



<b>Policy Name:</b>	<b>TOWING AND IMPOUNDING VEHICLES</b>		
<b>Policy #:</b>	OP 4.36.8	<b>Last Updated:</b>	2022-06-08
<b>Issued By:</b>	COMMUNITY POLICING BUREAU	<b>Approved By:</b>	SURREY POLICE BOARD
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**RELATED POLICIES**

OP 4.36.7 *Impaired Driving Investigations*

OP 4.36.9 *Crime Vehicles and Stolen Automobiles*

**1. PURPOSE**

1.1. To ensure Surrey Police Service (SPS) Members understand when it is appropriate to have a vehicle towed and/or impounded and their subsequent duties and responsibilities once the vehicle is towed and/or impounded.

**2. SCOPE**

2.1. This policy applies to all SPS Members.

**3. POLICY**

3.1. SPS will tow vehicles as required in compliance with statutory, regulatory and SPS policies and procedures.

3.2. SPS will tow all vehicles using the contracted tow company as agreed upon between the City of Surrey and Surrey Police Service in all circumstances except those described in section 4.7 of this policy.

3.3. This policy sets out the reasons for towing a vehicle and the locations to which vehicles will be towed to facilitate investigations or to be held until released to the owner/operator. Vehicles impounded to facilitate police investigations must be towed to the correct facility. This will ensure continuity of evidence, timely release of vehicles to owners, and reduced SPS liability for potential storage fees. Members must not rely on the contract towing company to impound vehicles to the correct location. In the event a Member is unclear where to store a vehicle, they must seek

clarification from their Supervisor or a Member of the specialized investigative unit expected to conduct the required follow-up investigation.

#### 4. PROCEDURE

4.1. Members are not required to generate a report in the PRIME-BC General Occurrence (GO) report, when a vehicle is towed at the request of its registered owner. The towing of vehicles for an investigative purpose or based on statutory authority must be associated to a file number and documentation in a GO report.

4.2. A GO report generated for any towed vehicle(s) must contain:

- i. the date, time, location and reason for the vehicle being towed;
- ii. a description of the vehicle, including licence plate and/or Vehicle Identification Number (VIN);
- iii. the particulars of the driver and registered owner; and
- iv. the name of the tow company and the location where the vehicle was towed.

4.3. Members may direct any vehicle, including trucks, trailers and boats, to be towed in cases where:

- i. access in or out of a driveway is obstructed;
- ii. signs erected by the City of Surrey prohibit parking;
- iii. highway access is blocked;
- iv. parking prohibitions under the *Motor Vehicle Act* (MVA) are contravened;
- v. the vehicle is inoperable due to a collision, vehicle defect or damage, or missing safety equipment in the vehicle (examples: defective brakes, no seat belts, no lights, no windshield);
- vi. the vehicle's insurance is expired;
- vii. the vehicle constitutes a hazard;
- viii. the vehicle is required for investigative purposes;
- ix. mechanical inspection of the vehicle is required; and
- x. a person is driving while prohibited or their licence is suspended under the MVA, the *Youth Criminal Justice Act*, the *Youth Justice Act* (BC) or the *Criminal Code*.

4.4. A registered owner or driver of a vehicle, that is not obstructing a highway and requires towing for mechanical reasons, may contact a towing company of their choice and shall have the vehicle towed at their cost. Members must not recommend a tow company.

4.5. Members seizing a vehicle for investigative purposes, and not impounded under the MVA, must have the vehicle towed for secure storage to the tow yard or, if directed by a Supervisor, to the Surrey Main Police impound lot.

4.6. The existing towing contract requires that, except for emergency situations or where the contract towing company is unable to respond within a reasonable time, the contract towing company will be called for towing services in the following circumstances:

- i. all impounds for violations of the City of Surrey By-laws;
- ii. all required towing of police vehicles;
- iii. all required towing from the scene of a motor vehicle collision where the registered owner/operator of a vehicle is unable or unwilling to specify a towing company;
- iv. all vehicles impounded under the vehicle impoundment (VI) provisions of section 215.46 and section 251 of the MVA.

