Removal and Storage of Motor Vehicles Procedure

This procedure is part of North Yorkshire Police's policy to which all Chief Constable personnel are required to adhere to.

Procedure Statement

This procedure and supporting measures set out the processes that North Yorkshire Police (NYP) follow when dealing with the removal, seizure and storage of motor vehicles.

The aims of this procedure are to ensure:

- compliance with relevant legislation and case law
- establish a consistent structure and maintain a professional approach to the safe removal, storage and disposal of motor vehicles

Procedures:
Public Complaints Procedure
Removal & Retention of Vehicles (Uninsured, Untaxed, Unlicensed Drivers, Foreign RVs) Procedure
Police Vehicle Collision Procedure

Other Documents:
Anti-Social Use of Vehicle Guidance
Motor Insurance Bureau
Vehicle Recovery
PNC Vehicles
LEDS Vehicles
Transport

Process

Vehicle Recovery Scheme

Only an Appointed Recovery Operator (ARO) can be deployed for any vehicle where NYP dictates removal under the Regulations.

The independent Manager of the Recovery Scheme will be responsible for maintaining and using the AROs for each communications centre.

The scheme is operated by the independent contract manager, to request the ARO covering the area of the incident. What 3 Words location should be passed to the ARO for accuracy by the FCR. Full information must be passed, particularly relating to the need to retain the vehicle for

forensic/mechanical/evidential examination purposes. If the vehicle is required for forensic examination this must be made clear and a CSI template must be sent. Failing to send a template often results in unnecessary delays and additional storage charges.

The system operates on a one incident one ARO basis. The ARO deployed may nominate another ARO to assist should the incident require additional equipment, but all vehicles recovered should be removed to the original deployed ARO premises.

The ARO removing the vehicle will be responsible for the safe keeping of any property found in the vehicle. Vehicles should be left locked and secured wherever possible and the vehicle keys stored securely in reception.

An Electronic Vehicle Audit Document (EVAD) must be completed for all recoveries.

If the recovery is as a result of an owner's request the owner must sign the EVAD.

Vehicles should not normally be removed to or stored at a police station for forensic examination purposes; vehicles should be recovered to an ARO.

Road Traffic Collisions - Fatal, Serious Injury and Likely to Prove

In all cases where a vehicle has to be recovered in the above circumstances, the recovery will be by an ARO to their secure premises.

Collision Damaged & Minor Injury RTC Vehicles

Where a police officer attends a Road Traffic Collision on a Motorway or a dual carriageway where the National Speed limit applies and a disabled vehicle has visible damage then the vehicle will be removed from the scene by an ARO.

On all other roads, drivers should be given the opportunity to make their own arrangements for the removal of the vehicle in a **reasonable time** (normally one hour) unless the officer in attendance deems the vehicle is causing a risk of danger.

Owners should be encouraged to remove the vehicle as soon as possible if it is causing an obstruction or danger.

Officers should assess whether the owner's requested recovery agent would be sufficiently expeditious.

Where it is assessed that the owners nominated recovery agent will not be expeditious, the officer can use their powers under Section 99 Road Traffic Regulation Act 1984 (obstruction/danger/ abandoned/broken down) for the removal of vehicles and overrule the wishes of the owner. An ARO should then be deployed to remove the vehicle.

The officer at the scene is responsible for ensuring the safe removal of vehicles and the safe return of the scene to use by the public. In all cases an officer must remain with the ARO and recovery vehicles if the recovery vehicle itself is deemed to be causing an obstruction or danger to other road users. If during the recovery of the vehicle, this necessitates either an officer temporarily closing the road or where the circumstances are such that oncoming vehicles need to be warned in advance of this potential danger this must always be done to ensure public safety.

If the vehicle is to be mechanically examined by a police officer, the examinations should only be carried out at the premises of an ARO.

The vehicle will be released immediately unless noted otherwise on the EVAD.

The electronic vehicle audit trail document **must** be fully completed and handed to the ARO's operative including the section relating to the release of the vehicle after examination. The authority for release lies with the OIC/SIO.

It is the OIC's responsibility for ensuring that any requirements of CSI are clearly noted on the form and if the vehicle is to be retained after examination, the EVAD form **must** clearly state this.

