



Indianapolis Metropolitan Police Department

Sheriff Frank J. Anderson

Towing/Impounding Vehicles

General Order 7.3

POLICY

Many times officers are called upon to investigate or impound a vehicle in our city. The vehicles may be on public or private property, illegally parked, abandoned, in junk condition, disabled, *stolen*, *recovered*, or involved in an accident. It is the policy of the Indianapolis Metropolitan Police Department to respond to these complaints and properly resolve the situation.

NOTE: It is the individual officer's responsibility to be aware of current laws and *department procedures* concerning impounding, searching, and towing vehicles. *Information regarding updates or new procedure is provided through department directives and police prosecutor updates.*

DEFINITIONS

Abandoned Vehicle: IC 9-13-2-1 defines an abandoned vehicle as any of the following:

- A vehicle located on public property illegally;
- A vehicle left on public property without being moved for three (3) days;
- A vehicle located on public property in such a manner as to constitute a hazard or obstruction to the movement of pedestrian or vehicular traffic on a public right-of-way;
- A vehicle that has remained on private property without the consent of the owner or person in control of that property for more than forty-eight (48) hours;
- A vehicle from which the engine, transmission, or differential has been removed or that is otherwise partially dismantled or inoperable and left on public property;
- A vehicle that has been removed by a towing service or public agency upon request of an officer enforcing a statute or an ordinance other than this chapter if the impounded vehicle is not claimed or redeemed by the owner or the owner's agent within twenty (20) days of the vehicle's removal; and/or
- A vehicle that is at least three (3) model years old, mechanically inoperable, and is left on private property continuously in a location visible from public property for more than twenty (20) days.

Public Nuisance: Section 611-203 of the "*Revised Code of the Consolidated City and County Indianapolis/Marion, Indiana*" provides that a vehicle may be declared a public nuisance if any of the following circumstances exist:

- Any vehicle parked or left standing unattended upon any street or public place in the city in violation of any of the provisions of this Code or of any statute of the state;
- Any vehicle known to have been stolen or wrecked and left standing on any street or public place;



- Any vehicle the operator of which is unable to move such vehicle by reason of his incapacity from injury or arrest;
- Any vehicle upon which there is a police hold or deputy hold; or
- Any vehicle which has been involved in four (4) or more violations of traffic ordinances of the city for which notices of traffic violations have been issued pursuant to this chapter, which notices of traffic violations have not been paid, presented for compromise payment or slated into court pursuant to this chapter.

Vehicle Inventory Search: A vehicle inventory search is defined as conducting an administrative, routine and warrantless search of the passenger area (including the glove compartment), trunk, and closed containers, pursuant to lawfully towing a vehicle.

PROCEDURE

I. Vehicles Which May be Towed

- A. Vehicles that are involved in any of the following may be towed and impounded:
1. Causing a traffic or other hazard;
 2. Abandoned, in junk condition, or major identifiable parts;
 3. Violating parking or other special restrictions;
 4. With no or improper certificate of registration or license plate *;
 5. With no or altered VIN / MVIN;
 6. Being operated by a non-licensed or suspended driver;
 7. Reported stolen or recovered;
 8. Involved in accidents;
 9. Placed in a detective or forfeiture hold status;
 10. Involved in a forfeiture action;
 11. Owned or operated by person under custodial arrest for any charge;
 12. Involved in an incident for which physical evidence is scheduled to be collected;
 13. Involved in an incident for which the coroner has jurisdiction;
 14. Items classified as heavy property for towing by department contractual agreement; or
 15. Parked in no parking, stopping or standing, rush hour, snow route, or other special parking restrictions. (i.e. where areas are marked as tow-away zones)

NOTE: *Officers should verify registration or licensing information by computer and use discretion when towing vehicles for registration or licensing violations only.

