

## STORAGE AND RELEASE OF VEHICLES TAKEN INTO CUSTODY

### 5.01 PURPOSE

The purpose of this regulation is to establish uniform procedures for the storage and release of vehicles taken into custody by members/enforcement officers.

### 5.02 DEFINITIONS

- A. Vehicle: For the purpose of this regulation, a vehicle shall be defined as:
1. Any vehicle required to be titled/registered by the Pennsylvania Department of Transportation (PennDOT).
  2. Any vehicle which is exempted from title/registration requirements but would be required to be titled/registered if owned by a resident and operated upon a highway (e.g., a government-owned vehicle, a nonresident vehicle).
  3. Vehicles such as implements of husbandry, construction trucks, farm trucks, mass transit vehicles, special mobile equipment, agricultural vehicles, ATVs.
- B. Recovered Vehicle: A vehicle taken into custody by the Department because it was taken by theft or was the object of unauthorized use.
- C. Seized/Confiscated Vehicle: A vehicle taken into custody through official actions of the Department, as evidence or held for forfeiture proceedings, or under mandate of the Vehicle Code, 75 Pa.C.S., Section 7105(a), because the vehicle identification number (VIN) was removed or falsified.

### 5.03 NOTIFICATION OF RECOVERED OR SEIZED VEHICLES

- A. Agencies: A member recovering a vehicle shall notify the Station or municipal/regional police agency that handled the theft/unauthorized use investigation of the recovery by the most expedient means. The recovering member shall provide the following information:
1. Time and date of recovery.

2. Name and badge number of member making the recovery.
  3. Vehicle location, condition, and name of towing company, if applicable.
  4. Time and date owner was notified, notification was attempted, or Notice of Motor Vehicle Recovery, Form SP 7-0055, was forwarded to the owner.
- B. Owner: A member recovering a vehicle shall notify the owner of the recovery by the most expedient means.
1. The Notice of Motor Vehicle Recovery shall be prepared by the member making the recovery when:
    - a. The owner is a resident and cannot be reached by other means within 48 hours.
    - b. The owner is a nonresident.
    - c. The owner has not claimed the vehicle within one week after an initial, unwritten notification.
  2. When the vehicle has been seized in compliance with Section 7105(a) of the Vehicle Code, the Notice of Motor Vehicle Recovery may be prepared by the member investigating the incident, if appropriate.
  3. Preparation of the Notice of Motor Vehicle Recovery shall be at the discretion of the member conducting an insurance fraud investigation.
- C. Documentation: The member making the recovery of a vehicle shall include a statement concerning notifications in the appropriate investigative report.
- D. Cancellation of CLEAN/NCIC: The Station conducting the theft/unauthorized use investigation shall be responsible for canceling the CLEAN/NCIC Message, if applicable. Information concerning the cancellation shall be documented in the appropriate investigative report for the theft/unauthorized use and shall include the CLEAN Message number.

## 5.04 RELEASE OF VEHICLES

- A. Release to Owner: A recovered vehicle may be released directly to the owner, title holder, or their authorized representative if the following criteria are met:
1. The vehicle is recovered from the actor who took it, or the vehicle is found abandoned and is determined not to be involved with any third-party pecuniary interest.
  2. The VIN has not been removed or falsified.
  3. At the time of release, the owner, title holder, or representative presents the registration card, certificate of title, or other legal document(s) issued by PennDOT or their state of residence, to the member releasing the vehicle. The member shall require the individual to prove their identity through an accepted form of identification, (e.g., a driver's license).
  4. The vehicle has been processed for physical evidence by the Troop Forensic Services Unit, if appropriate. Evidence collected shall be processed in accordance with existing Department directives and regulations.
- B. Towing: A recovered vehicle which can be released directly to the owner in accordance with Section 5.04 A. may be released at the place of recovery if the member making the recovery is reasonably able to remain with the vehicle until the owner arrives, and the owner can respond to the location in approximately one-half hour of notification.
1. The owner shall be advised that the vehicle will be towed to a storage facility, and they will be liable for any towing and storage charges if they fail to respond in a timely manner.
  2. If the member is required to leave the scene prior to the arrival of the owner, they shall make a notation of the reason for leaving the scene in the appropriate investigative report.
  3. If towing is required, the member shall attempt to utilize a salvor. The salvor/towing service shall be requested to sign the Notice to Salvor, Form SP 7-006B, prior to taking possession of the vehicle (refer to Appendage A). If

unable to execute the form prior to the salvor/towing service taking possession of the vehicle, the member shall ensure the form is subsequently completed by the salvor/towing service.

