
	<b>MESQUITE POLICE DEPARTMENT</b>
	<b>206.00 VEHICLE IMPOUNDMENTS</b>
	<b>Effective Date: August, 2011</b>
	<b>Approved:</b> _____  <b>Chief of Police</b>

- I. Vehicles may be impounded for the following reasons:
  - A. Evidence in or instruments of crime.  
Examples: stolen vehicles; vehicles used to transport controlled substances; etc.
  - B. Abandoned Vehicles.  
Vehicles classified as abandoned by the Texas Transportation Code Chapter 683.002. It is not the policy of the Mesquite Police Department to impound abandoned vehicles from private property.
  - C. Vehicles in violation of section 9-187 of the Mesquite City Code.  
A vehicle which is not in currently operable condition and a state of good repair, as defined by Section 9-187 of the Mesquite City Code; may be impounded and the owner cited to Municipal Court, after it has remained parked unattended on a public street for a continuous period of more than forty-eight hours. The officer shall attempt a personal contact with the owner, prior to impoundment of a vehicle parked in violation of this section in a residential area.
  - D. Vehicles in violation of another law or ordinance.  
The policy of the Mesquite Police Department is to impound vehicles parked in violation of law or ordinance only after the owner or operator has been given a reasonable opportunity to remove it, or bring it into compliance. Immediate impoundment is an option only when the vehicle is a traffic hazard or substantial impediment to the flow of traffic.
  - E. Impoundment of vehicle without proof of financial responsibility-insurance.  
Vehicles that are operated in violation of the Texas Transportation Code 601.051, Requirement of Financial Responsibility, may be impounded. Vehicles impounded under this section will not be released until proof of financial responsibility is provided. When an officer elects to impound a vehicle under this section, an inherent responsibility remains to ensure that all occupants of the vehicle are left in a safe location. Officers are not mandated to impound vehicles operated in violation of Texas Transportation Code 601.051, reasonable discretion is allowed. When the operator of a vehicle claims that they have insurance but cannot provide proof, officers should make a reasonable effort to determine if the vehicle is insured. Insurance verification steps may include but are not limited to:
    - a. Texas Sure/ FRVP (Financial Responsibility Verification Program) via TLETS.
    - b. Contacting the operator's insurance company.
    - c. Contacting the operator's insurance agent.
    - d. Contacting the vehicle lien holder.
    - e. Contacting a parent or guardian in the case of a minor.
  - F. Vehicles involved in Accidents.
    1. Vehicles in roadway.  
A vehicle, which remains in a roadway following a motor vehicle accident, and which cannot be safely operated or moved from the roadway, must be towed from the scene by the city contract wrecker service. The operator or owner will be allowed to negotiate with the wrecker operator for removal to a location other than the city pound. If they reach such agreement, no impoundment form shall be

completed. If the vehicle goes to the city pound, an impoundment form shall be completed and the fee schedule, as prescribed by ordinance, shall prevail (see Exhibit No. 200-3).

2. Vehicles off the roadway.

- a. A vehicle which is off the roadway following a motor vehicle accident is the responsibility of the operator or owner. If the operator or owner consents, the vehicle may be impounded. If the operator or owner prefers to arrange removal privately, he will be allowed to do so.\*

Police personnel may relay a personal wrecker request to a private wrecker company if the operator or owner knows the telephone number. Communications personnel are not required to look up phone numbers for wrecker companies, but may do so if workload permits. If the operator or owner requests the police department to call a wrecker but does not want the vehicle impounded, the person making the call shall clearly indicate to the wrecker company (whether city contract wrecker or wrecker designated by the individual) that the call is a personal request by the individual. The police officer at the scene shall take care to explain all available options to the operator or owner, in order that he may make an informed decision.

- b. If neither the operator nor owner of a vehicle involved in an accident is capable of transacting business (due to intoxication, injury, or absence from the scene or other causes) the vehicle shall be impounded.
- c. When a vehicle involved is operated in violation of Texas Transportation Code 601.051, Requirement of Financial Responsibility, the vehicle may be impounded and a hold placed on the vehicle until proof of financial responsibility is provided.