II. Towing and Reporting – *Generally* <61.4.3b>

- A. Officers must contact the Auto Desk Unit by telephone, 327-2886, with any stolen or recovered vehicle information **before** marking in-service in order for the steal or recovery to be immediately entered into or removed from active status in IDACS and NCIC.
- B. Officers must contact communications and request the appropriate wrecker based on the Gross Vehicle Weight Rating (GVWR) of the vehicle being towed.
 1. On the Tow Slip Form, officers shall put a checkmark beside one of the three (3) categories of Gross Vehicle Weight Rating (GVWR) – *light, medium, or heavy duty*, of the vehicle being towed.
 2. The GVWR of a vehicle can usually be determined from a sticker or metal tag that is affixed to the driver's side door or cab frame. The GVWR may be listed in both metric and imperial weights.

EXAMPLE: On a 2003 Ford Crown Victoria, the GVWR is listed as 2695KG/5942LB: KG equals kilograms, and LB equals pounds. On some foreign made vehicles, the GVWR may be listed only in metric weight. The conversion from metric to imperial weight is 1 kilogram = 2.2046 pounds.

3. The GVWR of older model or foreign vehicles may not appear on the sticker/metal tag. In such cases, use the following guidelines to estimate the GVWR.
 - a. **Light Duty** vehicles will have single rear wheels (one wheel per side) on all cars, vans and pickup trucks. This will cover GVWR up to 9,900 lbs.
 - b. **Medium Duty** vehicles will have dual rear wheels (two wheels per side, one rear axle.) Tires sizes will range for 16" to 19.5" in diameter, but not over. For example, in the tire size of LT225R-19.5, the last set of numbers, 19.5, is the tire diameter. These types of vehicles will have cabs that look like light duty pickup trucks or vans. However, the critical factor will be the dual rear wheels. These types of vehicles will have a GVWR from 10,500 – 19,500 lbs. Examples of vehicles in this category are heavy pickup trucks, small dump trucks, box trucks, delivery trucks etc.
 - c. **Heavy Duty** vehicles will always have dual rear wheels (may have multiple rear axles) and the tire diameter will always be 20" or larger. For example, in tire sizes of 10.00R-20, 11R-22.5, or 12R-24.5, the GVWR will be 20,000 lbs. and above. Examples of vehicles in this category are semi tractor-trailers, most buses, farm machines, and construction equipment.

NOTE: The above weight classifications do not necessarily correspond to the classifications listed on the tow slip. These are guidelines to be used when the GVWR cannot be found on the metal tag that is usually affixed to the driver's side door.

- C. Light Duty and Medium Duty wreckers will have twenty (20) minutes to respond to a call for service and Heavy Duty wreckers have thirty (30) minutes to respond. Officers must always note the arrival time of wreckers to the scene as well as any instances when an accident scene is not properly cleaned in order to document these contract violations.
 1. If a contract wrecker does not arrive within the amount of time allotted for the request, another contract wrecker may be requested.



NOTE: Officers must be aware of the current contract information regarding standard franchise wreckers (light and medium duty tows), heavy-duty franchise wreckers and water recovery wrecker towing procedures. Updates are available via department directive when changes to the contracts are made. The directive will include the towing classifications and charges.

- D. If a parking ticket is issued, the hard copy of a parking ticket must be placed securely on the vehicle, or given to the wrecker driver if the vehicle is towed.
- E. Any vehicle (including snowmobiles, mopeds, motorcycles, and gas operated riding lawn mowers) that is impounded must have a **completed** Tow Slip. The three (3) copies must be distributed as labeled. [<61.4.3c>](#) The **only** exceptions are:
 - 1. Vehicles towed for violation of rush-hour restrictions which must be immediately called in by radio or phone (327-2886) to the Vehicle Release Desk; and
 - 2. Vehicles towed as abandoned by the DPW - Abandoned Vehicle Division and reported to the Vehicle Release Desk by them.
- F. The windows must be closed and the ignition key must accompany the vehicle being towed. If either is not complied with, the information must be in the narrative section of the report. All previous damage must also be noted in the report.
- G. Drivers of vehicles involved in accidents may request their own wrecker service. If the vehicle is presenting a hazard, and their wrecker cannot arrive within twenty (20) minutes (thirty (30) minutes for heavy duty wreckers), or the driver or owner is incapacitated or under arrest, a contract wrecker must be used.
- H. If a properly licensed owner or operator of a vehicle that is to be towed arrives on the scene of the violation prior to the vehicle being removed, the franchise wrecker shall release the vehicle to said owner or operator at that time without charging any towing fees whatsoever, even though the vehicle has been attached to or hoisted by the towing truck or equipment, except when:
 - 1. The vehicle is being towed by order of the Ordinance Violations Bureau because it has been involved in four (4) or more traffic ordinance violations for which notices thereof have been issued and not been paid, presented for compromise payment or slated into court pursuant to Sec 611-203 of the Municipal Code;
 - 2. There is a valid reason to impound the vehicle; or
 - 3. The towing of the vehicle requires that its front bumper be removed and its air brake system charged and the owner or operator arrives after this work has been completed.
- I. Any time a vehicle is ticketed and towed for a parking violation, hazard violation, nuisance violation, or recovered stolen with or without an arrest, the officer must contact the Auto Desk Unit by telephone at 327-2886 with the vehicle information **before** marking in-service. [<61.4.3c>](#)
 - 1. The radio may be used 24 hours a day to call in parking violations only.



