

206.00 - IMPOUNDING PROCEDURES

206.01 Impounding Bicycles

- (1) Officers are authorized to remove a bicycle from any street, bicycle path, or any other public place and to impound the bicycle when:
 - a. The bicycle is not in safe mechanical condition or lacks the required safety equipment as provided by ordinance.
 - b. The bicycle is operated by a person under the age of sixteen (16) years in violation of any ordinance of the City and County of Denver relating to traffic or in violation of any of the provisions of the Bicycle Code.
 1. Riding bicycles on the sidewalk has been legalized for the delivery of newspapers only OR when the sidewalk is part of a designated bicycle route. All riders are required to yield the right-of-way to pedestrians, leaving the sidewalk or dismounting if necessary.
 2. Bicycles are not required to be equipped with a warning device, but such devices are not prohibited, except for sirens.
- (2) Officers shall impound a bicycle when:
 - a. The frame number has been altered or obliterated in any manner (See C.R.S. §18-5-305).
 - b. The rider has left the bicycle unattended because of injury or illness.
 - c. It is found abandoned and safekeeping for the rightful owner is necessary.
 - d. It has been identified as a stolen bicycle via the NCIC/CCIC/DCIC computer systems.
- (3) When impounding a bicycle, for whatever reason, officers shall:
 - a. Transport the bicycle to a district station, the Bicycle Section or Service Center for shelter. A log is kept at all district stations and at the Service Center, and when properly completed, serves as notice of location for Bicycle Section personnel.
 - b. Complete a Bicycle Impounding Notice, DPD 271, and securely attach it to the bicycle. This form is both an inventory control and a claim check.
 1. Both portions of DPD 271 are left with the impounded bicycle when it has been found abandoned or left unattended because of rider injury or illness.
 2. Officers impounding a bicycle after contacting the rider shall issue the lower portion of the Impounding Notice as a claim check for the owner/rider. The upper portion of the form remains with the bicycle.
- (4) Persons inquiring about impounded bicycles are to be directed to the Bicycle Unit, 1930 35th St., (303) 295-4390.

206.02 Impounding, Releasing and Storage of Motor Vehicles

- (1) The Vehicle Impound Facility will be responsible for the custodial functions relating to the impounding, releasing and storage of impounded motor vehicles.
- (2) Personnel will maintain all records concerning the custody and the impounding and releasing from custody of motor vehicles.
- (3) The Auto Theft Records Unit will verify reports of stolen cars, issue case numbers (except that in outside steals with arrests, case numbers are issued by the Records Section), keep records and prepare for distribution the stolen and wanted revised list. This unit will handle all calls concerning the status of impounded vehicles.
- (4) The impounding officer shall be responsible for the proper removal, inventory and delivery to the Property Bureau of property as required in OMS 206.04(2) and (6).
- (5) At the Impound Facility, investigating officers or detectives shall be responsible for any property removed for evidence, or for court, and shall sign for evidence with the Impound Facility attendant in the property receipt book.

206.03 Permit for Admittance to Vehicle Impound Facility

- (1) No officer or other person shall be allowed within the confines of the Vehicle Impound Facility without a permit issued by the Auto Theft Section, or written permission of a command officer of the Police Department.
- (2) The permit shall designate the vehicle or vehicles to be inspected by the bearer.
- (3) Only such vehicles specified by the permit are to be inspected.
- (4) Officers may take articles from vehicles for evidence or investigation after signing a property receipt at the Impound Facility. These items are then taken to the Property Bureau and invoiced on the same day as removed. The disposition of this property will be through standard Property Bureau procedures.

206.04 Towing and/or Impounding Vehicles

- (1) Vehicles may be towed when it is necessary that they be moved or impounded. The decision to impound, or to park and lock a vehicle, must be made by the officer at the scene based upon the circumstances of the situation. Towing and/or impounding vehicles as a punitive action will not be tolerated.
- (2) Security of property and inventory requirements.
 - a. Impounded vehicles:

The on-scene officer is responsible for the protection and security of all property located in the vehicle. All personal property shall be removed and delivered to the Property Bureau for safekeeping. The officer is authorized to open any closed containers found inside the vehicle as a part of this inventory process.
 - b. Park & lock situations:

