



VIA TRANSIT POLICE DEPARTMENT Standard Operating Procedures



Section 602 – Impounding Vehicles

Office with Primary Responsibility:	COP	Effective Date: Prior Revision Date:	March 7, 2018 New
Office(s) with Secondary Responsibilities:		Number of Pages:	4
Forms Referenced in Procedure:		Related Procedures:	ALL

.01 INTRODUCTION

This procedure establishes guidelines for the impoundment of motor vehicles.

.02 CLASSIFICATION OF IMPOUNDED VEHICLES

- A. Impounded for evidence;
- B. Impounded as prisoner's personal property;
- C. Impounded for traffic violations;
- D. Impounded as an abandoned vehicle;
- E. Impounded as a recovered stolen vehicle

.04 STORAGE FACILITIES

Bexar Towing Storage Facility – Located at 11926 Rail Drive. This facility receives all vehicles impounded by the VIA Transit Police Department.

.05 EXCLUSIVE AUTHORITY TO TOW VEHICLES

- A. Officers have authority to impound any vehicle whose driver was arrested by VIA Transit Police, any vehicle abandoned or illegally parked on VIA property, or any vehicle that constitutes a traffic hazard.
- B. Officers have the authority to impound the vehicle of any person driving without state mandated minimum auto liability insurance coverage. This policy allows officers the option of impounding the vehicle if a motorist, insured or not, cannot produce the required insurance documentation before being towed.
 - 1. Officers will first check for Evidence of Financial Responsibility on the vehicle, if the driver is unable to provide such proof, the officer will accept Proof of Financial Responsibility on the driver.
 - 2. Failure to provide Evidence of Financial Responsibility provides the officer authority to impound the vehicle. (TTC 601.051 – 601.124)

.06 OFFICERS' RESPONSIBILITIES

- A. Officers submit a written report, showing justification for impoundment, when impounding any vehicle.
- B. Officers impounding vehicles are responsible for signing the Towing Service Record (TSR).
- C. Officers impounding vehicles are responsible for the vehicle and its contents until the vehicle is released to the towing company. Officers will:
 - 1. Sign the Towing Service Record (TSR), confirming any listed damage on the vehicle;
 - 2. Stand by at the scene until the vehicle is removed;



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3. Impound any property, including keys, left in the vehicle, unless the tow is for failure to provide Evidence of Financial Responsibility as required pursuant to TTC 601.051. After the inventory, the driver/occupants should be encouraged to remove all personal property from the vehicle before it is towed.
- D. Officers inform prisoners that their vehicle is impounded at the Bexar Towing Storage Facility. If a prisoner is released in lieu of booking into a detention facility, the officer will transport the driver to the Bexar Towing Storage Facility to retrieve his vehicle.
- E. Officers inform the vehicle owners/drivers their vehicles are impounded at the Bexar Towing Storage Facility for failure to provide Evidence of Financial Responsibility pursuant to TTC 601.051.

.07 IMPOUNDED AS EVIDENCE

- A. When an officer has probable cause to believe a vehicle has been used in the commission of a crime, excluding minor traffic offenses, the vehicle is impounded as evidence.
 1. Under exigent circumstances a search warrant may not be necessary for impoundment of the vehicle.
 2. If the vehicle is on private property, the officer attempts to obtain permission from the owner of the property to remove the vehicle. If permission is received, the officer notes the circumstances in their report and impounds the vehicle.
 3. If exigent circumstances do not exist or if the owner does not consent to a search, the VIA Transit Police Investigator is notified and guides the officer prior to impounding the vehicle.
- B. When a vehicle is impounded as evidence, the officer will:
 1. Note on the Bexar Towing impound sheet that the vehicle is impounded as evidence;
 2. Notify the VIA Transit Police Investigator of the impoundment;
 3. Route a copy of their report to the VIA Transit Police Investigator.

