

	STANDARD OPERATING PROCEDURE State Form 39870(R/S-06)	Reference Number ENF-008
	Subject Towing and Impounding of Vehicles	
	Special Instructions Replaces ENF-005 dated January 1, 2012	Effective Date January 15, 2015

I. PURPOSE

Establish guidelines for the towing, impounding and inventory of vehicles or parts of vehicles, and maintaining a record of vehicles tagged for removal.

II. POLICY

The employees of the Department shall ensure that vehicles or parts of vehicles are lawfully towed and impounded to remove potential hazards to public safety and protect personal property (the vehicle and its contents).

III. DEFINITIONS

A. Abandoned Vehicle (as described in IC 9-13-2-1) means:

1. A vehicle located on public property illegally;
2. A vehicle located on public property without being moved for twenty-four (24) hours*;
3. A vehicle located on public property in such a manner as to constitute a hazard or obstruction to the movement of pedestrian or vehicle traffic on a public right-of-way;
4. A vehicle located on public property and the engine, transmission or differential has been removed or the vehicle is otherwise partially dismantled or inoperable;
5. A vehicle located on private property without the consent of the owner, or person in control of that property, for more than forty-eight (48) hours;
6. A vehicle located on private property continuously, in a location visible from public property for more than twenty (20) days and the vehicle is three (3) or more model years old and mechanically inoperable. (Note: for the purposes of this subsection, a vehicle covered by a tarpaulin or other plastic, vinyl, rubber, cloth, or textile covering is considered to be visible).
Removal of a vehicle after 20 days will require a court order to enter private property;
7. A vehicle not claimed by its owner within twenty (20) days after its removal by an officer enforcing an ordinance or a statute; or
8. A vehicle repaired or stored at the request of the owner that has not been claimed by the owner; and the reasonable value of the charges associated with the repair or storage remain unpaid more than thirty (30) days after the date on which the repair work is completed or the vehicle is first stored.

*IC 9-22-1-11 allows for the removal of abandoned vehicles within 24 hours, only if the vehicle is located on or within the right-of-way of an interstate, state, or US highway. Vehicles found abandoned outside the above stated areas shall be left for 72 hours as outlined in this procedure.

B. Impounded Vehicle – a vehicle that has been towed and is being held for some particular purpose, and therefore is not available for immediate release.

C. Inventory – A complete list of items of value contained in a towed vehicle completed in order to protect the vehicle and property in it and to safeguard officers from claims of lost possessions and any danger that might be presented to or from the property.

C. Towed Vehicle – A vehicle that has been moved or removed from one location to another by a tow or recovery service.

IV. **PROCEDURE**

A. Vehicles shall be towed and impounded when:

1. The vehicle is considered part of a crime scene; or
2. The vehicle is recovered after being reported stolen; or
3. The vehicle is evidence of a crime; or
4. The vehicle is in possession of a person other than the owner and the person cannot establish the right to possession of the vehicle (IC 9-22-1-5).

B. Vehicles may be towed and impounded (as necessary) when:

1. When an officer believes that that the vehicle poses a hazard or a threat to the community or public safety, or
2. The vehicle is found in violation of statutes related to parking offenses (IC 9-21-16), or
3. The driver/operator of the vehicle is not properly licensed or endorsed, or
4. The vehicle is not properly registered/plated (IC 9-18-2-43), or
5. The vehicle is operated on a highway while not in good working order or an unsafe mechanical condition (IC 9-21-7-1), or
6. The vehicle:
 - a. Impedes traffic or is in an area that represents a potential hazard to traffic, or
 - b. Impedes business operations if parked on private business property, or
 - c. Interferes with a private property owner's property if parked on private non-business use property, or
 - d. The contents of the vehicle might be in danger for some specific articulable reason (e.g. due to a broken window, obviously valuable items visible in the car from outside, etc; however, this does not include a general suspicion that the car could get broken into.).

C. Pursuant to IC 9-22-1-11, an officer who finds or who is notified of a vehicle or parts believed to be abandoned in accordance with IC 9-13-2-1 may cause the vehicle or parts to be towed and impounded (as necessary).

1. The officer shall attach in a prominent place a notice tag containing:
 - a. The date and time the tag is attached;
 - b. The officer's name and/or identification number; and
 - c. The appropriate ISP District number, address and telephone number.

2. When a vehicle has been tagged as abandoned, the officer tagging the vehicle shall contact the appropriate district and advise all available information required to complete the CAD Abandoned Vehicle Information entry.