**Note:** regarding s.4.7.iii above, if an owner/operator has called and wished to use a tow company other than the contract company, the owner/operator has this privilege and Members must allow the owner/operator to select their own preference, within reason. The only time this is not allowed is when the vehicle is required for police investigative purposes.

4.7. Vehicles impounded for By-law violations, must be towed to the Surrey By-Law impound lot. Parking violations shall not be impounded unless they obstruct traffic, constitute a hazard or violate rush hour time zones.

4.8. Members attending for a vehicle that has been reported or is suspected to be abandoned, will investigate its status and attempt to determine whether it is stolen or associated to criminal activity. Members will refer non-suspicious abandoned vehicle complaints to the City of Surrey Parking Enforcement. Members must only tow abandoned vehicles that obstruct traffic or constitute a hazard.

4.9. Members are not to offer advice to the public as to the merits, services, or fees of auto towing companies. When Members attend a motor vehicle collision they should not tell motorists that Insurance Corporation of British Columbia (ICBC) covers the cost of towing from the scene of a motor vehicle collision. ICBC has numerous policies covering towing and registered owners should be told to see their agent for details as to coverage.

#### **24-Hour Driving Prohibition**

4.10. Under s. 215.4 of the MVA, Members have discretion whether to impound the driver's motor vehicle when a 24-Hour Prohibition is issued. If a Member believes it is necessary to prevent the driver from driving or operating the motor vehicle before a 24-Hour Prohibition expires, the driver's motor vehicle may be impounded for a period of 24 hours.

#### **Immediate Roadside Prohibition (IRP)**

4.11. If the driver/operator of a motor vehicle provides a breath sample that registers "WARN" on an Approved Screening Device (ASD), the duration of vehicle impoundment under s. 215.46 of the MVA will be:

- i. three (3) days for a first infraction (Member MAY impound the motor vehicle at their discretion);
- ii. seven (7) days for a second infraction (Member MAY impound the motor vehicle at their discretion); and
- iii. thirty (30) days impoundment for three or more infractions in the last five years (Member MUST impound the motor vehicle).

4.12. If the driver/operator of a motor vehicle provides a breath sample that registers “FAIL” on an Approved Screening Device (ASD), or refuses to provide a breath sample, the duration of vehicle impoundment under s. 215.46 of the MVA will be thirty (30) days (Member MUST impound the motor vehicle).

4.13. Except for impaired driving investigations under s. 215.4 (24-Hour Prohibition) and s. 215.41 (Immediate Roadside Prohibition (IRP)) of the MVA, there is no legal responsibility to provide safekeeping or impound a motor vehicle of the person investigated for impaired driving under the *Criminal Code*. Unless a 24-Hour Prohibition or an IRP is issued to the driver, the vehicle will be left secure and legally parked whenever practicable.

#### **Suspended/Prohibited Drivers and Vehicle Impoundment**

4.14. When a person is found operating a motor vehicle:

- i. while suspended or prohibited from driving under the MVA, the *Youth Criminal Justice Act*, the *Youth Justice Act (BC)* or the *Criminal Code*;
- ii. the person did not hold a current driver’s licence and has a previous conviction under s. 24(1) of the MVA;
- iii. found stunting or racing under the *Criminal Code* or MVA;
- iv. found excessive speeding under s. 148(1) of the MVA;
- v. in the case of operating a motorcycle, not properly seated and in violation of s. 194(1) or (2) of the MVA; or
- vi. the person violates a driver’s licence restriction under s. 25(15) of the MVA;

the motor vehicle MUST be impounded as required by s. 251 of the MVA.

4.15. The Member must notify the Operational Communications Centre that the vehicle is being towed for the Vehicle Impound Program so that the contract tow company can be arranged.

#### **Responsibility for Seized, Impounded or Towed Vehicles**

4.16. A Member who impounds a motor vehicle under s. 215.4 (24-Hour Prohibition) or s. 251 (Motor Vehicle Impoundment) must:

- i. complete a Notice of Impoundment;
- ii. give a copy of the notice of impoundment to the driver or the person who at the time of impoundment has control over the motor vehicle, and

- iii. forward a completed report to the Superintendent of Motor Vehicles, in the form established by the Superintendent, along with a copy of the Notice of Impoundment (the Superintendent is then required to send a copy of the notice to the registered owner).

