

TRAFFIC ANCILLARY SERVICES

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I. PURPOSE

The purpose of this policy is to insure that the public, when traveling within Kent County, shall have available such emergency services which will increase their safety and facilitate the smooth flow of traffic.

II. POLICY

All officers of the Cheswold Police Department shall render general and emergency assistance and provide public information and direction to motorists who are in need of help. Each member shall be responsible for reporting potential traffic and pedestrian hazards, identifying and processing abandoned motor vehicles and locate and recover vehicles reported as stolen property. Other traffic ancillary services will be provided as outlined in this directive.

III. PROCEDURES

A. Disabled Vehicles

1. The Department of Public Safety shall assist disabled motorists in, but not limited to, obtaining fuel, changing tires, obtaining road service or arranging for towing. All arrangements for towing will be made with the company who the motorist requests, or if such is not possible or reasonable, the tow service as determined by through contractual agreement.
2. It must be understood at the time services are provided that the motorist is responsible for the payment. The services will be associated with the Cheswold Police; therefore, poor service will not be tolerated. Poor service by a service truck operator or his company will be reported by memorandum through the chain of command to the Chief of Police

B. Stranded Motorist

1. The Department shall provide assistance in the form of directions, transportation and emergency lodging. Each officer shall answer questions pertaining to directions or locations of specific places. All efforts should be made to obtain this information through other sources, i.e., KENTCOM on the radio data frequency channel when it is not immediately known to the officer or, by telephone, as accessible.

2. Each officer shall provide transportation to a reasonable place of safety for all persons who are stranded on the highway, following standard relay procedures. In the event that emergency lodging is required each officer shall respond to the nearest police facility to assist in arranging lodging. If no alternative exists for the motorist, the officer will provide transportation to such individuals .

C. Emergency Medical Service Assistance

Each officer shall provide emergency medical assistance to motorists. Officers should contact or arrange for ambulance or paramedic service via KENTCOM. Officers will remain with the motorist and render such emergency care as needed and within their qualifications. In no case shall an officer transport an injured motorist or escort a private vehicle transporting an injured person. Officers may give direction to such vehicles and alert the hospital by way of KENTCOM as to the nature of the emergency. Officers may assist with traffic when requested by emergency medical services.

D. Relay Services

1. The Department recognizes that there are legitimate requests for relaying persons and property from one location to another, both on routine and emergency basis. The Department will honor these requests to the extent practical, consistent with the need to insure that the act of escorting the emergency relay itself does not create unacceptable risks to the public or officers. The officer may do a limited search to insure that the person to be transported has no weapons. This may be done any time a civilian is transported in a police vehicle. All relays of persons, vehicles, or property should be approved by a supervisor, when available, prior to the execution of the relay. Relays may include, but are not limited to, transportation of official police documents or equipment; transportation of persons , suspects, stranded motorists, other officers, prisoners, visiting dignitaries, etc .
2. The transporting officer will provide KENTCOM with the “on and off” with any passenger transport, the location transported from and the location transported to.

E. Escort Services

1. Under no circumstances should another emergency vehicle be escorted by a Cheswold Police vehicle. Two emergency vehicles traveling together more than double the hazard to traffic and motorists. Officers shall not escort funerals without permission from their supervisor. The supervisor shall determine the number of vehicles to be used for each escort.
2. Legitimate requests for scheduled police escort services include, but are not necessarily limited to those associated with, funerals, motorcades, public officials, oversized vehicles, highway construction and vehicles with hazardous or unusual cargo. All such requests must have staff level review and approval before being honored.

3. When the Department elects to honor a request, the trip route will be established in advance, as will the maximum speed to be maintained along each segment of the route. Traffic Control Points will be established, as appropriate, at locations along the scheduled route, sufficient to ensure safe passage. Tactical control of the escort will be assigned to a specific commander, supervisor, or officer, in accordance with the complexity of the escort services provided. The tactical controller will set the pace of the escort in accordance with the prevailing conditions, and under no circumstances exceed the pre-specified maximum speed for any segment of the route. Tactical controllers will terminate the escort when, in their opinion, conditions are such that continuation of the escort would constitute unacceptable risk to the public. The use of police vehicle emergency equipment during the escort will be specified in advance by appropriate supervisory personnel.

