



# Lexington Police Department

Lexington, Kentucky

## GENERAL ORDER

BY THE AUTHORITY OF THE CHIEF OF POLICE

### **G.O. 1979-01H Vehicle Procedures**

Rescinds: GO 1979-01G

References: CALEA Chapter(s)

Effective Date: 03/08/17

Distribution:

All Sworn Officers; Technical Services Unit; Forensic Services Unit; Safety Officers; Central Records; Property and Evidence Unit

Originally Issued: 1979

---

## **I. PURPOSE**

The purposes of this policy are to establish the procedures for vehicle searches, tows, inventories, recoveries, and placing holds. This policy also contains procedures for clearing recovered auto larcenies from NCIC and department files, and identifies the department's role at vehicle repossession procedures.

## **II. POLICY**

It shall be the policy of the department to search, tow, inventory, recover and place holds on vehicles according to state law and city ordinance, and to ensure proper care for those vehicles seized or held as evidence.

It shall also be the policy of the department to ensure prompt removal of recovered auto larcenies from NCIC, and to respond appropriately at a vehicle repossession scene.

NOTE: Any references to the title "Technical Services supervisor" refers to the civilian supervisor assigned to the Technical Services Unit.

## **III. PROCEDURES**

### **A. VEHICLE SEARCHES**

1. If an officer makes an arrest, they may search anywhere in the passenger compartment, including in containers and in the glove compartment, only if one of three possible situations exists:

- a. It is reasonable to believe the vehicle contains evidence of the offense of arrest
- b. With a search warrant
- c. Another exception to the warrant requirement

Examples:

1. A "Terry Frisk" of a vehicle's passenger compartment when an officer has reasonable belief that a weapon might be within, or

2. When the officer has probable cause that evidence of any crime is within

3. Any other exceptions to the warrant requirement for vehicles

## B. VEHICLE TOWS

### 1. Tow Circumstances

a. An officer may tow a vehicle by the current contract towing service as a part of a motorist assist, arrest of the driver, an abandoned vehicle or parking enforcement under the following (and is not limited to these) circumstances:

1. When the driver, either owner or permissible user, requests the tow. Private towing services may be used when requested by the motorist.

2. When the vehicle, if not removed, constitutes a danger to other persons or property or the public safety and the owner or permissive user cannot reasonably arrange for an alternate means of removal, or cannot be immediately located. This includes a vehicle in a properly marked handicapped parking area.

3. When the officer has probable cause to believe that the vehicle constitutes an instrumentality or fruit of a crime and that, absent immediate impoundment, the vehicle will be removed by a third party.

4. When the officer has probable cause to believe that the vehicle contains evidence of a crime and that, absent immediate impoundment, the evidence will be lost or destroyed.

5. When the vehicle is parked on a city street or state highway in violation of current laws concerning abandoned or improperly parked vehicles.

b. Requests for the contract wrecker service to provide tows shall be made through E911. Officers shall not call or otherwise contact the contract wrecker service directly.

### 2. Towing a Prisoner's Vehicle

a. The responsibility for the removal of a vehicle that is not subject to seizure or needed as evidence belongs with the prisoner.

b. A prisoner who is unwilling to permit the officer to legally park their vehicle (if the location and circumstances permit), to release the vehicle to a passenger, or to request a tow at their own expense face having the vehicle cited and towed for being improperly parked.

c. Officers will not tow a prisoner's vehicle as a solely punitive measure.

### 3. Towing for Outstanding Unpaid Parking Citations

a. To tow and impound a vehicle to the current contract towing services lot for outstanding parking citations requires the following:

1. There must be 3 or more outstanding unpaid parking citations that have been issued to the vehicle.
2. The vehicle must be in violation of a current law or ordinance concerning improperly parked vehicles at the time of the tow.
3. Prior to requesting the tow the officer should contact, or request that E911 contact, LEXPARK to obtain a total dollar amount due based on the outstanding unpaid parking citations.

a. All vehicles to be towed must first be confirmed to have outstanding unpaid parking citations.

4. Officers should indicate the total dollar amount due and purpose for the tow on the Vehicle Impounding Record (Form #209).

5. Officers should also indicate "NO HOLD" on the Form #209.

b. Payments for outstanding citations may be made to LEXPARK as follows:

1. In person:

a. At LEXPARK, 122 N. Broadway, Monday through Friday, between the hours of 8:00 a.m. to 5:00 p.m.

b. At the current contract towing service after LEXPARK business hours.

