

242. VEHICLE IMPOUNDMENT



RICHFIELD POLICE DEPARTMENT POLICY

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Authority: Chief Jay Henthorne

NOTE: This policy is for internal use only and does not enlarge an employee's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this policy, if proven, can only form the basis of a complaint by this Department, and then only in a non-judicial administrative setting.

I. PURPOSE

The purpose of this Policy is to provide guidelines and procedures for impounding vehicles.

II. POLICY

It is the policy of this agency to impound vehicles in situations where necessary to safeguard the vehicle, preserve evidence, or to preserve public safety.

III. PROCEDURE

AUTHORIZED IMPOUNDS

Officers may impound vehicles for any of the following reasons:

- 1) Incident to arrest;
- 2) Stolen vehicles;
- 3) Vehicle as an instrumentality of a crime;
- 4) Registration and parking violations in accordance with MSS 169. 041;
- 5) Compulsory insurance violations.

Each of these situations is outlined in the following sections.

Incident to Arrest

When a suspect is arrested while driving or in control of a vehicle, the vehicle may be impounded for safekeeping. When deciding whether to impound the vehicle the following should be considered by the officer:

- 1) Nature of the offense;
- 2) Whether the vehicle is in a hazardous location or legally parked;
- 3) Whether there is another driver available to take control of the vehicle;
- 4) Whether the arrestee requests the vehicle impounded or parked;
- 5) Whether the vehicle also falls into another category in which impoundment is authorized.

Stolen Vehicles

Recovered stolen vehicles may be impounded or released at the scene to the owner. The vehicle should be impounded if it needs to be processed for evidence or the owner is not immediately available. If the owner is able to immediately respond to the scene, the vehicle may be released at the scene to the owner.

Vehicle as Instrumentality of a Crime

A vehicle may be impounded when the officer has probable cause to believe the vehicle constitutes or contains evidence of a crime and impoundment is reasonably necessary to obtain or preserve evidence.

Registration and Parking Violations

Officers may impound vehicles for registration and parking violations in accordance with MSS 168B.04 (Authority to Impound Vehicles) that requires a four hour waiting period before impoundment for certain violations.

MSS 168B.04 states the following:

Subdivision 1. Abandoned or junk vehicles. Units of government and peace officers may take into custody and impound any abandoned or junk vehicle.

Subdivision 2. Unauthorized vehicles.

(a) Units of government and peace officers may take into custody and impound any unauthorized vehicle under section 168B.035.

(b) A vehicle may also be impounded after it has been left unattended in one of the following public or private locations for the indicated period of time:

(1) In a public location not governed by section 168B.035:

(i) On a highway and properly tagged by a peace officer, four hours;

(ii) Located so as to constitute an accident or traffic hazard to the traveling public, as determined by a peace officer, immediately;

(iii) located so as to constitute an accident or traffic hazard to the traveling public within the Department of Transportation's eight-county metropolitan district, as determined by an authorized employee of the department's freeway service patrol, immediately; or

(iv) that is a parking facility or other public property owned or controlled by a unit of government, properly posted, four hours; or

(2) On private property:

(i) that is single-family or duplex residential property, immediately;

(ii) that is private, nonresidential property, properly posted, immediately;

(iii) that is private, nonresidential property, not posted, 24 hours;

(iv) that is private, nonresidential property of an operator of an establishment for the servicing, repair, or maintenance of motor vehicles, five business days after notifying the vehicle owner by certified mail, return receipt requested, of the property owner's intention to have the vehicle removed from the property; or

(v) that is any residential property, properly posted, immediately.

Vehicles should not routinely be impounded for parking violations. However, hazardous violations, 48 hour parking violations, and violators that continually park illegally in fire lanes or handicap parking zones, even after receiving several citations, should be towed.

Minnesota statute 168B.035 permits a motor vehicle to be towed without regard to the four-hour waiting period if:

- 1) The vehicle is parked in violation of snow emergency regulations;
- 2) The vehicle is parked in a rush-hour restricted parking area;
- 3) The vehicle is blocking a driveway, alley, or fire hydrant;
- 4) The vehicle is parked in a bus lane, or at a bus stop, during hours when parking is prohibited;

- 5) The vehicle is parked within 30 feet of a stop sign and visually blocking the stop sign;
- 6) The vehicle is parked in a handicap transfer zone or handicapped parking space without a handicapped parking certificate or handicapped license plates;
- 7) The vehicle is parked in an area that has been posted for temporary restricted parking at least 24 hours in advance;
- 8) The vehicle is parked within the right-of-way of a controlled access highway or within the traveled portion of a public street when travel is allowed there;
- 9) The vehicle is unlawfully parked in a zone that is restricted by posted signs to use by fire, police, public safety, or emergency vehicles;
- 10) A law enforcement official has probable cause to believe that the vehicle is stolen, or that the vehicle constitutes or contains evidence of a crime and impoundment is reasonably necessary to obtain or preserve the evidence;
- 11) The driver, operator, or person in physical control of the vehicle is taken into custody and the vehicle is impounded for safekeeping;
- 12) A law enforcement official has probable cause to believe that the owner, operator, or person in physical control of the vehicle has failed to respond to five or more citations for parking or traffic offenses;
- 13) The vehicle is unlawfully parked and prevents egress by a lawfully parked vehicle; or
- 14) The vehicle is parked, on a school day during prohibited hours, in a school zone on a public street where official signs prohibit parking.

A vehicle may not be impounded for expired registration unless the tabs have been expired for more than 90 days.

No Insurance

While interviewing a driver during a traffic stop or accident investigation, an officer may discover that a vehicle does not have insurance coverage. The vehicle should be impounded.

Suspended/Revoked Plates

When an officer discovers that a vehicle's plates are suspended, and the owner/driver is present, insurance information should be requested. If the owner/driver does not have verification of insurance, the vehicle should be towed and the plates impounded.