\*Exception: Per Section 8-777(b) of the Mesquite City Code, a vehicle which must be removed by a heavy-duty wrecker shall be removed by the city contract wrecker service, unless the individual or company which owns the disabled vehicle uses a wrecker owned by the same individual or company.

G. Vehicles from which the operator is taken into custody.

When the operator of a motor vehicle is taken into custody, the arrestee generally will have three options, provided that he is capable of transacting business. (Examples of a person who would be considered incapable of transacting business would include intoxicated individuals, or persons under the age of seventeen whom are not licensed drivers.) The options generally available to the arrestee will include:

1. The arrestee may release the vehicle to a passenger or companion, provided the vehicle can be safely operated and the person is legally qualified to drive.
2. The arrestee may leave the vehicle where it is, provided the vehicle will not be left in violation of the law. If the arrestee elects to leave the vehicle where it is parked, the arresting officer shall take all reasonable steps to secure the vehicle, by rolling up the windows and locking the doors. Upon reaching the book-in room, the arrestee will be asked to sign a release of liability for the vehicle. (A signed release will not generally be requested at the scene of the arrest due to safety considerations, as the arrestee will normally be handcuffed.) Should the arrestee refuse to sign the release, the arresting officer shall note on the arrest report that the arrestee stated verbally that he wanted his vehicle left at the arrest scene, and further note that the arrestee refused to sign the release.
3. The vehicle may be impounded.
4. When an arrestee is operating the vehicle in violation of Texas Transportation Code 601.051, Requirement of Financial Responsibility, and the vehicle may be

impounded and a hold placed on the vehicle until proof of financial responsibility is provided.

- H. Impoundment at the direction of a supervisory officer.  
In situations not covered in sections A through F, a vehicle may be impounded at the direction of a supervisory officer. Criteria for such a decision by a supervisory officer would include the necessity for impoundment for the safety of the general public, or the protection of the property of any person. Justification for such action shall be recorded on the impoundment sheet. Examples: Operator suffers heart attack and is transported to the hospital; Operator died and impoundment is necessary for the protection of the deceased's estate.

- I. Impoundment from private property.  
The general policy of the police department is not to impound a vehicle from private property. An exception to the policy would be where the operator is taken into custody, and leaving of the vehicle would cause an imposition to the property owner. In that case, the police department would accept responsibility of impound. For example, a vehicle parked in the driveway of a service station, in a hospital loading/unloading zone, private driveway of a stranger, etc. Another exception would be where the operator is taken into custody and the vehicle would otherwise be left in violation of the law, such as a truck of two tons in a non-industrial area, or a vehicle in a fire lane.

## II. Dispatch Procedures.

- A. Designation.  
1. All requests for a wrecker made by dispatch personnel will be designated as either "standard" or "priority" by the public safety dispatcher.  
2. A police department supervisor may designate any call, other than those mandated by section D (1) as a "priority tow", in which event the procedures outlined below shall be followed.
- B. Standard Tows.  
A standard wrecker call shall require the contractor to respond to the scene within thirty minutes of notification. Such notification is to be rendered to the contractor at a single telephone number to be designated by the contractor or over the police wrecker radio frequency. The wrecker operator shall confirm notification (and indicate that they are en route) via telephone or over the police wrecker radio frequency within ten minutes from receipt of notification.
- C. Priority Tows.  
A priority wrecker call shall require the contractor to respond to the scene within twenty minutes of notification. Such notification is to be rendered to the contractor at a single telephone number to be designated by the contractor or over the police wrecker radio frequency. The operator shall confirm notification (and indicate that they are en route) via telephone or with the public safety dispatcher over the police wrecker radio frequency within ten minutes from receipt of notification. The public safety dispatcher will log the wrecker's en route time into the call notes. For all priority wrecker requests, the public safety dispatcher will immediately dispatch another city contract wrecker if the initial notification is not confirmed by the initial wrecker service within ten minutes.
- D. Priority Tow Procedures.  
1. Dispatch personnel shall designate calls regarding accidents, stalled vehicles, cargo spillage or other potentially traffic impeding events received Monday through Friday between the hours of 0600 and 0900 and 1600 and 1900 on the following highways as "priority tows":  
a. IH 635  
b. IH 30 (Hwy 67)  
c. IH 20  
d. Hwy 80

III. Vehicle Inventory

The contents of each impounded vehicle shall be completely inventoried prior to towing or otherwise removing such vehicle from the place of impoundment. The inventory shall include all items of value, whether contents or readily-removable parts, in the passenger compartment, cargo compartment, storage compartments, mechanical compartments, and any closed container which can be opened without damage, or any other area of the vehicle. The inventory shall be recorded on the impoundment sheet.


