



Peoria Police Department Policy and Procedure Manual	
Policy 6.05	Vehicle Impoundment for ARS § 28-3511 and Abandoned Vehicles



I. POLICY

It is the Policy of the Peoria Police Department to impound vehicles which are found to be abandoned as well as in accordance with Arizona Revised Statutes (ARS) § 28-3511 for thirty days when officers encounter a driver in violation of this statute.

II. PROCEDURE

- A. Officers shall cause the removal and impoundment of a vehicle if the officer determines that a person is driving the vehicle while **ANY** of the following apply:
1. The person's driving privilege is revoked for any reason (AZ or other jurisdiction), **OR**
 2. The person's driving privilege is suspended because of a driving under the influence conviction, **OR**
 3. The person's driving privilege is suspended pursuant to the Arizona Motor Vehicle Department's (MVD) action based on a previous conviction for a violation of ARS § 28-3473, driving while suspended, revoked, canceled, or refused, **OR**
 4. The person's driving privilege is suspended pursuant to ARS § 28-3306, subsection A, paragraph 3 (excessive points), **OR**
 5. According to MVD records, the person has not ever been issued a driver license or permit and the person does not produce evidence of a driver license issued by another jurisdiction, **OR**
 6. The person is involved in a collision resulting in either property damage or injury to or death of another person **AND** their driving privilege is canceled, suspended or revoked, or according to MVD records the person has not ever been issued a driver license or permit and the person does not produce evidence of a driver license issued by another jurisdiction, **AND** they are not in compliance with the financial responsibility requirements of Chapter 9, Article 4 of ARS Title 28. **OR**
 7. When an officer has **probable cause** to arrest the driver of the vehicle for a violation of ARS § 4-244.33 (for a person under 21 years of age to drive or be in actual physical control of a vehicle while there is any spirituous liquor in their body); or a violation of ARS § 28-1382 (Extreme Driving Under the Influence (DUI)); or a violation of ARS § 28-1383 (Aggravated DUI).
 - a. Officers **will not** cause the removal and impoundment of a vehicle under these conditions if **either** of the following apply:
 - (1) **All of the following apply:**
 - (a) The officer determines the vehicle is currently registered and the driver of the vehicle is in compliance with the financial responsibility requirements of Chapter 9, Article 4 of ARS Title 28.
 - (b) The spouse of the driver is with the driver at the time of the arrest.
 - (c) The officer has reasonable grounds to believe the spouse of the driver:
 - [1] Has a valid driver license.
 - [2] Is not impaired by alcohol, drugs, or any other chemical substance.

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[3] Does not have any spirituous liquor in the spouse's body if the spouse is less than twenty-one years of age.

(d) The spouse notifies the officer that the spouse will drive the vehicle from the place of arrest to the driver's home or other place of safety. **OR**

(2) The vehicle is owned by the driver's parent or guardian and the officer has **probable cause** to arrest the driver of the vehicle for a violation of ARS § 4-244.33 (for a person under 21 years of age to drive or be in actual physical control of a vehicle while there is any spirituous liquor in their body); but not for a violation of ARS § 28-1382 (Extreme DUI); or a violation of ARS § 28-1383 (Aggravated DUI).

B. Impoundment Procedures

1. When an officer impounds a vehicle, the officer shall complete the Vehicle Impound Report indicating the reason for impoundment in the narrative portion at the bottom of the form.
2. The officer will check the "Yes" or "No" boxes pertaining to mailing copies of the Vehicle Impound Report to owners and lien holders.
3. The officer will have the violator sign the form and serve them with the pink copy, as well as provide them with the tri-fold informational brochure on impounded vehicles. If the violator refuses to sign the form, officers will write "Refused/Served" in the signature block. This section will include the following information:
 - a. A statement indicating that the vehicle was impounded for ARS § 28-3511.
 - b. The name, address, and telephone number of the Peoria Police Department indicating where a post storage hearing will be.
 - c. The location of the place of storage and a description of the vehicle, including, if available, the manufacturer, model, license plate number, and mileage of the vehicle.
4. The officer has discretion to cite and release the driver for driving while suspended/revoked or arrest the driver and incarcerate. Officers should consider the emotional state of the driver when they make notification of impoundment and consider officer safety prior to the vehicle inventory and towing.
 - a. If the driver is incarcerated, the officer shall complete a department incident report (IR) documenting the impoundment.
 - b. If the driver is cited in lieu of detention, the Vehicle Impound Report will serve as the IR using the narrative portion at the bottom of the sheet to document the reason for the impoundment.
 - c. The IR and/or the vehicle impound report shall be completed and signed off by a supervisor by the end of shift.
5. Officers shall attach a hard copy teletype vehicle registration and driver's license (10-27 and 10-28 from the Communications Section) to the IR.
6. Within two (2) working days, the Records Section shall send notice of storage by first class mail to each person, including the owner(s) and lien holder identified on the MVD record as having an interest in the vehicle in which the "Yes" box has been checked. A Photocopy of the Vehicle Impound Report will suffice as the notice form and shall be sent via first class mail.

C. Supervisor Responsibilities

1. Supervisors shall ensure that officers receive training on this policy and are familiar with ARS § 28-3511, § 28-3512, and § 28-3514 prior to impounding vehicles in accordance with this statute.
2. Supervisors shall review all impoundment reports to ensure vehicles were impounded legally in accordance with ARS § 28-3511.