The on-scene officer is responsible for the security and protection of all property visible within the passenger compartment of the vehicle to be parked and locked. The officer shall remove all personal property and secure it in the trunk of the vehicle or deliver it to the Property Bureau for safekeeping. The officer is authorized to open any closed containers found inside the passenger compartment to determine the proper means of securing the property.
- (3) The decision to tow or to park and lock will be made based upon the following guidelines:
 - a. Vehicles Involved in Accidents
 1. Vehicles will not be impounded after an accident except when a driver is incapacitated and unable to make an intelligent decision about the vehicle's disposition.
 2. If possible, vehicles involved in accidents should be released to a responsible person or removed by private means and not impounded.
 3. A vehicle can be parked and locked, in which case the responsible person must be advised to remove the vehicle as soon as possible. Officers must be conscious of any hazard which might be created by a vehicle being left on the street.
 - b. Abandoned Vehicle Procedure
 1. If a vehicle is parked in the same location on the street for more than seventy-two hours or appears to be an abandoned vehicle, the investigating officer must attempt to contact the owner and request the vehicle be moved.
 2. If the vehicle is clear on the computer information systems and the officer has been unsuccessful in having it moved, the officer will complete, Abandoned Vehicle Warning, DPD 221, or impound the vehicle. If DPD 221 is completed, all copies must be clearly legible to the reader.
 - a. The pink copy of the form is to be placed on the vehicle in a conspicuous place, such as under the windshield wiper blade or on the door post. DO NOT lay the notice on the seat.
 - b. The vehicle in question shall be marked on the left rear tire so the mark can be seen from the rear of the vehicle. If the vehicle does not have tires or wheels, indicate so on DPD 221.

- c. The white copy of the DPD 221 will be forwarded via interdepartmental mail to the Abandoned Vehicle Unit, Vehicle Impound Facility.
 - d. The Abandoned Vehicle Unit will be responsible for making all necessary follow-up investigations and deciding on impounding or summary disposal of the vehicle when a DPD 221 is submitted.
- 3. An officer investigating a complaint of an abandoned vehicle on private property will issue a citation signed by the owner of the property or his representative, and will include the citation number on the Abandoned Vehicle Warning, DPD 221, before it is forwarded to the Abandoned Vehicle Unit. Although the Police Department does not generally have the authority to tow vehicles from private property, the Abandoned Vehicle Unit will follow up on each complaint to determine if further action is appropriate.
- c. Arrest of Owner or Driver
 - 1. Generally, when owners or drivers of vehicles are arrested, such vehicles will be parked and locked.
 - 2. A notation will be made on the back of the arrest slip stating the specific location of the parked vehicle. The keys to the vehicle will be left with the owner.
 - 3. If a person is wanted and that person's vehicle is located, the vehicle will not be impounded unless it was involved in the crime. A vehicle will not be impounded merely to force a suspect to appear for questioning.
 - 4. Arresting officers are responsible for the security of property in the vehicle. See OMS 206.04(2).
- d. Vehicle Subject of Police Investigation
 - 1. In cases where the vehicle itself is involved in a crime and is to be held as evidence, the vehicle will be impounded.
 - 2. When a vehicle is placed in the Vehicle Impound Facility (VIF) with a hold for a specific bureau or detective, the officer having the vehicle impounded will notify the bureau or detective involved.
 - 3. Any vehicle placed in the Vehicle Impound Facility on an investigative hold must have a Notice of Vehicle Impounded for Investigation - Hold form, DPD 227, submitted by the detective assigned to the case. Any vehicle for which a DPD 227 is not received at the Vehicle Impound Facility will automatically be released after five (5) days.
 - 4. A police hold on a vehicle may be released by the detective by **faxing** a copy of DPD 227 to the Impound Facility. This form must be **faxed**, even if the Impound Facility is also notified by telephone.
 - 5. It is the responsibility of the detective releasing a hold on an impounded vehicle to notify the owner of the release.
 - 6. If the investigating detective wishes to waive impound and/or storage charges, a completed DIF Form 001 must be **faxed** to the Impound Facility. This form must be **faxed**, even if the Impound Facility is also notified by telephone. An owner who is notified by telephone must remove the vehicle within forty-eight (48) hours of notification. An owner who is notified by mail must remove the vehicle within one hundred-twenty (120) hours (5 days) of the time that the notification is mailed. If the vehicle is not removed from the Impound Facility within those time limits, all charges of impound and storage fees will stand. The VIF will consider receipt of the fax as the start of the time limit.
- e. Recovered stolen vehicles whose owners cannot be contacted at the time of recovery will be impounded.
- f. Vehicles constituting a traffic hazard on any street, particularly on the interstate or freeway system, will be impounded.
- g. Vehicles illegally parked in such a way as to block private or public drives in violation of RMC Ordinance 54-458(2) will be handled in this manner:

