



# Policy Revision Request

Requestor Name Jerry Cantu Emp # 6111

This revision applies to Existing Policy

If new, recommended section \_\_\_\_\_

This revision is necessary to comply with State Law (attach)

Whom does this revision affect? Department

This revision has an unbudgeted financial impact of \$ 0

## **Brief reason for the revision:**

As stipulated by HB2899, any vehicle involved in offenses relating to Racing On or Obstructing a Highway is now subject to mandatory impoundment by a peace officer.

[HB2899](#)

[Sec. 545.420. RACING ON HIGHWAY](#)

[Sec. 42.03. OBSTRUCTING HIGHWAY OR OTHER PASSAGEWAY](#)

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## **319 Arrests**

### **319.4 SPECIAL CIRCUMSTANCES SURROUNDING ARRESTED PERSONS**

#### **319.4.1 IMPOUNDING VEHICLES**

- (a) If the owner/operator of a vehicle has been arrested, the vehicle shall be impounded and preserved for evidence processing if it:
  - 1. Is the instrument, fruit, or evidence of a crime; or
  - 2. Contains an instrument, fruit or evidence of a crime.
- (b) If the owner/operator of a vehicle has been arrested ~~but~~and the vehicle is not needed for evidentiary purposes, the arresting officer may impound the vehicle.
  - 1. At the officer's discretion, the vehicle may be released to a responsible person present at the scene if the owner/operator requests it.
    - (a) The person taking custody of the vehicle must be in possession of a valid driver's license and be capable of providing care, custody and control of the vehicle.
    - (b) The identity of the person (name, DOB, driver's license, address) who takes custody of the vehicle shall be noted in the officer's incident report.
- (c) When a subject's vehicle has been impounded due to an arrest and it is determined that the subject will be released rather than booked into jail, a supervisor may authorize the waiving of any applicable impound fee.
  - 1. The supervisor will contact the authorized impound company and advise to release the vehicle without charge.
  - 2. The fact that the fee was waived, and the name and employee of the supervisor authorizing the waiver, shall be documented in the officer's incident report.

(d) A vehicle shall be impound when it was used in commission of:

1. Racing on Highway – Texas Transporting Code § 545.420, or
2. Obstructing Highway or Other Passageway per Texas Pen Code § 42.03.

## **350 Vehicle Towing and Impound**

### **350.3 IMPOUND GUIDELINES**

#### **350.3.1 AUTHORIZED IMPOUNDS**

(a) Officers impounding a vehicle under the following authorized situations/circumstances must complete an incident report entitled Impounded/Moved Vehicle. The report must identify the vehicle, location, time, registered owner, wrecker service and must justify or show probable cause for the impound based on one or more of the following situations/circumstances:

1. The operator of the vehicle has been arrested and the vehicle is not needed for evidentiary purposes.
2. It is an abandoned vehicle or junked/nuisance vehicle as defined in the Texas Transportation Code.
3. The vehicle is listed in the BOLO file as a "Stop, ID and Impound" (e.g., UUMV).
4. Municipal Court has issued an order that a specific vehicle be impounded due to outstanding parking citations.
5. When there is articulable probable cause to believe that the vehicle:
  - (a) Is the instrument, fruit, or evidence of a crime; or
  - (b) Contains an instrument, fruit or evidence of a crime; or
  - (c) Other means of effecting the gathering or security of evidence at the immediate location of the vehicle is not readily available, or appears futile.
    1. The vehicle will be accompanied by APD personnel, until secured in the lot, to maintain proper chain of custody.
    2. The Crime Scene Section will be notified if the vehicle is to be secured inside the Vehicle Processing Facility.

(d) A vehicle shall be impound when it was used in commission of:

1. Racing on Highway – Texas Transporting Code § 545.420, or
2. Obstructing Highway or Other Passageway per Texas Pen Code § 42.03.