F. Identifying and Reporting Roadway Hazards

1. Members of the Department shall attempt to identify all conditions either on the roadway or roadside which may constitute a physical hazard. These conditions include but are not limited to the following :
 - a. Damaged or absent traffic control devices;
 - b. Damage, wear, changes in, or suggested improvements to the road surface;
 - c. Dangerous intersection or traffic patterns;
 - d. Missing or low shoulders;
 - e. Visual obstructions or obscured sight picture;
 - f. Obscured or faded lines on the roadway;
 - g. Hazardous utility construction;
 - h. Peak traffic problem locations;
 - i. Missing or damaged street lights.
2. These conditions shall be reported to the Delaware Department of Transportation (DELDOT), through KENTCOM or the Town's Department of Public Works when applicable. When reporting these conditions, to insure the appropriate follow up, officers will utilize an incident report with "roadway/hazard" as the classification. Copies of the report will be submitted through the normal chain of command and will be mailed to DELDOT or the appropriate agency. Officers shall attempt to remove objects creating hazardous conditions or erect warning devices such as flares to minimize the hazard.
3. Officers may close any roadway within the Kent County area and/or the Town when a hazardous condition exists and the action is necessary for public safety. The appropriate agency should be immediately contacted via KENTCOM.

G. Hazardous Materials

The following procedures will be followed in dealing with Explosives, and Toxic and/or Nuclear Materials. The goal is the minimization of danger to the public and fire and police personnel. Refer to the Emergency Response Guidebook (kept in the glove compartment of each Department vehicle) in determining hazardous materials.

1. **Explosives**
With the exception of trained Explosive Ordinance Disposal Technicians (E.O.D.T.), members of the Cheswold Police Department are, under no circumstances, to transport, handle or distribute any explosives or suspected materials, military ordinance or devices.
2. Upon discovery of any explosives or suspected materials, military ordinance or devices, officers shall proceed with the following guidelines:
 - a. Notify KENTCOM by telephone (if available) of the incident in and their personnel will in turn notify the D.O.D.T. of Delaware State Police.
 - b. Evacuate the immediate area if the item is of a quantity, size or the location presents a hazard of danger to persons or property in the immediate area.
 - c. Maintain security and integrity of the scene without placing one's self in danger.
3. The following are examples, but not limited to, items defined as explosive materials, ordinance or other devices:
 - a. Military ordinance, assembled or disassembled. This includes rockets, bombs, mortar shells, mines, grenades, explosives, or other items of weaponry associated with the military.
 - b. Improvised devices including pipe bombs, letter bombs or suspicious packages.
 - c. Commercial explosives consisting of dynamite, blasting caps, large quantities of black powder or fireworks.
4. On scene responsibilities for explosives, ordinances or devices shall be under the direction of the E.O.D.T. or D.O.D.T. personnel.
5. The following are examples of items exempt from the notification of E.O.D.T. personnel (depending on the volume and judgment of the on scene supervisor): small arms ammunition, small quantities of commercial fireworks and gas cylinders. These items may be placed temporarily in the Evidence Room.

H. Toxic Substances

The following procedure shall be followed in dealing with quantities of a suspected Toxic Substance:

1. Notify KENTCOM whether or not the substance bears an identifying name.
2. KENTCOM shall contact the Fire Board for material toxicity classification and provide precautionary action guideline to the officer at the scene.
3. If the substance is identified as toxic, KENTCOM shall notify Delaware Department of Natural Resources and Environmental Center (DNREC) and request assistance for seizure, removal and disposal. If the substance is also designated as volatile, officers shall notify KENTCOM to have the nearest fire service respond.

I. Flammable Substances

The following procedure shall be followed in dealing with amounts of suspected flammable substances. Upon discovery of large quantities of flammable substances, within a residence or a building exterior area, the initial responding officer shall:

1. Notify KENTCOM, who will notify the Fire Marshall's Office and dispatch the nearest fire service.
2. Ensure that there is no smoking, use of flares or the use of TASERs in the area, while securing the area until the arrival of fire apparatus.
3. No quantities of flammable liquids shall be placed into evidence. Minute amounts for test purposes are authorized after review by the submitting officer's supervisor.