1. Vehicles blocking access to public property:
 - a. Issue a parking citation.
 - b. Move the vehicle by using an hourly tow, but do not impound.
 - c. Auto Theft Records must immediately be notified of the following: the year, make, model, vehicle identification number, license number of the vehicle, and the specific location to which the vehicle was moved.
2. Vehicles blocking access to private property:
 - a. Establish the legitimacy of the complaint.
 - b. Issue a parking citation after the complainant signs the citation and adds his address and telephone number to the court copy.
 - c. Tow only on complaint, using an hourly tow, but do not impound.
 - d. Auto Theft Records must immediately be notified of the following: the year, make, model, vehicle identification number, license number of the vehicle, and the specific location to which the vehicle was moved.
- h. Vehicles which need to be moved because of street repair, special events or other similar situations will be moved by hourly tows, but not impounded. If a vehicle is unlocked or opened to facilitate its being moved, the officer at the scene will be responsible for the security of any property in the vehicle. See OMS 206.04(2).

(4) Departmental tows will be requested through the dispatcher:

- a. In cases where emergency clearing of the street is necessary, the first car on the scene will order the number of tows required and advise the officer writing the report.
- b. If no emergency exists, the investigating officer will order the tow after determining the number needed.
- c. Officers shall not order a tow until they have made a firm decision as to the need. Per City contract, once a tow has been ordered by radio, it cannot be canceled.
- d. If an ordered tow arrives at the scene and the officer decides for a sufficient reason that the vehicle is not to be towed or impounded, the officer shall:
 1. Sign a "No Go" slip for the tow driver.
 2. The officer requesting the tow will receive a copy of the billing invoice from the tow driver. This copy must be attached to the officer's log sheet. The supervisor will be responsible to forward this copy to the Financial Services Bureau so that payment can be made to the tow company.
 3. When a City contract tow has been ordered and the driver returns prior to the actual removal of the vehicle, the following procedure will prevail:
 - a. The driver will not be required to make payment to the tow driver.
 - b. The officer will sign a "No Go" slip and release the car to the driver or owner. Follow the "No Go" procedure in OMS 206.04(4) d.2.
 - c. This procedure does not prevent any officer from taking enforcement action for any parking or moving violations which exist against the vehicle.
 - d. This procedure does not prevent the towing of any vehicle "wanted" by our Department or where the driver is arrested.
 4. Officers experiencing a delay in excess of thirty (30) minutes while waiting for a City contract tow will specifically document all pertinent information on Inter-Department Correspondence, DPD 200, and forward it to the Financial Services Bureau, Room 406, at Headquarters. If the officer has waited over thirty (30) minutes, he may ask the dispatcher for an alternate contract tow or he may utilize any private tow that may be standing by at the scene to tow the vehicle to the City Car Pound. When an officer utilizes a private tow, the information must be included in the written memo to the Financial Services Bureau. Officers will sign a "no-go" in these circumstances and attach the invoice to the DPD 200.

