

# Policy for management of property, vehicle removal and recovery

## Introduction

This policy covers the forces procedures for:

- removing vehicles from roads and public places particularly where they are causing or likely to cause obstruction or danger;
- assisting members of the public, that is, after a road accident;
- dealing with found and stolen vehicles;
- dealing with vehicles used in crime;
- prisoners' vehicles;
- vehicles parked in a dangerous position;
- burnt out vehicles.

## Legislation

For the purposes of this section of the document police powers will mean:

- the Road Traffic Regulation Act 1984;
- the Removal and Disposal of Vehicle Regulations 1986;
- the Refuse Disposal (Amenity) Act 1978;
- the Police and Criminal Evidence Act 1984;
- Common Law seizure;
- the Transport Act 1968;
- the Road Traffic Act 1988.

## Before moving a vehicle

Before you arrange the removal of a vehicle be certain:

- you have a legal power to do so; or
- the owner or driver has asked you to remove the vehicle.

Do not:

- move a vehicle by driving it unless your supervisor authorises it and your Driver and Vehicle Licensing Agency (DVLA) licence covers you for that class of vehicle;
- take any vehicle to police premises unless the duty Inspector has told you to; or
- attempt to immobilise a vehicle by tampering with it, other than removing keys and locking the doors.

## Vehicle removal by the GMP Vehicle Recovery Scheme

Contact your Area Operations Room (AOR) for this service, never contact an authorised garage or the GMP Vehicle Recovery Scheme directly.

Inform the AOR operator of:

- the power you are using, such as Removal and Disposal of Vehicles Regulations;
- whether the driver has made the request;
- the reason for the removal;
- the driver's and or owner's details;
- whether there are any passengers with the vehicle;
- the vehicle type including model, colour and registered mark, and in the case of a goods vehicle, its size, weight and type of load;
- whether the vehicle has automatic or manual transmission;
- the vehicle's exact location;
- what kind of lift is required, for example front-end or back-end;
- what kind of removal equipment is needed;

- whether the vehicle is on the roadway or off it, and if so by how much;
- whether you need the vehicle to be kept under cover for crime scene or vehicle examination;
- whether the vehicle may be released after fingerprinting or whether it needs to be retained;
- whether there are any special arrangements for the retention or release of the vehicle.

### **Vehicle apparently abandoned by its owner**

This will include vehicles that would normally attract a 'seven day' order.

You must not normally arrange the removal of the vehicle. This is the responsibility of the local authority under the Refuse Disposal Amenity Act 1978.

This will also include heavy goods vehicles (HGV), trailers, caravans or vehicles laden with rubbish such as tyres, builder's materials, etc.

In these circumstances you must inform the Area Operations Room (AOR) who will contact the GMP Vehicle Recovery Scheme (GMPVRS). They will contact the local authority to arrange removal or activate the fastrack scheme (depending on the division).

### **Burnt out vehicle**

Burnt out vehicles are particularly dangerous and can cause severe injury just by touching them. Only examine a burnt out vehicle if you have received specialist training and have the right safety equipment.

Arrange for a burnt out vehicle to be removed immediately using your police powers.

Tell staff at the GMP Vehicle Recovery Scheme about HGV trailers, etc. so that they can contact the local authority to arrange removal.

### **Vehicle causing obstruction**

Before removing a vehicle which you believe is causing an obstruction:

- be sure the obstruction is significant, not merely an inconvenience to other road users;
- get authority from your supervisor before you arrange to remove the vehicle.

Your supervisor will need to know:

- the type of road;
- the position and condition of the obstruction;
- the level of congestion likely in the circumstances.

### **Vehicle in a dangerous position**

If a vehicle has been left in a dangerous position, such as on a blind bend or the brow of a hill, arrange its removal as soon as possible.

### **Fixed Penalty Notice**

Any vehicle which has a fixed penalty notice issued to it, may be removed using GMP Vehicle Recovery Scheme under your police powers. The person responsible for the vehicle is liable for payment of recovery.

### **Stolen vehicle**

When we find a stolen vehicle, tell the owner and find out how they intend to have it removed. If:

- the owner cannot arrange the vehicle's removal within a reasonable time;
- there is a significant risk the vehicle will be damaged or stolen again;
- arrange its removal through the GMP Vehicle Recovery Scheme. In any event the owner is responsible for paying the removal costs.

Do not attempt to remove a stolen vehicle by driving it.

Crime scene investigation staff will attempt to examine all stolen vehicles for fingerprints. Do not use such an examination as an excuse to delay returning a vehicle to its owner if they want it back immediately. The owner is responsible for payment of recovery.

