



NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

CHAPTER: 61.22

TITLE: IMPOUNDMENT OF MOTOR VEHICLES INVOLVED IN CRIMINAL ACTIVITY

EFFECTIVE: 04/22/2018

REVISED: Replaces Policy 512

PURPOSE

The purpose of this Chapter is to establish the guidelines for the impoundment and towing of motor vehicles in criminal investigations and those instances not covered by **Chapter 61.2 - Compulsory Motor Vehicle Liability Security** and **Chapter 61.21 - Vehicle Towing and Release**.

POLICY STATEMENT

1. The NOPD impoundment of motor vehicles by the Department shall be limited as follows:
 - (a) The motor vehicle is evidence in a crime and as such needs to be held for prosecution in court.
 - (b) The motor vehicle is known to contain, or is suspected of containing, evidence which cannot be collected on scene or in the field.
 - (c) The motor vehicle is a recovered stolen vehicle or displays evidence consistent with auto theft, such as damaged steering column or window(s), altered VIN plate, etc., and:
 - i. The owner or other responsible party cannot be contacted to recover same;
 - ii. An officer on the scene determines the need to secure the vehicle to prevent further damage or removal; and
 - iii. A supervisory officer on the scene authorizes the impoundment.
2. Motor vehicles which are to be examined by a Crime Scene Technician (CST) shall not be removed from the scene without the approval of the Crime Scene Technician or the CST Supervisor.
3. Motor vehicles shall be processed in accordance with **Chapter 83.1 – Collection and Preservation of Evidence**.
4. Motor vehicles secured in an evidence cage shall be processed within 48 hours, depending upon the availability of Crime Scene Technicians.
5. Once a vehicle has been processed, the investigating officer shall be responsible for

- notifying the Homicide Unit for coordinating the removal of the vehicle from the evidence cage.
6. The criteria used by the Orleans Parish District Attorney's Office (DA's Office) for determining the status of a vehicle after processing is:
 - (a) If an arrest has been made in the case at the time of impoundment and processing, the DA's Office must approve the release of the vehicle. The vehicle shall be impounded until released by the DA's Office.
 - (b) If no arrest has been made in the case at the time of impoundment and processing, the vehicle shall be stored at the Almonaster Auto Impound after release from processing.
 7. If charges are subsequently refused by the DA's Office, they will advise the investigating officer and the Homicide Unit that the vehicle may be released to the owner.
 8. If an arrest is made after the vehicle is in Almonaster Auto Impound storage and the case is accepted for prosecution by the DA's Office, the vehicle must be held until a defense attorney is appointed / hired and the DA's Office will notify the defense attorney of the availability of the vehicle for inspection (usually a 10 day range). Once the time limitations have elapsed, the DA's Office will advise the investigating officer and the Homicide Unit that the vehicle may be released to the owner.
 9. Investigating officers **shall not place** impounded motor vehicles outside of the evidence cages in the clearly marked no parking zones around the evidence cages.

DEFINITIONS

Evidence—Property as defined herein, including documentary or oral statements, material objects admissible as testimony in a court of law, and exhibits taken or recovered in the course of an investigation that may tend to prove or disprove the facts of a case.

Property—Any material object of value, however slight, tangible or intangible.

SEARCHING IMPOUNDED MOTOR VEHICLES

10. Officers seeking to search impounded motor vehicles for evidentiary purposes shall apply for and obtain a search warrant within 24 hours of impoundment of the vehicle. (See: **Chapter 1.2.4 – Search and Seizure** and **Chapter 1.2.4.2 – Search Warrant Forms and Reviews**.)
11. A copy of the search warrant shall be placed inside the searched motor vehicle. The copy shall be placed in such a location where it is believed it will not be damaged or destroyed due to weather conditions. (Examples include a closed glove box, inside a locked trunk, or other secure location.)
12. All evidence or property removed from the vehicle shall be processed in accordance with departmental policy (see: **Chapter 83.1 – Collection and Preservation of Evidence**).
13. A complete inventory of all property found in the impounded vehicle shall be made, whether or not the property found is of evidentiary value or not.
14. A copy of the search warrant shall be left with the Almonaster Auto Impound in all instances where a motor vehicle is searched at a site operated by the Department of Public Works. Officers shall execute the search warrant after signing the investigative

log book at the Almonaster Auto Impound.