J. Radioactive Substances

The following procedures will be followed upon discovery of radioactive materials. Upon visual observation of a radioactive hazard identification tag, the responding officer shall:

1. Notify KENTCOM, who will contact the Staff Duty Officer for the Delaware State Police Radiological Safety Officer.
2. Cordon off, secure and evacuate the area, if possible, until the arrival of personnel requested by the Staff Duty Officer through KENTCOM.
3. In incidents of radiological transportation accidents, officers shall safely attempt, if possible, to obtain the vehicle manifest and placard information to relay to KENTCOM.

K. State Emergency Response Team (S.E.R.T.)

1. The State of Delaware Oil and Hazardous Incident Contingency Plan has been developed to coordinate the actions necessary to manage discharge, incidents involving hazardous substances in order to protect the citizens, environment, and resources of the State of Delaware. The group in the Plan is referred to as the State Emergency Response Team (S.E.R .T.).
2. For incidents that affect Kent County, County Government has designated a Primary and Secondary S.E.R.T. Responder. The primary responder is the coordinator of Emergency Planning and the Secondary Responder is the Police Division's Staff Duty Officer. The Fire Board, after being notified by the Fire Chief at the scene, will notify the Chief of Emergency Communication who will assess if S.E.R.T. will be activated.

L. Towing Procedures and Officer Responsibilities

1. The Department is aware of the agency's responsibility for towing of vehicles under certain conditions. Officers should consider existing road conditions prior to the vehicle being moved to the side of the roadway, i.e. construction in the area, at a turn lane, at an intersection, in an area of high volume traffic, creating a road hazard during rush hour traffic, etc. Other licensed drivers present, not under the influence of drugs and/or alcohol and having obtained the owner's permission to operate the vehicle, may be considered to remove the vehicle in lieu of towing .

2. General Towing Procedures

- a. In all incidents in which a vehicle must be towed by this agency, the general towing procedures will be followed. When other conditions exist, exceptions or additions to the general towing procedures will be adhered to. Upon initial contact with any vehicle under any known or undetermined condition, the vehicle should always be approached as a crime scene, having the potential for being one, or possibly containing evidence that may have evidentiary value at a later time.
- b. Upon the decision to tow the vehicle, the officer will implement the following general towing procedures and complete a Vehicle Storage and Release Form:
 - (1) Ascertain and record ownership of the vehicle through the operator, the registration card, vehicle registration number, or vehicle identification number.
 - (2) Conduct a detailed inspection of the present vehicle damage (if any) and record all visible damage found, new or old and record the findings.
 - (3) Conduct and record a detailed inventory of any valuable contents found within the vehicle, including the trunk and glove box and record the findings. No force entry is allowable in any area of the vehicle that cannot be opened by ordinary means.
 - (4) Safeguard victims' property from theft or pilferage and complete the tow form to include a thorough inventory of victims' property prior to the vehicle being towed for safe storage. Other property that may have to be removed from the vehicle for the purpose of safeguarding will be turned into evidence with a property receipt attached. The investigating officer will notify the victim(s) of the location of the property and complete a Property Claim Form and a Property Receipt Form and place same in the Evidence Room with the victim's property. Staff personnel will mail the claim form to the victim.
 - (5) Notify the contracted tow company for tow service on the via telephone dispatch number and include the need for any additional equipment, i.e. dollies, rollback, etc., or any unusual circumstance, as well as the exact location of the vehicle to be towed. The Vehicle Storage and Release Form will be completed at this point.

- (6) Have the owner/operator, if available, sign the VS&RF. He/she will be given a copy of the VS&RF (top copy) and be furnished with the location where the vehicle is going to be stored or processed, and the time of its release. If the owner/operator is not available, the officer, upon arriving at the station, should attempt to notify the owner by telephone and advise the disposition of the towed vehicle.
- (7) Give the tow operator the bottom copy of the VS&RF. The officer will not leave the location until the tow service has completed his/her work, and is under way. The location of the vehicle's keys will be noted on the officer's report and/or on the tow slip.
- (8) **IT is required th at the VS &RF be completed in its entirety and that the information contained on the form is accurate. The officer will then file the form in the Tow Slip Binder in the mail slot outside the police office.**
- (9) In matters concerning VIN violations, the officer will notify a supervisor with a copy of the original report. The investigating officer and a supervisor will determine the status of the vehicle dependent upon the extent of criminal prosecution, if any.

