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# Iowa State University Department of Public Safety

Directive: 61.9

SUBJECT: REMOVING AND TOWING VEHICLES

EFFECTIVE DATE: 02/15/2019

REVISED DATE:

REVIEWED DATE: 07/07/20

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## POLICY:

The department shall remove, tow and store vehicles in accordance with existing constitutional requirements, state statutes, Board of Regents' rules, and departmental directives.

## DEFINITIONS:

“Abandoned Vehicle” – Any vehicle as defined in Code of Iowa section 321.89:

1. A vehicle that has been left unattended on public property for more than twenty-four hours and lacks current registration plates or two or more wheels or other parts, which renders the vehicle inoperable.
2. A vehicle that has remained illegally on public property for more than twenty-four hours.
3. A vehicle that has been unlawfully parked on private property or has been placed on private property without the consent of the owner or person in control of the property for more than twenty-four hours.
4. A vehicle that has been legally impounded by order of police authority and has not been reclaimed for a period of ten days. However, a police authority may declare the vehicle abandoned within the ten-day period by commencing the notification process in subsection 3.
5. Any vehicle parked on the highway determined by a police authority to create a hazard to other vehicle traffic.
6. A vehicle that has been impounded pursuant to section 321J.4B by order of the court and whose owner has not paid the impoundment fees after notification by the person or agency responsible for carrying out the impoundment order.

## PROCEDURE:

### 61.9.1 ABANDONED VEHICLES

The following shall specify procedures for the handling of abandoned vehicles:

- A. Abandoned vehicles shall be processed in accordance with existing state statutes and departmental directives. The departmental contracted towing company should normally be used to process such vehicles.
- B. When abandoned vehicles have been taken into custody, the owners, lienholders, and other claimants shall be notified in writing, pursuant to section 321.89(3) of the Code of Iowa. Such persons shall be mailed certified letters within twenty days of impoundment.
- C. Vehicles that have been abandoned shall be towed, inventoried, and secured.
- D. Abandoned vehicles shall be auctioned when left unclaimed. Such auctions shall be conducted in accordance with section 321.89(4) of the Code of Iowa. Proceeds from the sale of abandoned vehicles may be used to reimburse expenses incurred. Approved expenses may include towing and storage costs, auctioning fees, notice and publication costs, and inspection fees.
- E. Owners of private property requesting that an abandoned vehicle be towed may be referred to section 556B.1 and/or 331.653(40) of the Code of Iowa.

### **61.9.2 REMOVING AND TOWING VEHICLES NOT ABANDONED**

The following shall specify procedures for the removal and towing of vehicles from public and private property:

- A. Officers should explore alternative arrangements in lieu of towing vehicles from public and private property. However, vehicles may be removed or towed from public and private property if all options listed in 61.9.3 are explored and for the reasons listed below:
  - 1. Vehicles may be removed or towed from public property when university parking regulations have been violated.
  - 2. Vehicles may be removed or towed from public and private property when properly seized for evidentiary purposes. Such seizures shall be conducted pursuant to properly obtained and executed search warrants or in accordance with applicable constitutional requirements.
  - 3. Vehicles may be removed or towed from public property when the vehicle is positioned as to appear to constitute a hazard to traffic or to the public.
  - 4. Vehicles shall be removed, pursuant to 61.9.3, or towed from public and private property when a collision or the arrest of the driver results in a hazard to traffic or the public.
  - 5. Vehicles may be removed or towed from public and private property when circumstances such as the arrest of the driver, a collision, or an act of nature result in a need to protect the vehicle from theft or further damage.
  - 6. Vehicles may be removed or towed from public and private property when court orders have been received to impound, pursuant to section 321J.4B of the Code of Iowa.

### **61.9.3 AUTHORIZED RELEASE**

The following shall establish procedures relating to the authorized release of vehicles:

- A. Vehicles parked or standing on public and private property that are eligible to be removed or towed may be released to third parties or driven to a legal area and secured when an owner or driver consents. Such releases shall be at officer discretion and determined by attendant conditions and circumstances. Officers shall ensure that designated third parties are unimpaired and valid to operate the type of vehicle involved.
- B. Vehicles properly parked on public property may be secured and left on-scene with the owner or driver's consent.
- C. Vehicles properly parked on private property may be secured and left on-scene when the owner of such property consent.

### **61.9.4 VEHICLE INVENTORIES**

The following shall establish procedures relating to vehicle inventories:

- A. Vehicles removed or towed for law enforcement purposes shall not be inventoried without the owner or operator consent or a search warrant. Items of an evidentiary nature, contraband, or extreme value discovered shall be entered into the departmental property system.
- B. Prior to transporting an arrestee, officers should ask the owner or operator whether there is any property in the vehicle they wish to retain and take with them to jail. Officers should determine from the person what the item(s) is and give it to them, within reason, and as long as it is safe to do so.
- C. Officers should also ask the owner or operator if there is anything of value requiring safekeeping and document the response. Officers should visually inspect the inside of the vehicle by looking through the windows and documenting the contents of the vehicle through the use of a body camera.
- D. Officers should advise the owner or operator of the options to tow, such as personal items may be retrieved from the vehicle; if the vehicle is impounded, containers within the vehicle will remain in the vehicle unless the owner or operator directs otherwise.

### **61.9.5 RECORDS**

The following shall specify procedures relating to the maintenance of records for all vehicles removed, stored, or towed pursuant to policy:

- A. Written records shall be maintained when vehicles are removed, stored, or towed at the direction of an officer. Such records should include the following: date; time; location; requesting officer; reason for removal, storage or tow; towing service; present location; notification or attempted notification of the owner; and any special instructions.
- B. Written records pertaining to vehicles that are removed, stored, and towed should be readily accessible to dispatch personnel.
- C. Incident report narratives, property reports, and departmental forms shall be used to document all removed, stored, or towed vehicles.