4.17. If a Member is satisfied that the impoundment of a motor vehicle would jeopardize the safety of the occupants of the motor vehicle, or leave the occupants stranded, the Member must arrange for transportation of the occupants of the motor vehicle to the nearest safe area where they can arrange an alternative form of transportation.

4.18. If the person operating the vehicle at the time of impoundment under s. 215.4 or s. 251 of the MVA is not the registered owner, it is the responsibility of that person to notify the owner that the vehicle has been impounded.

4.19. When the determination has been made that a vehicle seized for investigation may be released, the investigating Member must, as soon as practicable:

- i. notify the tow company;
- ii. notify the registered owner; and
- iii. create a supplement GO report documenting actions taken.

4.20. When a Member causes a vehicle to be towed, whether it was reported or suspected to be abandoned, the Member must:

- i. notify the Operational Communications Centre and direct that the vehicle be entered on CPIC; and
- ii. investigate to determine the identify of, and attempt to contact the registered owner, to notify of the tow, and create a GO report documenting actions and where vehicle was towed to.

#### **Forensic Examination – Police Impound**

4.21. Motor vehicles are to be towed to the SPS Police Impound if they:

- i. require fingerprint examination;
- ii. require additional forensic examination; or
- iii. have been involved in a serious crime.

4.22. All vehicles requiring forensic examination, except those involved in serious/major crime investigations must be placed in the General Police stalls of the Police Impound. Vehicles seized pursuant to a serious/major crime investigation for forensic examination must be placed in a secure bay in the SPS Police Impound. The seizing Member must complete all required forms at the Police Impound.

4.23. If the Police Impound is full and cannot accommodate the impounded vehicle, the vehicle should not be left outside as this may destroy evidence and interfere with continuity. The escorting

Member should consult their Supervisor for direction. If the Property Office is closed, the escorting Member must notify a Supervisor or contact a Member of Lower Mainland District Integrated Forensic Identification Services for advice and direction. Members should confirm the ownership of items in the vehicle and make sure the vehicle is unlocked and if possible, disable the alarm prior to leaving the Police Impound.

#### **Vehicles Held as Evidence - Police Impound**

4.24. All vehicles being held for evidentiary purposes must be towed to the Police Impound. This includes:

- i. arson vehicles;
- ii. vehicles involved in fatal collisions and/or serious hit and run collisions; and
- iii. vehicles involved in collisions that are impounded for mechanical testing.

The seizing Member must complete all required forms prior to leaving the Police Impound and leave a copy clearly on the windshield of the vehicle with any special instructions for investigative follow up.

#### **Vehicles for Mechanical Inspection – Police Impound**

4.25. Members wishing to tow vehicles for mechanical inspection must seek authorization from the Field Supervisor or a Member of the Collision Investigation Unit prior to towing the vehicle.

4.26. Except for oversized commercial vehicles, all vehicles towed for mechanical inspection must be towed to the Police Impound, and Members must notify the Field Supervisor or a Member of the Collision Investigation Unit and forward a GO report to the Road Safety Section prior to the end of shift.

4.27. Members should seize the following documents from the Commercial Vehicle driver:

- i. pre-trip report;
- ii. log books;
- iii. insurance documents; and
- iv. commercial vehicle inspection reports.

**Note:** Members seizing any related documents should then deliver them to Road Safety Section or investigating Member assigned to assist on the file. After hours, or if for other reasons this is not possible, the Member may tag the documents at the Property Office and notify the investigating Member of their location for follow-up. Members must submit a GO report prior to the end of shift.

