

# Dyfed-Powys Police

---

## Contracted Vehicle Recovery And Removal Policy

HQ Policy Ref No: 20/01

---

<b>Author:</b>	PS 705 J. L. LEWIS	<b>Dept:</b>	HQ Operations
<b>Version:</b>	3	<b>Date:</b>	15 May 2006
<b>Human Rights Act</b>	M. Beckett Force Legal Adviser	<b>Date:</b>	13 February 2001
<b>Certification:</b>			
<b>Approved by:</b>	HRSG	<b>Date:</b>	30 April 2001
<b>Ratified by:</b>	ACC	<b>Date:</b>	30 April 2001
<b>Review Date:</b>	October, 2009		

## Document History

Version	Date	Author	Reason for Change
2	31.12.05	C/Insp. Phil Davies	Policy review and verified by Legal Services.
3	15.05.06	C/Insp. Phil Davies	Further review – Advice of Counsel, Jeremy Johnson, 5 Essex Court.
3	13.06.07	C/Insp. Phil Davies	Review carried out no amendments.
4	01/10/08	Chief Insp. Steve Matchett	Introduction of the Police (Retention and Disposal of Motor Vehicles) (Amendment) Regulations 2008.

## Consultation Circulation List


# Policy Contents

This policy has been drafted in accordance with the Human Rights Act, 1998

## 1. POLICY STATEMENT

It is the policy of Dyfed-Powys Police:

1.1 That vehicles falling within the following criteria will be removed from the carriageway, open air or other property as soon as possible where it is necessary and lawful to do so: -

- Vehicles involved in Road Traffic Collisions;
- Broken down vehicles – if causing or likely to cause danger / obstruction;
- Vehicles abandoned on land in the open air;
- Stolen vehicles;
- Vehicles used in crime;
- Burnt out vehicles;
- Prisoner's vehicles;
- Vehicles causing or likely to cause a danger or obstruction;
- Vehicles seized under PACE (See paragraph 3) for serious crime;
- Vehicles being used in an anti social manner;
- Illegally parked vehicles;
- Vehicles driven without licence or insurance;
- Vehicles used in a manner constituting a specified offence and which causes or is likely to cause, alarm, distress or annoyance to members of the public.

**The recovery / storage of such vehicles incur costs which are borne by the owner, unless the vehicle is recovered for police purposes i.e. involved in a road death, or considered to be a crime scene connected to a serious crime.**

1.2 That Police officers in the exercise of this duty must ensure that they:

- Give due regard to citizens welfare, safety, general well being and human rights;
- Make full use of all current and relevant legislation;
- Will not unjustifiably discriminate against any individual or groups of individuals;
- Ensure that actions taken are justified, strictly proportional to, and the least intrusive and damaging option to the achievement of their legitimate aims;
- Follow the Guidance contained in **Appendix 'A'** of this policy.

1.3 In carrying out this duty, all officers must follow a clearly defined decision making process by:

- Defining objective(s);
- Determining all available and relevant information;
- Assessing feasible options;
- Documenting decisions reached;
- Reviewing outcomes.

## **2. AIM AND LAWFUL AUTHORITY**

2.1 To safely remove vehicles falling within the criteria set out in paragraph 1.1, so as to reduce, as far as practicable, any danger to road users or others, or to retain vehicles required for investigative purposes. It is recognised that vehicles are property and as such we have a duty to take reasonable care of such property when it comes in to our possession.

