


FAIRFAX COUNTY POLICE DEPARTMENT  GENERAL ORDER	SUBJECT: IMPOUNDMENT AND SEIZURE OF MOTOR VEHICLES		NUMBER: 522
	EFFECTIVE DATE: January 9, 2023	REVIEW: January, 2026	
RESPONSIBLE ENTITY: OPERATIONS SUPPORT BUREAU			<input type="checkbox"/> New Directive <input checked="" type="checkbox"/> Replaces: 520.4 <input type="checkbox"/> Revised:
ACCREDITATION STANDARDS:	CALEA 61.1.10, 61.2.2, 61.4.2, 61.4.3 VLEPSC OPR.07.07, OPR. 07.12, OPR.07.11		

I. PURPOSE

The purpose of this General Order is to outline procedures and guidelines for the impoundment, seizure, or administrative impoundment of motor vehicles and administration of all towed vehicle appeals processes.

II. POLICY

It is the policy of the Fairfax County Police Department (FCPD) that motor vehicles only be impounded or seized in a manner consistent with both State and County law. Impoundments, seizures, and administrative impoundments shall only be performed in order to ensure highway safety, foster voluntary compliance with the law, protect personal property, and secure items of evidentiary value.

III. DEFINITIONS

- A. Administrative Impoundment: The towing of a vehicle under circumstances where the vehicle will be held for either three (3) days, thirty (30) days, or released by judicial decree.
- B. Impoundment: The towing of a vehicle under circumstances where the vehicle may be released to the owner upon payment of towing and storage fees.
- C. Seizure: The towing of a vehicle that is subject to forfeiture to the Commonwealth of Virginia.

IV. GENERAL TOWING PROCEDURES

- A. The towing of motor vehicles by officers shall only be for the following purposes:
 - 1. **Impoundments**: Vehicles may be impounded in the following circumstances:
 - a. [Arrest of an operator and no individual is present who can lawfully assume custody of the vehicle.](#)

- b. The vehicle constitutes a hazard.
 - c. The vehicle is parked in violation of law.
 - d. The vehicle is parked unattended for more than fifteen (15) days upon public or private property without the owner's consent, abandoned for more than four (4) days on public property in violation of law, remains parked in violation of law after receiving a citation or warning, or is immobile due to adverse weather conditions.
 - e. The vehicle is stopped on the highway, impeding or rendering dangerous the use of the highway, or is disabled as the result of an accident or mechanical breakdown.
 - f. The vehicle is stopped in the vicinity of a fire, accident, or emergency scene and constitutes a hazard or interferes with police and/or fire operations.
 - g. The vehicle obstructs movement on any premises, driveway, or parking area without the owner's permission.
 - h. The vehicle is parked without permission on County-owned property.
 - i. The vehicle is parked in violation of Community Parking District restrictions.
 - j. The vehicle has unpaid parking citations.
 - k. The vehicle is parked in violation of the Fairfax County Code of Ordinances as it pertains to inoperative or junk vehicles.
 - l. The vehicle constitutes evidence and impoundment is required to protect it for introduction at trial.
2. **Seizures:** Vehicles may be seized only under the following circumstances:
- a. Vehicles used for racing on a highway where the vehicle is either being operated by the owner or present inside of the vehicle at the time of the offense.
- Note:** Vehicles taken as evidence in these circumstances may not be seized until a conviction is obtained.
- b. Vehicles used to illegally transport alcoholic beverages or illegal alcohol.
 - c. Vehicles used to transport stolen goods valued at \$1,000 or more, of

stolen property (regardless of value) obtained as the result of a robbery, or used to commit second or subsequent designated prostitution offenses.

- d. Vehicles used in connection with the illegal manufacture, sale, or distribution of controlled substances.

