

Medina Police Department

Subject: Impound and Release of Vehicles		Policy Number: 2170	Impound/Release 2170
Reference: MN State Statute 168B.035 Subd 1, Chief's Directive		Pages: 6	
Personnel: Sworn and Non-Sworn Personnel			
Issue Date: 10-01-1994	Revised Date: 11-16-2020	Review Date: As Needed	

2170.1 INTRODUCTION

Officers must use common sense and good judgment when towing and impounding vehicles and to do so only when it is necessary to eliminate potential hazards, to provide a service when requested, or for investigative or public safety services.

2170.2 - PURPOSE

The purpose of this policy is to establish guidelines to when vehicles may or may not be impounded and/or released, and to establish accountability for safeguarding property contained in the impounded vehicles.

2170.3 - POLICY

It will be the policy of the Medina Police Department to impound all vehicles parked upon any street or highway when such vehicles constitute an immediate hazard to the public. Medina Police officer may impound other motor vehicles according to the following procedural guidelines. Officers must exercise sound judgment when considering the immediate needs of the public, the owner of the motor vehicle, and appropriate law enforcement needs and actions.

When a vehicle is impounded for other than evidentiary purposes or reasons, a cursory examination of the interior of the vehicle, including the glove compartment, containers, locked and unlocked, and trunk must be made. Cash and jewelry, as well as significant items of value easily portable, must be inventoried and returned to the department for safekeeping.

If possible, the items should be left in the custody of the owner.

It should be also noted that the Medina Police Department officers are not under any obligation to inform people that they have the option of making their own arrangements for towing or taking care of their vehicles, however if the individual makes the request prior to the tow truck showing up they then have the right to make their own arrangements.

If drivers make arrangements for an alternate driver to come to the stop location the Medina Police Department states that 30 minutes would be a reasonable amount of time.

2170.4 - PROCEDURE

Impounds

A Medina Police officer may impound any motor vehicle which is:

1. Stolen or taken without the consent of the owner.
2. Parked in violation of law, as provided for in Minnesota State Statute 168B.035 subd 1.
3. Involved in an accident and is not operable.
4. Does not display license plates registered to that particular vehicle, or displays license plates which have been expired for over one hundred eighty days (180).
5. Parked so as to block egress to a door, fire lane, street, alley, and roadway, driveway, parking facility, or loading facility.
6. In possession of a physically arrested person and cannot be reasonably released to another.
7. Which are driven by a person under the influence of alcohol or drugs, or a combination thereof, and cannot be reasonably be released to another.
8. In the possession of a person who requested it to be impounded for safekeeping.
9. Held as evidence in a criminal case by police for evidence processing, or as evidence to be presented in a court of law.
10. Involved in the transport, use, or concealment of narcotics trafficking, or other offenses under which the vehicle may be subject to forfeiture proceedings by local, State or federal law enforcement agencies. Vehicles shall be impounded to a location for processing and storage.
11. Which are driven by a person previously convicted for driving without a driver license in the past five years.

Specific Incidents

Physically Arrested Persons: If the driver or owner is arrested and the vehicle is to be held for evidentiary purposes:

1. Impound the vehicle by towing it to the police station or directly to the towing company lot. The vehicle must be in a secure area and not accessible to the public until it is

properly processed. The impounding officer is responsible for processing the vehicle or making arrangements for forensic specialists to process as may be necessary.

2. If the vehicle is towed to the police station for search or evidentiary purposes, the impounding officer will notify the towing company to remove it immediately after evidence processing has been completed. The police hold will be released immediately after processing, unless the vehicle itself must be held for subsequent court action.
3. A full explanation must be documented on an incident report as to the basis for placing the hold on the vehicle.

If the driver or owner of the vehicle is arrested and the vehicle is not to be held for evidentiary purposes, it may be released to a person designated by the driver/owner. The vehicle should be towed if:

1. The arrested person fails or refuses to designate an individual to care for the vehicle, or the designated individual fails to claim the vehicle in a reasonable amount of time.

Stolen or Recovered Vehicles

If the vehicle must be held for evidence processing, the vehicle will be towed to the Medina Police Department. If the vehicle is not to be held as evidence, contact the owner and have the owner come to the scene or impound lot to claim the vehicle.

NOTE: Make sure that all wanted entries in the computer have been cancelled.

Vehicles Held on Request of Other Authorities

When a request is made to impound or take a vehicle into custody, the officer will:

1. Contact the requesting authority and confirm the want and need to impound the vehicle. Obtain the name of the person confirming the want.
2. If they can respond immediately, release the vehicle to them or their designated contractor or impound agency.
3. If the requesting agency or authority cannot immediately respond, request that a teletype message is sent confirming that they authorize our agency to tow the vehicle, and upon receiving the confirming teletype message:
 - A. If fingerprinting or other evidence processing is not required, impound the vehicle.
 - B. If evidence processing is required, tow the vehicle to the police station or to any location designated by the requesting agency. Inform the requesting agency that they are to assume custody of the vehicle.

Vehicles Unlawfully Parked on Streets

When a vehicle is interfering with the movement of pedestrian or vehicle traffic, or otherwise constitutes a hazard:

1. If the driver is present and the vehicle is operable, order the driver to move the vehicle.
2. If the driver is not immediately available, or the vehicle is inoperable, impound the vehicle. The impound report to include the tow truck driver's signature and ICR recording the details of the location of the vehicle and the reason for the impound.