2.2 The lawful authorities for the exercise of the powers and duties outlined in this policy are:

### **Common Law**

**Refuse Disposal (Amenity) Act, 1978**, Section 2(1);

**Police & Criminal Evidence Act, 1984**, (Paragraphs 6 and 7 of Code of Practice B), & Section 19;

**Road Traffic Regulation Act, 1984**, Sections 99 and 101;

**Removal & Disposal of Vehicles Regulations, 1986**, Regulations 3(2), 4 & 4(A);

**The Road Traffic Act, 1988**, Sections 165A and 165B;

**Removal & Disposal of Vehicles (Amendment) Regulations, 1993**, Section 3;

**Criminal Justice and Public Order Act, 1994**, Sections 62(1) and 64(4);

**The Police (Retention and Disposal of Vehicles) Regulations, 1995**;

**The Police (Retention and Disposal of Motor Vehicles) Regulations, 2002**;

**The Police Reform Act, 2002**, Sections 59 and 60;

**The Police (Retention and Disposal of Motor Vehicles) (Amendment) Regulations, 2005**;

**The Road Traffic Act, 1988 (Retention & Disposal of Seized Motor Vehicles) Regulations, 2005**;

**The Removal & Disposal of Vehicles (Amendment) (Wales)**

**Regulations, 2005;**

**The Serious Organised Crime and Police Act, 2005, Section 152;**

The Police (Retention and Disposal of Motor Vehicles) (Amendment) Regulations 2008.

Citizens may gain access to the above from their local library or H.M.S.O.

- 2.3 No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law.

Dyfed-Powys Police consider that these actions are necessary in a democratic society in the interests of:

- Public safety;
- The Prevention of Disorder or Crime;
- The Protection of Public Order;
- The Protection of Health;
- The Rights and Freedoms of others.

**3. DEFINITIONS**

- 3.1 PACE - Police & Criminal Evidence Act, 1984.

**4. DEROGATIONS**

- 4.1 Where it is appropriate (i.e. vehicle abandoned in the open air) to refer the matter to the Local Authority to utilise its powers under the Refuse Disposal (Amenity) Act, 1978, Section 2(1), this will be the option used, so long as the vehicle does not fall within any other criteria as set out in paragraph 1.1.

**5. ENFORCEMENT AND REPORTING**

- 5.1 It will be the responsibility of all managers, supervisors, officers and Operations Room Inspectors to ensure strict compliance with this policy.

**6. REDRESS AND REVIEW**

- 6.1 This Document will be published and made readily available to all police officers, support staff and volunteers within the Dyfed Powys Police via the Force Intranet system, or where this facility is not available, and at the discretion of Divisional Commanders / Heads of Departments, through paper dissemination.
- 6.2 The document will be made available to the general public via the force external Internet Site, on [www.dyfed-powys.police.uk](http://www.dyfed-powys.police.uk) or upon written requests made to the force Policy Co-ordinator.
- 6.3 The operation of this policy by Dyfed-Powys Police Officers will be subject to internal review mechanisms including the review responsibilities of supervisors and managers, the Dyfed-Powys Police professional Standards Department and Best Value team.

- 6.4 The operation of this policy by Dyfed-Powys Police officers will be subject to external review mechanisms including Her Majesty's Inspector of Constabularies (HMIC), Best Value Regime, and other Bodies as appropriate.
- 6.5 Any person (or persons) who has / have cause to feel aggrieved by any matter outlined in this policy may seek redress via The Dyfed-Powys Professional Standards Department relating to the specific conduct of Police Officers.
- 6.6 In exercising their right as detailed in 6.5 above, the individual will have a right to make representation to the Dyfed-Powys Police Professional Standards Department and in so doing may seek legal advice.
- 6.7 This policy will be reviewed annually by the Dyfed-Powys Police and may where appropriate be subject to independent scrutiny by Her Majesty's Inspector of Constabulary and any other relevant bodies or parties.
- 6.8 Public consultation is an important part of this process and any views or comments will be welcomed. These should be addressed to:
- The Chief Constable,  
Dyfed Powys Police,  
P.O. Box 99,  
Llangunnor,  
Carmarthen. SA31 2PF

## **7. ACCESSIBILITY, REDRESS AND REVIEW**

**Policy Name: Contracted Vehicle Recovery And Removal Scheme**

**Policy Owner: Operations Department**

**Audited by: HR Team**

Issue	Question	Response	Page Ref
<b>AUDITING FOR POTENTIAL INTERFERENCE AND DISCRIMINATION</b>	Have the contents of this policy (and any attendant powers, authorities and directions contained within it) been audited for potential interference with an individual's rights?	Yes	
	Have the contents of this policy been audited for the potential for it to be discriminatory. In relation to the application or provision of such rights?	Yes	3
<b>KEY HUMAN RIGHTS PRINCIPLES</b>	Does the policy contain a statement explaining what the legal basis is for the policy (and any attendant powers, authorities or directions given within it)?	Yes	4
	Does the policy provide details of what could be considered a legitimate aim(s) for the potential interference with an individual's rights by virtue of exercising the policy and its attendant powers, authorities or directions?	Yes	4
	Are supervisors and practitioners made aware of the need to follow a clearly defined decision making process in considering all information, and deciding on courses of action?	Yes	3
	Is it explicit within the policy what the minimum standards are in relation to the documentation of such decision-making?	Yes	3
	Does the policy provide managers and practitioners with clear guidance on		

