



# Vehicle Recovery and Retention (Policy & Procedure)

**OFFICIAL**

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# Policy

## Statement

The primary power to remove vehicles is set out in the Road Traffic Regulations Act 1984 and the Removal and Disposal of Vehicle Regulations 1986. Under this legislation and as a result of a High Court decision in the stated case of Service Motor Policies at Lloyds v City Recovery 1997, the onus for payment of the statutory vehicle recovery and storage fees rests with the owner of the vehicle or their insurance company.

In February 2001 Merseyside Police first introduced a Call Handled Vehicle Recovery Scheme contract with the Automobile Association Ltd (formerly AA Developments Ltd) who act as the Force managing agents.

The police have the legal power to remove vehicles in the following circumstances:

- If the vehicle is illegally parked
- If the vehicle is causing a danger or obstruction
- If the vehicle is apparently abandoned
- If the vehicle had been stolen and found abandoned
- The vehicle is believed to contain evidence relating to an offence
- The vehicle has been involved in a road traffic collision (RTC)
- If the vehicle is believed to be driven by an uninsured or unlicensed driver under Sections 165A Road Traffic Act 1988
- If the vehicle is driven in a manner likely to cause alarm distress or annoyance under Sections 59
- If the presence of the vehicle is a danger to life or property
- If the vehicle is suspected to be stolen

It is the intention of the Force to recover all vehicles in the above categories utilising the Call Handled Recovery Scheme.

## Aims

This policy aims to set out the basic level of service which the public can expect in relation to the recovery and retention of vehicles in the above circumstances. It is designed to assist the public, police officers and police staff to understand police powers relating to vehicle recovery and retention and the reasons behind police action.

## Objectives

A broad objective is to enhance the ability of the Force to investigate crime in relation to motor vehicles by providing the opportunity for recovered vehicles to be safely examined to secure evidence, validate identity and investigate trends and links to criminal activity.

Associated objectives are to:

- a) Reduce the number of complaints from the public following recovery of their vehicle

- b) Protect property and prevent further damage to motor vehicles once they have been recovered

## Application and Scope

All police officers and police staff, including the extended police family and those working voluntarily or under contract to Merseyside Police must be aware of, and are required to comply with, all relevant policy and associated procedures.

This policy document sets out principles to help guide decision making and is in some parts quite prescriptive. However, it is vital that officers and staff have the freedom to innovate, exercise discretion and take risk-based decisions centred on the needs of the victim and the merits of each case. Non-statutory policies, including College of Policing APP, provide guidance only. They are 'living documents' and it is recognised that there may be a better way of doing this. Accordingly, if staff depart from a policy but are able to give a good rationale for their actions, and have acted with honesty, integrity and professionalism, to make the best decision for the community we serve, they will be trusted and supported.<sup>1</sup>

The policy sets out the basic level of service expected in relation to tackling vehicle crime. Any member of the public reporting a vehicle stolen must be informed of the current recovery policy and that a statutory fee will be incurred by the registered keeper. No police officers or police staff should discuss actual costs with vehicle owners as the statutory fee is based on a matrix that covers various scenarios.

This policy is particularly applicable to the following staff:

- Force Contact Centre staff (Call Handling) who handle the initial call from members of the public and dispatchers who will contact the owners of stolen and recovered vehicles to advise them of the recovery.
- Operational officers who require vehicles to be recovered or seized
- Vehicle Crime Group
- Crime Scene Investigators
- Vehicle Recovery Liaison Officers
- Vehicle Release & Retention Unit

The Chief Officer lead for this policy is the Deputy Chief Constable.

## Outcome Evaluation

Outcomes should reflect the specific objectives above. Activities involved in measuring success will be determined by the Business Support Manager and include those measures listed in the deployment plan.

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<sup>1</sup> This paragraph inserted 23/06/2016 to emphasise appropriate use of discretion. Version number remains unchanged.

