



LOUDON POLICE DEPARTMENT LOUDON, TN



Chapter 9

Subject: Seized Property & Abandoned Vehicle Procedure	Effective Date: 02/27/06	Revised Date: 03/28/2020
Title: Seized Property & Abandoned Vehicle Procedure	Pages: 4	Distribution: All Officers
Cross Reference:	Chief of Police Approval:	

Purpose

The following are guidelines to follow during all property and vehicle seizures. The final disposition, at the departmental level, shall be determined by the Chief of Police.

This directive shall consist of the following sections:

- I. Definitions
- II. Seized Vehicle Procedure
- III. Seized Property Procedure
- IV. Towing Abandoned Vehicle Procedure

- I. Definitions
 - A. Hold – Request by officers not to release property/vehicles until proceedings are complete.
 - B. Seizure Notice Conveyance – Stat of Tennessee multiple copy forms utilized for transfer of property/vehicle
 - C. Property Receipt – Loudon Police Department form used for tracking seized property.
 - D. Seizing Agent – Loudon Police Department officer conducting the prosecution of the person the property is being seized from.
 - E. Abandoned Vehicle – Any vehicle that is not in current operating condition or left unattended for 7 calendar days on a public street.
- II. Seized Vehicle Procedure
 - A. The initial seizure procedure shall be the stage of the process that the individual officer may use his discretion upon determining to seize or not to seize the vehicle.
 - 1. Upon determining a vehicle meets the criteria for seizure, on the initial scene of traffic stop, the officer shall
 - a. Notify the next scheduled wrecker service to respond.
 - b. Conduct a thorough inventory of the vehicle and record the results on the standard Tow-In form.
 - c. Record the intention to seize the vehicle on the Tow-In Form by writing “HOLD” on the form.
 - d. Upon arrival of the scheduled wrecker service, it shall be the responsibility of the seizing officer to notify the representative of the scheduled wrecker service (tow man) of the intentions to seize the vehicle. The seizing officer shall instruct the tow man to transport the seized vehicle to the city maintenance compound located on Keene Street. The seizing officer shall provide a copy of the Tow-In form to the tow man.
 - e. The seizing officer must complete a Seizure Notice Conveyance. The seizing officer should pay particular attention to the VIN # section of the form. This section is the most important information for the Department of Safety Legal Office. The VIN # section must be complete and legible.
 - f. The seizing officer must provide a copy of the Seizure Notice Conveyance to the person in possession at the time of seizure.
 - g. The seizing officer shall keep one copy of each document for his or her file. The remaining copies are to be placed in the “In” box to be passed on to the Loudon Police Department Administration.
 - h. At this point of the seizure process, the seizing officer has multiple options at his or her disposal, to determine how to proceed toward disposition. However, a decision must be made within 5 days. Should a situation develop that I seizing officer needs additional time to decide he or she must go before the judge or judicial commissioner and request additional time. Should the seizing agent decide to release a “HOLD” on a seized

vehicle prior to obtaining a warrant this seizing officer shall notify the chief of police in writing of the decision.

- B. Intent seize procedure: after completing the initial procedure and the decision to proceed has been made the individual officer has no discretion in the determining of the final disposition of seized property.
1. The seizing officer must go before the judge or a judicial commissioner to seek the continuance of the process. Should the judge or judicial commissioner refuse to issue the seizure warrant, the seizing officer should return the denial to the Loudon Police Department administration and keep a copy for his or her file. The Loudon Police Department administration shall be responsible for releasing the vehicle and notifying the owner.
 2. Should the judge or judicial commissioner issue the seizure warrant, the seizing officer shall provide the Loudon Police Department administration with the original copy and he or she should keep a copy for their file. The Loudon Police Department administration shall be responsible for providing the Department of Safety Legal Office with the notice of seizure and the proper warrant.
 3. Any return paperwork from the Department of Safety Legal Office shall be the responsibility of the seizing officer to correct as soon as practical. Upon correction the responsibility to return the paperwork to the Department of Safety Legal Office shall be the seizing officer.
 4. The seizing officer shall include the department of case number file numbers in all documents.
- C. Final disposition procedure: Final disposition shall be determined by a combination of the department of safety legal division and the Loudon police chief.
1. Responsibilities of Loudon Police Department administration
 - a. Upon receipt of the order of delegation, it shall be the responsibility of the Loudon Police Department administration to carry out the following
 - i. Coordinate with other Organizations comic businesses, in private individuals having an interest in a seized vehicle.
 - ii. Coordinate transfer of storage places in the event of seized vehicle has been awarded to Loudon Police Department.
 - iii. maintain records of each individual seized vehicle for review or audits
 - b. Upon release of a vehicle prior to the beginning of “intent to seize procedure,” and during the “initial procedure,” the Loudon Police Department administration shall notify the owner of the property.
 - c. Upon receiving “the conveyance of property seizure” and a seizure warrant issued by the judge or judicial commissioner, the Loudon Police Department administration shall be responsible to deliver both to the Department of Safety Legal Office in Knoxville.

- d. Upon receiving a denial order issued by a judge or judicial commissioner, the Loudon Police Department shall be responsible for notification to the owner of the property.
- e. In all seized vehicle cases, it shall be the responsibility of the seizing officer to provide administration with completed forms, tow-in reports, notice of conveyance, seizure warrants, denial and or written narratives.
- f. The Loudon Police Department administration shall be responsible for maintaining all of the records in regard to seized vehicles.
- g. Upon receiving notice of department of safety legal hearings, the Loudon Police Department administration shall be responsible for notifying the seizing officer of dates and places of such hearing.

III. Seized property procedure

- A. Upon determining property meets the criteria for seizure the seizing agent shall:
 - 1. Conduct a thorough inventory of the seized property and record all such property on a property receipt. The seizing agent shall be as detailed as possible when describing the seized property and require the signature of the person in possession of the property on the property receipt.
 - 2. The seizing agent must complete a seizure notice convenience.
 - 3. The seizing agent must provide a copy of the seizure notice conveyance to the person in possession at the time of the seizure.
 - 4. The seizing agent shall keep one copy of each copy for his or her file. The remaining copies are to be placed in the box to be passed to the Loudon Police Department administration.
 - 5. The seizing agent shall transfer seized property to the Loudon Police Department evidence custodian with a copy of the property receipt.
 - 6. The remaining procedure for seized property should be the same as II. B and in II. C above.

IV. Towing abandoned vehicles

- A. When an officer has determined a vehicle has been abandoned on a public street or highway the following shall be considered
 - 1. The vehicle is not a traffic hazard.
 - 2. The vehicle has been tagged by another officer.
 - 3. Property notice has been given.
- B. If all of the above circumstances are applicable, then Adam Squad should take care of contacting the next schedule wrecker service Monday – Friday.