3. *Owner / Operator Notification*

In addition to completing the VS&RF, the investigating officer has a reasonable responsibility to properly notify the owner of a towed vehicle. The information provided to the owner should include the location where the vehicle has been towed to, the reason for the vehicle being towed, and how and when the owner/operator may retrieve the vehicle. If the owner/operator is physically unable to be personally notified (fatal/serious P.I.), a close relative (defined as spouse, mother, father, son, daughter, etc.) or lawful representative of the estate will be notified of the vehicle's storage location. The top copy of the VS&RF will be made available to them. A preliminary investigation with a supervisor's assistance, can aid the officer in determining who the owner/operator is, and the vehicle's registration information.

4. *Allowable Conditions for the Towing of Vehicles:*

- a. Accident scenes
- b. Abandon motor vehicles (on State or public highway or on private property)
- c. Traffic and parking violations
- d. Evidence and processing for physical evidence
- e. Recovery of stolen motor vehicles for another jurisdiction
- f. Seizure of vehicles.

5. *Towing From an Accident Scene*

- a. In reference to Title 21, Chapter 69, paragraph 6901, Delaware Code, the initial officer at the scene shall determine if a tow truck will be needed (i.e. inoperative, unsafe to be driven). If the vehicle requires towing, determine if the operator or owner has a preference for a tow service, and make a reasonable attempt to comply with the request. If the vehicle is inoperative or unsafe to be driven, it should be towed. Otherwise, the vehicle may result in being abandon on public or private property and require another officer's response at a later date. At all accident scenes where a tow service is requested, the investigating officer will follow the general procedures.
- b. **Exceptions and/or Additions to General Procedures:**
If the vehicle is to be towed for a mechanical inspection, the chief investigating officer will notify the proper tow service for towing, inspection and storage. The vehicle will be towed and serviced for towing, inspection and storage. The vehicle will be towed and inspected at the Department's designated service station. The chief investigating officer shall have a supervisor approve the impound of the vehicle for the mechanical inspection and mark it in the impound tow log book. The chief investigating officer will be responsible for the notification of the owner, the release of the vehicle and its removal from the impound log book.

6. *Towing of Abandoned Vehicles From State/Public Highway*

- a. The objective of the abandoned vehicle policy is to expedite the removal and to document all abandoned motor vehicles on the streets, highways and private property in the Town of Cheswold, Kent County that are in violation of Chapter 44 of the Delaware Motor Vehicle Code.
- b. **Definition:** Any motor vehicle that is either inoperable, dismantled, wrecked or which displays expired registration plates which are at least thirty (30) days expired or which display no registration plates, or from which the major components have been removed and which shall have been placed upon any State or public highway or property of any political subdivision or the State or public highways within a municipality for a period in excess of twenty-four (24) hours, without being removed, shall be considered to be abandoned. (NOTE: Although by statute, 24 hours is the period specified, Departmental policy is 72 hours). Upon discovery of a vehicle for which there is reasonable grounds to believe it may be abandoned, after determining the vehicle is not stolen, the chief investigating officer shall make every effort at the scene to determine ownership and try to have the vehicle removed without undertaking the following process. After this process has been exhausted, the officer will follow the general towing procedures.

- c. **Exceptions and/or Additions to the General Towing Procedures.**
- (1) Post in a conspicuous place (side window-street side) a Cheswold Police Abandoned Vehicle Sticker on the vehicle. The sticker shall direct that the vehicle be removed by a stated time and date (such time and date to be not less than 72 hours following the posting of the notice).
 - (2) Complete the tow log.
 - (3) Stickered abandoned motor vehicles that have not been removed within the allotted time period are to be assigned as follow-up investigations to the day work shift for removal. The officer shall include the date of the removal.
 - (4) If circumstances demand the towing of the abandoned vehicle, it shall be done by the day work shift.
 - (5) If the vehicle is present, the general towing procedures will be followed. The officer will prepare a VCR/Supplement, providing full particulars as to the reason for any police action taken, i.e., why the vehicle is being towed.
 - (6) If the vehicle has been removed from the public roadway onto private property (example: into the owner's driveway), the officer will follow Private Property Procedures.

