



# ***WEBER COUNTY SHERIFF'S OFFICE***

## **POLICY AND PROCEDURES**

### **IMPOUNDED VEHICLES**

EFFECTIVE DATE: 12/19/03  
 AMENDS/SUPERCEDES:  
 STANDARD NUMBER: 61.4.3

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 APPROVED: \_\_\_\_\_

Sheriff Signature

#### **45.41.1 Purpose**

To establish guidelines and procedures so that vehicles may be impounded and stored and the contents, including containers and other property, of those vehicles inventoried and secured.

#### **45.41.2 Rationale**

Whether the vehicle is impounded for safe keeping or as a result of an arrest and impounded to the state, it is important to secure the vehicle and inventory its condition and contents. Such inventories and vehicle storage protects the property of the vehicle owner/operator, protects the sheriff's office against liability for the vehicle and contents and protects possible evidence needed to prosecute violators.

#### **45.41.3 Policy**

A. Vehicles may be impounded and inventoried under any of the following circumstances:

1. When the driver of a vehicle is arrested and taken into custody and the vehicle is on public property or private property other than the driver's. If the driver is not the registered owner AND the vehicle is NOT needed for evidentiary or other purposes, an attempt should be made, if practical and appropriate to the circumstances, to locate the owner following procedures outlined in section 45.43.1D of this policy.
2. When the vehicle has been abandoned as defined in UCA 41-6a-1408.
3. When the vehicle is being operated with improper and/or revoked registration. UCA 41-6a-1406 (state taxable).

4. When any motor number, manufacturer's number or identification mark on any vehicle has been defaced, altered, or obliterated. UCA 41-6a-1408 (state taxable).
5. When a vehicle has registration which has been expired for more than three (3) months. UCA 41-6a-1406 (state taxable).
6. When a vehicle is being driven on the streets and highways when a registration certificate or plate is not visible and one cannot be produced immediately by the driver. UCA 41-1a-404 (state taxable).
7. When the deputy has reasonable grounds to believe that the vehicle is subject to forfeiture under UCA 58-37-13 or any other applicable codes allowing impoundment and forfeiture. (state taxable)
8. When the deputy has reasonable ground to believe that the removal is necessary in the interest of public safety such as in the case of flood, fire, storm, snow, or other emergencies or for the safety of the vehicle and its contents.
9. When the vehicle is being operated with equipment in such an unsafe condition as to endanger any person(s). UCA 41-6a-1601.
10. When the vehicle is required for evidentiary purposes and the deputy believes that the seizure would be proper under prevailing law.
11. When the driver has been arrested for violation of DUI or corresponding Weber County Code, the deputy shall impound the vehicle except as follows:
  - a. The deputy may release the vehicle to a registered owner other than the driver, and that registered owner requests that it be moved from the scene; and
  - b. The owner presents to the deputy a valid driver's license and sufficient identification to prove ownership of the vehicle or motorboat; and
  - c. The owner or another driver identified by the owner complies with all restrictions on the license.
  - d. The owner or other identified driver, in the judgment of the deputy, would not be in violation of UCA 41-6a-502 or

Weber County Traffic Code if permitted to operate the vehicle.

- e. The vehicle is legally parked or operable.
- 12. When the driver is physically or legally incapable of operating a vehicle and reasonable but unsuccessful efforts cannot locate a competent driver and the deputy believes that the vehicle should not be left in the location unattended.
- 13. When any law not listed in this policy authorizes impoundment of the vehicle.
- 14. In appropriate cases where a vehicle may be impounded but is not impounded and the vehicle is left parked on the street or public lot at the specific request of the owner, the deputy will require the owner to sign a ***waiver of liability agreement***, releasing the Office from responsibility for the vehicle.
- B. All impounds shall be documented on the office impound form. Any other forms required by law or office policies or procedures shall be filled out and submitted as well. Impounds shall be accomplished by wrecker companies which shall be rotated and assigned in accordance with departmental directives.
- C. Narcotic Seizures - In the case of vehicles stopped and the owner/driver/occupants are suspected of drug trafficking, the Weber-Morgan Narcotic Strike Force shall be notified, and the Strike Force Agent/Supervisor will make any determination concerning the vehicle or item/s in the vehicle to be seized or held for evidence.
  - 1. Possession of small amounts of illegal narcotics that can be reasonably determined to be for personal use will not normally constitute evidence of “drug trafficking”.
  - 2. Deputies must use discretion appropriate to the situation to determine if sufficient amounts of illegal narcotics are present and/or are packaged in a manner and in such quantities to constitute a reasonable belief that the person is involved in drug trafficking.
  - 3. In all such cases the shift supervisor must be notified. In the event Strike Force representatives are not available at the time of the incident the shift supervisor may make such determinations as are necessary.