GENERAL INFORMATION

15. When a motor vehicle is impounded, the exigent circumstances exception for a warrantless search is nullified. **All evidentiary searches of impounded motor vehicles must be performed pursuant to a search warrant.**
16. All field units shall have an adequate supply of NOPD **Vehicle Storage-Tow Request and Inventory Record Form** (Form 39) in their possession at all times.
17. Motor vehicles authorized for impoundment shall be taken directly to either:
 - (a) The Department of Public Works' Almonaster Auto Impound, or
 - (b) The NOPD evidence cage on the first floor of the rear of Police Headquarters.
18. The City of New Orleans' Almonaster Auto Impound is operated and supervised by the Department of Public Works and shall store motor vehicles impounded by NOPD. **Vehicles impounded for "safe keeping" (non-evidentiary) shall not be towed to the evidence cage.**
19. Other city agencies (towing, auto pound, etc.) accepting custody of the vehicle shall be allowed to keep and/or photocopy the original NOPD **Vehicle Storage-Tow Request and Inventory Record Form** (Form 39) for their records.
20. Motor vehicles impounded because they were used in the commission of a crime and impounded for processing by the SCIS - Crime Lab or for other evidence related purposes shall be deposited in the NOPD evidence cage.
21. The removal of property from the interior of a motor vehicle will only be allowed when the vehicle is not to be processed by a Crime Scene Technician from the Scientific Criminal Investigation Section (SCIS – Crime Lab) and the vehicle's interior is not considered a crime scene by the investigating officer. (See: **Chapter 61.21 – Vehicle Towing and Release**).
22. The SCIS – Crime Lab shall be responsible for the management and maintenance of the evidence cage.
23. The NOPD NCIC Unit shall maintain a copy of all keys related to the evidence cage and shall ensure they are accounted for at all times.
24. To ensure the integrity of the cage and the impounded motor vehicles, only the investigating officers and authorized individuals shall be allowed to enter the evidence cage. In all cases, a written record of each person entering the cage shall be made by the investigating officer.
25. Live animals which are inside motor vehicles to be impounded shall be turned over to the owner or another responsible party whenever possible. In cases where the animal cannot be released to a citizen, the S.P.C.A. shall be contacted for assistance. Under no circumstances will a live animal accompany an impounded motor vehicle.
26. Perishables found in motor vehicles requiring impoundment pose a special problem for department members because of the inability for storing these items. Officers impounding motor vehicles containing perishables shall make every effort to have a responsible party take possession of the items.

27. When large quantities of perishables are located inside a locked compartment of a commercial carrier and the vehicle can be towed or driven to the Almonaster Auto Impound, the vehicle's cargo may be transferred to a responsible party.
28. When it is necessary to contact the shipping or receiving party to secure perishables, the officers shall document their attempts whether successful or not, including the names of persons contacted and times of contact, in their incident report. The information pertaining to who was contacted, date and time of contact, and a telephone number where the responsible party was contacted shall be provided to the Department of Public Works, Almonaster Auto Impound.
29. If a responsible party cannot be contacted or cannot take custody of the perishables within a reasonable time frame, the impounding officer shall contact his/her supervisor and notify him/her of the circumstances and results of the attempts. The supervisor must approve the disposal of the perishables and the process and manner in which it will take place. The perishable items shall be disposed before they become a nuisance or dangerous by placing the items in the correct waste disposal container and, if necessary, notifying the City's waste management contractor to empty the waste container(s). Photographs should be taken to document the items being disposed of and the location (container) in which they were placed. This process and approval shall be documented in the official report of the impoundment.

