



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
INSTALLATION MANAGEMENT COMMAND
HEADQUARTERS, U.S. ARMY GARRISON, FORT WAINWRIGHT
1060 GAFFNEY ROAD #6000
FORT WAINWRIGHT, ALASKA 99703-6000

IMPC-FWA-ES

09 NOV 2011

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Vehicle Impoundment (Garrison Policy #35)

1. References:

- a. Army Regulation 190-5, Motor Vehicle Traffic Supervision, dated 22 May 2006.
- b. DoD Directive 4160.21M, Defense Demilitarization Manual, dated 01 October 1991.
- c. Army Regulation 190-13, The Army Physical Security Program, dated 30 September 1993.
- d. Alaska Criminal and Traffic Law Manual 2008-2009 Edition.

2. Purpose: To provide guidance and specific information on the procedures for impounding motor vehicles and removal of abandoned vehicles from Fort Wainwright, AK. Additionally, this policy prescribes the procedures for disposition of impounded and abandoned vehicles.

3. Policy: This policy provides the standards and procedures for law enforcement personnel when towing, inventorying, searching, impounding, and disposing of personally owned vehicles (POVs). This policy is based on:

- a. The interests of the US Army and Fort Wainwright as they pertain to crime prevention, traffic safety, and the orderly flow of vehicle traffic movement.
- b. The vehicle owner's constitutional rights to due process, freedom from unreasonable search and seizure, and freedom from deprivation of private property.

4. Standards for impoundment:

a. POVs will not be impounded unless the vehicles clearly interfere with ongoing operations or movement of traffic, threaten public safety or convenience, are involved in criminal activity, contain evidence of criminal activity, are stolen, or abandoned.

b. The impoundment of a POV would be inappropriate when reasonable alternatives to impoundment exist.

(1) Attempts should be made to locate the owner of the POV and have the vehicle removed.

(2) Another responsible person may be allowed to drive or tow the POV with permission from the owner, operator, or person empowered to control the vehicle. In this case, the owner, operator, or person empowered to control the vehicle will be informed that law enforcement personnel are not responsible for safeguarding the POV.

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c. Impounding of POVs is justified when any of the following conditions exist:

(1) The POV is illegally parked:

(a) On a street or bridge, is double parked, and/or interferes with the orderly flow of traffic.

(b) On a sidewalk, within an intersection, on a crosswalk, on a railroad track, in a fire lane, or is blocking a driveway, so that the vehicle interferes with operations or creates a safety hazard to other roadway users or the general public. An example would be a vehicle parked within 15 feet of a fire hydrant or blocking a properly marked driveway of a fire station.

(c) When blocking an emergency exit door of any public place (dining facility, hospital, and other facility).

(d) In a "tow-away" zone that is so marked with proper signs.

(2) The POV interferes with:

(a) Street cleaning or snow removal operations and attempts to contact the owner have been unsuccessful. POSTED Directorate of Public Works signs emplaced 24 hours in advance of snow removal operations constitutes reasonable notification.

(b) Emergency operations during a natural disaster or fire. Vehicles will also be removed from the disaster area during cleanup operations.

(3) The POV has been used in a crime in accordance with the UCMJ or AS 28.35.036.

(4) The POV contains evidence of a criminal activity.

(5) The owner or person in charge has been apprehended and is unable or unwilling to arrange for custody or removal.

(6) The POV is mechanically defective and is a menace to others using the public roadways.

(7) The POV is disabled by a traffic incident and the operator is either unavailable or physically incapable of having the vehicle towed to a place of safety for storage or safekeeping.

(8) Law enforcement personnel reasonably believe the vehicle is abandoned.

(9) The POV is parked in an area in which law enforcement personnel reasonably perceive that the vehicle is a threat to installation security.

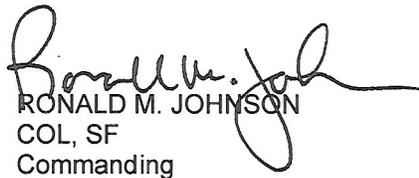
(10) A POV may be impounded and towed to the impound lot when attempts have been made to locate the owner of the vehicle are unsuccessful, when no reasonable alternative to towing exists.

5. Policy for Off Post Impound: A POV may be impounded and towed by a commercial wrecker service when attempts to locate the owner have been made and have been unsuccessful, and when no reasonable alternative to towing exists. The POV will be impounded at the City of Fairbanks Impound Lot as directed by the Director of Emergency Services and as a last resort when space becomes unavailable in the Installation Impound Lot.

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6. Procedures for Recovery of Towed/Impounded Vehicle On Post: When a vehicle is impounded, the owner must show proof of the correction (i.e. expired tags, suspended/no driver's license, etc.) to the Directorate of Emergency Services Traffic Section. A copy of DD Form 2506 (Vehicle Impound Report) will be released to the owner of the vehicle to obtain verification (stamp) of payment received from DFMWR. Upon verification that all towing expenses have been paid, the vehicle will be released to the registered owner by Traffic Section personnel.
7. Procedures for Recovery of Towed/Impounded Vehicle Off Post: Through an agreement memorandum between the Garrison Commander and the City of Fairbanks, all impounded vehicles stored in the city impound lot will be handled in accordance with policies prescribed by the City Attorney's Office.
8. Abandoned property will be processed as follows:
 - a. 10 USC 2575 authorizes proceeds from the sale of unclaimed abandoned personal property found on a military installation to be retained by the installation. The proceeds will be used first to recover the costs of collecting, storing, transporting, and selling the abandoned property and secondly to support MWR programs.
 - b. The gross amount of the sale will be credited to the operations and maintenance account of the installation. Costs incurred for the handling and selling of the abandoned personal property are recognized as 20 percent of gross sales. The remaining 80 percent will be paid directly to the garrison MWR operating entity. Costs exceeding the 20 percent are considered extraordinary costs. The Garrison Commander is responsible for determining if the operations and maintenance, Army account or the garrison MWR operating entity will bear the cost of the extraordinary costs.
 - c. If there is a claim within 5 years from the date of sale and the claim is upheld, the owner or rightful claimant of the abandoned personal property will be refunded 80 percent of the proceeds from the sale. Payment is made from the garrison MWR operating entity, which received the 80 percent proceeds from the sale.
 - d. Additional policy regarding the accounting for the proceeds from sale of abandoned personal property is contained in DFAS-IN Regulation 37-1 (chap 25). Procedures for disposal of abandoned personal property are prescribed in DOD 4160.21-M.
9. This policy supersedes Garrison Policy #36, SAB, dated 11 Dec 09.
10. Point of contact for this memorandum is the Director of Emergency Services at 353-7889.


RONALD M. JOHNSON
COL, SF
Commanding

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