If the vehicle is parked unlawfully on the streets or highways and is not immediately interfering with the movement of pedestrian or vehicle traffic, and does not represent a hazard:

1. Issue a warning notice, or
2. Issue a citation and impound after a twelve (12) hour or more wait period after the citation was issued, provided for in Medina City Code Section 340.03

If the vehicle is to be held as evidence: Order the towing company and tow the vehicle to the Medina Police Office:

1. Arrange to protect the vehicle and its contents for evidence processing.
2. Give a full explanation on the incident report as to the basis for placing a hold on the vehicle and the anticipated date and time of release.

It is the responsibility of the impounding officer to make all necessary arrangements for processing the vehicle for evidence and for arranging release of the vehicle to the owner or towing company.

Vehicles Parked On Private Property Without Consent Of Owner

When Medina Police officers respond to requests to tow vehicles from private property, officers will follow the procedures set forth below:

1. If the vehicle is obstructing a fire lane, the officer will attempt to locate the owner and have him move the vehicle immediately. If the officer is unable to immediately locate the owner, the officer may impound the vehicle.
2. If the vehicle appears to be abandoned, the officer will ascertain if the vehicle is stolen or wanted. If the vehicle is stolen or wanted, the investigating officer will cause the vehicle to be removed per existing procedures. If it is not stolen or wanted, the officer will assist the complainant by attempting to contact the owner of the vehicle. If unable to contact owner, the landowner will have the responsibility to remove the vehicle.

Invalid License Plates

Expired Registration, Minnesota and Out-of-State Plates: The officer will verify that the license plate is registered to the vehicle that it is displayed on. A citation can be issued for expired registration. Vehicles may be impounded if the violation is discovered after one hundred eighty days (180) from date of expiration. (Citations will suffice if registration on ownership information can be verified and owner notified.)

If the vehicle has no license plates and is unattended on public property, the vehicle can be impounded.

Unsafe Equipment

Vehicles which endanger any person due to unsafe equipment (Minnesota State Statute 169.47) may be towed to the owner's residence or other location as the owner may request, such as a garage or repair facility, or impound the vehicle. Vehicles declared unsafe will be removed from the impoundment lot only by a tow truck. Citizens will not be permitted to drive an unsafe vehicle.

Vehicles Involved In Traffic Accidents

When a parked vehicle is involved in an accident without the owner's knowledge, the officer will attempt to locate and notify the driver or owner to complete the accident report and have the vehicle removed, if necessary. If legally parked, do not impound. If parked in violation, or so as to interfere with traffic, and the owner is not located, impound the vehicle. When the vehicle is involved in a traffic accident and the vehicle is not obstructing traffic, advise the driver that they may call for a tow truck of their choice, or they may leave the vehicle legally parked, or they may request that you summon the towing company.

Vehicles Mechanically Disabled

Responsibility for securing a tow truck for mechanically disabled vehicles (not involved in an accident) is that of the vehicle owner or driver, who may seek a tow truck of his choice. When the position of the vehicle is such that it creates a danger to other motorists or pedestrians, and reasonable efforts fail to secure a towing service of the owner's choice in a timely manner, the officer may notify the towing company to remove the vehicle.

Impounding Vehicles Used In Certain Illegal Activities

A police officer will impound any motor vehicle which is used in a felony drug transaction or other violation covered under the Minnesota Forfeiture Laws. A police hold will be placed on these vehicles, the vehicle will be impounded to the designated impound facility, and a detailed incident report will be completed. Whenever any vehicle is seized under provisions of the Minnesota forfeiture law, the owner/operator will be served with a forfeiture notification and property receipt, if appropriate.

Impounding Vehicles When No Insurance is Admitted or Confirmed

A police officer will impound any motor vehicle which is being driven illegally on a city, county or state road when it can be confirmed that there is no automobile insurance on such vehicle or when the driver or owner of such vehicle admits that there is no insurance on the motor vehicle.

Vehicles in which the driver has two or more convictions of either no proof or no insurance within 10 years. In these circumstances the offense is a gross misdemeanor which a custodial arrest shall be made.

Releasing Of Vehicles

Release of Vehicles at Scene: A vehicle to be impounded and not needed for evidence or other authorities will be released to the person with the right of possession of such vehicle if that person arrives at the scene before the towing company has left the scene. A citation may be issued for existing violations if appropriate.

Nothing in this policy shall preclude the officer from releasing the vehicle to a responsible person at the scene if the owner requests and authorizes the person to do so. Proof of insurance and ownership must be verified before the vehicle is released.

An officer may also release the vehicle at the time of impound to the owner, if the vehicle registers to the driver and the owner is able to provide proof of insurance and has a valid drivers license.

The vehicle, however, can only be released from the impound lot during specified hours of business, to the owner, or another with written permission from the owner with proof of ownership, (title), with proof of insurance and two valid drivers.

If the owner cannot produce proof of insurance, they may have the vehicle towed out of impound by a dolly or a tow truck. (Two wheels must be off the road.)

In any case, a notation shall be made on the police impound sheet concerning the disposition of the vehicle.

Towing Company Fees: Fees for towing and related services will be as provided for by the company, and be the responsibility of the owner/driver of the vehicle impounded.

2170.5 - CONCLUSION

Vehicles will be towed only when necessary as a matter of public safety, to protect property, to preserve evidence, prevent further criminal conduct, or to remove abandoned vehicles from public streets, highways or property.