If the vehicle is parked and unattended, an attempt should be made to contact the owner if it is a reasonable time of day. If the owner cannot be contacted or, if contacted, cannot provide proof of insurance, a citation should be issued for the violation. The plates and the vehicle should be impounded. Suspended license plates should be property inventoried and placed in the property room.

When an officer discovers that a vehicle's plates are revoked, the vehicle and the plates should be impounded. Revoked plates are to be destroyed by the impounding officer.

IMPOUND PROCEDURES

When the vehicle impounded is to be processed for evidence, the vehicle should be towed and secured in the garage at headquarters. All other police impounds should be taken to the impound facility of the contracted tow company.

Insurance papers

Officers should remind drivers to remove insurance paperwork from their vehicle before it is towed. They may need it to get their vehicle released.

Citations

Whenever a vehicle is towed for insurance, parking violation or registration related violations, a citation **shall** be issued.

If the vehicle is parked and the owner is not at the scene, the citation should be mailed to the registered owner's address as listed on the driver license or identification card.

Property Inventory Searches

When a vehicle is impounded by an officer, an inventory search is required to protect property of the vehicle owner. The inventory is also necessary to protect the officer and tow company from false claims of theft or damage to the vehicle or property.

An inventory search **shall** be conducted whenever a vehicle is impounded by an officer. All items of value in the vehicle **shall** be listed on the Personal Property Inventory. Any items exceeding \$500 in value, all guns and other dangerous items **shall** be removed from the vehicle and impounded for safekeeping in the property room.

The inventory search should include the entire passenger compartment of the vehicle, including the glove compartment and the trunk. The contents of any containers in the vehicle or the vehicle trunk should be inventoried. If the glove compartment, trunk, or a container is locked and the key is readily available, the locked area or container should be unlocked and items inventoried. If the key is unavailable, a search should not be completed of the locked area or container. If it appears that the locked container contains valuables, it should be impounded for safekeeping in the property room.

A complete inventory search should not be completed by an officer if the vehicle is going to be processed for physical evidence. The officer should conduct an inventory by listing those items visible through the vehicle's windows.

REPORT REQUIREMENTS

When a vehicle is towed at the direction of an officer a *Vehicle Impound Form* should be completed. The officer initiating the impound must ensure that the *Vehicle Impound Form* is completed. The *Vehicle Impound Form* must contain:

- 1) Registered owners name and address;
- 2) Reason for the impoundment;
- 3) Signature of officer and tow driver;
- 4) Vehicle registration;
- 5) Vehicle description;
- 6) Vehicle Identification Number;
- 7) Impound Location.
- 8) Damage to the vehicle.

On the *Vehicle Impound Form* the listed owner is the registered owner according to DMV records. The only exception would be if the officer is shown a title transfer at the scene of the impound that lists a new owner.

Any special release instructions, such as proof of ownership, proof of insurance, or police holds should be included in the "Officer's Notes Section" of the *Vehicle Impound Form*. When the *Vehicle Impound Form* is completed, it shall be attached to the report.

The vehicle should be entered into the state computer as an "Impounded Vehicle" for the following reasons:

- 1) The vehicle was unoccupied and unable to notify the owner of the location.
- 2) Police hold on the vehicle.
- 3) Officer request.

RECOVERED STOLEN VEHICLES

If Richfield recovers another agency's stolen vehicle, the dispatcher **shall** send a hit confirmation request to that agency. If notification is received from another agency that that one of Richfield's stolen vehicles is recovered, the following shall be completed:

- 1) Verify the status of the stolen vehicle with the on-duty patrol supervisor.
- 2) Remove the vehicle from the CJIS computer system.
- 3) Attach a copy of the removal to the report.
- 4) Attempt to contact the owner by phone.

- 5) Advise the Richfield records section (via email) what actions were taken (was contact made with the owner? Was a voicemail left?).

VEHICLE FORFEITURES

If a vehicle is subject to forfeiture the information should be listed on the *Vehicle Impound* Report. If it is not determined that the vehicle is subject to forfeiture at the time the vehicle is towed, the arresting officer should notify the contracted towing company to make sure that the vehicle is placed on a hold.

RELEASE OF POLICE IMPOUNDS

Vehicles impounded by the Department are released by the City contracted tow company. Officers are to give the tow driver a copy of the *Vehicle Impound* Form and advise the owner/driver of where they can retrieve the vehicle. They should also advise the owner/driver of the following:

- 1) They must have proof of ownership.
- 2) insurance
- 3) identification
- 4) A valid driver's license for whoever will drive the vehicle from the impound lot.

If there are any special release instructions, they should be written on the *Vehicle Impound* Form so the tow company will be aware of them.

Written Notice of Impoundment

When an impounded vehicle is taken into custody, the impound lot operator taking it into custody shall give written notice of the taking within five days, excluding Saturdays, Sundays and legal holidays to the registered vehicle owner and any lienholders.

Disposal of Unclaimed Impounds

An impounded vehicle is eligible for disposal or sale under section 168B.08 15 days after notice to the owner, if the vehicle is determined to be:

- (1) A junk vehicle, except that it may have a valid current registration plate and still be eligible for disposal or sale under this subdivision; or
- (2) An abandoned vehicle.

If an unauthorized vehicle is impounded, other than by the city of Minneapolis or the City of St. Paul, the impounded vehicle is eligible for disposal or sale under section 168B.08, the earlier of:

- (1) 45 days after notice to the owner; or
- (2) The date of a voluntary written title transfer by the registered owner to the impound lot operator.
- (3) A voluntary written title transfer constitutes a waiver by the registered owner of any right, title and interest in the vehicle.

By Order Of:



Chief of Police

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