- J. With the exceptions of parking violations, recovered stolen vehicle tows, or abandoned vehicle tows by the DPW - Abandoned Vehicle Division, all other vehicles towed for any reason must be included in the vehicle section of an Incident Report.

NOTE: Recovered stolen vehicles require an addition to the original case.

- K. *Abandoned Vehicles* - Abandoned vehicles (or vehicle parts) in neighborhoods may be tagged as abandoned pursuant to current law. <61.4.3a>
- L. *Towing items of heavy property* - Only supervisors are authorized to order a franchise wrecker to tow items of heavy property.
1. The seized item(s) must not be transportable (due to size or weight) in a car, prisoner wagon or property room truck.
 2. The property will be towed to either the Property Room or the Property Room Annex.
 3. An Incident Report **must** be generated whenever an item of heavy property is towed.
 4. The Tow Slip must have the name, unit number, and identification number of the authorizing supervisor.

NOTE: Heavy property items containing combustibles are not accepted at the Property Room or the Property Room Annex. Therefore, such items are to be towed to the contract wrecker's lot for storage.

- M. *Boats* - Boats are to be towed under the department's policy for vehicle tows.
1. Impounded boats are to be taken to the appropriate franchise wrecker company lot.
 2. Officers are to complete a tow slip containing appropriate hull numbers or other identifiable numbers and all procedures regarding property control.

IV. Inventory Searches <1.2.4f>

NOTE: An inventory search should not be motivated by an officer's desire to investigate and seize evidence of a criminal act.

- A. Whenever an officer takes a vehicle into custody, an inventory search will be conducted prior to impoundment and a detailed listing of any property found in the vehicle will be made.
1. The vehicle inventory search will consist of searching the passenger compartment of the vehicle.
 2. If a key is available, or if unlocked, the glove compartment and trunk will also be searched.

NOTE: Under NO circumstances should force be used to open either the glove compartment or trunk for an inventory search.

3. All containers in the vehicle must be searched. Locked containers should not be forced open.



- a. If there is immediate danger, the container will be handled in accordance with the appropriate General Order covering bomb threat procedures.

NOTE: Under NO circumstances will any container suspected to be combustible be placed in the Property Room.

- B. All property discovered during an inventory search, including those found in closed containers, will be listed in the officer's personal notebook.
 1. All property sent to the Property Room must be delivered prior to the end of the officer's shift and must be included in the incident report.
 2. The vehicle will be towed to the appropriate location as dictated by the incident.
- C. Locked vehicles towed for simple parking violations and no keys are available should not be opened unless it is required to facilitate the tow procedure or secure visible property.

V. Vehicle Holds

NOTE: Any officer placing a vehicle in Detective Hold, Forfeiture Hold, Coroner Hold, or Evidentiary Hold status without following the procedure as established in this directive cannot be guaranteed that the vehicle will be held accordingly.