- (5) Locked vehicles should be entered only when necessary. Whenever a locked vehicle is entered by an officer or a tow driver to expedite moving or to handle an emergency situation, or to obtain evidence, the investigating officer will be totally responsible for the proper disposition of all personal property in the vehicle as outlined in OMS 206.04(2).
- (6) Procedure to be followed when impounding vehicles:
- a. Officers shall make out an Impounded/Recovered Vehicle Report, DPD 224, for each vehicle towed and shall list all articles left in the vehicle. They shall sign the report in the presence of the tow truck driver, who shall acknowledge same by their signature. Only spare tires, jacks, chains, etc., shall be left in any vehicle being towed to the Impound Facility.
 - b. All articles such as clothing, blankets, cameras, hand tools, and any other personal property shall be removed, inventoried, and then delivered to the Property Bureau for safekeeping. Officers will not remove keys from a vehicle when impounding, unless absolutely necessary. If keys are removed, disposition is to be shown on the Impounded/Recovered Vehicle Report, DPD 224. See OMS 206.04(2).
 1. When towed vehicles containing personal property arrive at the Impound Facility, the attendant will notify the dispatcher and identify the officer who signed the tow slip. A supervisor of the involved officer shall be dispatched to the Pound to make proper disposition of the personal property either by personally inventorying and delivering the property to the Property Bureau or by requiring their officer to do so.
 - c. Officers shall complete both the top and bottom half of the Impounded/Recovered Vehicle Report, DPD 224, and make sure all four copies are legible.
 - d. Officers shall give all four completed copies of the Impounded/Recovered Vehicle Report, DPD 224 to the tow driver.
 - e. Officers using City contract tows shall never sign a blank tow company invoice. The invoice will be signed only after all applicable and available information has been entered.
 - f. When a vehicle is towed, the officers' log sheet must list the following information.
 1. The license plate number or VIN of the vehicle(s) towed.
 2. Location to which the vehicle(s) was towed.
 3. Tow company invoice number.
 - g. Officers shall attach the copy of the billing invoice received from the tow driver to their log sheets. The supervisor will be responsible to forward this copy to the Financial Services Bureau.
 - h. Tow trucks which operate, i.e. pickup and drop solely within the City and County of Denver, can be issued a tow permit by the Manager of Excise (R.M.C.55-186.). Tow trucks which operate on a statewide basis or a metro area basis are required to have a valid permit issued by the State Public Utilities Commission. Public Utilities Commission Towing permits are valid in the City of Denver. Any tow for hire operator found towing without a valid permit should be reported to the Public Utilities Commission. Police officers are not empowered to enforce the provisions of the Statute dealing with Public Utilities Commission issued towing permits.
- (7) When officers order hourly tows, they shall sign only one tow company invoice for each tow truck ordered. The invoice must contain the date and time the towing service began and ended.
- (8) Private tows will not be ordered over the radio except:
- a. For persons who are stranded and there is no other means of transportation or assistance available.
 - b. As provided for in the freeway procedures, OMS 208.01(3)b.
 - c. Vehicles that should be towed or otherwise removed from City property and that are not the subject of police investigation and where a custodian or owner is present may be removed by private tow as follows:
 1. If the vehicle(s) is to be moved by private tow, the officer will explain to the custodian or owner that a private tow can be ordered via the Police Department radio and that the vendor under contract to the City will respond. The fees and/or charges for the towing service will be negotiated between the vendor and the citizen.

2. When the citizen does not wish the contract tow, and when necessary and practical, officers will give assistance to the person by transporting them from the scene to the nearest phone where they may make their own arrangements for the removal and safekeeping of their vehicle.

(9) Waiver/Adjustment of Towing & Storage Fees

- a. The Denver Revised Municipal Code, Section 54-813, authorizes the Manager of Safety to waive and/or adjust towing and/or storage charges under the following conditions:
 1. When the vehicle was impounded as a result of the operator being taken into custody and the operator has been released without charges being filed.
 2. When the vehicle has accumulated storage charges while being held as evidence, if the operator is not convicted of an offense associated with the impoundment.
 3. When the vehicle licensed in Denver County was reported as stolen and subsequently recovered and impounded by the police.
- b. The Manager of Safety has delegated to the Chief of Police the authority to waive and/or adjust the towing and storage fees outlined in subsections 1 and 2 above. In those cases when a vehicle is towed / stored by mistake by a member of the Department, the towing and storage charges outlined in OMS 206.04(9) a.3 are the responsibility of the Director of Corrections.
- c. The Chief of Police has delegated the authority to waive and/or adjust these fees to the Deputy Chiefs, the Division Chiefs, or their designees, and the Commander of the Civil Liability Bureau.
- d. **MEMBERS OF THE DENVER POLICE DEPARTMENT HAVE NO AUTHORITY TO MAKE RESIDENTIAL DETERMINATIONS OR WAIVE/ADJUST TOWING FEES BASED ON HARDSHIP CONSIDERATIONS.**
- e. The person waiving or adjusting the fees must complete a DIF Form 001 (1/94) and forward to the Vehicle Impound Facility. The completed form can be faxed to the Impound Facility or given to the owner of the vehicle.
- f. It is the responsibility of the detective assigned the case or the person waiving or adjusting fees to notify the owner of the vehicle. An owner who is notified by telephone must remove the vehicle within forty-eight (48) hours of notification. An owner who is notified by mail must remove the vehicle within one hundred-twenty (120) hours (5 days) of the time that the notification is mailed. The VIF will consider receipt of the FAX as the start of the time limit.