POLICY/PURPOSE:
The purpose of this policy is to address searching and seizing of motor vehicles. This directive is to provide instruction on towing, impounding, and inventorying motor vehicles. [1.2.4]

DEFINITIONS:
Abandoned Vehicle – Any vehicle that meets the criteria described in Iowa Code Section 321.89 or Cedar Rapids City Code 61.103.

Impound – The seizing and temporary custody of a motor vehicle for a legitimate police purpose such as for evidentiary purposes. The owner of the vehicle is required to receive permission from the impounding authority prior to the vehicle being released from impoundment.

Tow – To have a motor vehicle or trailer pulled or flat-bedded to another location. If not impounded, a towed vehicle is eligible for release from the contracted towing service.

PROCEDURE:
Officers may tow/impound vehicles within the authority of state law and city code.

All vehicles will be towed by the contracted tow service unless the owner/responsible party requests otherwise.

Impounded vehicles will be towed by the contracted towing service.

Officers will give a completed copy of the Vehicle Impound and Tow Form (CRPD # 328) to the owner/driver, contracted towing company driver, and the CRPD Records Section. If no owner/driver is present, that copy should be placed inside the vehicle or given to the tow truck driver.

Towed Vehicles
Vehicles may be towed from public right of way in incidents of: [61.4.3b]

- Disabled vehicles and the person(s) responsible for the vehicle is incapacitated by physical injury to the extent they are unable to provide for its custody or removal.
- Violations of Iowa Code Section 321.89 or Cedar Rapids City Code 61.103, including illegally parked vehicles that are unattended and constitute a hazard or obstruction to traffic, or are left parked on city property, including a city park or lot beyond 24 hours.
Towing and Impounding of Vehicles

POLICY TITLE: Towing and Impounding of Vehicles
STANDARD/REF #: 1.2.4; 61.4.3

APPROVED BY: Wayne Jerman, Chief
Patrol Captain; CSD
Captain; Traffic Commander;
Property and Evidence Commander

REVIEWED DATE: 10/7/2019
REVISED DATE: 10/7/2019

REQUIRED REVIEWERS: Patrol Captain; CSD Captain; Traffic Commander; Property and Evidence Commander

- Parked on a public street over 48-hour period (street storage violation)
  - Refer to the Traffic Enforcement and Citations directive for additional information concerning parking enforcement and Street Storages.
- In-custody arrests of the driver where an impound is not warranted.
  - The owner/responsible party may release the vehicle to a licensed driver who can retrieve the vehicle within 30 minutes.
  - The driver requests the vehicle remain at the stop location.
    - The vehicle must be legally parked on public property and not a hazard.
      - Vehicles shall not be allowed to remain on private property without permission of a responsible person for that property.
  - If the timeline cannot be met or leaving the vehicle at the stop location does not meet the above parameters, officers may tow the vehicle.
- Fire lane violations
  - If all other options have been exhausted, vehicles in properly posted fire lanes that have been authorized by the Cedar Rapids Fire Department and which violate city code 61.090B - Fire Lanes, and approved by a commander.
    - Tows for Fire Lane violations are permitted on private property. [61.4.3b]
- Any other reason as specified by Iowa law or Cedar Rapids City Ordinance.

A tow shall be completed when one of the following are present:
- Safety Hazard (RO/Driver unable/unwilling to contact a tow)
- Streets for Storage 61.102
- Any other reason as specified by Iowa law or city ordinance

Towing Illegally Parked or Disabled Vehicles:
- If the person responsible for the vehicle arrives at the scene of the tow prior to the arrival of the contracted towing service, officers may disregard the towing service, and collaborate with the responsible party to remove the vehicle.
• If the contracted towing service has already arrived on scene, the responsible person must settle any billing charges for services rendered, and be responsible for removal of the vehicle themselves.
  o If the responsible party refuses or is unable to pay the contacted towing service, officers will continue with the tow and give the responsible party the proper copy of the Vehicle Impound and Tow Form (CRPD #328) and a parking citation.

Abandoned Vehicles/Traffic or Safety Hazards: [61.4.3a]
Authority to tow motor vehicles for traffic and safety related purposes is granted under Iowa Code Section 321.89.

Disabled vehicles along the roadway that are deemed a hazard may be towed pursuant to this section.
  • A reasonable effort shall be made to contact the owner or person responsible unless the vehicle needs to be moved immediately due to circumstances.
  o If the owner/responsible party is not present, a citation shall be issued with the citation number noted on the tow sheet and the case number included on the citation.