# Procedure

## Version History

29/8/2012	V 1.2 – Paragraphs 5.3.4 and 7.1 amended to show turnaround time reduced from 72hrs to 36hrs.
9/2/2016	V1.3 – Para 2.1 and 3.1 amended to show change to stolen vehicle recoveries. Para 11.1 and 11.2 amended to show change to staff member responsible for dealing with complaints.
19/04/19	V1.4 – Application & Scope amended to show Deputy Chief Constable as lead and outcome evaluation amended to Business Support Manager
23/8/21	V 1.5 – Statement amended to revise wording, remove section 165 B and section 60 of the Police Reform Act 2002; add danger and suspected stolen in list; Application and Scope added VRO as interested party; Para 1.1 added 'trailer', 1.2, & 1.3 to remove reference to abandoned, Para 1.3.1 to be more specific in describing end of life vehicles; Para 2.2 to change leaflet to website 2.2.1 to revise wording of contact made to owner.; Para 3.1 revised wording for message to person reporting vehicle as stolen. Para 3.4 to amend terminology of recovered to removed. Para 3.5 ambiguous wording removed. Para 3.6 amended to cover contact process. Para 4.1 update wording to refer to Electronic VAD and officers responsibility to ensure completed correctly. Para 5.2 change terminology abandoned to unattended, remove section 22, 60 & 165B. Para 5.3 remove Abandoned; Para 5.3.1 reduce and revise wording regarding owner contact, collection and recovery; Para 5.3.4 to correct 36 hours to 72 hours; Para's 5.4.2 & 5.5.1 to add word "statutory"; Para 5.5.3 to add reference to Elvis and PNC removed report. Para 5.7 remove 165B; Para 5.8 remove section 60; Para 6.1 remove ref to local council and add Act information re burnt out vehicles. Para 6.2 remove ref to abandoned and PACE, add context re charges. Para 6.3 remove and reword entire paragraph; Para 6.4 new/added to policy; Para 7.2 remove last paragraph re charging process re: release timing; Para 7.3 to remove CSIs as releaser, 'fax' and ref to vehicle fleet, add S165A purposes to VRU as releaser; Para 8.1 add "to agreed place of safety" ; Para 9 & 11.1 update to VRO unit.

## 1. Definitions

### 1.1 Vehicle (or Trailer)

Any vehicle whether or not it is in a state for use on the roads, and includes any chassis or body, with or without wheels appearing to have formed part of such a vehicle and any load carried by or attached to such a vehicle (Section 99 Road Traffic Regulation Act 1984).

### 1.2 Stolen

A vehicle which has been reported stolen or appears to be stolen.

### 1.3 End of Life Vehicle/Abandoned

A vehicle, whereby the owner has given up caring for it and appears to have little or no residual value, hasn't moved for several weeks, has no MOT (or less than 3 months to run), isn't taxed, doesn't appear to be cared for, has become a target for vandalism, isn't insured, may not have a keeper. It is the responsibility of the Local Authority to remove vehicles that are 'end of life' under the powers of the Refuse Disposal (amenity) Act 1978 this can be arranged by placing a Seen/Check Report on ELVIS.

## 2. Action on receiving a Stolen Vehicle Report

To assist the public to understand police powers relating to vehicle recovery and the reason behind police action, anyone reporting a vehicle stolen must be informed:

**“If we locate your vehicle and do not require it for evidential purposes, we will try to contact you to collect your vehicle and you will have 30 minutes to do so. After 30 minutes the rota garage will be called out and at that point the vehicle will be recovered at your expense.”**

The owner can be signposted to force website for more details regarding Policy and Procedure

## 3. Procedures for a Recovery

3.1 Once a vehicle is located the officer at scene will decide whether the vehicle is to be recovered for evidential purposes. If not, the owner will be contacted where possible to request that their vehicle is collected within 30 minutes. Vehicles not collected within 30 minutes will be removed at charge to the owner.