3. **Administrative Impoundments:** Vehicles may be administratively impounded under the following circumstances:

- a. Vehicles operated by an individual whose privilege to drive is suspended or revoked, based in whole or in part for (1) driving while intoxicated in violation of §18.2-266, §46.2-341.24, or a substantially similar law or ordinance in another jurisdiction, (2) refusal to submit to breath or blood test, (c) adjudications based whole or in part on an alcohol related offenses, or (d) license is administratively suspended under State Code §46.2-391.2 or Fairfax County Code of Ordinances §82-1-6 (46.2-391.2).
- b. Vehicles operated by a person who is in violation of §46.2-300 (Driving without a valid license), having been previously convicted of such an offense or substantially similar offense of any county, city, or town or law in any other jurisdiction.

Note: Rented or leased vehicles shall never be **administratively** impounded. In these instances, the rental or lease company shall be promptly notified to retrieve the vehicle. Where a rental or lease company is unable to respond in a timely manner, the vehicle may be impounded.

V. PROCEDURES WHERE VEHICLES SHOULD NOT BE IMPOUNDED

- A. **Alternative Operators:** When an arrested operator requests for the vehicle to be turned over to another individual present at the scene, officers shall note the following information in either the incident or arrest module in the current Records Management System (RMS) and release the vehicle accordingly.
 - 1. Name, address, and description of the individual assuming possession.
 - 2. Location to which the vehicle is to be transported.
 - 3. Confirmation that the individual has a valid operator's license.
 - 4. Confirmation the individual was not under the influence of alcohol or drugs.
- B. **Vehicle is Legally Parked:** Where an operator lawfully parked the vehicle on either their property or with consent of the existing owner and is subsequently arrested, officers shall note the following information in either the incident or arrest module of the current RMS and not tow the vehicle accordingly.
 - 1. Location where the stop was initiated and where the vehicle was parked.
 - 2. Nature of ownership over the property (ex: owned by the operator, 3rd party).

3. Officer's offer to impound the vehicle for safekeeping and owner response.

VI. VEHICLE INVENTORY POLICIES AND PROCEDURES

- A. **Inventory Checks:** Vehicles towed at the direction of an officer shall undergo an inventory accounting of all contents to protect the personal property of individuals whose vehicles are towed under circumstances where they cannot arrange for safekeeping of items contained in the vehicle, and assist in defending the Department against allegations of theft. Seized or impounded vehicles shall be inventoried in all circumstances, unless the vehicle is being impounded and the vehicle owner/operator is present when the vehicle is towed and can arrange for safekeeping of items of personal property contained within the vehicle.
 1. **Scope:** Inventory scope shall include the interior of the vehicle and areas that can be readily entered without using force. The glove compartment, console, and/or trunk is within inventory scope only where unlocked or entry can be made with vehicle keys or release mechanisms. Seats may not be removed and officers shall avoid intentional damage to the vehicle or its contents.
 2. **Vehicles as Evidence:** Vehicles that are being towed and processed for evidentiary purposes shall only be inventoried at the direction of the lead investigating officer, detective, or crime scene detective.
- B. **Storage of Items Discovered During the Inventory:** Towing companies under contract with Fairfax County are responsible for care of the vehicle and its contents until it can be either retrieved by the owner or disposed of in accordance with the law. As such, items discovered during inventories will remain in the vehicle unless constituting contraband or evidence of a crime, in which case the item(s) shall be removed by the officer and properly stored. Where an officer believes that any item(s) located in a vehicle may not be properly protected at a storage facility, the officer shall remove and store it in the Property Section.

VII. REQUESTS FOR TOWING SERVICES

- A. Vehicles towed at the direction of an officer shall be towed by a wrecker service under current contract with Fairfax County. Requests for wrecker service shall be routed through the Department of Public Safety Communications (DPSC) and shall include the following information as applicable:
 1. If requested, whether the case is an impoundment, seizure, or administrative impoundment.
 2. Size and type of vehicle and any need for special equipment.
 3. Location and (as needed), best route to the vehicle to ensure proper response time from the responding wrecker service.

