City of Carroll

Brad Burke, Chief of Police **Police Department**

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MEMO TO: Mike Pogge-Weaver, City Manager MPW

FROM: Brad Burke, Chief of Police BB

DATE: September 5, 2018

SUBJECT: Motor Vehicle Inventory and Vehicle Towing policy change

Due to a recent court ruling, the Carroll Police Department must change their current motor vehicle inventory and vehicle towing polices. Due to this requirement find the attached policies. The Motor Vehicle Inventory must be removed and the new attached policy added. The Vehicle Towing policy has minor changes which can be found on the attached document.

RECOMMENDATION: Council discussion and approval to amend the motor vehicle inventory policy and vehicle towing policy with the Carroll Police Department.

RESOLUTION NO.____

WHEREAS: The City Council of Carroll, Iowa meeting in regular session on the 8th day of October, 2018, has adopted this Resolution, and;

WHEREAS: The City Council supports the removal of the current Motor Vehicle Inventory policy for the Carroll Police Department;

WHEREAS: The City Council supports the addition of the new Motor Vehicle Inventory Policy for the Carroll Police Department;

WHEREAS: The City Council recognizes that recent Iowa court rulings has required changes to the current policy.

THEREFORE: BE IT RESOLVED, that the City of Carroll, by this Resolution of the City Council, approves the changes to the Motor Vehicle Inventories policy for the Carroll Police Department.

Passed and approved by the City Council of the City of Carroll, IA, this 8th day of October, 2018.

CITY OF CARROLL, IOWA

_____
Eric Jensen, Mayor

ATTEST: _____
Laura Schaefer, City Clerk

	Effective Date	Number

Subject **Motor Vehicle Inventories**		
Reference	Special Instructions	
Distribution	Re-evaluation Date	No. Pages: 3

I. Motor vehicles including autos, trucks, motorcycles, and other registered and non-registered vehicles may be seized and/or impounded during routine police duties. Officers may impound and tow vehicles within the authority of State law and the City Code.

1. A motor vehicle may be impounded when:
    a. An officer determines impoundment is necessary for law enforcement purposes, to include but not limited to:
        i. Motor vehicles which may have an evidentiary purpose or evidentiary value, examples include:
            1. the vehicle was used in the commission of a felony.
            2. the vehicle was used in a crime involving the sale, transportation, or use of a controlled and dangerous substance.
        ii. Motor vehicles which need to be processed and/or searched for physical evidence if a lawful purpose exists for such; however, if possible the officer may conduct the processing and/or search at the scene
    b. the vehicle is illegally parked and is unattended or constitutes a hazard or obstruction to the movement of traffic or to the maintenance of the street.
    c. the vehicle is disabled 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.
    d. the vehicle is found to be in violation of any emergency order issued by an appropriate city authority as authorized by ordinance. Example: City Code 69.14 Temporary Parking Restrictions.
    e. the driver flees the vehicle either to hinder an investigation or to avoid prosecution or is believed to be intoxicated.
    f. the vehicle is illegally parked on private property and the property owner is requesting a tow. The owner may choose the tow service and is responsible for the tow if necessary.
    g. the vehicle is abandoned on private property and the property owner requests a tow. The owner may choose the tow service and is responsible for the tow if necessary.
    h. any other reason specified by law.

2. A motor vehicle shall be impounded when:
    a. the vehicle is a recovered stolen vehicle, UNLESS, direct release to the owner is authorized by the Detective, Investigator, or Shift Supervisor.

3. A motor vehicle shall be impounded when the driver of the vehicle is arrested and reasonable alternatives are unavailable.
    a. The impoundment shall occur only after the officer explores reasonable alternative arrangements for the vehicle. The alternatives explored should not be illegal, detrimental to the public safety, and should not leave the vehicle exposed to property damage or other claims of loss against the department.
    b. Reasonable alternative arrangements for the vehicle may include:
        i. If the driver is not the owner, allowing a reasonable period of time for the owner to arrive at the scene and remove the vehicle.
        ii. Allowing the owner of the vehicle to release the vehicle to a lawfully licensed driver.
        iii. Allowing the owner, or receiving consent from the owner to allow an officer, to park and lock the vehicle.
            1. The vehicle may be parked in a parking lot or other reasonable location, including nearby low-traffic roadways with legal parking.
            2. The vehicle shall not be parked on private property without the consent of the owner of the private property.
            3. The vehicle shall not be left on a busy roadway which may place the vehicle at risk of damage or other property loss.
            4. The officer shall only take the vehicle a reasonable distance away from where the vehicle is stopped, which shall not exceed 1 block.
    c. If the registered owner of the vehicle cannot be contacted and/or located with reasonable efforts, the officer shall impound the vehicle.

4. Impoundment of a vehicle may occur when the driver is arrested, taken into custody, or for any other reason is unavailable to drive the vehicle away, and the driver consents to the impoundment of the vehicle.

5. Regardless of whether a vehicle is impounded or parked in a reasonable location, a peace officer may ask the owner of the vehicle, driver, or other occupants whether there is anything of value in the vehicle for safekeeping. Officers shall record the response on an approved departmental form and/or by suitable audio/video recording device.

II. All vehicles towed by the Police Department for snow and/or parking ordinance violations and arrests shall be recorded on the Carroll Police Department vehicle towing and inventory report. All pertinent information relating thereto shall be given to the towing company.

III. The Carroll Police Department will inventory any and all vehicles towed and/or impounded by the Department. All vehicles towed and/or impounded by a member of the Carroll Police Department shall be inventoried. All valuables will be listed on the departmental approved inventory sheet. All sealed containers shall remain sealed and be inventoried as a whole object.