3.2 All requests for a vehicle to be recovered will be made through the Joint Contact Centre (JCC) control room who will require, if known, the following details:

- The type of recovery being requested
- Type of vehicle lift required
- Location of the vehicle being recovered
- Registration number, make and colour of vehicle
- If the vehicle is required to be retained for examination.
- If the vehicle is to be retained after examination and reason.
- The name address and phone number of the owner/loser

- Details of the officer in charge of the case
- 3.3 Contact Centre staff will contact the AA call centre by phone giving the information listed above. The AA will allocate a contracted and vetted recovery operator. The recovery operator will attend within 30 minutes (45 mins Large Goods Vehicle) of receiving the request subject to exceptional circumstances.
- 3.4 The recovery operator and officer at scene will contact the JCC once the vehicle is removed.
- 3.5 If practical JCC staff will inform the owner of the location of the vehicle and provide details of the Recovery Operator
- 3.6 The JCC will cause ELVIS and PNC to be updated with an appropriate report. In the case of a stolen vehicle if the owner has provided a mobile number at the time of reporting the theft ELVIS will cause a text message to be sent advising of the recovery.

#### 4. Retention of Vehicles

4.1 When officers authorise the removal of a motor vehicle, before the vehicle is removed it is vital that they confirm that the VAD (Vehicle Audit Document – should be in electronic version) is completed correctly, including the Vehicle Identity Number (VIN) and Vehicle Registration Mark (VRM). This must show the reason for recovery (**one box only to be ticked**), whether an examination is required and whether the vehicle must be retained or may be released once examination is completed. Failure to complete the VAD correctly may result in a police interest vehicle being immediately released back to the rightful owner.

#### 5. Recovery Types

5.1 All staff must be clear on the different types of recovery and examination available. The type of recovery requested by the police will dictate what charges are applicable.

##### 5.2 Types of recoveries:

- Vehicles that are stolen
- Unattended
- Vehicles seized under Section 19 Police & Criminal Evidence Act
- Vehicles causing an obstruction
- Vehicles involved in a Road Traffic Collision (RTC)
- Vehicles seized under Sections 165A, Road Traffic Act 1988 (uninsured)
- Vehicles seized under Sections 59 of the Police Reform Act 2002 (antisocial use)

##### 5.3 Stolen Vehicles

- 5.3.1 When a stolen vehicle is found an officer will be dispatched to the scene. The officer must request access to any keys to the vehicle if the vehicle is to be recovered for exam. If the owner requests to collect the vehicle within 30 minutes where further investigation is not required, then fails to arrive within the stipulated time, the officer should use their powers under the Road Traffic Regulation Act 1984 and Regulation 4 of the Removal and Disposal of Vehicle Regulations 1986 and have the vehicle removed as being stolen.

- 5.3.2 The Force is not liable to pay any monies in respect of these removals. It is a matter for the owner and/or their insurance company to meet the recovery and storage costs as defined under statute as above.
- 5.3.3 The recovery operator will recover the vehicle for forensic examination if this has been requested by the officer. JCC staff will ensure that the incident is tagged for forensic examination and ELVIS and the PNC are updated with an appropriate report as per paragraphs 3.5 and 3.6 above
- 5.3.4 Vehicles recovered for forensic examination will be stored at the recovery operator's premises. Whenever operationally possible CSI or Vehicle Crime Group will examine vehicles within 72 hours.
- 5.3.5 Police officers should remain with the vehicle until the recovery operator arrives and normally, for security, wait until the vehicle is loaded. The recovery operator will carry VAD forms that must be completed by the requesting officer to indicate, if required, the type of examination to be completed and if further retention is necessary.
- 5.3.6 Police officers, where appropriate, should carry out a thorough search of the vehicle, for firearms, drugs or large amounts of cash etc, which will be seized by the officer in line with current force policy prior to removal of the vehicle. All reasonable care should be taken to prevent contamination or loss of evidence when searching the vehicle.