	establishing the:		
<b>KEY HUMAN RIGHTS PRINCIPLES</b>	<ul style="list-style-type: none"> <li>• Legal basis of their actions</li> <li>• The aim of their actions (legitimate aims can only be established by virtue of the exemptions and derogation's given in the act)</li> <li>• Whether their actions are justified and proportionate in seeking to achieve their aim(s)</li> <li>• Whether the intended action is the least intrusive and damaging option to achieving the aim(s)</li> <li>• The need to document clearly the decision-making process and outcomes of action.</li> </ul>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>	<p>4</p> <p>4</p> <p>3</p> <p>3</p>
<b>DELINIATING BETWEEN POLICY AND TACTICS</b>	Does the policy incorporate police tactics, which would make it impractical to publish the contents? (NB: due to publication requirements it is suggested that tactical material is not included in policy documentation for security reasons).	No	
<b>RIGHTS, PUBLICATION AUDIT AND INSPECTION</b>	<p>Does the policy contain a statement in favour of public disclosure or, if this is inappropriate, justification of any reservation to this rule on public interest/other grounds?</p> <p>Does the policy contain:</p> <ul style="list-style-type: none"> <li>• a clearly defined statement of rights when a power, authority or direction is being exercised. Including the right to make representations, access to legal advice etc?</li> <li>• a statement about the availability of the policy (method of proposed publication to public). A clearly defined appeals procedure?</li> <li>• a recommendation about</li> </ul>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>	<p>5</p> <p>5</p> <p>5</p> <p>5</p> <p>6</p>

	<p>maintaining audits and inspection of decision making?</p> <ul style="list-style-type: none"> <li>• a recommendation about the level of independent scrutiny of decision making and complaints?</li> </ul>		
<b>CERTIFICATION OF COMPLIANCE</b>	Does the policy contain a certification that it has been drafted in accordance with the Human Rights Act and the principles underpinning it?	Yes	
<b>LEGAL VETTING</b>	Has this policy been through legal vetting for human rights compliance?	No	
<b>POLICY REVIEW</b>	Has the policy got a review date to ensure ongoing compliance in light of emergent legislation and human rights case law?	Yes	

## **CERTIFICATE OF COMPLIANCE**

This policy has been drafted in accordance with the Human Rights Act and has been reviewed on the basis of its contents and the supporting evidence and it is deemed compliant with that Act and the principles underpinning it.

**Signed:** *B. Thomas* (Legal Services)

**Name:** Bryn Thomas

**Department:** Legal Services

## **REVIEW**

This policy is due for review by: October, 2009

**Appendix 'A' Notes of Guidance** Not a Public Document

**Contracted Vehicle Recovery and Removal Scheme**

## **Contracted Vehicle Recovery / Removal Scheme**

### **1. Introduction**

1.1 The Dyfed-Powys Police have in line with Court of Appeal decisions entered into a contract with Removal Management Services Ltd. (RMSL), to act as agents to the Force for the removal, recovery and storage of motor vehicles. The Company will provide a 24-hour service to the Force, and all contact with them will be via the Force Operations Room.

1.2 RMSL have contracted sufficient garages throughout the force area in order to provide the service. The Removal Operators employed on this scheme have been selected subject to set criteria, and have the necessary expertise and equipment to properly conduct the work. Their selection is in accordance with the decision in the case of *Rivers v Cutting*, 1982 (Court of Appeal).