- B. After requesting a wrecker response, an officer shall remain on scene to ensure the proper towing company summoned by DPSC handles the request. Where a wrecker service responds to the scene without being requested by DPSC, the officer shall request that the service depart and notify DPSC to provide the name of that towing company if they are under contract with Fairfax County. The impound towing coordinator shall be notified and follow-up on such complaints.
- C. **Vehicles as Evidence:** Vehicles requiring Crime Scene Section (CSS) processing shall be impounded and towed by an approved towing company under escort to the Forensic Facility located at the rear of the McConnell Public Safety Transportation Operations Center (MPSTOC). The CSS supervisor shall be notified immediately to facilitate securing of the vehicle. Once processed, and where further storage is necessary, or if the vehicle is suspected to be stolen and requires transport to DVS in order to search for a hidden VIN numbers, the officer/detective handling the case shall contact the Department Towing Impound Coordinator who will arrange for the Department of Vehicle Services (DVS) to tow the vehicle to a secured police facility storage lot. The investigating officer shall ensure the DVS wrecker is accompanied by an officer during the tow.
- D. **Disabled Motorists:** Community member requests for wrecker services due to mechanical breakdown or accident disablements where the vehicle does not require immediate removal as a traffic hazard shall be routed through DPSC. Community member requests for specific towing companies shall include the name of the company and, if known, a telephone number. Where such information is unknown, officers shall request the nearest available wrecker service. Community member requests do not require generation of a case number nor completion of any forms by the officer. Officers are not required to remain on scene to await a tow truck if the vehicle is parked in a safe location, off the travel portion of the roadway, and no further police assistance is needed.

VIII. TOWING FORMS

- A. **Vehicle Tow-In and Inventory Record (PD 48):** PD 48 forms shall be completed at the scene and prior to removal of any motor vehicle towed at the direction of an impounding officer. All required information shall be entered on the form, and information unknown to the officer must be entered prior to submission of the form. The inventory portion of the form shall be completed in all cases where a towed vehicle is inventoried in accordance with this General Order.
1. PD 48s are completed in addition to other reporting forms used to document events of reportable incidents. An incident report, supplement, or DMV crash report shall also be completed as appropriate to record the details of any investigation efforts conducted by the lead officer.
 2. Where a vehicle is towed at the direction of a police officer to a police facility

for evidentiary processing, a second PD 48 shall be completed to note any changes in vehicle condition. This includes items removed from the vehicle if the vehicle is later stored in an approved lot or secure police facility. Since secondary tows generate additional cost, the impound towing coordinator may be consulted for guidance.

3. **Victim Vehicles:** Vehicles belonging to victims or uninvolved third parties that are towed for evidentiary purposes do not necessitate the owner to be held liable for any associated tow fees. Vehicles towed under these circumstances shall be returned to the owner once processed, and the supervisor of the investigating officer or detective shall complete a memorandum requesting that tow fees be covered by the impound towing coordinator. Vehicles towed for evidentiary purposes that do not involve the commission of a crime against a person require the owner of the vehicle to be responsible for tow fees and should only be towed on an as-needed basis.
4. **Fees:** Special considerations for payment of towed vehicles can be made with command approval of the officer requesting the tow and the Traffic Division Commander. Approval must be obtained before payment will be made, and the request for tow payment shall be made by the requesting officer's supervisor in memorandum format through their commander to the Traffic Division commander. Victims who accrue tow fees may be directed to the Circuit Court for assistance from the Commonwealth's victim fund that helps victims recover tow costs not covered through their insurance company.
5. **Form Distribution:** Form distribution shall be performed as follows:
 - a. Where a vehicle owner is present at the scene of a tow or readily available, an officer shall provide the owner's copy of the completed PD 48 to the owner in person.
 - b. Where a vehicle owner is not present when their vehicle is removed at the direction of an officer, and cannot be located at the time of removal, the owner's copy of the PD 48 shall be mailed to the owner's listed DMV address. The notice shall be sent via first class mail within one full working day of the towing. Supervisors shall ensure notice is sent within 24 hours, and the mailing time is documented on the bottom of the station file copy of the PD 48.
 - c. Rented and leased vehicles shall require the rental or leasing company to be personally notified by listed telephone number.
 - d. For administrative impoundments, officers shall cross out information on the top half of the reverse side of the owner's copy of the PD 48 as it does not apply. Where the owner was the operator, none of the information on the reverse of the owner's copy applies and only the operator copy should