Handling of Abandoned Vehicle Complaints: [61.4.3a]
Upon receiving a complaint or information regarding an abandoned vehicle, the Joint Communications Agency shall have an officer investigate the complaint. The officer shall determine the following:
  • If there are any current wants or related warrants on the vehicle
  • If the registration plates match the vehicle and VIN number
  • If the vehicle is illegally parked per City Code (Chapter 61)
  • If possible, how long the vehicle has been at the location
  • The condition of the vehicle i.e. damage, vandalism, etc…

If the vehicle is abandoned as defined by Iowa Code (321.89) or Cedar Rapids City Code 61.103 on public property, the officer shall mark one (1) or more tires of the vehicle and record the following in the Street Storage database:
  • Location
  • Make
  • Model
  • Color
  • Plate and VIN number
POLICY TITLE: Towing and Impounding of Vehicles
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APPROVED BY: Wayne Jerman, Chief
Patrol Captain; CSD Captain; Traffic Commander;
Property and Evidence Commander

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- Method of marking the vehicle (i.e. chalk, coin, UV marker)
- Officer’s PIN
- Date and Time marked

If the vehicle has not moved for more than 48 hours, the vehicle shall be deemed abandoned, and it may be cited and towed using the Vehicle Impound and Tow Form (CRPD #328) along with a Parking Citation for applicable violations.
  - Except for fire lane violations, the CRPD does not tow abandoned vehicles off private property. Responsible parties may contact a tow company of their choice. [61.4.3b]

**Towing of Vehicles Related to Traffic Accidents:**
If a vehicle cannot be safely driven from an accident scene, officers shall complete the Vehicle and Impound Tow Form (CRPD #328) after advising owners/drivers that they may:
  - Leave their vehicle at the scene and retrieve it at a later time, if legally parked.
  - Remove the vehicle by a towing company of the owner’s/driver’s choice.
  - Opt to have the vehicle removed by the Department’s contracted towing service.

The Vehicle Impound and Tow Form (CRPD #328) shall also be used if:
  - The owner/driver is unable to make decisions due to injuries or is otherwise incapacitated.
  - A vehicle is impounded.
    - All vehicles involved in accidents resulting in serious, life-threatening injuries or fatality shall be impounded for further investigation and stored inside.
      - Any department vehicle involved in a serious, life-threatening injury or fatality accident shall be towed by the investigating agency, in accordance to their evidence procedures.
      - If an outside agency is not available to investigate, the department vehicle shall be towed to a secure CRPD evidence location.

**Impounded Vehicles [1.2.4]**
If a vehicle is impounded, officers shall leave a supplement stating the reason(s) why the vehicle was impounded. The CRPD will only impound vehicles in the following situations:
  - Proof of ownership/improper registration (321.99, 321.100)
  - Ongoing investigation
  - Evidence
POLICY TITLE:  Towing and Impounding of Vehicles

STANDARD/REF #:  1.2.4; 61.4.3

APPROVED BY:  Wayne Jerman, Chief

Patrol Captain; CSD
Captain; Traffic Commander;
Property and Evidence Commander

REVIEWED DATE:  10/7/2019

REQUIRED REVIEWERS:  Patrol Captain; CSD
Captain; Traffic
Commander;
Property and Evidence
Commander

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- Proof of insurance (321.20B)
- OWI - second and subsequent (321J.4B)
- Expired registration greater than one year (321.98)
- Serious, life-threatening injury or fatality accidents

Vehicles Impounded for Evidence:
Vehicles are to be impounded for evidence for such period of time necessary to complete evidence collection. All vehicles will be towed to the department’s contracted towing service’s lot, unless the Crime Scene Unit (CSU), Criminal Investigation Division (CID), Accident Re-constructionist, or TI or requests it to be towed to another location.

After a vehicle has been processed or is no longer needed as physical evidence, and an impound hold is no longer necessary, the impounding officer or investigator shall:
- Email “Police Evidence” to notify Property and Evidence Section employees that the impounded vehicle may be released.
- Leave a supplement stating:
  - The vehicle can be released.
  - An email was sent to Police Evidence Section advising them the vehicle can be released.

Hit and Run Suspect Vehicles:
Unoccupied hit and run suspect vehicles may be impounded subsequent an ongoing investigation.
- The suspect vehicle may not be removed from private property without a warrant. [61.4.3b]

Recovered Stolen Vehicles:
Refer to Stolen Vehicle Recovery Procedure directive.

Searching of Vehicles: [1.2.4]
While conducting a traffic stop, officer may search a vehicle in a manner consistent with applicable legal considerations and the motor vehicle exception.

Officers will not enter parked vehicles requiring a tow such as Street Storages, Hazards, and Residential Snow Emergencies for the purpose of an inventory.
A plain view inventory will be conducted from outside of the vehicle with any items of apparent value notated on the Vehicle and Impound Tow Form (CRPD #328).

- If contraband is located in plain view sight, a warrant must be obtained to retrieve the contraband and continue with a search.