    1. Vehicles that are towed for violation of snow, parking and/or junk ordinances that are locked and to gain entry would cause damage to that vehicle shall be inventoried as a whole object without entry.
    2. If the officer has a lawful reason to search the vehicle, the officer may open sealed containers to search therein.
    3. An owner of the vehicle may be allowed to remove any items located in the vehicle prior to inventory.

4. A driver or passenger may be permitted to remove items from the vehicle, assuming the person(s) can satisfy the officer of proof of ownership of the item(s).
5. An officer shall not allow items to be removed from the vehicle by any person if the officer believes that removal may interfere with the safety of any officer or person. Or if a search warrant may be obtained for the vehicle in the future.
6. Officers may receive consent from a driver or owner to search inside sealed containers; however, the person should be advised of their ability to refuse that search.

IV. Illegal or Evidence Property.

Any illegal or evidence property taken from a vehicle will be treated as criminal evidence and the property owner will be given notice for said property.

V. Forfeiture.

Any vehicle impounded that is seized by the Department for forfeiture will have all the necessary forfeiture papers filled out by the seizing officer along with the County Attorney office. The Captain will be notified during the next business day whenever a vehicle is seized.

VI. Vehicle Storage.

Motor Vehicles impounded, towed and/or seized for criminal investigations and serious traffic accidents will be stored at the officer's discretion. Locations include the Police Department or towing companies' property.

DEFINITIONS RELEVANT TO THIS SECTION:

1. Driver – the person who is physical control of a vehicle and/or is the person actually operating the vehicle. A driver may, but will not always, be the owner of the vehicle.
2. Owner – the person (or persons) who actually own the vehicle. An officer may satisfy himself or herself as to ownership by determining who the registered owner of the vehicle and/or observing a title of ownership to the vehicle.

RESOLUTION NO.____

WHEREAS: The City Council of Carroll, Iowa meeting in regular session on the 8th day of October, 2018, has adopted this Resolution, and;

WHEREAS: The City Council supports changes to the policy for the Carroll Police Department regarding Vehicle Towing.

WHEREAS: The City Council recognizes that recent Iowa court rulings has required changes to the current policy.

THEREFORE: BE IT RESOLVED, that the City of Carroll, by this Resolution of the City Council, approves the changes to the Vehicle Towing policy for the Carroll Police Department.

Passed and approved by the City Council of the City of Carroll, IA, this 8th day of October, 2018.

CITY OF CARROLL, IOWA

_____
Eric Jensen, Mayor

ATTEST: _____
Laura Schaefer, City Clerk

	Effective Date May 23, 2016	*Number*

Subject **Vehicle Towing**		
Reference	*Special Instructions*	
Distribution	*Re-evaluation Date*	*No. Pages:* 2

I. PURPOSE

To establish and maintain uniform guidelines for towing and inventorying vehicles.

II. POLICY

The Carroll Police Department has the need to remove vehicles from locations due to abandonment, arrest, accident, or other needs.

III. PROCEDURE

A. Abandoned Vehicles
   1. Once a motor vehicle has been determined to be abandoned, officers will request that a towing company be dispatched to remove the vehicle.
   ~~2.~~ Officers will complete a vehicle inventory log sheet by doing a complete inventory of the motor vehicle as required in the Motor Vehicle Inventory Policy. ~~This will include the interior and trunk of the vehicle. If the vehicle's doors or trunk are locked and/or keys are not available, the officer will attempt to make entry. If unsuccessful, a locksmith may be contacted to gain entry.~~
   3. All firearms and property, including cash, that is found to be of estimated value of $100.00 or more will be noted on the Carroll Police Department vehicle towing and inventory report. ~~form.~~ Items may be removed and taken to the Police Department for safekeeping if the officer can articulate a reason for doing so.

B. Arrested Driver
   1. If the driver of any vehicle is arrested the officer has the following options.
      ~~a)~~ Leave Car – If the vehicle is legally parked the vehicle may be left at the scene if the registered owner is present and is unimpaired and agrees for the vehicle to remain. ~~Officers may allow an arrested owner to move the vehicle to a nearby legal parking area if the driver is legally licensed to operate the vehicle and the officer feels it is safe to do so.~~ Officers may ~~will not~~ drive an arrestee's vehicle with permission of the vehicle owner. ~~except in the most unusual circumstances.~~ The officer shall only take the vehicle a reasonable distance away from where the vehicle is stopped, which shall not exceed 1 block
      b) Alternative Driver – The vehicle may be released to another legal driver designated by the registered owner. The driver may not designate an alternative driver if the driver is not the registered owner.

c) Tow Vehicle – Vehicles will be towed if neither of the above applies. Officers will follow the procedure as set out in Section III.A above with the addition that an unimpaired owner may request a towing company. Officers may over-ride the owner's request and have dispatch contact a different tow service if the owner's request will take an excessive amount of time. A vehicle inventory will be completed ~~done~~ in accordance with policy.

C. Accident Scene

1. Conscious owners may make their own arrangements to remove a vehicle from an accident scene provided that it is done in a timely manner. Officers may over-ride the owner's request and have dispatch contact a tow service if the owner's request will take an excessive amount of time. No vehicle inventory is required.
2. If the owner or driver is incapacitated and the vehicle cannot be left where found, the officer will tow the vehicle using the above procedure. No vehicle inventory is required.

D. Traffic Hazard

1. Officers who encounter any vehicle that the officer believes to be a traffic hazard will not allow the vehicle to remain on the street. The officer may advise the owner to leave the vehicle parked where it is if it is safe to do so or have the vehicle towed using the procedure in III.C.1 of this order. A vehicle may be determined to be a hazard because of vehicle defect, including a lack of current liability insurance, or because it is parked in an unsafe or illegal manner. A vehicle inventory will be completed.