#### **Property or Evidence Found Within an Impounded Vehicle**

4.28. Members impounding a vehicle at the Police Impound are responsible for tagging all valuable property and evidence inside the vehicle, and:

- i. where the vehicle is impounded as evidence, requires forensic examination, or a warrant to search is required, Members must contact the specialized investigative unit for forensic examination and assistance;
- ii. if property located within the vehicle requires forensic examination, the property must be documented in the GO file and tagged at the Property Office for the specialized investigative unit; and
- iii. property seized from a vehicle that does not require forensic examination and is legal to possess must be tagged in at the Property Office for return to the owner/operator of the vehicle.

4.29. Where a vehicle is impounded for any reason and items of value are readily visible or discovered during the investigation, the Member impounding the vehicle will tag the items for safekeeping in the Property Office. This procedure also applies to property that has been ejected from a vehicle as a result of a motor vehicle collision or other cause.

4.30. The trunk, glove compartment or other locked areas of the vehicle will not be searched unless the vehicle is impounded for investigation and Members have obtained a search warrant.

4.31. The contract towing company is responsible for vehicles and contents towed by them to their contract tow lot.

4.32. If property is reported missing or damaged, or a vehicle is damaged, a staff member from the Property Office shall arrange to have the complaint investigated. After completion of the investigation, the complainant must be informed of their rights to file a formal claim with the City of Surrey Legal Department.

#### **Release of an Impounded Vehicle**

4.33. The release of impounded vehicles is the responsibility of the Property Office staff. The Property Office staff will contact the registered owner/operator or designate and that person will attend the Police Impound to take custody of their vehicle.

4.34. If a Member has concerns regarding the safety and security of the Property Office staff releasing a vehicle, the integrity of evidence within any City of Surrey Impound lot, or otherwise feel a person should not be permitted entry to a City of Surrey Impound lot, that Member must notify the Property Office staff of these concerns in advance.

4.35. Property Office staff will make arrangements to have a Member attend and/or have the vehicle towed to the street for pick up by the registered owner.

#### **Vehicles towed by SPS members for Safekeeping**

4.36. Vehicles impounded for safekeeping (e.g. insecure, vandalized, or victim of theft from auto), where the registered owner cannot be located, must be towed to the City of Surrey Impound Lot. Members must:

- i. make every effort to locate and advise the registered owner (by phone or in writing) of the situation and provide an update;
- ii. complete a Notice of By-law Violation ticket writing "HOLD FOR SAFEKEEPING" in the offence section;
- iii. attach the violator's copy to the vehicle and retain a copy for the Member's records. Do not process the administration copy and instruct the tow truck driver to take the vehicle to the City of Surrey Impound lot; and
- iv. vehicles suspected to be unreported stolen vehicles (**NOT** listed on CPIC) where the registered owners cannot be located shall be held for further investigation.



## **APPENDIX A: DEFINITIONS**

"City Impound Lot" means the City of Surrey's secured parking lot for holding vehicles that are towed and held prior to release to owner/operator.

"CPIC" means the Canadian Police Information Centre, the computerized national information repository and retrieval system operated by the RCMP on behalf of the nation's policing community that facilitates the sharing of information among authorized agencies.

"ICBC" means the Insurance Corporation of British Columbia.

"Member" means a sworn Police Officer appointed by the Surrey Police Board.

"MVA" means *Motor Vehicle Act*.

"OCC" means the Operational Communications Centre.

"Police Impound Lot" means the SPS secured parking lot for holding towed/impounded/seized vehicles while in SPS custody during investigations.

"PRIME-BC" means the Police Records Information Management Environment, the provincial police records management system.

"SPS" means Surrey Police Service.

"Supervisor" means a Sergeant, Staff Sergeant, Inspector, Superintendent, Deputy Chief Constable, Chief Constable, and any other person acting in a Supervisory capacity who is accountable for a particular area or shift on behalf of SPS.

## **APPENDIX B: REFERENCES**

*City of Surrey Highway and Traffic Bylaw, 1997, No. 13007 – Outlining parking rules and regulations in the City of Surrey*

*Criminal Code, R.S.C. 1985, c. C-46*

*Motor Vehicle Act, R.S.B.C. 1996, c. 318*

*Youth Criminal Justice Act, S.C. 2002, c. 1*

*Youth Justice Act, S.B.C. 2003, c. 85*