



DEPARTMENT OF PUBLIC SAFETY OPERATING PROCEDURES MANUAL	
CHAPTER 209	VEHICLE IMPOUND
	Effective: 8/29/2022 Commissioner Approval: 
	Authorities: AS 28.05.091 ; AS 28.11.030 ; AS 28.11.010 ; AS 28.35.070 ; AS 28.11.020 ; AS 28.11.040 ; AS 28.05.131 ; AS 28.05.121 ; AS 28.11.070 ; AS 28.11.110 ; 13 AAC 02.345 ; 13 AAC 02.340-372
	Applicability: OFFICERS
	Special Instructions: Click here to enter text.

209.100 INTRODUCTION

This chapter establishes the authority of officers for vehicle impounds, the events that prompt this action, and the processes involved in engaging in such activity.

209.300 AUTHORITY

A. Authority to impound vehicles. Officers, or officially designated Department employees, may impound vehicles that are:

1. Being driven while unsafe [Ref AS 28.05.091];
2. Without license plates or other evidence of registration [Ref 13 AAC 02.345(b)(2)];
3. Reported as stolen or taken without the owner's consent [Ref 13 AAC 02.345(b)(1)];
4. Found or presumed abandoned [Ref AS 28.11.030];
5. Falsely registered or without evidence of registration [Ref 13 AAC 02.345(b)(2)];
6. Having removed, defaced, or altered identification numbers [Ref AS 28.05.091];
7. The vehicle is a traffic hazard (13 AAC 02.345(a));
8. The vehicle is parked in violation of 13 AAC 02.340-372 [Ref 13 AAC 02.345(a)];
or
9. The vehicle is interfering with snow removal or road maintenance [Ref 13 AAC 02.340 & .345(a)].

B. When the driver of a vehicle is arrested, the vehicle must be removed. If arrested, at the discretion of the officer, the driver may have the vehicle removed in a reasonable amount of time by someone else or by a towing company. If the driver cannot or will not designate someone to take charge of the vehicle it will be impounded [Ref 13 AAC 02.345(c)].

C. If the vehicle is evidence or contains evidence of a crime it may be impounded. If there is probable cause to seize the vehicle as evidence of a crime or because it contains evidence of a crime, it may be impounded.

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209.310 GENERAL INFORMATION

- A. *When the owner of the vehicle is responsible for the towing and storage fees.*** The owner of the vehicle is responsible for the impound fee and storage fees unless the vehicle was impounded for investigation. The owner of the vehicle is also responsible for the impound fee and storage fees if the vehicle was impounded for investigation relating to the vehicle being involved in a collision with a person. [Ref AS 28.05.091, AS 28.11.010, AS 28.35.070, 13 AAC 02.345(d)]
- B. *When the Department is responsible for the towing and storage fees.*** The Department is responsible for the impound fee if the vehicle is impounded for investigation, other than investigation of a collision with a person. The Department is responsible for the storage fees of a vehicle impounded for investigation until the owner is notified that the vehicle may be released.
- C. *Only the investigating officer may release a vehicle impounded for investigation.*** Only the investigating officer or in his absence, his supervisor shall be allowed to release a vehicle that was impounded for investigation. The investigating officer shall be responsible for the release of the vehicle including notification of the owner and the towing company. (See 209.370)
- D. *Officer responsible for protection of property.*** The officer storing an impounded vehicle at a DPS facility is responsible to see that the vehicle is adequately protected from resulting damage. It is the responsibility of the officer to bring concerns about potential damage to stored vehicles to the attention of their supervisor.

209.320 ABANDONED VEHICLES

- A. *Presumption of abandonment.*** A vehicle is considered abandoned as defined under AS 28.11.020.
- B. *Removing abandoned vehicles from private property.*** Officers are not required to remove abandoned vehicles from private property, but they may make the determination to do so. If an officer elects to impound a vehicle from private property he will obtain a written statement from the complainant. That statement will include that the complainant: is the property owner or person in lawful possession or control of the property, that the vehicle has been on the property for longer than twenty-four hours, and that he wants it removed. [Ref AS 28.11.030]
- C. *Owners of abandoned vehicles to receive notice of opportunity of a hearing.*** Within 30 days of impoundment, notice of the opportunity for a hearing must be given to the owner and lien holder. [Ref AS 28.11.040]

209.330 TRAFFIC HAZARDS

- A. *Traffic hazards defined.*** A vehicle is a traffic hazard when it "is left on the roadway or under circumstances which obstruct the normal movement of traffic." [Ref 13 AAC 02.345(a)]
- B. *When traffic hazards will be removed.*** Traffic hazards will be removed as soon as practicable.

