
Policy

This policy sets forth guidelines governing the procedures for safeguarding, towing, impounding, and forfeiture of vehicles under the authority of Minnesota Statutes; 168B.035, 168B.04, 169.33. It also serves as a guide for the release/disposal of vehicles towed, impounded or forfeited.

Vehicles That May be Towed, Impounded or Moved by the Bemidji Police;

- A. As allowed under Minnesota statute 168B.035; including but not limited to,
 - 1. A law enforcement officer has probable cause to believe that the vehicle is stolen.
 - 2. The driver or operator of the vehicle has been lawfully arrested and the vehicle cannot be safeguarded in the current location.
 - 3. The vehicle constitutes or contains evidence of a crime.
 - 4. The vehicle is parked or abandoned within the traveled portion of a public street or roadway.
 - 5. The vehicle is in violation of snow emergency, seasonal, or calendar parking regulations.
 - 6. The vehicle is blocking a driveway, alley or fire hydrant.
 - 7. The vehicle is parked in a disability parking space without a permit or license plate.
 - 8. The vehicle is unlawfully parked in a zone that is restricted by posted signs to be used by fire, police, public safety, or emergency vehicles.
 - 9. The owner of the vehicle has failed to respond to five or more parking citations or traffic offenses.
- B. As allowed under Minnesota Statute 168B.04; including but not limited to, Abandoned or junk vehicles
- C. As allowed under Minnesota Statute 169.33, When any police officer finds a vehicle standing or unattended upon any street, highway, or bridge which constitutes a traffic hazard the officer is authorized to move, require the operator to move or have the vehicle removed by an authorized tow company to a safe location.
- D. The vehicle is subject to forfeiture; Drug sales or possession, DWI related offenses, fleeing a police officer, and instrument of a crime.
- E. The operator is unlicensed or there is no qualified driver immediately available who the owner will authorize to drive the vehicle and the vehicle poses a threat to public safety or is a traffic hazard.
- F. The vehicle is not insured as required by Minnesota Statute 65B or Minnesota statute 169.797 and the vehicle poses a threat to public safety or is a traffic hazard.
- G. The vehicle has revoked registration and the vehicle poses a threat to public safety or is a traffic hazard.

*** E), F), G) ** If the OWNER is present at the scene they may make arrangements for a private tow by a reputable tow service who will be able to respond to the scene within a reasonable period of time. No impoundment form or inventory search will be completed on privately towed vehicles

Private Property Tows;

- A. The Bemidji Police Department will not tow, impound or move vehicles from private property except as authorized as above.
- B. Private property owners should be advised to review Minn. Stat 168B.04 Subd. 2 (2). Tows and associated fees under this statute are the responsibility of the private property owner and/or vehicle owner.

Removal of a Vehicle Disabled in a Traffic Collision;

- A. When a vehicle has been involved in a traffic collision and must be removed from the scene the officer shall have the driver select a towing company, if reasonably possible, and relay that request to the communication center. If no preference is given the dispatcher will select from the rotational list. This is considered a private tow and no inventory will be completed.
- B. If the owner / driver is incapacitated the officer shall request a tow and complete an Impound Report as well as complete vehicle inventory.

Completion of Vehicle Inventory and Impound Report;

- A. Bemidji Police Department personnel requesting the tow or impound of a vehicle shall notify the communication center of the reason for the tow and any holds placed on the vehicle.
- B. Bemidji Police Department personnel requesting the tow or impound of a vehicle shall complete an impound report form which will include; officer, date, case number, location, reason for tow, vehicle information, registered owner, location of impound and a description of all property within the vehicle.
- C. The inventory of all property located inside the vehicle will include the trunk and any other compartments or containers, even if they are closed and/ or locked. Personnel conducting the inventory should be as thorough and accurate as practicable in preparing an itemized inventory. These inventory procedures are for the purpose of protecting an owner's property while in the police department's custody, to provide for the safety of officers and the public and to protect the Bemidji Police Department against fraudulent claims of lost, stolen or damaged property.
- D. Any evidence or illegal items found during the vehicle inventory will also be listed in the RMS system in an evidence report.
- E. A copy of the impound report is to be given to the tow truck operator and the original submitted to the Beltrami County Records Department as soon as practicable after the vehicle is impounded

Towing at Arrest Scenes;

- A. The following are examples of situations where consideration should be given to leaving the vehicle at the scene in lieu of towing, provided the vehicle can be lawfully parked and left in a reasonably safe location;
 - 1. Warrant arrest
 - 2. Situations where the vehicle was not used to further the offense for which the driver was arrested.
 - 3. An impaired driver arrest where the vehicle is insured and not subject to forfeiture.
 - 4. An impaired driver arrest where there is an immediately available driver, authorized by the vehicle owner, to take possession of the vehicle.
 - 5. Whenever the vehicle otherwise does not need to be impounded and the owner requests that the vehicle be left at the scene.
- B. In such cases, the officer shall note in the report that the owner was informed that the Bemidji Police Department will not be responsible for theft or damages.

Security of Vehicles and Property;

- A. Unless it would cause an unreasonable delay in the completion of a vehicle impound / tow or create an issue of officer safety, officer should make reasonable accommodations to permit a driver / owner to retrieve small items of value or personal need (e.g. cash, jewelry, cellular telephone, prescriptions) that are not considered evidence or contraband.

Notice to Victims of Vehicle Theft;

- A. Bemidji Police Department personnel will assure that a stolen vehicle report is completed and entered into the NCIC system by dispatch for every vehicle reported stolen within the city limits. Bemidji Police Department personnel will make a reasonable and good-faith effort to notify the victim of the theft within 48 hours after recovering or receiving notification that the vehicle has been recovered. The notice must specify when the recovering agency expects to release the vehicle to the owner and where the owner may pick up the vehicle. The law enforcement agency that recovers the stolen vehicle must promptly inform the agency that received the theft report that the vehicle is recovered, where the vehicle is located, and when the vehicle can be released to the owner. (Minn Statute 169.042 Subd 1)

Vehicles Subject to Forfeiture;

- A. All vehicles impounded which are subject to forfeiture shall be inventoried and placed into the impound lot. The vehicle's mileage will be documented on the vehicle impound report. Appropriate reports and forfeiture documents shall be completed and served on the driver, owner and any lien holder. The arresting officer is responsible to ensure the documents are prepared and executed in a timely manner. Documentation and keys are to be forwarded to the Captain. The Captain will maintain the database of vehicles in

storage, the state auditor site and communicate with the Beltrami County Attorney's office regarding the status of all forfeitures.

Release of Vehicles;

- A. Vehicles that are towed and/or impounded and are not subject to forfeiture may be released to the registered owner with proof of current insurance, a valid driver's license and payment of all storage and tow fees.
- B. If the registered owner is not available, the registered owner can give permission to release the vehicle to a specific person on a signed and notarized document that can be brought to the impound facility.

Reference or Revision Date(s):

A. REFERENCE;

- a. Minnesota Statute § 169.042 Subd 1)
- b. Minnesota Statute § 168B.04 Subd. 2 (2).
- c. Minnesota Statute § 168B.035
- d. Minnesota Statute § 65B
- e. Minnesota Statute § 169.797

B. REVISION DATE(S):