7. **Towing of Motor Vehicles on Private Property and Other Locations**

- a. The responsibility for removal of the vehicle in questions resides with the private property owner/manager (apartment complex). Upon requests from an unauthorized representative or owner of an apartment complex or any other privately owned property or parking facility for police action regarding the abandoned motor vehicles, the assigned officer shall:
- (1) Provide the registered owner information to the property owner/manager upon request.
 - (2) Ascertain if the vehicle has been reported stolen via the tag and VIN numbers.
 - (3) Ascertain if complaint was already handled. This shall be done solely for the avoidance of duplication in report taking.
- b. Title 21, Section 4402(d), allows the towing of vehicle from private property. After receiving a complaint of an abandoned vehicle on residential private property, this course of action is to be followed by the patrol officer. In the event that a vehicle is abandoned on private property within a residential area, the general towing procedures are to be followed.

- c. **Exceptions and/or Additions to the General Towing Procedures:**
 - (1) Determine and record the owner and vehicle information.
 - (2) Determine and contact the owner of the property where the vehicle is located.
 - (3) Attempt contact with the registered owner to the remove the vehicle.
 - (4) Send a certified letter to the owner of both property and the vehicle, indicating that the vehicle will be tagged seven (7) days after the date of the mailing and towed at the vehicle owner's expense ten (10) days after the date of the mailing.
 - (5) After seven (7) days from the date of the mailing, the officer will respond to the location of the vehicle. If the vehicle is present, and abandoned vehicle sticker will be placed on the vehicle in a conspicuous location, detailing that the vehicle will be towed if not removed within three days, at the owner's expense.
 - (6) At the duration of the three (3) days, the officer will respond back to the location of the tagged vehicle. If the vehicle is present, the officer will contact The contracted tow service and notify KENTCOM of the removal of the vehicle from the property. The officer will then fill out the following forms:
 - (a) Vehicle Storage and Release Form
 - (b) Vehicle/Supplement Report

8. **Towing of Motor Vehicles for Traffic and Parking Violations**

- a. If the operator of a vehicle is legally stopped for any reason and displays fictitious tags.
- b. Whenever the operator of the motor vehicle is stopped and/or arrested for any criminal or traffic violation where the operator does not have a valid driver's license and/or the vehicle stopped is not properly registered and insured.

However, if the vehicle is properly registered and insured, and there is another legal operator present who would have consent from the owner to operate the vehicle, the officer may use his/her discretion and allow that individual to operate said vehicle.

- c. Whenever the operator of a motor vehicle is placed under arrest for Title 21, Section 4177a (DUI), the investigating officer will tow the vehicle.
- d. Any officer investigating a complaint of a parking violation has the authority to tow according to the general towing procedures.

- e. Exceptions and/or Additions to General Towing Procedures:
 - (1) The vehicle is blocking a driveway and the property owner of the driveway requests the removal of the vehicle, and all attempts have failed to locate the owner of the vehicle.
 - (2) The vehicle is in a tow-away zone and the owner of the vehicle cannot be found.
 - (3) If there is exigent circumstances, i.e., emergency situation (fire, police, utility, etc.).