### **Vehicle used in crime**

If you have evidence a found vehicle, stolen or not, has been used in crime, arrange for it to be examined by crime scene investigation staff. This may be done at a clinic or at the owner's premises. If the vehicle is removed through the GMP Vehicle Recovery Scheme then it will be at the owner's expense.

### **Crime Scene Investigator / Vehicle Fraud and Auto Crime Examiner**

You must complete the unique audit document form (Vehicle recovery scheme) on all occasions when an examination of a vehicle has been undertaken.

### **Police officer**

Where a vehicle is required to have a Vehicle Fraud and Auto Crime examination, you must inform that Unit the same day using the form 295K (Fax request for vehicle examination).

### **Vehicle used in major crime**

Examples of major crime are:

- murder;
- rape;
- firearms.

If a vehicle has been recovered and you believe it is related to a major crime and will require a full forensic examination, do not arrange the vehicle's removal without the authority of the senior investigating officer. GMP will normally pay the contracted rate for these removals.

### **Motorways**

Broken down vehicles on motorways and similar roads, such as the A57(M) Mancunian Way or the A666 St. Peters Way, pose a particular danger and must be removed as soon as possible. If the driver is with the vehicle make sure arrangements are in place to remove it. If this has not been done then do so as soon as possible considering police powers and the use the GMP Vehicle Recovery Scheme.

### **Road accidents**

All vehicles involved in accidents which are:

- fatal;
- potentially fatal;
- involve very serious injury;

must be removed through the GMP Vehicle Recovery Scheme for detailed examination, whether or not defects are alleged. Do not arrange the vehicle's removal before you have consulted with the Accident Investigation Unit, Traffic Network Section, Specialist Operations Branch [X]. This Force will pay the removal fee for vehicles in these circumstances. HGV vehicles will not be at the police contracted rate and will attract further payment.

Removal of vehicles involved in other accidents are the responsibility of the driver. However, if they ask for help, arrange the vehicle's removal through the GMP Vehicle Recovery Scheme and tell the driver they will have to pay the costs. If they make their own arrangements, inform them, if the vehicle is not removed within a reasonable time you will arrange it through the GMP Vehicle Recovery Scheme and they will have to pay the costs.

Do not leave the scene of a road accident without making sure the vehicles will be removed.

### **Person arrested in possession of a vehicle**

When you have arrested a person in possession of a vehicle:

- make sure, as far as possible, the vehicle is secure and parked in a safe position;

- tell the arrested person that GMP are not responsible for the safety of the vehicle;
- tell the custody officer to enter details of the vehicle and its location in the custody record.

If the person is kept in custody, ask them to nominate someone to remove the vehicle. If he or she or she does not do this, arrange for the vehicle's removal through the GMP Vehicle Recovery Scheme and inform the prisoner they will have to pay the costs. In either case, ask the custody officer to endorse the custody record.

### **GMP Vehicle Recovery Scheme - FWIN**

Where the GMP Vehicle Recovery Scheme is required to action the removal of a vehicle, the relevant Force Wide Incident Notification (FWIN) will be switched to them by the AOR operator. GMP Vehicle Recovery Scheme staff will update the FWIN with the details of the garage which is attending and the estimated time of arrival. It will further updated when the vehicle has been recovered.

If the vehicle is a stolen vehicle for routine fingerprint examination after removal, always try to arrange immediate examination by a Crime Scene Officer. If this is not possible code the FWIN for their information. Removal will be at the owner's expense.

### **Divisional traffic inspectors will act as the local liaison officer**

Divisional traffic inspectors will act as the local liaison officer on their division.

### **Tracing the owner**

When an authorised operator has removed an abandoned vehicle to their secure storage area, the operator is responsible for tracing the owner.

For a removed stolen recovered vehicle, the Area Operations Room (AOR) for the area in which it was recovered will inform the owner where it is.

If the vehicle is retained for forensic examination the police officer in the case must tell the owner when it is ready for release.

If it is known, at an early stage, the vehicle recovered may be released after fingerprinting, the police officer in the case must endorse the Force Wide Incident Notification (FWIN) to this effect in order to speed up the return of it to the owner.

### **Giving information**

Authorised operators act as agents for the Chief Constable and we can give them certain information from the Police National Computer (PNC) and other sources which:

- identifies the registered keeper;
- helps them to dispose of the vehicle.

### **Property**

An authorised operator is responsible for property in a recovered vehicle.

However, GMP will take the responsibility for items such as:

- firearms;
- drugs;
- property which would be unlawful or not advisable for the operator to keep;
- property required for evidence;
- money.

An authorised operator must check and record property in a bound property register. If you remove any property from an operator's premises, endorse the register.