D. Guidelines - The following are guidelines for deputies who may be making the initial contact:

1. The deputy must have a lawful reason for the initial stop: traffic violation, DUI, etc. The reason for the stop must be articulated in the first report.
2. After the initial stop, the deputy must have a lawful reason for the impound of the vehicle. In some cases the reason may only be incident to arrest. When this is the case, the inventory of the vehicle may change the reason for the impound if contraband is found.
3. The deputy must follow office procedures in the handling and booking of evidence. Chapter 55 and 56.

E. State tax vehicles:

1. Vehicles may be impounded for state tax for any reason authorized by this policy and applicable statutes.
2. When a state tax impound is done, the appropriate state tax form(s) shall be filled out and distributed as well as the department inventory form. A reason for the state tax shall be stated on the form. All other state tax and department guidelines shall be followed as well.
3. The owner of the vehicle shall be responsible for all costs incurred under this section.

F. Hold for evidence

1. When a vehicle is impounded as evidence, the appropriate line on the office vehicle inventory form shall be marked "Hold for Evidence." A brief description of the reason for the hold shall be stated on the form as well. Thereafter, a "hold for evidence" vehicle may be released only by the primary case manager. When a hold is released by the case manager, the case manager shall notify the owner of the release. This notice will be deemed made when such notice is mailed to the owner at his/her last known address.
2. The Office shall pay impound and storage fees for vehicles seized under this section until the case manager releases the vehicle and gives notice to the owner. However, if the vehicle is subsequently forfeited as a result of the case for which it was impounded, the Office may make a claim for reimbursement of the cost of the

impound and storage.

G. Hold for owner:

1. When a vehicle is impounded as a "hold for owner/safe keep," the appropriate box shall be marked on the office vehicle inventory form. The reason for the impound shall be noted on the department form as well.
2. The Office Seized/Towed Vehicle Record report form should also be marked as "County Safe Keep", with the reason for the impound noted, unless the impound is a State Tax Impound.
3. The owner of the vehicle is responsible for all attendant costs under this section.

H. Owner Notification in Non-State tax impound

1. The deputy impounding a vehicle as a "hold for owner" (i.e., abandoned, parking violations, snow removal, accident, traffic hazard, or any other non-state tax impound) should make a bonafide effort to locate the registered owner using the criteria specified in Section 45.42.8.
2. The towing company that tows the vehicle in a non-state tax impound, AND if a State Tax report (State Form TC-540) is NOT completed by a deputy or person requesting the tow, is responsible to send a certified letter to the last known address of the registered owner of the vehicle, vessel or outboard motor, obtained from the Motor Vehicle Division; or if the tow company has actual knowledge of the owner's current address, to the current address notifying him of the pertinent circumstances of the impound. Such notification is required to be made within two business days of the performance of the tow service. (Refer to UCA 72-9-603)
3. The owner of the vehicle is responsible for all costs under this section.

**45.41.4 Procedure**

A. The following procedures apply to abandoned vehicles on the public roadways in Weber County:

1. The deputy will first attempt to ascertain if the vehicle is stolen by obtaining a clearance on the license plate and VIN.
2. The deputy will attempt to obtain information on the registered

owner by running the plate and VIN for registration information. The deputy should compare the vehicle description with the information furnished from both registration checks.

3. The deputy should mark the vehicle tire and note the time and date.
4. The deputy should then make a bonafide effort to locate the owner by:
  - a. Attempting to make contact with the residences or businesses in the immediate area.
  - b. Requesting communications to contact the registered owner through information obtained from the registration checks.
  - c. Attempt contact with the registered owner at his/her residence or place of business at the time of occurrence, when practical.
5. If the deputy locates the registered owner during these attempts, and the vehicle is parked in violation of City or County ordinance, the deputy should advise the owner that he/she has twenty-four (24) hours to move the vehicle.
6. The deputy should check to see if the vehicle is still at the report location not less than twenty-four (24) hours after the vehicle was marked.
  - a. The complaint may be disposed of if the vehicle is moved before the twenty-four (24) hour time period.
  - b. If the vehicle has not been moved, he/she should proceed with the abandoned vehicle process.
7. The investigating deputy will request a wrecker from the rotational list to be sent to the location to tow the vehicle for impounding. In addition, the deputy shall:
  - a. Issue the vehicle a parking ticket for violating appropriate sections of the traffic code or state statutes.
  - b. Prepare a "Vehicle Impound/Recovery Report" which shall include an inventory of personal property within the vehicle. Any other items fitting established departmental criteria shall

be booked into the property room for safe keeping. Also, see chapter 1.