#### **5.4 Vehicles Seized Under Section 19 and retained under Section 22 Police and Criminal Evidence Act**

- 5.4.1 Vehicles removed under the Police and Criminal Evidence Act will be vehicles that are suspected of having been used in serious crime, which need to be recovered for forensic examination.
- 5.4.2 Neither Merseyside Police nor the vehicle owner will be liable for any statutory charges in relation to such seizures.
- 5.4.3 The same procedure as set out in 5.3.3 to 5.3.7 above will be followed.

#### **5.5 Vehicles Causing an Obstruction**

- 5.5.1 Vehicles that have been left on a road and are causing a wilful or unnecessary obstruction can be removed under the Vehicle Recovery Scheme, without statutory charge being incurred by the police.
- 5.5.2 The driver must be reported by summons or issued with a fixed penalty notice.
- 5.5.3 An incident log will be created; detailing the officer in the case, the offence committed and the reason the vehicle has been recovered and ELVIS and PNC will be updated with a REMOVED report.
- 5.5.4 The recovery operator will reclaim the recovery fee and a daily storage charge, (after the first 24 hours) from the owner/driver. The police will not be liable for any charges.



## **5.6 Vehicles Recovered Following a Collision**

- 5.6.1 If a vehicle involved in a collision is causing danger/obstruction etc., and the driver cannot remove within a timescale that satisfies the attending officer, the Vehicle Recovery Scheme should be used, and all statutory charges will be met by the owner/driver.
- 5.6.2 If a vehicle involved in a collision is required by the police for examination, the initial recovery charges will be met by the owner or their insurance company.

## **5.7 Vehicles seized under Sections 165A, Road Traffic Act 1988 (uninsured)**

- 5.7.1 Vehicles may be seized under the above legislation without any cost being incurred by Merseyside Police.
- 5.7.2 An incident log will be created listing the officer in charge, the offence committed and the reason the vehicle has been recovered and ELVIS and PNC will be updated with a REMOVED report.
- 5.7.3 The recovery operator will reclaim from the owner/driver the statutory recovery fee and daily storage charges, which will commence from noon on the day after the seizure. The recovery operator will retain the vehicle for a maximum of 14 days from the date of seizure. The police will not be liable for any charges. Legally, owners must produce documents within 7 working days.

## **5.8 Vehicles seized under Sections 59 of the Police Reform Act 2002 (antisocial)**

- 5.8.1 Vehicles may be seized under the above legislation without any cost being incurred by Merseyside Police.
- 5.8.2 An incident log will be created, detailing the officer in the case, the offence committed and the reason the vehicle has been recovered and the Storm Log should be forwarded to the PNC Bureau with details of the driver/rider name date of birth, address etc and the vehicle including the VIN or Frame number so that ELVIS and if appropriate PNC can be updated.
- 5.8.3 The recovery operator will reclaim the statutory recovery fee, which applies, and daily storage fees will commence from noon on the day after seizure for a maximum of 14 days from the date of seizure. The vehicle cannot be retained under this Section should the owner provide proof of ownership and pays the statutory fee and reclaims ownership within 7 working days. The police will not be liable for any charges.

## **6. Burnt out Vehicles**

- 6.1 A burnt out vehicle is not considered end of life for the purpose of the Refuse Disposal (Amenity) Act 1978 or The Removal and Disposal of Vehicle Regulations 1986 and as such should not fall to the Local Authority to remove as 'end of life'.
- 6.2 All burnt out vehicles should be recovered to facilitate examination by the Vehicle Crime Group, in order to identify the vehicle as either stolen or used in crime/ Burnt out Vehicles used in Crime vehicles will be recovered under the scheme without the police incurring any charges. If a vehicle is stolen It is a matter for the owner and/or their insurance

company to meet the recovery and storage costs as defined under statute as above as per 5.3.2. All burnt out vehicles will be subject to an Exam Request on ELVIS.

6.3 Vehicles identified as Stolen will be updated as Found by the Vehicle Crime Group. Vehicles sought after being used in other crimes will be subject of a Redacted report. No updates other than the Exam Result on ELVIS will be done for vehicles that have no police interest.

