

1981 WL 157978 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

September 23, 1981

*1 Vivian B. Wardlaw
Liberty Police Department
206 Front Street
Liberty, South Carolina 29657

Dear Ms. Wardlaw:

Attorney General McLeod has referred your letter of September 3, 1981, to me for reply. As I understand it, your question concerns how to dispose of a vehicle which has been involved in a high speed chase, when the driver has fled on foot, and the owner of the vehicle appears on the scene asking that the vehicle be turned over to him.

It would appear from the circumstances outlined in the incident report you have sent to me, law enforcement officers could seize this vehicle as evidence and hold it until their legitimate investigatory need for it ended. In this situation, the owners appearance on the scene and demand for the vehicle would be of no consequence, provided the law enforcement officers feel the automobile is necessary for their investigation.

In addition, Section 56-5-2520(c) may be of assistance in answering your question. That Section provides:

(c) Any police officer may remove or cause to be removed to the nearest garage or other place of safety any vehicle found upon a highway when:

(1) A report has been made that the vehicle has been stolen or taken without the consent of its owner.

(2) The person in charge of the vehicle is unable to provide for its custody or removal.

(3) The person driving or in control of the vehicle is arrested for an alleged offense for which the officer is required by law to take such person before a magistrate or other judicial official without unnecessary delay.

I hope this letter will be of benefit to you, and if I can be of any further assistance, please do not hesitate to contact me.

Sincerely,

John M. Barton
Assistant Attorney General

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