3. In accordance with IC 9-22-1-1, the following vehicles are not considered Abandoned Vehicles and shall not be towed or impounded for being abandoned:
 - a. A vehicle in operable condition specifically adapted or constructed for operation on privately owned raceways.
 - b. A vehicle stored as the property of a member of the armed forces of the United States who is on active duty assignment.
 - c. A vehicle located on a vehicle sale lot.
 - d. A vehicle located upon property licensed or zoned as an automobile scrapyard.
 - e. A vehicle registered and licensed under IC 9-18-12 as an antique vehicle.
 - f. A golf cart.
 - g. An off-road vehicle.

- D. Qualified personnel (an ISP police employee who has successfully completed the Federal Motor Carrier Safety Regulations (FMCSR)/Hazardous Material Training Course and who is currently certified to conduct MCSAP inspections) shall have limited authority to impound vehicles that are found in violation of CMV (Commercial Motor Vehicle) rules and regulations. Qualified personnel may impound CMVs that are:
 1. Oversize and overweight;
 2. Unsafe for operation due to mechanical reasons; or
 3. A driver is in violation of the hours of operation or drive time.

- E. Notwithstanding the other enumerated provisions of this procedure, a vehicle operated by an individual who is arrested for a crime, may not be towed unless:
 1. The arrestee cannot designate a responsible party or no responsible party is available to take possession of the vehicle from the scene of the arrest; or
 2. The vehicle may not be safely secured and remain at the scene of the arrest; or
 3. The arrestee does not consent to allow the vehicle to remain at the scene of the arrest; or

4. The vehicle is located on private property, other than the arrestee's private property, and the property owner does not consent to the vehicle remaining on the property.

F. This procedure is not intended to be inclusive of all circumstances under which an officer may lawfully tow and/or impound a vehicle in accordance with Indiana Code or consistent with the community caretaking function of law enforcement.

G. An officer must complete a written Impounded Vehicle Report, State Form 55014, when towing in or impounding a vehicle.

1. An inventory of any items of value contained within the vehicle shall be completed prior to the release of the vehicle and/parts to a tow or recovery service, except under the following circumstances:

a. If there is reasonable suspicion to believe that the safety of either the officer(s) or any other person is at risk, a required inventory will be done as soon as safely practical; or

b. If the vehicle is being impounded for evidentiary purposes in connection with the investigation of a criminal offense, the inventory will be done after such investigation is completed.

2. An inventory is not necessary when the owner, operator, or authorized individual (e.g., spouse, passenger, etc.) is present and is in the position to, and capable of, taking custody of the property within the vehicle. Example: An accident where the driver is present.

3. The inventory shall include a general description of articles of value, and shall be completed on the inventory portion of the Impounded Vehicle Report. Example: Spare tire, tire changing equipment, golf clubs and bag, assorted fishing tackle (rods and reels), two (2) pieces of luggage, etc. Photographs may be taken to describe the condition of the vehicle or parts.

4. While completing an inventory, a police employee may open any unlocked container.

5. The information related to the tow, inventory (if conducted), and hold/impound (if applicable) must be given to Regional Dispatch Center for record keeping purposes.

6. A copy of the Report should be given to the tow or recovery vehicle operator and a copy of the Report is forwarded to the District for record keeping purposes.

H. Documenting vehicles towed by Department personnel.

1. An employee requesting a wrecker to tow a vehicle shall advise communications at the applicable district of the following:

a. The vehicle's description, including: year, color, make, model, and VIN;

b. Reason for the tow; if the vehicle is to be held (Impound), reason for hold, and the terms of release;

c. When the requested wrecker service arrives at the scene; and

d. If an inventory was completed on the vehicle.

2. Department personnel shall complete the Impounded Vehicle Report, State Form 55014, for all vehicles towed, impounded or inventoried by Department personnel.

3. A copy of the Impounded Vehicle Report, State Form 55014, shall be given to the wrecker operator.

I. Vehicle information – Computer Aided Dispatch (CAD).

1. When a vehicle needs to be towed, impounded, or inventoried, the officer shall contact the appropriate Regional Dispatch Center (RDC) and provide all information necessary to complete the required fields on the CAD. The RDC dispatcher shall follow the current wrecker rotation (built into the CAD), unless special circumstances require a specific wrecker service (ex: due to location) or type of equipment is needed. Documentation into the CAD may be completed by either the officer or the RDC Dispatcher.

J. This policy shall apply to all towed vehicles or parts thereof that are impounded, involved in crashes, traffic hazards, seized as evidence, contraband, fruits or instruments of a crime, or towed for any reason by Department employees, unless the vehicle is towed at the owner or operator's request.

K. This procedure is to be used in conjunction with all relevant Department regulations, rules, policies, and procedures.