

PROCEDURE – Vehicle Recovery and Seizure

Number: H 0701

Date Published: 6 December 2019

Version 12 - December 2019

1.0 Summary of Changes

Section 3.3.7 has been updated to give clarity regarding foreign registered vehicles on the UK register.

2.0 What this Procedure is about

This procedure explains how Essex Police undertakes the recovery or seizure of vehicles.

The recovery of any vehicle by police will be in line with appropriate legislation and the terms of the contract with Automobile Association Developments Limited (AADL) to deliver the Vehicle Recovery Scheme from here on referred to as 'the Scheme.'

The use of the ELVIS system is central to management of the scheme and is accessible by Police, AADL and their contractors.

Compliance with this procedure and its governing policy is mandatory.

3.0 Detail the Procedure

The Vehicle Recovery Liaison Officer is responsible for overseeing AADL in managing the Scheme.

3.1 Requesting Recovery of a Vehicle

Requests for the recovery of a vehicle must be made to the AADL on the dedicated number direct by **the officer/ staff member making the request**. Force Control Room (FCR) should only be asked to do this on their behalf where there are genuine safety concerns.

3.1.1 Information Required by AADL

1. STORM Incident Number;
2. 8-digit PIN for officer seizing or requesting recovery;
3. Work mobile number;
4. Recovery reason & whether the vehicle relates to a Serious Crime or Serious Collision;
5. Location including Police District;
6. Vehicle Registration Mark displayed on vehicle;
7. Other vehicle details including whether it is locked or has keys;
8. Initial assessment of any examination(s) required;
9. Owner details as defined by the officer if not the same as PNC registered keeper;
10. Other information relating to the type of recovery required or hazards presented.

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3.1.2 Forms

Forms are required for all recovery reasons and must be completed properly by the officer/ staff member requiring recovery.

AADL will provide an ELVIS identification number (EID) and details of the Vehicle Recovery Operator (VRO).

3.1.2.1 Recovery & Seizure (Form VR1)

This form is required for all recoveries except those where DVLA powers are used.

Completion is the sole responsibility of the officer/ staff member seizing or requesting recovery. The form must be handed to the VRO upon recovery of the vehicle. The VRO will scan and upload this form onto ELVIS.

VRO's have been instructed to refuse to recover a vehicle which is unaccompanied by a completed form VR1.

3.1.2.2 Notice to Driver/ Owner (Form VR2)

The Notice to Driver/ Owner Form (Form VR2) is only required when there is a responsible person present at the point of recovery or seizure unless DVLA powers are used.

Completion is the sole responsibility of the officer/ staff member seizing or requesting recovery. The form must be handed to the person with the vehicle.

3.1.2.2 Vehicle Audit Document

The Vehicle Audit Document is an AADL document and is required for all recoveries.

Completion of this form is the responsibility of the VRO who will also scan and upload this form to ELVIS. Officers/ Staff members will not complete any part of this document.

3.1.2.3 DVLA Forms

The Driver & Vehicle Licensing Agency (DVLA) produce national forms. The relevant form is required in place of a VR1 for a recovery as per 3.2.7 DVLA.

Completion is the sole responsibility of the officer seizing. The form must be handed to the Vehicle Recovery Operator (VRO) upon recovery of the vehicle. The VRO will scan and upload this form onto ELVIS.

VRO's have been instructed to refuse to recover a vehicle which is unaccompanied by a completed DVLA form.

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3.1.3 STORM Incident

All recoveries must have a related STORM incident. Once sufficient information has been recorded in relation to the recovery this should be closed unless it is still required for a Command and Control purpose.

The STORM incident must include the basis of the recovery and a copy of any associated PNC reports for the vehicle.

This number must be provided to the officer to allow recovery to be arranged as AADL will not accept requests for recovery without this reference number.

3.1.4 PNC Reports

ELVIS automatically informs the PNC Bureau of any vehicle that has been recovered or seized. Any correction required following a vehicle identification is also passed via ELVIS.

PNC Bureau create and remove reports based on the information received.

3.1.5 No Unit Deployed

Where no officer/ staff member has been deployed to an incident but the information required to deploy recovery can be ascertained by other means then FCR or Vehicle Recovery Unit can make contact with AADL to arrange recovery.

The completion of form VR1 is not required in these circumstances but full details of the reasons for recovery and police officer authorising must be endorsed on STORM or direct onto ELVIS.

3.1.6 Staff Member without the Necessary Designated Power

Where the staff member in attendance does not have the necessary power under the legislation required authorisation for the recovery or seizure must be sought by an officer/ staff member with the designated power that is in a position to review the circumstances and make a decision.

3.2 Reasons for Recovery

The reason for a recovery or seizure should be considered carefully ensuring that it is legal, proportionate and in line with Force Policy and Procedure. Except for the recovery of police vehicles or seizure using DVLA powers the reason for recovery should be considered in the following order:

1. **S165**
2. **Stolen**
3. **Abandoned or Decamp**

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4. **RTC or Breakdown**
5. **S59**
6. **PACE**

3.2.1 S165

Allows for **any police officer or designated police staff member** seizing a **motor vehicle** under **s165 Road Traffic Act 1988**; where they believe that it was being driven by a driver without insurance or otherwise in accordance with a licence.