3. The Records Section Supervisor shall ensure that notification is made to all lien holders and registered owners within two (2) working days when a vehicle is impounded in accordance with ARS § 28-3511, in all instances where the “Yes” box has been checked on the Vehicle Impound Report.

D. Operations Support Section Lieutenant or Designee Responsibilities

1. Schedule a post-storage hearing if requested by the owner, spouse of the owner, or any other person identified on the MVD record as having an interest in the vehicle.
2. Hold post-storage hearings within five (5) working days after receiving a request for a hearing. The post-storage hearings will be held in person unless the requester resides out of state or is the lien holder as identified on the MVD record as having an interest in the vehicle.
3. Determine if the impoundment was valid or if the vehicle should be released before the end of the thirty (30) day impoundment period in accordance ARS § 28-3512. Document the decision on the Post-Storage Hearing Worksheet.
4. If the hearing officer determines that the vehicle was impounded lawfully, and all statutory requirements have been fulfilled to return the vehicle to the owner, the vehicle owner shall pay the \$150 administrative fee to the cashier at City Hall who will provide the owner with a receipt. Payment will only be accepted in the form of cash, money order, cashier’s check or credit card.
5. If the hearing officer determines that the vehicle was not impounded within the parameters of the statute, the hearing officer will waive the administrative fee and release the vehicle.
6. The hearing officer by telephone shall inform the towing company to release the vehicle if the decision is to release the vehicle to the owner or lien holder.
7. Where applicable, secure an agreement in writing with the owner or lien holder if the decision is to release the vehicle based upon ARS § 28-3512. This will be documented in the Post-Storage Hearing Worksheet, which shall remain with the original case file.

- E. At the end of the thirty day impoundment period, the responsibility for the release of the vehicle lies with the two company.

III. PROCEDURE FOR ABANDON VEHICLES

- A. Officers or Police Services Officers (PSO’s) shall cause the removal and impoundment of a vehicle if the officer or PSO determines that the vehicle found to be abandoned under ARS § 28-4834A, or a hazard to traffic:
1. Officers and/or PSO’s, while on normal patrol, shall check vehicles which appear to have been left abandoned upon a traffic way (61.4.3.a)
 - a. Officers or PSO’s will obtain a registration and wants/warrants check on the abandoned vehicle. The information provided will assist the officer or PSO in determining ownership and status of the vehicle.
 - b. If the vehicle is not a hazard, officers or PSO’s shall place an abandoned vehicle tag upon the vehicle, which will provide notice of applicable State laws governing the abandonment of vehicles. This notice shall also assist in alerting other officers that the vehicle has been checked.
 - (1) Officers or PSO’s will then draw a line (with chalk) on one of the tires of the vehicle and a corresponding line on the pavement. This will be done so the officer or PSO can testify in a court of law that the vehicle had not been moved within the 48-hour time frame.
 - (2) Officers or PSO’s shall make a reasonable attempt to contact the registered owner of the vehicle and advise them that they will have 48 hours to move the vehicle. If an address is local, officers or PSO’s shall make every attempt to go to that address and, at a minimum, leave a business card. Officers or PSO’s will also attempt to telephone the registered owner.
 - (3) Officers or PSO’s shall complete a Vehicle Impound Report, completing the following sections:

- (a) Highway/Street/Private Property
 - (b) License/Vehicle Description
 - (c) Abandon vehicle Information (First contact boxes and officer name box)
- (4) The officer or PSO shall place the pending Vehicle Impound Report in the seven day suspense under the appropriate day for 48 hour follow up.
- c. On a daily basis, the on-duty patrol sergeant shall look through that day of the week within the seven day suspense file and assign the pending Abandon vehicle Reports to the district officers and/or PSO's.
 - d. As soon as possible, the assigned officer or PSO will respond and determine if the vehicle has been moved. Abandoned vehicles that are not moved as required will be removed from the scene by a tow truck. If the owner of the vehicle can be located, they will be issued a citation. (61.4.3.b)
 - (1) The remainder of the Vehicle Impound Report will be completed concerning the removal of the vehicle which annotates the time and date that the abandoned vehicle red tag was placed on the vehicle; and the time and date of the tow. (61.4.3.c)
 - (2) The Communications Bureau will be advised to enter the vehicle as an abandoned/stored vehicle in the Arizona Criminal Justice Information System (ACJIS) computer and to note that the vehicle has been towed in the appropriate log. (61.4.3.c)
 - e. Abandoned vehicles, which create a hazard to the public's safety, shall be cause for immediate removal.
2. Private property: Officers or PSO's, while on regular patrol, will not normally tow abandoned vehicles they encounter on private property. (61.4.3.a)
- a. Officers or PSO's may, however, tow an abandoned vehicle on private property providing all of the following conditions are met: (61.4.3.b)
 - (1) The vehicle is parked in a manner that presents a danger to public safety, i.e., in a fire lane, etc.
 - (2) The investigating officer or PSO has made reasonable attempts to notify the registered owner.
 - (3) The officer or PSO notifies a supervisor.
 - b. Vehicle Impound Report will be completed concerning the removal of the vehicle. Within the narrative section, the officer or PSO must record all attempts to notify the owner, as well as, the time and date of the tow and why the vehicle was a hazard. (61.4.3.c)
 - c. The Communications Bureau will be advised to enter the vehicle as an abandoned/stored vehicle in the ACJIS computer and to note that the vehicle has been towed in the appropriate log. (61.4.3.c)

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