INVESTIGATING OFFICER RESPONSIBILITIES

30. Officers seeking to impound a motor vehicle shall complete a **NOPD Vehicle Storage-Tow Request and Inventory Record Form** (Form 39) and have their supervisor review the form for completeness before signing the approval authorizing impoundment.
31. The completed **NOPD Vehicle Storage-Tow Request and Inventory Record Form** (Form 39) shall be given to the tow wagon operator upon taking custody of the vehicle. (An impoundment form shall not be used when a motor vehicle is involved in a crash or when found to be in violation of the mandatory compulsory liability security law.)
32. Prior to removal from the scene, officers shall remove any movable property from the passenger compartment of the motor vehicle. This property may be placed in the trunk of the motor vehicle only if the owner is present and the key to the trunk is turned over to the owner. Otherwise, movable property must be processed at the Central Evidence and Property Section in accordance with department policy. Motor vehicles containing movable property in the passenger compartment will be refused at the Almonaster Auto Impound. A complete inventory of all property found in the impounded vehicle shall be made, whether or not the property found is of evidentiary value or not.
33. Upon having a motor vehicle placed inside of the evidence cage, the investigating officer shall copy the **NOPD Vehicle Storage-Tow Request and Inventory Record Form** (Form 39) in triplicate. The original completed **NOPD Vehicle Storage-Tow Request and Inventory Record Form** (Form 39) shall be placed on the windshield of the impounded vehicle, with the second copy being placed in the Vehicle Evidence Log Book located in the NOPD NCIC Unit. The third copy shall be maintained by the investigating officer for his/her file.
34. Investigating officers **shall be present** at the time the motor vehicle is processed by the Crime Scene Technician, documenting within his/her investigative report what actions were taken by the technician.
35. After the motor vehicle has been processed in the evidence cage by the SCIS - Crime

Lab, the investigating officer shall submit the **Vehicle Release Authorization Form #353** to the Homicide Section **if the vehicle is not to be retained as evidence.**

NOPD NCIC UNIT RESPONSIBILITIES

36. The NOPD NCIC Unit shall maintain the Vehicle Evidence Log Book and shall ensure it is completed when a vehicle is placed in the evidence cage. NOPD NCIC Unit members shall sign the NOPD **Vehicle Storage-Tow Request and Inventory Record Form** (Form 39) upon accepting custody of a motor vehicle to be placed in the evidence cage. A copy of the NOPD **Vehicle Storage-Tow Request and Inventory Record Form** (Form 39) shall be obtained by NOPD NCIC Unit members. The NOPD NCIC Unit shall maintain a copy of all keys related to the evidence cage and shall ensure they are accounted for at all times.

RELEASE OF IMPOUNDED MOTOR VEHICLES

37. Impounded motor vehicles may be designated for release pursuant to the guidelines of this Chapter by the investigating officer and/or the Office of the District Attorney.
38. Motor vehicles not designated for release to the owner by the investigating officer and/or the Office of the District Attorney shall be held as follows:
- (a) Motor vehicles which are held for misdemeanor municipal offenses (violation of municipal ordinance) may be impounded for a maximum of five days.
 - (b) Motor vehicles held for investigatory purposes, where no arrest has been made and the offense involves a violation of state statute, may be held for a period of 30 days. Investigating officers may request that a vehicle be held for an extended period of up to 30 additional days. This request shall be made in writing to the Almonaster Auto Impound. Any requests for impoundment beyond the 30 additional days shall be made in writing and approved by the investigating officer's Bureau Chief.

NOTE: Motor vehicles which are evidence in a crime for which State charges are pending shall be held until released by the Office of the District Attorney.

39. Persons seeking release of impounded motor vehicles shall be advised to do so during office hours of the Department of Public Works, Almonaster Auto Impound: Monday through Friday, excluding holidays, from 8:00 A.M. to 4:00 P.M.