3.2.2 Stolen

Allows for **any police officer or designated police staff member** recovering a **vehicle** under **s99 Road Traffic Regulation Act 1984 & Reg. 4 Removal and Disposal of Vehicles Regulations 1986**; which is stolen and abandoned this includes where the vehicle is not in the possession of someone with lawful control.

Where the vehicle is only suspected to be stolen enquiries should be made with the owner prior to recovery where practicable.

Stolen vehicles found by their owner or representative and are present with the vehicle are not abandoned and should not be recovered unless there is significant reason to deprive the owner of their property. During busy periods it can take almost two weeks for an owner to get their vehicle back.

Where it is still necessary to seize the vehicle for a forensic exam then the recovery reason 3.2.6 PACE should be used.

3.2.3 Abandoned or Decamp

Allows for **any police officer or designated police staff member** recovering a **vehicle** under **s99 Road Traffic Regulation Act 1984 & Reg. 4 Removal and Disposal of Vehicles Regulations 1986**; which is causing a danger/ obstruction or has otherwise been left without lawful authority and no-one with lawful control of the vehicle is present. Vehicles which are abandoned but not causing a danger or obstruction to the highway are primarily the responsibility of the appropriate local authority who should arrange recovery.

3.2.4 RTC or Breakdown

Allows for **any police officer or designated police staff member** recovering a **vehicle** under **s99 Road Traffic Regulation Act 1984 & Reg. 4 Removal and Disposal of Vehicles Regulations 1986**; which is causing a danger/ obstruction or has sustained damage so that it is not legally fit to be driven on a road.

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3.2.5 S59

Allows for **any police officer or designated police staff member** seizing a **motor vehicle** under **s59 Police Reform Act 2002**; where they believe that it was being driven in a manner of use causes alarm, distress or annoyance to a member of the public and certain conditions have been met.

3.2.6 PACE

Allows for **any police officer or designated police staff member** seizing a **vehicle** under **s19 Police & Criminal Evidence Act 1984 or other statutory provision** (including court order); where they require the vehicle for examination or in the case of serious crime or serious collision retention. This initial reason will only be used where none of the other reasons for recovery/ seizure apply except **DVLA** or **Police Vehicle**.

3.2.7 DVLA

Allows for **any police officer** removing a **vehicle** under **Reg. 9 Vehicle Excise Duty (Immobilisation, Removal and Disposal of Vehicles) Regulations 1997**; where they believe that an offence of using or keeping an unlicensed vehicle is being committed. ***This reason can only be used where there is no other requirement for the vehicle to be examined or retained.***

3.2.8 Police Vehicle

Allows for **any police officer or police staff member** requiring the recovery of a **vehicle owned or hired to a police force** under **the contract with AADL**; where they require the recovery for any justification these vehicles are to removed using this reason. ***This will always be the reason for any vehicle owned or hired to a police force irrespective of the circumstances.***

3.3 Further Considerations for Specific Vehicles

3.3.1 Stolen Vehicles Found by the Owner

Where an owner finds their vehicle which has been stolen **the vehicle will not be recovered** and they should be permitted to take it themselves unless there is another reason to justify depriving them of their property. Where foreign articles are identified within the vehicle a CSI will attend the home address. Owners should be advised to:

- Not disturb the item unless absolutely necessary;
- Take the vehicle to home address and keep secure;
- Minimalise use of the vehicle until examined.

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3.3.2 Vehicles with Disputed Ownership

Where the ownership of a vehicle is in dispute the option of recovery should be treated as a last resort to avoid a lengthy dispute in subject to Police (Property) Act 1897. Primarily consideration should be given to allowing the person who has possession of the vehicle to retain it whilst the dispute is resolved civilly and have them sign form CID46 'Undertaking – Retention of Property.'

3.3.3 Prisoner's Vehicles

Vehicles that are being used by persons at the time of their arrest **must not be recovered for safekeeping**; they should be moved to a safe location and secured.

The person under arrest or owner should be informed and the keys booked into the prisoner's property.

3.3.4 Prohibited Vehicles

Vehicles that have been prohibited or immobilised under varying powers **will not be recovered**. Prohibition trained officers will not arrange recovery of that vehicle unless one of the listed categories of recovery and seizure at 3.2 – Reasons of Recovery applies.

3.3.5 Burnt Out Vehicles

The recovery or seizure of burnt out vehicles should primarily be left to the appropriate Local Authority and **should not be recovered** unless exceptional circumstances exist. Forensic opportunities are seriously diminished as a result of fire damage.

3.3.6 Vehicles subject to Court Order

There are varying orders that can be made by the court to seize a vehicle. Where the court makes an order and the vehicle is not already in the possession of Essex Police then this should be done under 3.2.6 PACE and a copy of the order should be scanned and emailed within **48 hours** of seizure.

