

Cobb County Police Department

Policy 5.19

VEHICLE IMPOUNDS

Effective Date: October 1, 2019	Issued By: Chief C.T. Cox
Rescinds: Policy 5.19 (November 1, 2017)	Page 1 of 4
The words "he, his, him," which may appear in this policy, are used generically for clarity and ease of reading. These terms are not meant to imply gender and relate to all employees of the Department.	

The purpose of this policy is to establish guidelines concerning the towing or impoundment of vehicles by officers of the Cobb County Police Department.

I. POLICY

Vehicles impounded by authorization of the Cobb County Police Department will only be impounded and towed by a County-authorized zone wrecker service in accordance with state law governing the removal of vehicles by police officers.

II. POLICE IMPOUNDS

A police impound occurs when an officer takes custody of a vehicle and causes it to be removed by one of the County-authorized zone wrecker services. Officers are authorized to take custody and impound a vehicle for the following reasons:

- A. A police report has been made that the vehicle has been stolen or taken without the owner's permission.
- B. The vehicle is disabled and/or left unattended in accordance with OCGA 40-6-206, 40-11-3, or county ordinance 118-216.
- C. The vehicle is illegally parked in a properly marked handicapped parking place (40-6-226(g)).
- D. The vehicle is improperly registered in violation of OCGA 40-2-8.
- E. When the operator of a vehicle is arrested, and there is no other person authorized and capable of taking control of the vehicle. Officers may request, on the operator's behalf, for a driver to be en route from a secondary location, provided that such request will not cause an unreasonable delay of the arrest procedure.
- F. The vehicle is evidence in a criminal investigation.

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- G.** The vehicle is unsafe/unable to operate on the public highways, to include uninsured vehicles.
- H.** The vehicle is “For Sale” in violation of county ordinance 118-157 or OCGA 40-2-39.1.
- I.** Any other circumstance where the officer’s action is to safeguard a citizen’s property, or to protect the public.

III. OTHER TOWING REQUESTS

A. Traffic Crashes

- 1. The officer shall ask the owner/driver of a vehicle, what towing service they would prefer.
 - a. If the owner/driver requests a specific towing service, the removal will not consider a police impound.
 - b. If the owner/driver does not have a preference, or the service they request is not able to comply with the towing request within a reasonable period of time, the officer shall request the County-authorized zone wrecker service and impound the vehicle.
- 2. Should the driver of a vehicle in a traffic crash abandon the vehicle, “Section II, B” above, shall be applicable.
- 3. Should the driver be unconscious or injured to the extent they are not able to secure personal valuables or possessions, “Section II, I” above, shall apply.

B. Private Property

- 1. Vehicles abandoned upon private property will not be impounded by officers; removal shall be the responsibility of the property owner. However, officers shall check the registration to ensure that the vehicle is not wanted. If the vehicle is wanted, “Section II, F” above, shall be applicable.
- 2. Officers may remove a vehicle from private property only when:
 - a. The vehicle is wanted in connection with a crime.
 - b. The vehicle poses an immediate danger to life and/or property.

- c. In accordance with state law or county ordinance.

IV. IMPOUND INVENTORY OF VEHICLES

When an officer impounds a vehicle, he shall complete an impound inventory. An inventory of a vehicle is not a search; it is a Department policy designed to ensure that valuable possessions within a vehicle under police custody are accounted for.

A. Impound Inventory Vehicle Report

1. Whenever a vehicle is impounded by an officer, an impound inventory form will be completed. The inventory report shall document general contents and vehicle equipment.
 - a. Closed containers may be opened during an inventory.
 - b. Any contraband that is found during an inventory may be seized.
2. Either an incident report or an accident report shall accompany the impound inventory report.

B. Safekeeping of Items

If, during the course of the inventory, the officer discovers any items listed below, they shall be taken for safekeeping and secured in the property room.

1. Firearms
2. Cash in excess of \$50.00;
3. Expensive jewelry;
4. Wallets or purses with contents intact;
5. Items of an intrinsically high value;
6. Any other items which the officer believes should be safeguarded.

V. PUBLIC SAFETY

- A.** Officers shall remain with the wrecker removing an impounded vehicle until the wrecker has the vehicle safely removed from the roadway or is in transport from the scene and no longer a safety hazard.
- B.** Officers shall ensure that all debris related to the vehicle is cleaned up by the wrecker service, as required by Cobb County Ordinance 126-32.

VI. VEHICLE HOLDS

A vehicle hold is a tool that may be used by law enforcement to continue an investigation that involves the use of a vehicle. When a hold is placed on an impounded vehicle, it prevents the owner from retrieving that vehicle (or its contents) until the hold is released. When placing a hold, the following procedures should be followed:

- A.** The name of the employee placing the hold on the vehicle must be listed on the impound sheet and in the incident report. The officer should also ensure that a copy of the report is forwarded to the employee placing the hold on the vehicle.
- B.** Holds should not be placed on recovered stolen autos from other jurisdictions unless:
 - 1. A GCIC return indicates there is a felony connected to another crime; or
 - 2. A wanted felon is known to be operating the vehicle.

VII. RELEASE OF VEHICLE TO OWNER

All impounded vehicles shall be released to the owner upon proof of ownership. Vehicles may be released from the incident scene, the precinct from where it was impounded, or from Central Records at headquarters.

- A.** Proof of ownership may be a certificate of title, tag receipt, bill of sale, GCIC VIN/tag returns, or other such evidence that specifically describes the vehicle. The owner must also provide personal identification and sign the impound release (OCGA 17-5-50(b)(2)).
- B.** If there is a hold on the vehicle, it shall not be released without the permission of the authorizing officer.
- C.** If a 3rd party is sent by the owner to pick up the vehicle they must have:
 - 1. A picture ID
 - 2. A signed and notarized letter from the owner specifically naming the individual to pick up the vehicle, the vehicle make, model, color, and VIN (or tag number)
 - 3. Proof that the signatory owns the vehicle.
- D.** All repossession releases will be directed to Central Records.