.08 IMPOUNDED AS PRISONER'S PERSONAL PROPERTY

- A. When a person in control of a vehicle is arrested, the officer impounds the vehicle, unless:
 1. The registered owner is present and requests to drive or legally park the vehicle; or
 2. The driver is the registered owner and elects to:
 - a. Leave the vehicle legally parked; or
 - b. Release the vehicle to a licensed passenger or person at the scene. Note the circumstances of the release in the officer's report.
- B. When an intoxicated person in control of a vehicle is arrested, the vehicle is impounded, unless the officer elects to release the vehicle to the registered owner or a member of the registered owner's immediate family. The disposition of the vehicle is noted in the officer's report.
- C. When a juvenile in control of a vehicle is arrested, the officer impounds the vehicle, unless the registered owner is present and requests to drive or legally park the vehicle. The disposition of the vehicle is noted in the officer's report.



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.09 IMPOUNDED FOR TRAFFIC VIOLATIONS

- A. Officers ticket and/or impound vehicles for any of the following traffic violations:
 - 1. VIA Property Parking Restrictions:
 - a. Vehicles in violation of VIA Parking restrictions are relocated to another available spot within VIA Property. The disposition of the vehicle is noted in the officer's report.
 - b. Vehicles abandoned on VIA Property are impounded. The disposition of the vehicle is noted in the officer's report.
 - 2. Traffic Hazards;
 - 3. Uninsured Driver;
 - a. Driver/occupants have the option of:
 - (1) Arranging for transportation of their choice. The officer should encourage and assist in making all reasonable attempts to arrange for this private transportation as the primary means of transport. Private transportation must be accomplished within the 30 minute wait-time allowed before towing;
 - (2) If transportation is not accomplished within the thirty (30) minute wait time allowed before towing the officer shall transport the individual as outlined below:
 - (3) Being taken to the nearest police substation or residence, whichever is closer;
 - (a) Requesting the officer drop them off at another location, if closer than substation or residence;
 - (4) Waiving Transportation - Released at the scene if safe to do so.
 - (5) Officers shall document every incident where the driver/occupants refuse transportation by the officer using an Incident report.
 - b. Officers transporting any individuals, male or female, will request a time check and give their vehicle odometer reading to the dispatcher upon leaving the scene and upon arrival at their destination.
 - c. The contents of the vehicle being towed must be inventoried and documented in the officer's Report.
- B. If the owner of a vehicle being towed arrives at the location to claim the vehicle and the Contract Wrecker operator has attached ALL the equipment required to tow the vehicle, the vehicle is not released to owner. The Wrecker driver makes the determination as to whether to release the vehicle to the owner in the field or at the Storage Facility.
- C. When stopping persons with no proof of auto liability insurance, officers shall attempt to verify insurance coverage.
- D. If coverage cannot be verified the officer should consider the circumstances surrounding the situation before deciding if the vehicle should be towed, such as:
 - 1. Physical condition of driver, (elderly, sick, etc.);
 - 2. Weather conditions;
 - 3. Call load;



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4. If the driver is from out of state;
5. If there are small children in the car and/or the number of children;
6. If the driver or other occupants are disabled;
7. If there are animals in car;
8. The nature and quantity of contents in the vehicle (potential financial loss, perishable items, etc.);
9. Exigent circumstances;
10. Time of day; and
11. Location (desolate areas, open fields, safety issues, etc.)

.10 IMPOUNDED AS A RECOVERED STOLEN VEHICLE

- A. The term "stolen vehicle" in this procedure refers to either a vehicle officially reported stolen to a police agency or a vehicle not yet reported stolen but whose owner or representative verbally acknowledges the vehicle is stolen.
- B. Recovered stolen vehicles used in conjunction with any serious offense are impounded. The vehicle is released only by the authority of the VIA Transit Police Investigator or the entering police agency.

.11 INVENTORY AND DISPOSITION OF PROPERTY FROM IMPOUNDED VEHICLES

- A. Officers inventory all impounded vehicles for any items of personal property. An inventory is a process for locating personal property so it can be protected while in the custody of the VIA Transit Police Department.
- B. An inventory is limited to places where a person ordinarily would store or leave items of personal property, such as:
 1. Passenger compartment;
 2. Trunk, if key is available; and
 3. Any open container.
- C. All personal property found during an inventory of a vehicle is listed in the details of a written report. The personal property is listed according to the location where it was found (i.e., under front seat, passenger compartment, trunk, etc.). All personal property in the vehicle is signed over to the wrecker company and is the responsibility of the wrecker company.