Police Vehicle Accidents

Where a police vehicle is involved in a road traffic collision and it is not driveable, the vehicle will be removed by the ARO for that area to the nearest fleet garage or dealership. Where a police vehicle is involved in a road traffic collision and the vehicle is to be examined by the Collision Investigation Unit, the vehicle should again be removed by an ARO to the nearest fleet garage. Reference to the Police Vehicle Collison Policy must be made by the investigating officer, consideration must be given to any request by the CIU to have vehicles involved in a collision co-located for investigation purposes.

Vehicles Used in Crime - Seized Under PACE

Under normal circumstances vehicles will not be recovered to police premises however there may be occasions where they are required to be recovered for forensic purposes at the discretion of a Senior Investigating Officer. Currently no police stations have secure forensic bays, these are only at ARO premises.

Where a vehicle is seized to be examined by Crime Scene Investigators (CSI), it will be removed by the ARO for that area to their premises.

Where a drugs or crime related seizure is made, the ARO will remove the vehicle to their secure premises. If drugs are suspected the ARO should be warned so that their staff may take the necessary precautions whilst the vehicle is recovered.

The EVAD **must** be completed and handed to the ARO's operative including the section relating to the release of the vehicle after examination.

The Officer in the case **must** indicate clearly on the EVAD whether the vehicle can be released back to the owner once it has been forensically examined as this will reduce storage costs, free up valuable garage storage space and allow the owner to recover the vehicle more expeditiously.

Where the vehicle has been seized as a result of a serious offence and the investigation is being carried out under the command of a Senior Investigating Officer (SIO) then recovery should be made after consultation with the SIO. Covered transportation will be available if requested.

Following the seizure of a vehicle for a serious offence i.e. murder, manslaughter, death by dangerous driving, dangerous driving, serious assault etc. and the vehicle is to be mechanically examined, the vehicle should be disposed of in a way that conforms to the Beckford Judgement.

If a vehicle is recovered purely for CSI to eliminate it from enquiries NYP will cover the cost of recovery.

If a vehicle is recovered following use in the commission of an offence under Section 19 PACE (General Powers of seizure), including where there are persons arrested then NYP will NOT be

responsible for any costs UNLESS any subsequent investigation results is a 'no further action' decision.

Stolen / Suspect Stolen Vehicles

When a vehicle is stolen, the registered keeper/owner will be sent a letter explaining the procedure that will be carried out once the vehicle is found. Recovery of stolen vehicles is in line with National Policy and the reasons for non-recovery will need to be justified.

When an outstanding stolen vehicle is found, the FCR communications officer is to make a reasonable attempt to contact the owner, who should be informed where the vehicle is located and be given the opportunity to recover the vehicle themselves within a **reasonable time** (normally one hour).

If the owners are unable to recover the vehicle themselves or if the time in which they are able to recover it is not reasonable, the owner should be informed that the vehicle will be recovered by an ARO, which will incur a cost that will be borne by the vehicle owner. **The cost should not be discussed with the owner, and the Storm Log is to be updated in either event**.

If an officer requests the removal of the vehicle only for forensic examination, then all costs are the responsibility of NYP. Wherever possible however the recovery of a stolen vehicle will be under Section 99 Road Traffic Regulation Act 1984 powers i.e. illegally, obstructively, dangerous parked, abandoned (albeit temporarily) or broken-down vehicle. Any examination will take place as the vehicle is under our control. **Vehicles must be released at the earliest opportunity.**

An officer must remain with the stolen vehicle until the arrival of the owner, the owner's garage or the ARO. The EVAD **must** be completed and handed to the ARO's operative, including the sections relating to examination and release.

In accordance with existing arrangements, a message is to be sent via OEL template from the FCR dispatcher to PNC who will then update the PNC/LEDS vehicle record with a found marker. Niche is then to be updated accordingly by CROMU staff.

The OIC who dealt with the original theft is to be updated via email by the FCR dispatcher that the vehicle has now been found and where it is located.

The owner of the vehicle is also to be updated that the vehicle has been recovered and informed where the vehicle has been recovered to, including contact details.

A CSI template is to be sent by the dispatcher from the storm log in order to have the vehicle forensically examined at the premises where it is stored. Storm is to be updated accordingly.

The vehicle will be released automatically after examination unless noted otherwise on the EVAD.

Vehicles Causing an Actual Obstruction or Danger to Others - Illegally parked vehicles.