**Inventory of Towed/Impounded Vehicles:** [1.2.4]

- Officers may conduct a physical inventory of a vehicle as part of the impound process. If an inventory is conducted, the following parameters shall apply:
  - Closed containers may not be opened during an inventory absent a knowing and voluntary consent. Closed containers will include such items as:
    - Glove boxes
    - Closed center console
    - Trunk
    - Anything that requires opening to view its contents
  - A closed container in a vehicle shall be inventoried as a unit.
  - If contraband is discovered during an inventory, officers shall stop the search immediately and obtain a search warrant for the vehicle to include any closed containers.

- Officers may elect to not conduct a physical inventory of a vehicle as part of the impound process. If an inventory is not conducted, officers shall:
  - Ask the driver or owner of the vehicle if there is loose property in the vehicle with a value greater than 50 dollars. This inquiry shall be recorded using an audio or audio/visual method and the results documented in an investigatory report.
    - This property is not subject to search without a warrant.
  - Document any loose property notated by driver/owner and that no physical inventory was completed on the Vehicle and Impound Tow Form (CRPD #328).

Officers shall ask the occupants of the vehicle if there is property in the vehicle they wish to retain and work with the occupants to facilitate the safe retrieval of property.

- Officers may allow the occupants to retrieve the property or may choose to retrieve the property for them, depending on the circumstances of the situation and safety considerations.
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APPROVED BY: Wayne Jerman, Chief

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- Officers will not open closed containers retrieved from a vehicle absent a knowing and voluntary consent.
- Officers may choose to disallow the retrieval of an item from a vehicle if they believe there is a safety consideration related to the return of the property.
  - If an item is not allowed to be retrieved from a vehicle, the officer shall document their reasoning in their report.
- At the discretion of the officer and with the consent of the relevant occupant of the vehicle, items of extraordinary value or significance may be secured and entered into the property and evidence management system as Found Property for later return to the person.
  - Items secured for Found Property must be inventoried on an individual basis and included on a Property Receipt Form (CRPD #407).
    - The Property Receipt Form (CRPD #407) should be referenced on the Vehicle Impound and Tow Form (CRPD #328).
  - Due to safety concerns, closed containers that have not been searched by officers will not be accepted.
- All other property should be left in the vehicle.
- Officers shall notate in their supplements if any property was taken from a towed vehicle and turned in as found property or evidence.

Release of Towed/Impounded Vehicles

Releasing Towed Vehicles:
Vehicles that are towed but not impounded are eligible for immediate release - within the normal working hours of the contracted towing service. These vehicles shall be released to the claimant upon request once proper identification, documentation, and payment confirmation of any applicable fees have been completed.

Releasing Impounded Vehicles:
Vehicles that are impounded will not be released by the contracted towing service until the registered owner or designated agent receives proper release paperwork from the CRPD’s Property and Evidence
Section. Requirements prior to an owner or designated agent receiving impounded release paperwork may include but is not be limited to:

- Notification to the Property and Evidence Section from the impounding officer or investigator that an impound may be lifted.
- Proper identification of owner or designated agent (valid ID).
- Proof of ownership:
  - Title
  - Registration
  - Lien Paperwork, or
  - Bill of Sale
- Valid driver’s license
- Current registration and Insurance
  - Vehicles without current insurance or registration may be released to registered owners; however, the owner will be required to have the vehicle removed from the impound lot on a flatbed vehicle.

The releasing authority of the Property and Evidence Section will:

- Make photo copies of the claimant’s ID or that of the designated agent, proof of vehicle ownership, and insurance and scan the information into Records Management System (ILEADS).
- Advise the owner if property was removed from the vehicle and procedures for obtaining the property.
- Scan and enter completed tow release paperwork into the CRPD’s ILEADS. [61.4.3c]
  - After the contracted towing service has released a vehicle, copies of the tow company’s paperwork will be forwarded to the Property and Evidence Section to be scanned into the case.

**Towing Non-Registerable Vehicles:**

Any vehicle not required to have a State of Iowa registration license plate shall be brought back to the station and placed in the evidence garage (large storage area). The State of Iowa classifies these items as “property” and not as vehicles. If needed, officers may utilize the City’s contracted towing service to bring the property to the station. Officers shall verify the property is not stolen by checking the
identification numbers via NCIC and label with the appropriate found property or evidence tag. An email, including the case number, shall be sent to “Police Evidence” indicating the circumstances of the non-registerable vehicle’s placement at the station.

This shall include, but not be limited to:
- ATV’s
- Electric scooters
- Golf carts
- Jet skis
- Motorized bicycles
- Off-road utility vehicles
- Riding lawn mowers
- Snowmobiles

**Unclaimed Motor Vehicles:**
Towed vehicles that go unclaimed shall be disposed of in accordance with Iowa Code Section 321.29.

**Records Management:** [61.4.3c]
The initial Vehicle and Impound Tow Form (CRPD #328) will be scanned by the Records Section into the CRPD’s Record Management System (ILEADS).