be given to the owner/operator. The towing company shall also provide the magistrate the Court's copy of the PD 48, with the Court's copy of the summons prior to the end of the shift, either by personal delivery or by faxing both sides of the Court's copy of the PD 48.

- e. All PD 48 forms shall be scanned and attached to the corresponding incident or arrest module in the current RMS and retained in accordance with Library of Virginia retention schedules.

B. **Notification of Seizures:** Prior to seizing any vehicle, the Asset Forfeiture Unit (AFU) sergeant or on-call Organized Crime and Narcotics Division (OCN) supervisor **shall** be contacted by phone through DPSC.

C. **Media Tow Notifications Where Registered Owners Cannot Be Determined:** The Request for Media Notification of Towed Vehicle form (PD4MN) shall be used whenever the owner of a towed vehicle cannot be located or determined. Completed forms shall be scanned and attached in either the arrest, citation, or incident modules of the current RMS.

D. **Results of a Chapter 82 Hearing of a Vehicle Tow (PD 184):** PD 184 forms shall be completed by the hearing officer upon completion of a proceeding to determine if probable cause existed to tow a vehicle under Chapter 82 of the Fairfax County Code of Ordinances and distributed accordingly.

IX. TOWING AND HEARING OFFICER RESPONSIBILITIES

A. **Towing Officer Duties:** The Towing Officer is responsible for the following:

1. Completion and distribution of all necessary forms.
2. Where an officer cannot contact the registered owner before concluding their shift, the officer shall notify the DPSC Teletype section and provide all necessary information from the PD 48 for entry into the VCIN Stored Vehicle File. The officer shall record the message number once furnished by Teletype on the PD 48 form and any generated report in the current RMS.
3. Where a vehicle is towed and the registered owner cannot be determined or where the PD 48 returns as "undeliverable by the United States Post Office, the procedure for completion and distribution of the PD4MN shall be followed.
4. Where an officer directs the towing of a vehicle that is determined to be stolen, the registered vehicle owner shall be advised to contact the impound towing coordinator through DPSC for assistance in seeking possible reimbursement for any associated towing and storage fees.
5. Officers who direct the towing of a vehicle to be held as evidence and later

determined the vehicle may be released shall notify the registered owner and appropriate wrecker service to release the vehicle. If the wrecker service personnel request personal contact to assure a valid release is authorized, the notifying officer shall either make personal contact or arrange for another on-duty officer to make contact.

6. Officers shall note in an incident and/or any supplement report what actions were taken to contact the registered owner and what disposition was made concerning the PD 48 and other reporting forms required in certain cases.
7. In cases of impounds for unpaid parking citations, the officer shall also notify the Department of Tax Administration (DTA) by faxing a copy of the PD 48.