8. If the vehicle is in violation of any of the state tax regulations, it shall be "state tax impounded," utilizing the appropriate procedures, as outlined in this chapter.

B. The following procedures apply to abandoned vehicles on private property:

1. If the vehicle has been left on private property with prior consent of the owner/person in possession, the deputy will:
  - a. Advise the owner/person in possession of the property that the matter is civil in nature and he/she may mail notice to remove the vehicle via certified mail to the last known address of the owner of the vehicle, or post a written notice on the vehicle.
  - b. Advise the owner/person in possession of the property that at any time, or, if no response is received they should consult their legal advisor/attorney regarding moving the vehicle at their own expense.
2. If the vehicle was left abandoned on private property without permission, the owner or lessee, or person in possession of the property, may have the vehicle towed and impounded by a towing carrier licensed by the public utilities commission, at any time and at their own expense. The deputy should still check the vehicle to determine whether it is stolen or may have been used in the commission of a crime.
3. All reports generated as a result of an abandoned vehicle on private property will be submitted to the shift supervisor for approval and forwarded to the records section for processing.
4. After the vehicle has been abandoned for seven (7) days or more, the property owner/responsible person may call the Weber County Sheriff's Office and have the deputy cause its removal. The deputy will follow all guidelines and procedures outlined in this chapter. The deputy will have the property owner/responsible person sign the "Abandoned Vehicle on Private Property" waiver.

C. Inventory procedures:

1. All impounded vehicles shall be examined and an inventory made of their contents. The purpose of the examination and inventory is to

safeguard property against damage or loss, to protect the office and its deputies against false claims of damage and/or loss, and to detect dangerous conditions or instrumentalities within or related to the vehicle.

2. The examination and inventory shall be documented on the department inventory form and on any other forms required by law. Notation shall be made on the form(s) of any pre-existing damage to the vehicle. The contents of the vehicle shall be itemized as required by the appropriate form(s) and notation shall be made of any pre-existing damage to any of the contents. Any items which are not affixed or not commonly affixed to the vehicle, e.g., cb radios, equalizers, etc., shall be noted on the form(s).
3. An inventory shall be made of the entire vehicle, including the passenger compartment, the trunk, the hood space, and any other spaces within or without the vehicle. The inventory shall include any containers in the vehicle, whether or not the container is closed, locked or sealed. When a container is locked or sealed and must be opened, the deputy shall make reasonable efforts to open the container without damaging it.
4. If an owner, occupant or responsible party is present at the time of the impound, the deputy should inquire as to the presence of any valuables in the vehicle. Valuables which the party has indicated are in the vehicle shall be noted on the inventory form. In addition, valuables which are claimed to be in the vehicle but are not locked by the deputy, shall be noted on the form with indication that they were not found. Unless requested by the individual present and that individual can prove ownership of the valuables, these items shall be booked into evidence, following proper procedures. Items booked shall be noted on the impound form. The individual shall then be instructed as to the means by which these items can be recovered. If any item is evidence of criminal wrongdoing, it shall not be returned until after release by the applicable prosecutor.

#### D. Notification/Records

1. Deputy's will make a reasonable effort to notify the owner(s) of the impounded vehicle. This effort will be documented in the first report, including person notified if contact was made.
2. The records section will send the owner of any vehicle impounded a notice of impound as part of the report review process. Documentation of this notice will be attached to the first report.

3. Notification of all state tax impounds will be the responsibility of the state.
4. The deputy will notify communications of the reason for impound: accident, state tax, hold for owner, etc. The dispatcher will indicate that fact on the wrecker log, which includes: all vehicle information, case number, reason for impound, deputy's name or ID number, date, time, and location. The wrecker log will indicate which rotation wrecker was used. The deputy will also indicate in the appropriate locations of the report form(s) the same information.