A copy of the letter will be placed in the case file.

IX. Vehicle Involved in an Ongoing Investigation

- A. The investigation concerning the vehicle will be completed as soon as possible.
- B. Upon completion, the investigating officer/detective will contact the District Attorney's Office for authorization of release for the vehicle.
- C. Once a release order is obtained, the investigating officer/detective will notify the owner of the release either in person or by mail. A copy of the letter will be placed in the case file.
- D. A supplemental report to this investigation will be done upon completion of the investigation.

X. Vehicle Seized as a Possible Asset Forfeiture

- A. *IMPORTANT:* these types of seizures have strict time constraints and require immediate attention.
- B. The officer's report must show that we are holding the vehicle as a possible asset forfeiture.
- C. The officer will notify the Captain of the possible asset forfeiture. The Captain will notify the department's property officer for forfeitures.
- D. It will be the responsibility of the Captain from time of notification to investigate the possible forfeiture.

XI. EXCEPTIONS TO THIS POLICY MAY BE AUTHORIZED ONLY BY THE CHIEF OF POLICE

This policy is effective immediately
and will supersede any directives or understandings in conflict