C. *Traffic hazards will be photographed and diagrammed prior to removal.* Officers shall photograph and take necessary measurements to diagram vehicles that are a traffic hazard prior to the vehicle's removal. Officers will record the measurements in their notebooks and preserve images per policy.

D. *Contact with the owner shall be attempted prior to removal.* If the owner is not present, officers shall attempt to have the vehicle's registered owner contacted to arrange for "immediate" removal of the hazard. If the owner is present, or has been contacted, and wishes to designate a towing service, the request shall be honored unless a more expedient removal is necessary. Officers shall document all attempts to contact the owner in their notebook.

E. *Vehicles interfering with road maintenance will be removed immediately.* Vehicles parked illegally and interfering with road maintenance shall be "immediately" impounded to a place of safekeeping.

F. *Removal of vehicles that are parked illegally but are not traffic hazards.* It is not the policy of the Department to impound vehicles that are simply parked illegally. If the vehicle is not a traffic hazard, abandoned, interfering with snow removal, or interfering with road maintenance, officers will contact their supervisor prior to impounding an illegally parked vehicle.

209.340 IMPOUND PROCESS

A. *All vehicles will be checked for stolen status using the VIN prior to impounding.* An officer impounding a vehicle will make a want or stolen check and a registration check using the vehicle's VIN and license plate number prior to impounding the vehicle.

B. *Dispatch shall be notified of impound.* Officers will notify the closest dispatch center that the vehicle is being impounded and provide dispatch with the vehicle's description and location.

C. *Dispatch will enter the vehicle into APSIN.* Dispatch will immediately enter the vehicle into APSIN as being impounded.

D. *Inventory of the vehicle contents.* Officers will complete a detailed inventory of the contents of a vehicle that are clearly visible prior to impounding it. Officers will not open closed, covered, or locked containers not manufactured into the vehicle (bags, backpacks, coolers, etc.) Vehicle compartments (glove box, center console, trunk etc.) will be searched unless they are locked. Officers shall document their search, to include what containers and compartments were not searched on the impound inventory form.

E. *Storage and release of personal property from vehicle.* Personal property may remain in an impounded vehicle until after investigative examinations have been completed. Sensitive items (e.g., cash, weapons, valuable jewelry, etc.) will normally be removed from the vehicle and placed in an evidence storage facility for safekeeping per Department procedures until claimed by the owner or their authorized representatives.

If the vehicle impounded is involved in a death or criminal case, the investigating officer will obtain written authorization from the DA, court, or coroner prior to authorizing the release of the vehicle or personal property.

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209.350 ADMINISTRATIVE HEARINGS

- A. Notice of administrative hearing should be provided prior to impound.** Unless action is immediately needed for "the health, safety or welfare of the public," the Department will give notice of the opportunity for an administrative hearing before proceeding with impoundment of an abandoned vehicle. [Ref AS 28.05.131]
- B. Notice of administrative hearing will be provided promptly if vehicle is impounded prior to hearing.** If impounding occurs prior to a hearing, the Department shall give prompt notice of the opportunity for a hearing to the owner and/or lien holder. The reverse side of the impound report, 12-218, details the owner's or lien holder's right to a hearing, if the impound is disputed by the owner or lien holder.
- C. Method of providing notice of administrative hearing.** The "notice of impoundment" will be given by personal delivery or registered or certified mail, return receipt requested, to the address on Department records. [Ref AS 28.05.121]
- D. When the hearing is waived.** Unless a response is received within 10 days of receipt of the notice, the hearing is waived. [Ref AS 28.05.131]
- E. Scheduling of hearings.** Commanders or designees shall schedule hearings through the Division of Motor Vehicles (DMV).
- F. Hearing Officers.** DMV supervisory employees may conduct hearings with the approval of the DMV Director, or the Director's designee.