IV. Vehicle Holds

- A. A vehicle may be placed in a "Hold" status by the impounding officer, based on probable cause that:
  - 1. the vehicle is stolen and ownership cannot be readily established;
  - 2. the vehicle is evidence in a crime;
  - 3. the vehicle is subject to legally-authorized confiscation; or
  - 4. at the direction of a supervisory officer.
- B. The officer initiating a hold is responsible for notifying the appropriate investigator, or for otherwise resolving the hold within one business day of the impoundment.
- C. Impound sheets with a "hold" status shall be promptly identified, and a copy of the "hold" impound shall be forwarded to the Operations Bureau Commander, to the Technical Services Bureau Commander, and to the Investigations Bureau Commander.
- D. A vehicle will automatically be dropped from "hold" status after 72 hours. Any exception to this provision shall require written approval of a Bureau Commander.

V. Due Process

The owner or operator of an impounded vehicle is entitled to a hearing to establish whether the impoundment of the vehicle was reasonable. Upon request of the owner or operator, such hearing will be scheduled by contacting the Municipal Court for a hearing date. The impounding officer will be required to justify the impoundment before a Municipal Hearing Officer.

EFFECTIVE: April, 1986; REVISED: September, 1990; FORMERLY: C/86-24, C/85-24; REVISED: January, 1996; REVISED: October 1999; REVISED: October, 2006; REVISED: August, 2011