Where a vehicle is found illegally parked, or it is causing an actual obstruction or a danger to others, the officer should deal with the offence via the Traffic Offence Report (TOR) process for the offence committed. The vehicle will also be removed to the ARO's operating base. The officer should remain with the vehicle until the arrival of the ARO. The EVAD **must** be completed and handed to the ARO's operative.

The officer removing the vehicle is to place a marker on the PNC/LEDS, as soon as possible once the removal has taken place.

All vehicles on the hard shoulder of a motorway are a danger and should be removed in line with ACPO (Road Policing) Guidelines.

It is the responsibility of the Local Authority under the Civil Amenities Act to remove vehicles that have been unlawfully abandoned.

Broken Down Vehicles

In respect of vehicles that are broken down on major/minor roads it would be worthy of consideration to allow owners/users a reasonable time to enable them to get the vehicle recovered themselves. Officers are expected to take reasonable steps to establish vehicle keeper/user details in pursuance of this consideration. This will help to eradicate unnecessary recoveries and increase confidence in the scheme, thereby reducing complaints. A time limit of one hour would be appropriate on normal roads however on motorways and in respect of vehicles left in a dangerous position this should be reduced to 30 minutes. Officers are expected to take reasonable steps to establish the length of time a broken-down vehicle has been left in situ.

Abandoned Vehicles

When an abandoned vehicle is found, reasonable attempts must be made to contact the owner, who should be given an opportunity to remove the vehicle in the first instance. If the owner cannot be located, then the Local Authority should be contacted and requested to place the appropriate notice on the vehicle. This would cover 'end of life' vehicles which are covered under the Refuse Disposal (Amenity) Act 1978 which places the duty of removal upon the Local Authority, who have the power to remove such vehicles promptly and should be encouraged to do so.

Burnt Out Vehicles

Burnt out vehicles found on a road or burnt-out vehicles of police interest will be removed by an ARO to their premises. In all other cases it is the responsibility of the landowner or the Local Authority to remove the vehicles.

Vehicles Issued with a Prohibition Notice (PG9)

A vehicle with a Prohibition Notice (PG9) does not need to be recovered by an ARO in all cases however, a prohibition marker must be placed on PNC.

Vehicles seized under Section 165A Road Traffic Act 1988

The Road Traffic Act 1988 (Retention and Disposal of Seized Motor Vehicles) Regulations 2005 and The Road Traffic Act 1988, as amended provides a statutory authority for officers to ensure that uninsured vehicles, and those vehicles driven by unlicensed drivers are removed immediately from the road.

NYP use the Removal & Retention of Vehicles (Uninsured, Untaxed, Unlicensed Drivers, Foreign RVs) Procedure to help reduce crime in North Yorkshire.

The owner of the removed vehicle may claim it at a later time but will be liable for the resulting costs of recovery and storage. They will need to provide proof that the vehicle is insured and fully road legal prior to its removal from the recovery agent. For further details see full legislation.

Prior to recovering a vehicle for no insurance, the Motor Insurer's Bureau (MIB) Police Helpline (0845 165 2999) should be contacted as they can assist in checking whether a motorist is driving without valid insurance.

MIB Police Helpline can assist when:

- A roadside stop is being conducted
- An enquiry is made within 24 hours of a roadside stop
- A recovery unit officer wishes to confirm insurance status at the time of vehicle collection

Offences relating to no driving licence/no insurance

All vehicles seized under this legislation must be remove by an ARO. The release process, (as detailed within the seizure notice) for vehicles seized must be followed in all instances.

The correct seizure notice to be issued and if the driver is not the registered keeper, a copy of the notice must be sent to the registered keeper by recorded delivery and the reference number recorded on NICHE.

If there is an alternative to seizing the vehicle i.e. another licensed and insured driver removing the vehicle from the scene then this should be considered if the officer in the case deems that this is proportionate and justifiable.

In cases involving recovery of uninsured vehicles, if all reasonable lines of enquiry have been followed and the vehicle is deemed at the time to be uninsured, if it later transpires that the owner does have valid insurance the costs of recovery should be borne by the insurance company and not NYP.

Unregistered vehicles

Where an unregistered vehicle e.g. off-road bike/scooter has been seized and is not insured to be driven on a road, the owner must provide:-

- Documents proving ownership to the VRO
- Be able to provide suitable transport to remove the vehicle
- Provide valid Photo ID

Vehicles seized under Section 59, Police Reform Act 2002

This refers to occasions where vehicles are used in a manner which causes alarm, distress, or annoyance. Where a vehicle is being used in this way or otherwise amounts to careless or inconsiderate driving the police have the power to seize the vehicle. For further details refer to the Anti-Social Use of Vehicle Guidance.