1.3 Contracted operators will be used for the removal / recovery, storage and disposal of vehicles in the following categories:

- vehicles involved in road traffic collisions;
- Broken down vehicles – if causing or likely to cause a danger / obstruction;
- Vehicles abandoned on land in the open air;
- Stolen vehicles
- Vehicles used in crime
- Burnt out vehicles
- Prisoners vehicles
- Police vehicles
- Vehicles causing or likely to cause a danger or obstruction;
- Vehicles seized under PACE (see paragraph 3) for serious crime;
- Vehicles used in an anti-social manner;
- Illegally parked vehicles;
- Vehicles driven without licence or insurance;
- Vehicles used in a manner constituting a specified offence and which cause, or are likely to cause alarm, distress or annoyance to members of the public.

Details of procedures to be followed will be found at 2 and 3 (below).

1.4 Any deployment of a vehicle removal operator other than in accordance with this Order falls outside the scope of the scheme, and may invalidate the Chief Constable's indemnity, causing him to be liable for any costs incurred.

- 1.5 It must be stressed that unless approved by a Scientific Support Officer or an officer of the rank of Sergeant or above, vehicles must not be taken for storage in police premises.
- 1.6 The contract will be continually monitored, in order that the Dyfed Powys Police and its public receive the optimum service within the terms of the contract.
- 1.7 **Payment**
- 1.7.1 A vehicle removed by RMSL under this Scheme will normally be at the expense of the owner / driver.
- 1.7.2 **Police Officers must not make any suggestion about the cost of removal or enter into any financial discussion or negotiation with a vehicle owner or driver. In most cases a statutory fee will be payable on removal of vehicles.**
- 1.7.3 Dyfed-Powys Police will only pay for the removal of a vehicle when the nature of the offence or investigation makes it essential to seize and retain the vehicle in order to carry out a forensic examination in the event of a major or serious crime (see paragraph 3.5.7) or road death.
- 1.7.4 In all other cases the owner or driver will be told that removal of a vehicle will be at his / her expense. The owner of a stolen vehicle still remains liable for payment, even if the police have subsequently undertaken a forensic examination. To avoid confusion the use of Scene or Auto-crime Examiners will be paramount in order to avoid any unnecessary cost to owners of stolen vehicles.
- 1.7.5 If a Recovery Operator has been contacted but circumstances dictate that they are no longer required then the following will apply:
- If the call is aborted within 15 minutes of deployment by RMSL to the Recovery Operator there will be no charge to the Force.
- If the call is aborted over 15 minutes from deployment by RMSL to the Recovery Operator, the Police a charge of **£65.00** + VAT can be raised by the Recovery Operator against the Force.

## 2. **CALL OUT PROCEDURES**

- 2.1 **WHERE IT IS NECESSARY TO CALL OUT A RECOVERY OPERATOR THEN THIS WILL IN ALL CIRCUMSTANCES BE CARRIED OUT BY THE STAFF AT HEADQUARTERS OPERATIONS ROOM.**
- 2.2 **Officer at the Scene**

The following information must be passed to the Force Control Room and an incident created on each occasion the scheme is to be used. Firstly, the reason for the removal must be given as below:

- A road traffic collision;
- A vehicle causing or likely to cause danger / obstruction;
- Abandoned on land in the open air;
- Stolen;
- Vehicle used in crime;
- Burnt out vehicle;
- Prisoners vehicle;
- Seized under PACE (see paragraph 3) for serious crime or a road death investigation;
- Used in an anti-social manner;
- Illegally parked;
- Driven without licence or insurance;
- Used in a manner constituting a specified offence and which caused, or was likely to cause alarm, distress or annoyance to members of the public.

On each occasion the following should be given:

- Make
- Model
- Type
- Registration number
- If an HGV the unladen weight
- If an HGV full freighted
- The exact location
- Any special circumstances of the location (in a stream, off the highway etc.)
- Manual or automatic gearbox
- Four wheel drive
- Anticipated or required lift by the authorised removal operator (front suspended, total lift, rear end lift, etc.)

2.3 The staff at the Operations Room will contact RMSL by calling a dedicated Help line number at their Call Handling Centre, which will not be divulged to any members of the public, removal operators, other police stations or police officers.