3.3.7 Foreign Registered Vehicles still on the UK Register

Where a foreign registered vehicle is also found on the UK Register and is either not marked for 'permanent export' or the marker is less than twelve months old it will be appropriate to treat it as a UK vehicle. UK vehicles are required to have UK insurance as per the Road Traffic Act 1988.

If the driver seeks to rely on a foreign based policy then consideration to seize the vehicle 3.2.1 S165 would be appropriate.

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3.3.8 Vehicles and Parts within a ‘Chop Shop’

The demands placed upon the Force stolen vehicle examiner (SVE) and storage in these circumstances is significant and the practice of seizing all items is neither practical nor proportionate. Where possible identification should take place in situ and only identifiable vehicles or significant items should be seized.

Under no circumstances should pre-planned access to sites suspected to be ‘Chop Shops’ be made without consulting the SVE; this is to ensure the availability of the examiner but also to ensure that such access will not interfere with on-going operations being conducted by other agencies.

Where discovery of a ‘Chop Shop’ is made during the normal course of policing activities then advice should be sought from the SVE where available.

The Vehicle Recovery Scheme will only accept the following items:

- Complete vehicles;
- Vehicle shells and anything attached thereon;
- Engines.

No other items will be seized or recovered.

The role of the SVE is to examine and identify only; they will not assume the responsibility of any investigation. An investigating officer must be allocated prior to the SVE involvement. Where the SVE is involved they may arrange the seizure of other items.

3.4 Recovery from Motorways and Dartford River Crossing

Highways England is responsible for the recovery of vehicles from the motorway network except for those involved in police led incidents. The Highways England National Vehicle Recovery Manager is responsible for all aspects of Highways England led recovery and officers should ensure calls related to these are routed through Highways England Control.

3.5 Recovery at Owners Request

Essex Police only arrange the recovery of a vehicle under this procedure. Where assistance is sought by a member of the public they should be directed to the internet or request the contact details of a specific company that may assist. No police officer or staff member will recommend the use of any one company.

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3.6 Notice when Reporting a Vehicle Stolen

When a report of theft of motor vehicle is received a crime report is created on Athena. It is the responsibility of the member of staff or officer receiving the report to advise the victim this procedure and send the owner a Notice to Owner Letter, which includes referral details for Victim Support. The Athena record will be updated to confirm the date and time the owner was verbally advised and when the letter was sent.

4.0 Equality Impact Assessment

This procedure 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 procedure 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 Risk Assessment

This document provides advice and guidance concerning the recovery, seizure, retention and disposal of motor vehicles. Police officers and staff will take no part in the activity of recovery or seizure of a motor vehicle. All actions will be undertaken by contracted companies who have undertaken their own assessment of the risk associated with such activity.

Officers and staff seeking guidance concerning the risks associated with the activity concerning the recovery or seizure of a motor vehicle are advised to consult the procedure dealing with that activity or the Health and Safety website.

6.0 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
- FCR
- PNC
- Stolen Vehicle Intel Unit, SCD

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7.0 Monitoring and Review

This procedure will be continuously monitored throughout its lifespan by the Vehicle Recovery Liaison Officer, through regular contact with Police, AADL and Vehicle Recovery Operators. This will ensure it remains accurate and compliant with both legislation and national or local drivers.

A review will be carried out every 2 years by the Vehicle Recovery Liaison Officer to ensure the procedure remains accurate and fit for purpose.

8.0 Governing Force policy. Related Force policies or related procedures

- H 0700 Policy – Vehicle Recovery
- H 0702 Procedure – Vehicle Examination and Retention
- H 0100 Policy - Roads Policing
- H 0602 Procedure – Road Traffic Collisions (Investigations)
- H 0403 Procedure – Patrolling and Incidents on Fast Roads

8.1 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.

8.2 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/>.

9.0 Other source documents, e.g. legislation, Authorised Professional Practice (APP), Force forms, partnership agreements (if applicable)

- Form VR1 – Vehicle Audit Document – Recovery & Seizure Form
- Form VR2 – Vehicle Audit Document – Notice to Owner/ Driver
- Form A499 – For seizures under Section 59 Police Reform Act 2002
- Athena – Notice to Owner (Stolen Vehicle)
- Form CID46 – Undertaking – Retention of Property
- Recovery & Retention Cue Card
- NPCC Vehicle Recovery Best Practice Guide 2016
- Police and Criminal Evidence Act 1984
- Road Traffic Regulation Act 1984

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- The Removal and Disposal of Vehicles Regulations 1986
- Road Traffic Act 1988
- The Police (Property) Regulations 1997
- Police Reform Act 2002
- The Criminal Justice and Public Order Act 1994
- The Powers of Criminal Courts (Sentencing) Act 2000
- Police (Property) Act 1897
- Police Retention and Disposal of Motor Vehicles Regulations 2005
- Road Safety (Immobilisation, Removal and Disposal of Vehicles) Regulations 2009
- <http://www.dvla.gov.uk/>
- <https://www.mibpolice.org.uk/ess/>
- www.direct.gov.uk/motoring