B. **Hearing Officer Duties:** The Hearing Officer is responsible for the following:

1. Owners of towed vehicles have three weeks (21 days) from the date of notice by the Police Department to request a hearing be held to determine propriety of the removal of the vehicle under the law. The PD 48 informs owners of the requirement to provide written notification to the Department to initiate the hearing, and is designed to direct requests to the Office of the Chief. Where hearing requests are received, they must be date and time stamped and immediately sent to the appropriate commander to initiate the hearing process. Individuals shall be notified in a timely manner, and these hearings must be held within 24 hours of the receipt of the request where specifically requested by the vehicle owners. Otherwise, the vehicle owner shall be contacted within 48 hours after the request of a hearing is received by the Police Department in order to arrange a hearing date.
2. The following individuals may act as Hearing Officers:
 - a. District station commanders or assistant station commanders.
 - b. SOD commander or assistant commanders.
 - c. Traffic Division commander or assistant commanders.
 - d. MCB commander or assistant commanders.
 - e. Duty Officers as prescribed by the Chief of Police.
3. Hearing Officers determine whether sufficient probable cause exists to believe that a motor vehicle was towed in accordance with the law, and once notified, contact the owner of a towed vehicle and arrange for a convenient time and place to conduct the hearing. The most convenient district station should typically be utilized for these hearings.
4. The PD 184 form shall record the findings of the Hearing Officer. Where the Hearing Officer determines the tow was proper, this shall be noted in the appropriate space on the PD 184 to the owner and indicate the owner may only obtain the vehicle by paying accumulated costs.

5. When the Hearing Officer authorizes County payment of towing costs, they shall arrange for prompt release of the vehicle with DPSC and vehicle storage lot personnel as necessary.

X. LEGAL REFERENCES

- A. [Va. Code Ann. § 4.1-339](#), Search and seizure of conveyances or vehicles used in violation of law; arrests.
- B. [Va. Code Ann. § 19.2-80.1](#), When arrested person operating motor vehicle; how vehicle removed from scene of arrest.
- C. [Va. Code Ann. § 19.2-386.16](#), Forfeiture of motor vehicles used in commission of certain crimes.
- D. [Va. Code Ann. § 19.2-386.22](#), Seizure of property used in connection with or derived from illegal drug transactions.
- E. [Va. Code Ann. § 46.2-301.1](#), Administrative impoundment of motor vehicle for certain driving while license suspended or revoked offenses; judicial impoundment upon conviction; penalty for permitting violation with one's vehicle.
- F. [Va. Code Ann. § 46.2-867](#), Racing; seizure of motor vehicle.
- G. [Va. Code Ann. § 46.2-1211](#), Removal of motor vehicles obstructing movement; storage; payment of costs.
- H. [Va. Code Ann. § 46.2-1213](#), Removal and disposition of unattended, or immobile vehicles; ordinances in counties, cities, and towns.
- I. [Va. Code Ann. § 46.2-1217](#), Local governing body may regulate certain towing.
- J. [Fairfax County Code of Ordinances § 82-1-6](#), Adoption of state law.
- K. [Fairfax County Code of Ordinances § 82-5-4](#), Police Department to remove parked vehicles on snow route; fines.
- L. [Fairfax County Code of Ordinances § 82-5B-7](#), Enforcement and penalties.
- M. [Fairfax County Code of Ordinances § 82-5-20.1](#), Stopping vehicle of another; blocking access to premises; damaging or threatening commercial vehicle or operator thereof.

- N. [Fairfax County Code of Ordinances § 82-5-29](#), Removal and disposition of certain unattended vehicles; sale, disposition or proceeds.
- O. [Fairfax County Code of Ordinances § 82-5-32](#), Removal, immobilization, and disposition of vehicles unlawfully parked on private or county property.
- P. [Fairfax County Code of Ordinances § 82-5-41](#), Removal or immobilization of motor vehicles against which there are outstanding parking violations.
- Q. [Fairfax County Code of Ordinances § 82-11-2](#), Administrative hearing for release of motor vehicle; determination.
- R. [Fairfax County Code of Ordinances § 110-1-3](#), Administration and enforcement.
- S. [Fairfax County Code of Ordinances § 110-3-1](#), Keeping inoperative motor vehicles, trailers, or semitrailers on property in the county prohibited.

General Order 522 becomes effective on the above date and rescinds all previous rules and regulations pertaining to the subject.

ISSUED BY:



Chief of Police

APPROVED BY:



County Executive