2.4 When requesting a removal the Force Operations Room staff will provide the following information to RMSL:

- (a) The number of the officer or PIN number of a support staff member of the controller at the Operations Room
  - (b) The number of the officer at the incident requesting the removal, their station and Division
  - (c) The STORM Incident Number
  - (d) Full details of the vehicle
  - (e) The owner of the vehicle (if known – A PNC check at this point saves time)
  - (f) The number of passengers
  - (g) The full location and any special difficulties (assistance will be appreciated with difficult spellings or locations and will ensure speedy correct deployment of the authorised removal operator)
  - (h) The reason for the removal, i.e., Road Collision, Abandoned, etc.
  - (i) Load carried, animals, etc.
  - (j) Instructions as to the security of the vehicle for Forensic / Scientific examination by SOCO, CIO, etc.
  - (k) Authority to release to owner / driver if known at this time
  - (l) Any additional useful information
- 2.5 The RMSL operator will inform the force of the removal operator attending, an estimated time of arrival, especially if the 30 minute contract time is to be exceeded (and reason) RMSL incident number and RMSL operation PIN number. They will also inform the Operations Room when the scene has been cleared.
- 2.6 It is essential that these details be entered on the STORM message relating to the incident.
- 2.7 The nominated recovery operator will assume responsibility for recovering all those vehicles at the scene, which the officer in charge requires to be removed. In the case of an incident involving multiple recoveries, it may be necessary for additional recovery vehicles or operators to be deployed. It will be the responsibility of the nominated recovery operator to arrange all additional resources.
- 2.8 Where the driver / owner is not present at the time of the recovery, the Operations Room will be responsible for entering a 'Removal Report' on PNC against the vehicle registration number.
- 2.9 When an authorised removal operator has removed a vehicle to his/her authorised storage area, the Operator is responsible for tracing the owner. Such authorised removal operator acts as an agent for the Chief Constable, and can be given certain information from the PNC and other sources that (a) identifies the registered keeper and (b) helps in the disposal of the vehicle. Such enquiries and responses must be sent by way of fax, copies of which should be forwarded to the Force Transport Manager.

### **3. REMOVAL OF VEHICLES**

- 3.1 A vehicle will be removed to authorised removal operators premises if it is:
- (a) Abandoned on land (in the open air)
  - (b) Stolen and abandoned
  - (c) A prisoner's vehicle
  - (d) A vehicle involved in crime (unless authorised to be removed to police or other premises as at 1.5 above)
  - (e) A vehicle seized having been used in an anti social manner
  - (f) Uninsured vehicles / and vehicles used without a driving licence

- 3.2 Examination of vehicles for fingerprints by Scientific Support officers or Accident Investigation officers will normally take place in the approved removal operator's premises. The authorised removal operator holds a vehicle record on each vehicle removed under the scheme. (see **Appendix 'A'** - this has previously been circulated to all Divisional Commanders).

Whenever an officer wishes to view or inspect a vehicle he / she must sign the record in the appropriate place as shown by the authorised removal operator.

### 3.3 **Property**

3.3.1 The responsibility for checking and removing property from recovered vehicles rests with the contract garage. Police officers will not carry out this duty. Police officers will, however, remove any item which the garage cannot legally retain, e.g. firearms, drugs, stolen property, etc.

3.3.2 The authorised removal operator must check and record property in a bound register, or approved property book, and if the police remove property, then it must be signed for in the appropriate place in the register or approved property book.

**Note:** See also paragraphs 3.5.4 & 3.5.7.

### 3.4 **Vehicle And Property Disposal**

- 3.4.1 An authorised operator will dispose of the vehicle and property as soon as practicable and normally within three months. It is the responsibility of the officer in the case to ensure that the removal operator is aware that a vehicle is to be retained for evidence or another specific reason. Officers must ensure that the vehicle record (held on each vehicle by the authorised removal operator) is marked with the reason for retention. "Needed for evidence" is not sufficient and full reasons must be shown. Additionally, the STORM message must be endorsed that the vehicle is to be retained, and the officer in the case must inform Operations Room that this is so, giving the reason. If this is not done, then the vehicle will be disposed. As soon as a vehicle becomes available for disposal or return to its owner, then the officer in the case or in their absence their first line manager must inform the authorised removal operator in writing (by fax). The authorised operator will keep this authorisation on the vehicle record.
- 3.4.2 If disposal is conditional, for example, not to a particular person/company or where there is a destruction or forfeiture order the officer in the case must inform the authorised removal operator in writing (by fax). Enquiries must be carried out expeditiously and vehicles must not be retained longer than necessary.