209.360 IMPOUND REPORT FORM

- A. When a vehicle is impounded an Impound Report Form will be completed.** Officers shall complete an Impound Report Form when a vehicle is impounded. This form will be completed as outlined in the [Report Writing Manual](#) with a copy to both the Department and the person storing the vehicle.
- B. The towing service operator will sign the form as a receipt.** The officer shall complete the form, sign it, and have the towing service operator sign it in receipt of the vehicle and contents.
- C. Form will be legible.** Handwriting should be legible. Corrections or strikeouts will be initialed.
- D. Routing of the form.** The original form shall be sent to the Detachment Headquarters, a copy attached to the vehicle, a copy provided to the towing service operator, and a copy provided to the vehicle's owner or driver if they are present. If the owner or driver is not present when the vehicle is impounded that copy will be sent with the original to the Detachment Headquarters for mailing.

209.370 RELEASE PROCESS

- A. Vehicles not impounded for investigation.** If the vehicle was not impounded for investigation, the owner only needs to bring proof of ownership to the towing company, pay the impound fees and storage fees, and the vehicle will be released to them.

B. *Vehicles impounded for investigation.* If the vehicle was impounded for investigation, the vehicle will only be released after written authorization from the investigating officer or his supervisor is obtained. The owner will be required to sign the impound report form and pay all costs as outlined in section 209.310.

C. *Officers are required to notify owners when the vehicle may be released.* Investigating officers are required to notify the owner of vehicles impounded for investigation when the vehicle may be released. Investigating officers will complete a new impound report form clearly indicating that the new form is for releasing the vehicle. Investigating officers will document the efforts to contact the owner in their notebooks.

209.380 TOWING SERVICES

A. *The minimum requirements to be on the rotational list.* The following will be the minimum requirements a towing service must have to be on the Department's rotational lists:

1. A current State of Alaska Business License for operating a towing service.
2. A minimum "On hook" insurance in the amount of \$50,000.00 or more.
3. "Garage Keepers direct primary coverage" insurance based on the number of state impounded vehicles in the lot at any one time. One to fifteen vehicles would require four hundred thousand (\$400,000.00) in insurance; sixteen or more vehicles would require one million (1,000,000.00) in insurance.

B. *Background checks of the owners.* The owners and persons with a financial interest in the towing company will have their criminal histories checked. Convictions for the following shall preclude someone from being used by the Department:

1. "Honesty crimes," theft, burglary, perjury, false report, embezzlement, etc.;
2. "Obstruction of justice crimes," escape, destruction of evidence, harboring a fugitive, etc.;
3. Drug offenses.

C. *Posts may establish certain local requirements.* Posts may establish reasonable local requirements in addition to those outlined in this section for the towing services on the Department's rotational lists. Examples of some requirements would be: fencing of the impound yard, the towing service's vehicle identification requirements (permanent vs. non-permanent), whether or not multiple business licenses allow a towing service multiple slots on the rotational list, whether the towing company must file a fee schedule with the Post, etc.

D. *Utilization of all services.* Except where the Department has entered into a contract for towing and impound services, the Department shall fairly and equitably utilize all towing services available that meet the requirements of State Statutes and Regulations, and this policy. If the Department must select a service, a rotational call list maintained by the Department will be used. No officer shall recommend a particular towing service.

E. *Disposing of abandoned vehicles.* The sale of abandoned vehicles that are not claimed from the towing service is outlined in AS 28.11.070.

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F. *Funds from the sale of abandoned vehicles.* After deducting impound, advertising, and selling costs, the towing service shall remit the net proceeds of sale to the Department to be placed in the Abandoned Motor Vehicle Fund or disbursed to the owner/lien holder. [Ref AS 28.11.110]

G. *Removal from rotational list.* Towing service providers may be removed from the rotational list if just cause is shown for removal. Just cause can be violation of any of the requirements for inclusion in the rotational list (See 209.380 A) and/or any activities that would be considered hazardous, criminal, or inconsistent with normal business practices.