9. *Towing of Vehicles and Evidence and Towing for the Processing of Physical Evidence*

- a. The general towing procedures should be followed for all vehicles towed for evidentiary purposes (i.e., crime scene, altered or removed VINs) only upon notification and approval by a supervisor.
- b. If a vehicle is to be seized as evidence, the officer initiating the seizure shall forward a memorandum to the Chief of Police noting the date, time, officer's name, reason for towing, nature of the investigation and other necessary information concerning the case. The Chief of Police or designee shall approve and coordinate all storage of confiscated (evidence/seizure purposes) vehicles. The Asset Seizure Officer shall maintain a record of all vehicles stored for this purpose. The Asset Seizure Officer will coordinate storage or evidence/seizure procedures..
- c. Exception and/or Additions to the General Towing Procedures
 - (1) In matters concerning VIN violations, the officer will notify a supervisor with a copy of the original report.
 - (2) The towing officer will notify the owner at the scene, if possible, that the vehicle is being towed for evidentiary purposes. The release copy of the tow slip WILL NOT be released to the owner.
 - (3) The towing officer will notify contact the dispatch of the contracted tow service and advise KENTCOM that the vehicle will be towed to the designated impound yard. The officer shall advise the tow operator that the vehicle is to be taken to impound.
The officer should note the areas of the vehicle which should not be tampered with, prior to towing.
 - (4) The towing officer or designee will follow the vehicle to the impound yard (chain of custody of evidence).
 - (5) The exterior of the vehicle shall be locked and each door shall be secured with crime scene evidence tape. If the vehicle cannot be properly secured, and/or weather may have an impact on the processing, other arrangements will be made by contacting a supervisor.

- (6) The towing officer shall contact the Asset Seizure Officer with the completed paperwork and the keys to the vehicle. The Asset Seizure Officer shall enter the vehicle into the impound log with the chief investigating officer's name and/or the processing officer's name.
- (7) The chief investigating officer and/or processing Officer will notify the Asset Seizure Officer and the Owner of the vehicle when the vehicle can be released.
- (8) Vehicles towed to DSP facilities will be removed from the location after 48 hours. Extension to this period will be on the authority of the Chief of Police.

10. Towing of Stolen Motor Vehicles for CPD from Other Jurisdictions

- a. The general towing procedures should be followed for stolen vehicles reported by this agency, or another agency upon approval by a supervisor, and/or the chief investigating agency.
- b. Exceptions and/or Additions to the General Towing Procedures
 - (1) If an officer request s that the vehicle reported stolen from our jurisdiction be processed , the officer will follow the guidelines outlined in Towing of Vehicles for processing of Physical Evidence.
 - (2) The officer should notify the originating agency of the recovery through KENTCOM. When officers of the Department apprehend suspect(s) in a stolen motor vehicle from another agency, the originating agency, if empowered to make an arrest at the scene (e.g., felony) and can respond to the scene within a reasonable amount of time, should effect the arrest.
 - (3) T h e officer should remain with the vehicle until the originating agency responds. They will complete the recovery, tow the vehicle, and make the arrest if applicable. The officer responsible for the recovery and/or apprehension, will complete a report. The officer's immediate supervisor should be made aware of any extenuating circumstances to this procedure for final decision.
 - (4) If the originating agency cannot respond, the following procedures will be followed:
 - (a) Effect the arrest, if applicable.
 - (b) Obtain the name and rank of the other agency officer contacted, the date and and time of the contact, and incorporate this information into the report.
 - (c) Complete the recovery section of the Stolen Motor Vehicle Report.

- (d) If the originating agency requests that the vehicle be processed, the officer will follow the guidelines outlined in Towing Vehicles for Processing of Physical Evidence.
- (e) If the vehicle recovered for another agency is to be towed for safe-keeping, the officer will follow the guidelines set forth in the General Towing Procedures.
- (f) Coordinate with KENTCOM in the recovery process of the stolen vehicle and ensure that the proper notifications are made to the other agency (i.e. teletypes, removal from DELJIS, NC IC, owner notification, arrest, extradition, etc.)