### 3.5 **Vehicle Removal**

#### 3.5.1 **Abandoned Vehicles**

The police are empowered to remove a vehicle causing or likely to cause a danger or an obstruction on the highway. The police may cause a vehicle to be removed, which has been abandoned anywhere on land in the open air. An abandoned vehicle may be removed from private property with the consent of the owner of the property.

Powers for police officers to authorise the removal of vehicles are contained within Regulation 4, Removal and Disposal of Vehicle Regulations, 1986. Where a vehicle is causing a danger, it should be removed immediately.

If a vehicle has been abandoned on a road or other public place, where an obstruction is being caused, or there is a likelihood of danger being caused to any person, then the vehicle must be removed, using a contract garage in accordance with this scheme. If a vehicle is removed under these circumstances, Operations Room will enter a 'Removed Report' on PNC.

#### 3.5.2 **Burnt Out Vehicles**

There is ample evidence to show that a fire-damaged vehicle can present a very serious danger to the public. Such vehicles are known to contain toxins, fluoromasters and carcinogens.

**Such vehicles will not be left in situ, immediate removal must be arranged.**

When an officer becomes aware of the presence of a fire-damaged vehicle a contract garage will be summoned to effect an immediate recovery.

If the vehicle cannot be immediately identified, no attempt will be made to do so until the vehicle has been removed to the garage, and then such work will only be undertaken by suitably trained officers.

### 3.5.3 **Road Traffic Collisions**

Under no circumstances will any officer recommend a garage to a driver / owner or call out a recovery operator, other than as at 2 above.

Where practicable, the wishes of a driver / owner regarding recovery will be honoured. HOWEVER, if the vehicle is in such a location that the safety of the police officers or members of the public could be compromised, or an obstruction is being caused, then a contract garage MUST BE called. Such locations will include motorways, trunk roads, dual carriageways, etc.

Where the request of a driver / owner is not suitable, for example, when:

- the garage requested has inadequate equipment, vehicle or expertise
- the garage has an excessive distance to travel
- the casualty vehicle is causing or likely to cause a danger or an obstruction
- a delay in a garage arriving would cause an unacceptable delay thereby delaying the police, clearance of the scene or jeopardising safety
- the difficulty of the removal, the location of the vehicle or other circumstances creating a requirement for specialist equipment
- the owner requests removal by a recovery club, i.e. AA, RAC, whose owner cover does not include road traffic collision

The officer should over-ride the wishes of the owner or driver and arrange removal by an authorised operator through the scheme. The owner or driver must have the reasons for that decision explained to him or her.

The authorised removal operator will:

- call out his or her own back up
- provide any specialist equipment needed
- deal with the welfare of passengers
- safeguard property
- safeguard any load

- clear the road
- Owner requests in respect of breakdowns will be facilitated in the normal way unless any of the circumstances set out in this order apply.
- Where a vehicle is to be examined by the Force Vehicle Examiners, (e.g., after a fatal collision,) then IT MUST be recovered by a contract garage. All contract garages have enhanced facilities and equipment for vehicle examinations.
- Where a vehicle is to be examined by the Force Vehicle Examiners, the officer at the scene must inform the garage of that fact.
- If for any reason the vehicle cannot be released, the officer at the scene must inform the garage of that fact.
- Where a vehicle is held on police instructions, the officer in the case will keep the garage apprised of the enquiry and will advise the garage as soon as the vehicle can be released. Failure to do so could incur costs against divisional LFM.
- Where vehicles are recovered following a fatal collision, their subsequent release will be governed by R v Beckford. No vehicle involved in such an incident will be released without authority from the CPS.
- If the owner / driver is not present at the scene a 'Removed Report' will be entered on PNC by the Force Control Room.
- If the owner / driver is not present at the scene the reporting officer will provide owner / driver details to the garage.
- If the owner is not present at the scene, the reporting officer must make every effort to advise the owner / driver (or his / her representative) of the vehicle's location.