- C. Court Orders: The release of a recovered vehicle must be governed by a court order if the vehicle was taken by theft from the owner, a third person with a pecuniary interest has possession of the vehicle when recovered, and the VIN has not been removed or falsified. In these cases, either the owner or the third person may move, pursuant to Pennsylvania Rules of Criminal Procedure, Rule 588, for the return of the vehicle.
  
- D. Seized: The release of a seized vehicle is regulated by Vehicle Code Section 7105, which requires the owner or person entitled to possession of the seized vehicle to:
  - 1. Obtain a replacement VIN plate from PennDOT, unless it is being titled in a foreign state and directly removed from the Commonwealth.
  
  - 2. Petition the court to relinquish custody of the vehicle to them. The petition should be served on the Pennsylvania State Police, Office of Chief Counsel, 1800 Elmerton Avenue, Harrisburg, Pennsylvania 17110. If the court issues an order mandating the release of the vehicle without the required replacement VIN plate, the member releasing the vehicle shall advise the recipient:
    - a. A state replacement VIN plate is required.
  
    - b. The vehicle is subject to seizure as mandated by Vehicle Code Section 7105(a).
  
- E. Confiscated: A vehicle confiscated as evidence may be released to the owner when it no longer has evidentiary value.
  
- F. Forfeiture: When a vehicle is confiscated pending forfeiture proceedings, the affected Section, Station, District Office, or Gaming Office Commander shall ensure members/enforcement officers:
  - 1. Notify, as soon as practicable, the appropriate Financial Investigation/Asset Forfeiture (FI/AF) Section or FI/AF Section Supervisor.

NOTE: Contact information for the FI/AF Section is available on the PSPiNet under the "Department Rosters" link.

2. Follow the existing asset seizure/forfeiture procedures contained in AR 9-28, Asset Seizure/Forfeiture Procedures.

## 5.05 STORAGE OF VEHICLES

- A. Taken Into Custody: With the exception of a recovered vehicle released directly to the owner at the scene of recovery, and prior to relinquishing control to a salvor/towing service, members/enforcement officers taking a vehicle into custody shall ensure:
  1. A vehicle confiscated or held as evidence is, in most cases, stored in a Department property storage area.
  2. A recovered vehicle or seized vehicle is, in most cases, stored with a salvor, in which case the Notice to Salvor form shall be utilized.
  3. The vehicle is processed for physical evidence by the Troop Forensic Services Unit, if appropriate. Evidence collected shall be processed in accordance with existing Department directives and regulations.
  4. After the vehicle has been processed for evidence, a custodial/inventory search of the vehicle is conducted.
  5. When a vehicle is recovered for any municipal/regional police agency, that municipal/regional police agency shall be contacted and asked if a custodial/inventory search should be conducted. Processing of the recovered vehicle by the Troop Forensic Services Unit shall also be offered.
- B. Special Circumstances: If ordered by the court or attorney for the Commonwealth having jurisdiction, or if special circumstances exist, a vehicle may be stored at a commercial storage facility.
  1. If the storage of the vehicle has been ordered by the court or attorney for the Commonwealth having jurisdiction, the

Section/Station/Office Commander shall attempt to have that entity pay the storage charges.

2. If it is anticipated the Department will incur storage costs, the Section/Station/Office Commander should attempt to obtain three quotes and utilize the low bidder. An Agency Requisition, Form SP 3-411, shall then be submitted to the Director, Bureau of Staff Services, showing the following information:
  - a. Vendors contacted and their quoted storage cost.
  - b. Anticipated length of storage.
  - c. Agency purchasing card acceptance by low bidder.
3. The Bureau of Staff Services shall review the Agency Requisition and approve it for payment through the Advancement Account or agency purchasing card. Upon reviewing the Agency Requisition, if it is determined that a formal Purchase Order must be prepared for payment, the Procurement and Supply Division shall contact the requester and inform them what information and action will be required. In no instance shall storage costs exceed \$10,000 without a formal Purchase Order.

#### 5.06 DISPOSAL OF VEHICLES

- A. Cost: If there are any costs to the Commonwealth, including towing costs, for seized/confiscated vehicles that are stored as a result of a pending court case, documentation of the costs shall be furnished to the attorney for the Commonwealth, so the costs may be included in any restitution set by the court at final disposition.
- B. Final Disposition: If final disposition of a vehicle has not been determined upon termination of an investigation where no prosecution was initiated, or by the court within 30 days after the adjudication of the court case, the affected Section/Station/Office Commander shall ensure the Office of Chief Counsel is contacted and apprised of the circumstances. Assistance will be rendered by the Office of Chief Counsel in such cases, as necessary.