2. By telephone: call LEXPARK at 231-7275.

3. Online at [www.lexpark.org](http://www.lexpark.org)

4. By standard mail

c. The full amount due of the outstanding unpaid parking citations must be paid, or an appeal bond posted, before a vehicle will be released.

1. Appeal bonds may only be posted through LEXPARK during its regular business hours.

d. If a violator with outstanding parking citations arrives at their vehicle prior the arrival of the contract wrecker; the vehicle should be released to the owner. Once the vehicle has been attached to the wrecker, the vehicle shall be impounded. A drop fee is not applicable.

C. VEHICLE INVENTORIES

1. If the owner or legal user is present or otherwise known at the time the vehicle is towed, then there is no need to inventory the contents of the vehicle.
2. If the owner or legal user does not consent to an inventory upon request, they then assume the risk of any loss of property from the vehicle.
3. If the owner or legal user does consent to an inventory, they have the right to have a representative present during any inventory that is authorized, and they have a right to limit the inventory to only specific portions of the vehicle.
4. Officers shall complete the Vehicle Impounding Record (Form #209) when towing a vehicle as part of any enforcement action when the tow is not at the request of the owner.
  - a. When the vehicle is removed for parking enforcement, notification of the vehicle's owner shall be made by the current contract towing service after 10 working days. Any follow-up notification(s) are also the responsibility of the current contract towing service.

D. VEHICLE RECOVERIES

1. Officer's Responsibilities
  - a. Officers recovering an auto larceny shall:
    1. Promptly attempt to contact the vehicle's owner and, whenever possible, shall release the vehicle at the location of the recovery and document the circumstances of the release.
    2. If the owner could not be contacted the officer will have the vehicle towed by the current contract towing service.
      - a. A Vehicle Impounding Record (Form #209) shall be completed and promptly delivered (in person or electronically) to Central Records.
    3. Update the property status in the original report.
    4. Complete, in detail, a supplementary report.
      - a. This supplementary report serves as notification to the NCIC Operator to remove an auto larceny from NCIC.
    5. Officers shall document on the supplementary report either:
      - a. The date and time that contact was made with the owner.
        1. If contact was made, indicate whether the vehicle was released

to the owner at the scene or towed at the owner's request.

b. The date and time(s) when the unsuccessful attempt(s) to contact the owner were made.

b. Immediately after the officer has completed the required reports, they shall:

1. Deliver (either electronically or in person) the required reports to Central Records for NCIC removal.

2. Notify their supervisor that they have transmitted an NCIC sensitive report.

## 2. Supervisor's Responsibilities

a. Supervisors shall be responsible for the collection, approval, and prompt forwarding of all required reports involving the recovery of auto larcenies to Central Records.

b. Upon approval of NCIC sensitive reports, the supervisor needs to contact Central Records and provide notification that an NCIC sensitive report has been transmitted.

## 3. Central Records Responsibilities

a. Upon receipt of the required report(s), the NCIC operator(s) shall immediately remove stolen vehicle(s) from NCIC.

1. If the recovered stolen vehicle information received in Central Records is incomplete, preventing timely removal from NCIC, the NCIC operator shall immediately notify the reporting officer and/or the approving supervisor and request assistance in obtaining the needed information.

b. Notify the Auto Crimes Unit of the stolen vehicle recovery by forwarding a copy of the required report(s) to the unit.

c. When the vehicle owner could not be contacted by the officer recovering the vehicle, Central Records employees shall attempt to notify the owner in the following manner:

1. By telephone to advise them of the recovery, and

2. The owner shall also be sent a letter notifying them of the recovery and other pertinent information. This letter shall be sent regardless of whether contact is made by telephone.

d. When an owner cannot be reached by telephone or by letter, Central Records will:

1. Contact the contract towing service and inquire whether the owner has retrieved their vehicle.

2. If the vehicle has not been retrieved, Central Records will attempt to identify

an alternate mailing address and mail another letter to the owner.

3. If the attempt(s) to contact the vehicle owner are unsuccessful, copies of the letter(s) shall be forwarded to the Auto Crimes Unit sergeant requesting assistance.

4. Auto Crimes Unit's Responsibilities

a. Conduct additional investigation related to the recovery, when necessary.

b. Clear the recovered auto larceny case from their files when an arrest has been made or other facts warrant the clearance.

c. Assist Central Records in notifying the owner of the vehicle's recovery when attempts to contact by telephone or letter have been unsuccessful.