#### 3.5.4 **Stolen Vehicles – Not Used in Crime**

If a stolen vehicle is abandoned in such a manner as to be causing a danger or an obstruction, then immediate removal should be arranged through RMSL. If the vehicle is not causing a danger or obstruction, the Force will take all reasonable steps to notify the owner for him / her to arrange removal. If the owner cannot remove the vehicle or cannot be traced and it is believed that the vehicle is likely to be re stolen or damaged, then it must be removed under the scheme. If the owner cannot arrange immediate recovery of the vehicle, steps must be taken to safeguard property found, with a

comprehensive record of such property entered in the Station Miscellaneous Property Book. **Property may have been left by the offenders** and could detect the offence(s). Great care must be taken during the recovery of property so as to preserve for subsequent fingerprint DNA examination. Where practicable the vehicle should, in the first instance, be examined at the scene of recovery by a Scene Examiner or Auto-crime examiner.

Officers must not drive stolen vehicles because of the likelihood of it having sustained damage, which would render the vehicle unsafe or dangerous to personal safety.

Where a decision is made to recover the vehicle it must be understood that any charges incurred will be levied against the owner. This is in accord with *City Motors v Service Motor Policies at Lloyds, 1997*, where the judge stated that where the police exercised their powers to recover a stolen vehicle then if the owner / insurer wanted the vehicle back then they would be liable for any charges. The judge added, *"There is no such thing as a free recovery"*. **Under NO CIRCUMSTANCES must any officer tell the owner of a stolen vehicle that the police will pay for the recovery.**

#### 3.5.5 **Dual Carriageways**

The Association of Chief Police Officers Traffic Committee has issued guidelines that vehicles will not be allowed to remain on dual carriageways or clearways for more than thirty minutes. Additionally, during the hours of darkness or poor weather conditions, any unlit vehicle should be removed immediately under the scheme as it presents a danger to road users.

#### 3.5.6 **Prisoners Vehicles**

The arresting officer should make sure the vehicle is:

- locked
- left in a safe position

If a prisoner's vehicle is not removed it should **not** be immobilised.

If the vehicle is in an unsafe position or the prisoner is kept in custody, the prisoner should be told:

- to nominate someone to remove it
- that if no one is nominated an authorised removal operator will remove it at the prisoners expense
- the police are not responsible for safeguarding the vehicle.
- the custody record must be endorsed that the prisoner has been informed as above to refute any subsequent complaint.

#### 3.5.7 **Vehicles Involved in Crime**

**Procedures for the Recovery of Vehicles Used in the Commission of Crime**

Vehicles recovered that are believed to have been associated with any crime will themselves be regarded as a crime scene. This crime scene will be attended by a Police officer at all times. The officer attending will ensure that appropriate precautions are taken to preserve the scene. This may involve the placing of cordon tapes, establishing a log or the delivery of tents and lighting equipment from a police source as appropriate to the seriousness of the incident. During the recovery of the vehicle, officers at the scene must ensure that adequate precautions are taken to preserve evidence. This equally applies to persons employed by outside agencies. Consideration will be given to wearing disposable scene suits, vinyl gloves and facemasks as appropriate to the seriousness of the incident. Officers will ensure that evidence continuity is maintained during the transfer of the vehicle to its place of retention. The vehicle will become an exhibit of the recovering officer who will complete an exhibit label, which must accompany the vehicle at all times. All other persons dealing with that vehicle will sign the exhibit label for continuity in accordance with the rules of evidence.

Actions to be taken will fall into four categories:

(a) **Murder, Manslaughter, Abduction, Rape, Robberies and High Value Crime**

Arrangements should be made at an early stage for the scene to be preserved. This may involve the delivery of tents and lighting equipment from a police service source.

A Scientific Support Officer at the scene will undertake initial examination. Following this examination consideration can be given to removing the vehicle through RMSL, to secure police premises. Removal will be undertaken under the supervision of a Scientific Support Officer.

(b) **Low Value Volume Crime Cases**

Scientific Support Officers will examine the vehicle. However, where this is not practicable, e.g., attending other serious crime, or outside normal tour of duty, then the vehicle will be recovered through RMSL, to their approved garage (not police premises), for examination by a Scientific Support Officer on return to duty.

