



# Faribault County Sheriff's Office

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## 1101 VEHICLE TOWING / IMPOUND POLICY

Issued Date:	08/2022
Revised Date:	04/2023
Approved By:	Mike Gormley, Sheriff; Scott Adams, Chief Deputy

### PURPOSE:

This policy outlines the Faribault County Sheriff's Office's procedures for towing a vehicle under the direction of the sheriff's office and under the authority of Minnesota State Statute 168B.035.

### POLICY:

Vehicles may be towed for violations of MS §168B.035, §168B.04, including parking, registration, and snow emergency violations.

Vehicles may be moved or removed from a highway when in violation of MS §169.32(a) or when left unattended upon any street or highway or upon any bridge or causeway or in any tunnel where such vehicle constitutes an obstruction to traffic (MS §169.33).

### PROCEDURE:

#### Completion of a Vehicle Impound/Inventory Form ("Tow Sheet")

Sheriff's deputies and other authorized employees requesting towing of a vehicle shall complete a Vehicle Impound and Inventory Report ("Tow Sheet"), including a description of property within the vehicle. A copy is to be given to the tow truck operator and the original is to be submitted into the incident's CAD record as soon as practicable after the vehicle is stored.

#### Written Notice of Impound:

The Sheriff's Office or towing company will provide a written notice of impound pursuant to MS §168B.06. The written notice shall adhere to the following and/or any future state statute requiring what shall be placed on the written notice:

- Must be sent to the registered owner and any lienholders within five (5) days, excluding Saturdays, Sundays, and legal holidays (MS §168B.06.1(a))
- The notice must include:
  - The date and place of the taking
  - provide the year, make, model, and serial number of the impounded motor vehicle, if such information can be reasonably obtained, and the place where the vehicle is being held;
  - inform the owner and any lienholders of their right to reclaim the vehicle under section 168B.07;
  - state that failure of the owner or lienholders to:
    - exercise their right to reclaim the vehicle within the appropriate time allowed under section 168B.051, subdivision 1, 1a, or 2, and under the conditions set forth in section 168B.07, subdivision 1, constitutes a waiver by them of all right, title, and interest in the vehicle and a consent to the transfer of title to and disposal or sale of the vehicle pursuant to section 168B.08; or
    - exercise their right to reclaim the contents of the vehicle within the appropriate time allowed and under the conditions set forth in section 168B.07, subdivision 3,

## FARIBAULT COUNTY SHERIFF'S OFFICE

constitutes a waiver by them of all right, title, and interest in the contents and consent to sell or dispose of the contents under section 168B.08; and

- state that a vehicle owner who provides to the impound lot operator documentation from a government or nonprofit agency or legal aid office that the owner is homeless, receives relief based on need, or is eligible for legal aid services, has the unencumbered right to retrieve any and all contents without charge.

*(MS §168B.06.1(b)(1-5))*

Notices shall be sent by certified mail to the registered owner and any lienholders. If it is impossible to determine with reasonable certainty the identity and address of the registered owner and all lienholders, the notice shall be published once in a newspaper of general circulation in the area where the motor vehicle was towed from or abandoned. *(MS §168B.06.2 and 168B.06.3)*

### Removal of Vehicles Disabled in a Traffic Collision:

When a vehicle has been involved in a traffic collision and must be removed from the scene, the deputy sheriff may have the driver select a towing company, if reasonably possible, and shall relay the request for the specified towing company to the dispatcher. When there is no preferred company requested, the on-scene deputy or authorized employee may call for any tow company.

If the owner is incapacitated or for any reason it is necessary for the Sheriff's Office to assume responsibility for a vehicle involved in a collision, the deputy sheriff shall request the dispatcher to call a towing company. The deputy sheriff will then conduct an inventory and store the vehicle using a Vehicle Impound and Inventory Report.

### ***Removing Vehicles at Arrest Scenes:***

Whenever a person in charge or in control of a vehicle is arrested, it is the policy of this sheriff's office to provide reasonable safekeeping by towing the arrestee's vehicle subject to the exceptions described below. However, a vehicle shall be towed whenever it is needed for the furtherance of an investigation or prosecution of the case, or when the community caretaker doctrine would reasonably suggest that the vehicle should be towed. For example, the vehicle would present a traffic hazard if it were not removed, or the vehicle is susceptible to theft or damage if left at the scene.

The following are examples of situations where consideration should be given to leaving a vehicle at the scene in lieu of towing, provided the vehicle can be lawfully parked and left in a reasonably secured and safe condition:

- Traffic-related warrant arrest.
- Situations where the vehicle was not used to further the offense for which the occupant was arrested nor may be subject to forfeiture proceedings.
- Whenever the vehicle otherwise does not need to be stored and the owner requests that it be left at the scene.

In such cases, the handling employee shall note in the report that the owner was informed that the Sheriff's Office will not be responsible for theft or damages.

### ***Vehicle Inventories:***

All property in a stored or impounded vehicle shall be inventoried and listed on the vehicle storage form. This includes the trunk and any compartments or containers, even if they are closed and/or locked. Members conducting inventory searches should be as thorough and accurate as practicable

## FARIBAUT COUNTY SHERIFF'S OFFICE

in preparing an itemized inventory. These inventory procedures are for the purpose of protecting an owner's property while the owner is in police custody, to provide for the safety of officers and the public, and to protect the Sheriff's Office against fraudulent claims of lost, stolen or damaged property

### ***Preservation of Evidence***

A sheriff's deputy who removes a vehicle pursuant to MS §168B.035 is required to take reasonable and necessary steps to preserve evidence. If there is probable cause to believe that a vehicle or its contents constitute any evidence which tends to show that a criminal offense has been committed, or that a particular person has committed a criminal offense, officers shall ensure that all legally required, and reasonably necessary efforts are taken to preserve the evidence. Such evidence is to be provided safe storage and preserved until released to the owner or otherwise disposed of according to law.

### ***Security of Vehicle/Property***

Unless it would cause an unreasonable delay in the completion of a vehicle impound/storage or create an issue of officer safety, a deputy sheriff 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. If a search of a vehicle leaves the vehicle or any property contained therein vulnerable to unauthorized entry, theft or damage, personnel conducting the search shall take such steps as are reasonably necessary to secure and/or preserve the vehicle or property from such hazards.

### **Disposition/Sale of Impounded Vehicles**

Vehicles impounded by the sheriff's office may be subject to disposal or sold pursuant to state statutes.

Junk vehicles, except that it may have a valid, current registration plate and still be eligible for disposal or sale under this subdivision, or abandoned vehicles may be disposed or sold after 15 days notice. (*MS §168B.051.1(1-2)*)

Other impounded vehicles may be disposed or sold after (whichever comes earlier):

1. 45 days after notice to the owner; or
2. the date of a voluntary written title transfer by the registered owner to the impound lot operator.

(*MS §168B.051.2(a)(1-2)*)

### **SELECTED STATUTES:**

- [168B.035 TOWING AUTHORIZED](#)
- [168B.04 AUTHORITY TO IMPOUND VEHICLES](#)
- [168B.051 SALE; WAITING PERIODS](#)
- [168B.06 NOTICE OF TAKING AND SALE](#)
- [169.33 POLICE MAY MOVE VEHICLE](#)