6.4 Only the owner (or someone with the owner's permission) can lawfully set fire to a vehicle provided it is on private land and the fire causes no environmental issues. Vehicles that are burnt out at the very least are subject to criminal damage / arson. The force recognise that vehicles used in crime are burnt out in an effort to erase any forensic evidence. The force also realises there are health and safety issues not only to the public but to officers and staff who may interact with a burnt-out vehicle at scene. This is why ALL burnt out vehicles will be removed to minimise those risks and for the vehicle to be correctly identified by properly trained officers and staff.

## **7. Storage Charges**

7.1 Vehicle recovery operators have limited storage capacity. Vehicles recovered under the scheme, which have to be examined by CSI or Vehicle Crime Group should be examined within 72 hours.

7.2 The police are not charged for a vehicle stored on any recovery operator's premises.

7.3 Written Authority to release may be given by:

- The OIC at the scene on the yellow Vehicle Audit Document (VAD) carried by the recovery operator
- CSI officers following examination on VAD
- The OIC by e-mail to Recovery Operator or Force Liaison Office
- The Vehicle Recovery Liaison Office (VRLO).
- Vehicle Crime Group following examination on VAD.
- Vehicle Release & Retention Unit for Section 165a recoveries.

7.4 Verbal release will not be accepted due to audit requirements.

7.5 If a vehicle needs to be retained for a considerable period of time, OIC/Area should keep in regular contact with the VRLO to keep staff updated and justify retention. Examples are:

- Continued retention of the vehicle is required for court.
- The vehicle is part of a protracted investigation requiring the continued retention of the vehicle.

7.6 On receipt of Written Authority to release a vehicle the recovery operator is responsible for informing the owner that their vehicle can be collected. Any storage charges thereafter will be levied from the owner.

## **8. Property**

- 8.1 The recovery operator is responsible for all aspects of recovery including the transportation of passengers (where appropriate) to an agreed place of safety; property contained in the vehicle and vehicle loads for vehicles involved in road traffic collisions.
- 8.2 In all other cases the vehicle and its contents are to be regarded as exhibits. The vehicle registration number and/or VIN number uniquely identify the vehicle.
- 8.3 Officers are responsible for the reasonable safeguarding of property at the scene of any incident until such time as the recovery operator is in a position to take possession of the vehicle and contents. The recovery operator is required to record property in accordance with standards specified in the contract.
- 8.4 Where appropriate, officers attending the scene (as set out in Para 5.2.6) will carry out an inspection of the vehicle for firearms, drugs or large amounts of cash. These will be seized and recorded in accordance with current policy prior to the vehicle being recovered.

## **9. Vehicle Recovery Liaison Office**

- 9.1 The Force has a Vehicle Recovery Liaison Office managed by CSD that has responsibility for managing the operation of the scheme.
- 9.2 The VRLO in conjunction with the officer in charge has a responsibility to ensure the release of vehicles as soon as practicable to minimise costs, satisfy vehicle owners and to release space and forensic bays in Recovery Operators' premises.

## **10. Pre-Planned Operations**

- 10.1 Pre-planned operations, which may result in seizure of multiple vehicles, may require vehicle recovery operators to be on standby at designated sites.
- 10.2 Arrangements should be carried out in advance through the Force Liaison Officer, to secure the assistance and resilience of the recovery operator. For security reasons there is no need to necessarily give specific details just an indication of general location, approximate time of day and date which may result in seizure of multiple vehicles.

## **11. Complaints Procedure**

In the first instance, all complaints received regarding the Call Handled Recovery Scheme should be forwarded to the Vehicle Recovery Liaison Office. These will either be dealt with internally within the department, or where appropriate passed to the AA for a full report. A regular meeting takes place between the Admin Team Leader with responsibility for the AA scheme, and the dedicated AA Manager to track progress on all complaints regarding the scheme.