(c) **Suspicious Deaths**

Vehicle in the first instance should be treated as a crime scene. Scientific Support Officers will attend and examine the scene, and, following consultation with the Investigating Officer, if there are no suspicions of a criminal act, then the vehicle will be removed through RMSL to their approved garage (not police premises), for further examination following a post mortem examination.

(d) **TUMV Not Connected With Other Crime Types**

Arrangements will be made for these vehicles to be examined at the site of recovery by a scene examiner or auto-crime examiner, and returned to the owner. Consideration relating to the recovery of the vehicle is found in paragraph 3.5.4 above.

3.6 **Police Vehicles**

Generally, Police vehicles, which are disabled following a road collision, or breakdown will be recovered by the on-call Force mechanic. However, in situations where any unnecessary delay is foreseen or where the vehicle poses a danger, then, RMSL should be contacted to remove the vehicle under the Scheme and to return it to nominated police premises in the Force area. The Force will be liable to pay for such recoveries at a rate negotiated within the contract.

**4. LIAISON**

- 4.1 RMSL operates a 24 hour 365 day per year control room from their offices in Stafford. Headquarters Operations Room for incident call outs should only use the dedicated telephone line. At all other times advice can be sought by telephoning RMSL on 0870 850 4083 where their supervisors will take and answer queries from members of the Force or the general public. All complaints or written queries received from members of the public should be forwarded to the Force Liaison Officer, who will be the Force Transport Manager - for onward transmission to RMSL. Any further queries should be addressed to The Force Transport Manager.
- 4.2 The Force Liaison Officer will be responsible for the overall administration of the scheme and for ensuring that all vehicles are disposed of in accordance with Regulations. This officer must maintain records of costs of the scheme, a database of all long-stay vehicles and liaise with the Finance Department in relation to financial issues.

- 4.3 The Managing Agents are:
- Recovery Management Services Ltd.,  
Valerian House,  
University Court,  
Staffordshire Technology Park,  
Beaconside,  
STAFFORD. ST18 0GE
- Telephone number: 0870 850 4083
- Fax number: 01785 227128 / 249339
- Operations Manager: Mr. Bruce RIDLEY
- E-mail address: [BruceRidley@GRG.com](mailto:BruceRidley@GRG.com)

#### **Update to the Vehicle Recovery Order - dated 19<sup>th</sup> May, 2000**

- 5.1 When a vehicle has been involved in a fatal RTC the recovery agent must be informed that the vehicle is to be kept under cover until it has been examined, and should be retained until authorisation is given by the Senior Investigating Officer in writing for their release. This decision is based on whether a prosecution is likely.
- 5.2 Each vehicle that is recovered under the agreement with RMSL has a Movement Log Book, which is created and kept by the recovery agent. Under the contract that Dyfed-Powys Police have with RMSL it is of utmost importance that the Officer in the Case makes an entry in this logbook along the lines of:
- "Vehicle is to be retained for evidential purposes as the investigation may lead to a serious arrestable offence, and should be retained until written authorisation is given for it to be released"*
- 5.3 The reason for this memo is that it has been brought to our attention that certain recovery agents are releasing vehicles without consulting with the OIC.
- 5.4 Unless the log book has an entry similar to the one above, if a vehicle is released, then we have no proof that the recovery agent had been told to retain the vehicle.

#### **Update to the Vehicle Recovery Order - dated 15<sup>th</sup> November, 1999**

- 6.1 Vehicles that are recovered by Garages on behalf of RMSL are in most cases being retained far longer than is required. To ensure that vehicles are not kept unnecessarily, the Operations Room, at the time of the request will require the following information from the officer.
- (a) Does the vehicle need to be retained? Yes or No
- (b) If Yes, for what reason? i.e. Court, Forensic, Stolen Vehicle, Fatal, etc.

- 6.2 Operations Room will then pass this information to RMSL. The STORM message will be endorsed and if the vehicle is to be retained details will be forwarded to the Force Liaison Officer.
- 6.3 As soon as the reason for retention no longer applies, it will be the responsibility of the officer who made the original request to authorise the disposal of the vehicle. The officer will create a STORM message and forward to the liaison officer at Headquarters, who will arrange through RMSL for the disposal of the vehicle.
- 6.4 Storage cost of vehicles retained longer than necessary may have to be paid for by the Force, which will impact upon Divisional LFM.