MESQUITE POLICE DEPARTMENT IMPOUNDED VEHICLE REPORT									
	IMPOUND #		Hold For:		By:	ID#	DATE:	72 HR LIMIT* - Reason for hold:	
	SERVICE #		Hold Rel'd By:			ID#	DATE		
	DATE:		TIME:		Hold Extended:		ID#	DATE:	
HOLD MUST BE EXTENDED BY BUREAU COMMANDER *Provide copies to Bureau Commanders (OPS, TEC-SVC, C.I.D.) & Auto Pound Officer.									
STREET ADDRESS:			CITY:			STATE:		ZIP:	
YEAR:		MAKE:		MODEL:		COLOR:		BODY STYLE:	
LICENSE PLATE:			YEAR:		STATE:		VEHICLE MILEAGE:		
VIN NUMBER:					(Place Hold for citation) CITATION NO:				
REASON IMPOUNDED			VEHICLE CONDITION			DAMAGE - DESCRIBE		COMMUNICATIONS USE ONLY	
<input type="checkbox"/> ARREST			<input type="checkbox"/> DRIVEABLE					Stored Abandoned <input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/> ACCIDENT			<input type="checkbox"/> UNKNOWN					Date Entered:	
<input type="checkbox"/> ABANDONED			<input type="checkbox"/> WRECKED					Entered By:	
<input type="checkbox"/> PARKING VIOLATION			<input type="checkbox"/> BURNED					Cleared Abandoned <input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/> STOLEN**			<input type="checkbox"/> STRIPPED					Date Cleared:	
**AGENCY STOLEN FROM:					Checked NCIC: <input type="checkbox"/> Yes <input type="checkbox"/> No		Cleared by:		
PASSENGER COMPARTMENT CONTENTS					TRUNK / CARGO AREA / PICKUP BED ETC.				
<input type="checkbox"/> GLOVE BOX			<input type="checkbox"/> # OF KEYS			<input type="checkbox"/> SPARE TIRE			
<input type="checkbox"/> CONSOLE			<input type="checkbox"/> TAPE / CD DECK			<input type="checkbox"/> TOOL BOX			
<input type="checkbox"/> UNDER FRONT SEAT			<input type="checkbox"/> CB / HAM RADIO			<input type="checkbox"/> LIST OTHER ITEMS			
<input type="checkbox"/> UNDER REAR SEAT			<input type="checkbox"/> TOOLS						
<input type="checkbox"/> CLOTHES			<input type="checkbox"/> OTHER, DESCRIBE						
Inventory Conducted By: <input type="checkbox"/> Impounding Officer <input type="checkbox"/> Other:					Items placed in: <input type="checkbox"/> Property Room <input type="checkbox"/> Release to owner <input type="checkbox"/> Other:				
Items Removed From Vehicle By:					ID#		List Items:		
<div style="display: flex; justify-content: space-between;"> <div> <b>DRIVER INFORMATION</b> <input type="checkbox"/> No Driver </div> <div> <b>OWNER INFORMATION</b> <input type="checkbox"/> Same as Driver </div> </div>									
Name:			Sex:		Race:		Name:		
Address:			DOB:			Address:			
City:			State:		Zip:		City:		
Phone: ( )			Charges:			Phone: ( )		Notified By: <input type="checkbox"/> I.O. <input type="checkbox"/> Other:	
Impounded By:			I.D.		Arrest Ofc:		ID:		Lien Holder:
Imp. Svc. Verified By: <input type="checkbox"/> I.O. <input type="checkbox"/> Other:			Entered By:		ID:		Address:		
DISPATCH TIME:			ARRIVAL TIME:			City:		State: Zip:	
Location	<input type="checkbox"/> Hester's Wrecker Service 1341 Tripp Rd. Mesquite, TX 75150 (972) 288-9385 VSF: 0000891					<input type="checkbox"/> Property Room			
	<input type="checkbox"/> McIntyre Wrecker Service 4515 Hwy 80 Mesquite, TX 75150 (972) 613-9914 VSF: 0577348					<input type="checkbox"/> Seizure Lot			
	<input type="checkbox"/> Wisdom Paint & Body 1422 Hwy 80 Mesquite, TX 75149 (972) 288-0551 VSF: 0000703					<input type="checkbox"/> Other:			
<b>CONTACT WRECKER SERVICE FOR FEES (Excludes Sales Tax)</b> <div style="float: right;"> <b>WRECKER DRIVER</b> <input checked="" type="checkbox"/> </div>									
\$50.00 - Standard Tow <input type="checkbox"/> Priority Pickup			\$		Heavy Duty \$100/Hr.-\$100 Min.		\$		
\$32.00 - Notification Fee			\$		Additional Wreckers		\$		
\$20.00 - Dolly/Tilt Bed Use			\$		Other Equipment (Describe)		\$		
\$50.00 - Motorcycle Required Trailer			\$		Other Equipment Charge		\$		
Labor @ \$35/HR (Prorated 15 min. increments)			\$		Labor @ \$125.00/HR. Prorated		\$		
Describe Labor					Describe Labor				
Pick up outside city within one (1) mile			-No Additional Charge-		Other Labor Charge		\$		
Pick up outside city over one (1) mile			\$		\$32.00 Notification Fee		\$		
\$1.00 per mile round trip			\$		\$15.00 Daily Storage Fee x [ ] days		\$		
\$15.00 Daily Storage Fee x [ ] days			\$		(Per Tractor, Trailer or Bobtail)		\$		
\$10.00 Impoundment Fee			\$		\$10.00 Impoundment Fee		\$		
<b>TOTAL CHARGES:</b>			\$		<b>TOTAL CHARGES:</b>		\$		
Vehicle Released By:					ID#		Date:		Time:
Signature of Person Claiming Vehicle: X							ST:		DL#
Printed Name of Person:					Street Address:				
City:		State:		Zip:		Phone: ( )			
Impound No:					Date Letter Sent:		Date Cleared:		By:

DISTRIBUTION: YELLOW to Wrecker Driver WHITE to Desk Officer (Vehicles are released at the Storage Facility)

(Rev. 05/2003)

### Exhibit No. 200-3 Impoundment Form