5. Foreign Auto Larceny Recovery

a. Officers recovering an auto larceny which occurred outside Fayette County shall:

1. Complete the required reports, notating a foreign auto recovery.

2. Officers making a foreign auto recovery that requires an impoundment shall:

a. Complete a Vehicle Impounding Record (Form #209)

b. Have the vehicle removed by the current contract towing service.

c. Immediately after the officer has completed the required reports, they shall:

1. Deliver (either electronically or in person) the required reports to Central Records.

2. Notify their supervisor that they have transmitted an NCIC sensitive report.

b. The NCIC Operator, upon receipt of the required report(s) showing vehicle recovery, shall contact the reporting agency by teletype advising the agency to contact the department's Auto Crimes Unit sergeant, Monday through Friday, 0800-1600 hours, for information as to when and where the vehicle can be released.

E. VEHICLE HOLDS (GENERAL INFORMATION)

1. All vehicle holds shall be approved by a supervisor.

a. In addition to the below listed circumstances, nothing in this policy precludes officer knowledge and discretion from factoring into the officer's request to hold a vehicle for

evidence processing.

2. A vehicle impounded by the department may be ordered held in the following circumstances:

a. When so ordered by a court with jurisdiction.

b. Pending an appropriate disposition in any forfeiture proceedings when the vehicle is suspected of transporting contraband, used in furtherance or commission of the crime of Theft by Unlawful Taking in accordance with KRS 514.130, or in any other case where forfeiture is authorized by law.

c. Pending the completion of processing of the vehicle by the Forensic Services Unit when the vehicle is involved in a serious criminal offense.

d. Pending the investigation of a hit-and-run collision.

e. Pending investigation by the Collision Reconstruction Unit.

f. Pending completion of an investigative hold for general investigative efforts related to the vehicle, involving a serious crime or pursuant to a search warrant for evidence recovery.

#### F. TEMPORARY HOLDS [72 Hours or Less]

Temporary holds typically fall within a 24 to 72 hour time frame.

\*\* Temporary holds are 24 hours or less for vehicle processing by the Forensic Services Unit.

\*\* Temporary holds are 72 hours or less for investigation by the Hit-and-Run Unit.

\*\* Temporary holds are 72 hours or less for investigative holds related to general investigative efforts or pursuant to a search warrant for evidence recovery.

1. When a temporary hold is placed on a vehicle for evidence processing, it shall be towed by the current contract towing service to its facility for processing.

2. While pending processing, the vehicle will be properly secured and stored at the current contract towing service's facility.

a. The vehicle will be processed before it is released to the owner.

3. A Vehicle Impounding Record (Form #209) shall be completed and shall include an accurate inventory of the vehicle contents, vehicle condition and equipment.

a. The impounding officer shall ensure that hold information details are included in the comments section of the Form #209 to explain specifically why the vehicle is being held.

4. Immediately upon completion of the Vehicle Impounding Record (Form #209), the impounding officer shall deliver the form (either in person or electronically) to Central Records.

a. If the officer electronically sends the Form # 209 to Central Records, they shall also promptly confirm that Central Records received the form.

5. Immediately upon receipt of the Form #209 (in either hard copy or electronic format), Central Records is responsible to electronically send the Form #209 to:

a. The Forensic Services Unit

b. The Auto Crimes Unit

c. The Hit-and-Run Unit

d. The Property and Evidence Unit

e. The Technical Service Unit supervisor

f. Another unit if specified by the impounding officer

6. Temporary holds will be released as follows:

a. Immediately upon completion of vehicle processing or investigation, the FSU employee or officer shall release the hold utilizing Vehicle Release Form #309 and email Form #309 to the current contract company, Central Records, the Property and Evidence Unit and the officer who requested the hold.

7. The Property and Evidence Unit shall also be responsible for reviewing all Vehicle Impounding Record Forms (Form #209) once a hold is more than 72 hours old. Holds more than 72 hours old will be referred immediately as follows:

a. The Forensic Services Unit supervisor or lieutenant will be contacted regarding vehicles still listed as on hold for processing.

1. If processing has already occurred, the Forensic Services employee will contact Property and Evidence and authorize release of the hold.

a. The release of the hold shall be documented on the Vehicle Release Form (Form # 309) and forwarded to the Property and Evidence Unit.