All vehicles seized under this legislation must be removed by an ARO. The release process for vehicles seized must be followed in all instances.

Seizure of vehicles owned/used by persons arrested

Consideration should be given to the need to seize/recover such vehicles, and each incident should be looked at on its own merits. If the vehicle has been left locked/secured and is not causing any sort of obstruction, then a recovery should not be authorised, and the vehicle should not be seized. This includes persons arrested for OPL etc.

If, however, the prisoner requires the vehicle to be recovered then they should be advised that the recovery will be at their own expense and the paperwork updated accordingly.

Search and Rescue Teams

Search and Rescue Teams i.e. Clapham Cave Rescue, Mountain Rescue, Swaledale Search & Rescue etc. are to be included in the AADL Policy in order that they are supported in their work.

On the occasion that they break down they are to be offered recovery as 'Police own vehicles' at the agreed special rate.

Cancelled Recoveries

Officers should always check with owners/users of vehicles if they have made their own arrangements regarding recovery of vehicles prior to requesting recovery through the TAAL scheme. Officers must also ascertain the ETA of the assistance and if the owner's recovery will take an unacceptable amount of time i.e. over an hour, then the scheme should be used in any case.

If a VRO is called out to recover a vehicle and then cancelled for any reason after 10 minutes, NYP will be liable for the costs incurred, unless there are exceptional circumstances and in which case these must be referred to the Vehicle Recovery Liaison Officer (VRLO) who will make the final decision.

Property

All property found in any vehicle recovered by an ARO will be dealt with by the ARO except property that is of an illegitimate nature (i.e. drugs, firearms, stolen property etc.) The officer in the case should deal with property of an illegitimate nature in accordance with the Property and Exhibits Procedure. This also includes cash and other valuable items where the owner is unable to recover them from the scene or is incapable of doing so or where it would be inappropriate for them to do so.

Anything of potential evidential value should be recovered from the scene and appropriately dealt with under the relevant procedure.

Where it is appropriate, the owner/driver of the vehicle can, where possible, be told to remove all items of value prior to the vehicle being recovered. This should be noted on the EVAD and where possible signed by the owner/driver.

Where the OIC or complainant remove property from the vehicle there is potential in certain cases to inadvertently interfere with evidence left by offenders i.e. disrupting seat fibre evidence, leaving fingerprints not associated with the crime and so on. If property is to be removed the OIC may be better placed than the owner to do any removal bearing in mind the above issues around contamination.

Costs

Normally the owner, driver, or insurance company are responsible for all the costs of removal, storage and disposal of vehicles that come into the possession of NYP. These costs are laid down in the Removal, Storage and Disposal of Vehicles (Prescribed Sums and Charges) Regulations 2008.

There are occasions when NYP will be required to pay the costs of the ARO, however incidents can be reviewed on an individual basis: -

- when the removal has been unlawful or made in error

- when a vehicle has been seized for a forensic/mechanical examination and has been eliminated from the enquiries
- when the vehicle has been recovered for elimination purposes after a fatal or life threatening or life changing collision, and are subsequently found to be not involved in the incident under investigation

However, each case may be reviewed and a decision made based on the individual circumstances.

Storage

North Yorkshire Police are changed £1/day per vehicle storage after 90 days. If you require a vehicle to be in long term retention this will require authorisation from your Inspector with rationale.

NPCC Guidance states that a vehicle should not be kept in Long Term Storage if a photo as evidence will suffice.

Complaints, Disputes and Appeals

As per Public Complaints Procedure

The VRLO will assess each incident and have responsibility for determining how disputes will be resolved.

The AA Limited are contracted to NYP to provide a recovery service. Any complaints, for example damage to vehicles through recovery or unreasonable charges, will be investigated by the AA Limited who will use the VRLO as a single point of Contact for NYP.

The liaison officers will refer to the Officer in the Case, NYP Legal Services and/or the AA Scheme Manager as appropriate in the decision-making process.

Definition of Special Terms

ARO	Appointed Recovery Officer
TAAL	The Automobile Association Limited
EVAD	Vehicle Audit Document
FCR	Force Control Room
Reasonable time	normally one hour but reduced to 30 minutes if circumstances dictate