

POLICY – Vehicle Recovery

Number: H 0700

Date Published: 10 January 2019

Version 1 – January 2019

1.0 Summary of Changes

This is a new policy. Operation of this policy is delivered through separate procedures covering the key elements of the Vehicle Recovery Scheme in Essex.

2.0 What this Policy is About

This policy explains how Essex Police will approach the business of vehicle recovery within the County across all areas of police business. The aim of this policy is to ensure a fair and consistent approach by all officers, staff and contractors to the use of the Vehicle Recovery Scheme from here on referred to as ‘the Scheme.’

2.1 General Principles

2.1.1 Scope of the Scheme

To ensure a common approach to the operation of the Scheme providing for the:

- Recovery of vehicles within the Essex Police District;
- Collection of vehicles from outside the Essex Police District from other Police Force premises or their contractors premises;
- Storage and retention of vehicles;
- Release of vehicles to owners, insurance companies or their agents;
- Disposal of vehicles.

2.1.2 Principles

The main aims of the policy and its associated procedures are to ensure:

- Appropriate access of the Scheme by officers and staff;
- Safe working practices are employed to reduce the risks associated with the recovery, storage and examination of vehicles;
- Police powers and resources are used efficiently, protecting the public purse;
- Vehicle retention time is kept to a minimum with examinations being requested and completed in a timely fashion;
- Vehicles are released following the completion of examinations, other than for cases involving **serious crime or serious collision**;
- Retention beyond examination is justified and audited;
- Appropriate release of vehicles to the relevant parties in particular where ownership is in dispute;
- Consistent and fair application in all aspects of charging.

2.1.3 Serious Crime

An investigation that falls within the offences detailed in Authorised Professional Practice – Investigation at **13.3.2 PIP level 2** and **13.3.3 PIP level 3**.

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2.1.4 Serious Collision

An investigation that falls within the collisions detailed in Authorised Professional Practice – Roads Policing at ***1 Road deaths and life changing injuries***.

Compliance with this policy and any linked procedures is mandatory.

3.0 Statement of Policy

To deliver a Vehicle recovery Scheme that operates effectively allowing police officers and staff to perform their roles without hindrance, property and evidence to be properly protected and the owner of vehicles to be treated fairly. Protection of the public purse is always considered when making decisions relating to delivery of this policy.

4.0 Implications of the Policy

4.1.1 Financial Implications

Compliance with this policy and its associated procedures will significantly reduce financial risk to the organisation.

Legislation allows for the recovery, storage and disposal of vehicles for various reasons which incur significant costs but are important for road safety and crime reduction. The charge for the removal of vehicles varies according to their size and condition. Successive governments have taken the view that these costs should not fall on the public purse and therefore it is only right that those who own and keep vehicles are responsible for the associated costs.

It is important to understand that the aim of such charges is not to impose a penalty on vehicle drivers or owners. The need for removal of a vehicle does not always result entirely from a culpable action or neglect on the part of the owner or driver. These charges are collected by the Vehicle Recovery Operator on behalf of the Chief Constable.

Where such charges are applicable Essex Police follows the charging tariffs set down in legislation.

The Recovery, storage and disposal of a vehicle in circumstances where legislation does not permit such charges to be applied or the vehicle is owned by or hired to a Police Force Essex Police will be responsible. These charges are subject to rates set out in the agreement with our contractor.

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4.1.2 Staffing

The Head of Roads Policing is responsible for the delivery of all aspects of the Scheme. This is managed by key individuals who perform the role of Authorised Officer under the contract and Vehicle Recovery Liaison Officer in line with national agreements. Those individuals sit within the following roles:

- Specialist Support Sergeant, Road Policing;
- Vehicle Recovery Liaison Officer.

The Vehicle Recovery Unit within Roads Policing manage the day to day delivery of this policy but there is an expectation that all officers and staff comply with this policy and associated procedures

4.1.3 Training

Internally there is supporting material and advice available to all officers and staff that are likely to use the scheme from the Vehicle Recovery Unit.

Training requirements and accreditation of Vehicle Recovery Operators is subject to the contract with Automobile Association Developments Limited.

4.1.4 Existing Partnership Agreements

Automobile Association Developments Limited are under contract to the Police, Fire and Crime Commissioner for Essex to manage the Scheme using appropriate sub-contractors to deliver the service.

WPC Software Limited are under contract to the Police, Fire and Crime Commissioner for Essex to provide ELVIS which is the system used by Essex Police, Automobile Association Developments Limited and their contractors to manage the Scheme.

4.2 Risk Assessments

This policy is compliant with the requirements of Health & Safety legislation. The work of contractors is undertaken by trained operatives working for authorised sub-contractors of Automobile Association Developments Limited.

4.2.1 Complaints & Claims for Compensation

Any complaint made in respect of this policy or its associated procedures will be dealt with in accordance with C 3001 Procedure – Dealing with Complaints against Police.

The Vehicle Recovery Liaison Officer will be the first point of contact to deal with any claim for compensation or refund of charges.

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It is important to note that no further action being taken against an individual or an unsuccessful prosecution will not result in charges being refunded where the power to remove a vehicle has been lawfully applied

4.3 Equality Impact Assessment

This policy has been assessed with regard to an Equality Impact Assessment. As a result of this assessment it has been graded as having a low potential impact as the proposals in this policy would have no potential or actual differential impact on grounds of age, sex, disability, race, religion or belief, marriage and civil partnership, sexual orientation, gender reassignment and pregnancy and maternity.

5.0 Consultation

The following have been consulted during the formulation of this document:

- Unison
- Police Federation
- Essex Diversity and Inclusion Manager
- Health & Safety
- Strategic Change Team
- PSD Superintendent
- Policy/Risk
- Superintendents Association
- Financial Services Department
- Procurement
- Legal Dept
- Serious Crime Directorate
- LPA Criminal Investigation Departments
- Scientific Support
- Roads Policing
- Forensic Collision Investigation Unit
- Transport Services

6.0 Monitoring/Review

This policy will be reviewed by or on behalf of the Head of Roads Policing, Operational Policing Command every 2 years to ensure that the content is in line with current legislation and accurately reflects best practice.

7.0 Related Force Policies or Related Procedures

- H 0701 Procedure – Vehicle Recovery and Seizure
- H 0702 Procedure – Vehicle Examination and Retention
- H 0703 Procedure – Vehicle Release and Disposal

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- H 0100 Policy – Roads Policing
- B 0600 Policy – Investigation of Crime
- D 0500 Policy – Incident Command and Control
- G 1100 Policy – Property Handling
- T 0710 Policy – Vehicle Fleet Management
- X 1000 Policy – Procurement
- C 3001 Procedure – Dealing with Complaints against the Police

7.1 Data Security

Essex Police have measures in place to protect the security of your data in accordance with our Information Management Policy – W 1000 Policy – Information Management.

7.2 Retention & Disposal of Records

Essex Police will hold data in accordance with our Records Review, Retention & Disposal Policy – W 1012 Procedure/SOP - Records Review, Retention and Disposal.

We will only hold data for as long as necessary for the purposes for which we collected. Victims/public should be reminded that Essex Police take the protection of personal data seriously as described in the privacy notice <https://www.essex.police.uk/hyg/fpnessex/privacy-notice/>.

8.0 Other Source Documents, e.g. Legislation, Authorised Professional Practice (APP), Partnership Agreements (if applicable)

- Authorised Professional Practice – Roads Policing
- Authorised Professional Practice – Investigation
- NPCC Vehicle Recovery Best Practice Guide 2016