11. *Seizure and Towing of a Vehicle that have been used in the Commission of a Felony*

- a. Title 11, Delaware Code, Sections 2322 and 2323, authorizes for the seizure of vehicles that have been used in, or used in with the commission of any felony or the flight or escape of any person who has committed a felony.
- b. In those instances where the operator of a motor vehicle has been placed under arrest in respect to Sections 2322 and/or 2323, and the decision to seize the vehicle has been made by the investigating officer and a supervisor, the general towing procedures should be followed.
- c. Under Title 11, Delaware Code 2324, the Attorney General may proceed in the Superior Court to have forfeited to the State of Delaware any vehicle seized under Title 11, Delaware Code 2322. Should forfeiture not be deemed appropriate, the Attorney General will authorize the release of the vehicle in question to the Asset Seizure Officer.
- d. Whenever a vehicle is considered for seizure pursuant to Title 21, Delaware Code 2322/2323, a supervisor will ensure the following criteria:
 - (1) The vehicle usually shall not be more than eight (8) years old.
 - (2) The condition of the vehicle shall be what is expected in normal wear and tear.
 - (3) The officer initiating the seizure of the vehicle shall ascertain through a preliminary investigation if the owner or co-owner of the vehicle participated in the activity which resulted in the seizure, or had knowledge that the vehicle would be used so. If the owner or co-owner has not knowingly used or permitted the vehicle to be used in, or in connection with, the commission of a felony, the vehicle is NOT subject to forfeiture.
- e. Exceptions and/or Additions to the General Towing Procedures
 - (1) Notify KENTCOM of the designated tow service and advise that the vehicle is being seized. All seized vehicles will initially be towed to a designated impound yard. The Asset Seizure Officer shall complete the impound log book.

- (2) If the vehicle is to be processed, the towing procedures for processing of physical evidence should be utilized (i.e., evidence tape, secure the vehicle, etc).
- (3) The investigating officer will complete three (3) copies of the Vehicle Seizure Form and forward one copy (include the detailed investigative report and the vehicle keys) to the Asset Seizure Officer at the completion of the officer's shift.

The second copy will be attached to the Departmental copy of the officer's report. The third copy will be submitted by the arresting officer to the Deputy Attorney General at the felony intake. A supervisor shall initial the Vehicle Seizure Form, acknowledging that the supervisor has reviewed the seizure with the investigating officer, and it is consistent with this policy.

- (4) The Asset Seizure Officer will determine if the seized vehicle and the circumstances surrounding the seizure meet the criteria. The Asset Seizure Officer shall conduct a follow-up investigation to ascertain if the owner or co-owner of the vehicle participated in the activity which resulted in the seizure, or had knowledge that the vehicle would be used so.
- (5) If the owner or co-owner has not knowingly used or permitted the vehicle to be used in, or in connection with, the commission of a felony, the vehicle is not subject to forfeiture but should be released to its owner. The initial officer and the Attorney General shall be notified by the Asset Seizure Officer. The Asset Seizure Officer will notify the owner and coordinate the vehicle's release with KENTCOM.
- (6) The Asset Seizure Officer will notify the owner by certified mail that the vehicle is being seized under Delaware State Law.
- (7) The Asset Seizure Officer will contact the investigating officer, the Deputy Attorney General Asset Seizure Coordinator and the prosecuting Attorney General with the facts of the seizure investigation. The investigating officer will keep the Asset Seizure Officer informed of any recent developments (felony, intake, preliminary hearing, etc.) of the defendant's status the judicial process.
- (8) The investigative officer should be mindful that any plea agreement offered should include that the defendant understood that the vehicle was used to facilitate the crime.

12. Responsibilities

Staff personnel will contact the tow company storing the towed vehicles (which are not impounded) after 45 days for the vehicle's disposition. If the disposition form is not received from the tow company, the officers who are maintaining will be notified of an impounded vehicle after ten days. Personnel will assist the tow company in finding the correct owner of the vehicle.

M. Abandoned Motor Vehicles

The officers will continually check and update the abandon vehicles they have tagged and follow-up as needed by either towing said vehicle or otherwise supplementing the case. Unless properly delegated, each officer will be responsible for following-up on the vehicles they have tagged.

N. Traffic Safety and Educational Materials

The Office of Highway Safety for the State of Delaware, distributes traffic safety and educational materials during the course of their duties. Displays are set up at shopping malls, schools, civic association meetings and other activities. Topics discussed and materials presented include seat belt safety, school bus safety, night time driving, child safety belts, safe driving and drinking and driving. Officers are encouraged to contact Office of Highway Safety for any of the above materials.

ORDER EXECUTED and ISSUED this 15th day of APRIL, 2013.

Christopher Workman
Chief of Police