2. If the vehicle has not been processed, the Forensic Services Unit will submit documentation to Central Records, the Property and Evidence supervisor, and the Technical Services Unit supervisor outlining the reasons the vehicle should be held longer for processing, and the estimated date of release.

b. A Traffic Section lieutenant or hit-and-run sergeant will be contacted regarding vehicles still listed as on hold for investigation by the Hit-and-Run Unit to determine if



the hold will be extended beyond the 72-hour limit.

1. If the investigation process has already occurred, a Traffic Section lieutenant, hit-and-run sergeant, or designee will contact Property and Evidence and authorize release of the hold.

- a. The release of the hold shall be documented on the Vehicle Release Form (Form # 309) and forwarded to the Property and Evidence Unit.

2. If the vehicle investigation process is not completed, the Traffic Section will submit documentation to Central Records, the Property and Evidence supervisor, and the Technical Services supervisor outlining the reasons the vehicle should be held longer for processing, and the estimated date of release.

- c. A Property Crimes Section supervisor will be contacted regarding vehicles still listed as on hold for processing related to an auto theft investigation.

1. If the investigation process has already occurred, a Property Crimes Section supervisor or designee will contact Property and Evidence and authorize release of the hold.

- a. The release of the hold shall be documented on the Vehicle Release Form (Form # 309) and forwarded to the Property and Evidence Unit.

2. If the vehicle has not been processed, the Auto Crimes Unit will submit documentation to Central Records, the Property and Evidence supervisor, and the Technical Services supervisor outlining the reasons the vehicle should be held longer for processing, and the estimated date of release.

8. The Technical Services supervisor will conduct a weekly inventory of vehicles being held at the current contract towing service to determine if the vehicle can be released or should be moved to the impound lot.

#### G. LONG TERM HOLDS [Police Impound Lot] [Longer Than 72 Hours]

##### 1. Impounding Officer's Responsibilities

- a. The Vehicle Impounding Record (Form #209) shall be completed and electronically submitted or hand delivered to Central Records immediately upon completion. The Form #209 shall be completed whether the vehicle is driven or towed to the storage lot.

- b. The vehicle must either be towed by the current contract towing service or driven to 669 Byrd Thurman Drive. Keys and a copy of the towing service invoice must be provided to the Technical Services supervisor. Vehicles likely to be forfeited shall also have a Vehicle Seizure Storage Report and Vehicle Inventory (Form #543) completed and forwarded.

##### 2. Technical Services Supervisor's Responsibilities

Vehicles impounded for evidence or forfeiture by the court place the following responsibilities on the Technical Services supervisor:

- a. The vehicle will be stored at the police impoundment facility at 669 Byrd Thurman Drive.
- b. The Technical Services supervisor shall be responsible to keep a file on each impounded vehicle containing keys, Form #209, and other pertinent records.
- c. The Technical Services supervisor shall assume the responsibility of starting the vehicle periodically, if the vehicle is in operating condition and the keys are available.
- d. The Technical Services supervisor or designee may drive the vehicle for fueling as needed.

#### H. LONG-TERM HOLD VEHICLE RELEASE

1. Any vehicle impounded for a long-term hold shall be released to the owner or designee when the following conditions are met:

- a. When the “Hold” has been released.
- b. All tow charges have been paid by the vehicle owner at the contract towing facility; or waived at the discretion of the Technical Services supervisor.

1. Exception: A Court Order presented demanding immediate release of a particular vehicle shall be reason to release.

c. Hours of release shall be 9:00 a.m. to 4:00 p.m. Monday through Friday. No releases will take place on weekends and holidays without prior arrangement.

#### I. REPOSSESSION PROCEDURES

1. Repossession of a vehicle is a civil process.

a. KRS 355.9-609 addresses a secured party’s right to take possession after default.

2. Responsibilities of an officer at a vehicle repossession scene are:

a. Verify that the person taking repossession (the ‘repossessor’) of the vehicle is authorized to do so.

1. The reposessor must work for the ‘secured party’ (financing entity)

2. The reposessor must be able to show written documentation that identifies:

a. The name of the ‘debtor’ (the person who is in default)

- b. The type of 'collateral' (vehicle information) that is being repossessed
- b. Officers shall not interfere with a legitimate repossession process unless there is a breach of the peace (examples: disorderly conduct or assault) by the reposessor.
  - 1. Lack of cooperation by the debtor is not cause to stop the repossession process.
  - 2. If the debtor or reposessor commits a criminal act in the officer's presence, the officer will take appropriate enforcement action.