A. Forfeiture and Detective Holds

1. The reporting officer shall check the appropriate box on the Tow Slip to reflect the vehicle is being placed on a '**Detective Hold**' or a '**Forfeiture Hold**' before the tow slip is provided to the wrecker driver.
2. The reporting officer shall also personally contact the Indianapolis Metropolitan Police Department Auto Desk at 327-2886 to report the tow.
3. The reporting officer shall provide the processor with **all** the pertinent information regarding the vehicle towed, including, but not limited to, the following information:
 - a. the reason the vehicle was towed;
 - b. the hold status requested;
 - c. the location the vehicle was towed from;
 - d. the location the vehicle is being towed to; and
 - e. the franchise wrecker information.
4. A '**Detective Hold**' should only be placed on vehicles where the case will be assigned to a detective and such a hold is only valid for 72 hours following the incident.
 - a. The reason for the hold must be explained in the Incident Report or inter-department to the booking sergeant.



b. If it is necessary to hold a vehicle longer, an inter-department stating the reason for extension must be sent through the detective's chain-of-command to the Auto Desk Unit.

5. Any vehicle that is required to be registered under Indiana Code and does not have the proper certificate of registration or license plate may be impounded and held until a time when the proper certificate of registration and license plate have been procured by the legal owner of the vehicle.

B. Coroner Hold

1. Only the franchise wrecker contracted by the Marion County Coroner's Office is to be used whenever a vehicle being towed is involved in an active coroner's death investigation.
2. The reporting officer will assist by completing the tow slip and including the towed vehicle information in the Incident Report.
3. After approval by Crime Lab personnel, vehicles being processed by the Crime Lab will be towed to the Metropolitan Emergency Communications Agency (MECA) at 47 S. State Avenue.

C. Evidentiary Hold

1. Any vehicle involved in an active criminal investigation or "Fatality Hit and Run" accident, requiring the collection of physical evidence thereon, and is impounded at a point and time not immediate to the originally investigated incident, will be towed to the contracted secured facility for evidence processing.
2. An '**Evidentiary Hold**' should only be placed on vehicles where the case has been assigned a detective or Fatal Accident Crash Team (FACT) investigator.
3. The vehicle must be scheduled for processing by the Crime Lab within seventy-two (72) hours following impoundment.
4. Once the vehicle has been processed, it will be the assigned detective's or FACT investigator's responsibility to see the vehicle is:
 - a. **Held as Evidence** – In such cases, the vehicle will be towed to the appropriate district franchise wrecker lot from the secured facility where it is located.. Notification of the hold must be made by a phone call to the Auto Desk at 327-2886 and an addition to the original case report must be made.
 - b. **Released from Impoundment** – In such cases, the vehicle will remain at the contracted secured facility for release to the appropriate owner through the Auto Desk.

NOTE: No member of the Indianapolis Metropolitan Police Department shall participate in the purchase, sale, or destruction of any impounded automobile, or in anyway derive any personal benefit from the purchase, sale, or destruction of an impounded automobile, pursuant to state law.



VI. Assistance to Motorists

- A. It is the policy of this department to render aid to motorists in need of assistance when possible or to relay the need for assistance if stopping to help would be impractical or unsafe. [<61.4.1a>](#)
- B. Officers may encounter road hazards that affect the normal and safe flow of traffic. [<61.4.2>](#)
1. Officers should attempt to correct potential or existing traffic hazards whenever possible.
 2. If unable to correct the hazard, officers will notify Communications so to arrange an appropriate agency to render the required assistance.
- C. It is the responsibility of each officer to render assistance or notify the appropriate agency to provide assistance in both normal conditions and in emergency situations (e.g. vehicle fires, medical emergencies, etc.) [<61.4.1d>](#)
- D. Officers are responsible for the safety of motorists and passengers in a vehicle that is impounded by the department and must use every effort to ensure the motorist or passenger is not stranded in an environment that is considered threatening to their health or safety.
- E. *Vehicle Occupants Safety* - Officers assisting a stranded motorist may elect to take one or more of the following actions depending on the particular situation. This includes motorists or passengers stranded because of a disabled vehicle, or because of a police action. (e.g., towing a vehicle, arresting the driver, or a licensing or registration violation) [<61.4.1b>](#)
1. Notify an appropriate agency to render the required assistance (i.e. mechanical repair, fuel, etc.); or
 2. Have the vehicle towed privately.
 - a. Officers should allow the motorist to specify which service to notify.
 - b. Officers must not recommend a wrecker service, but may provide information as requested.
- F. When a motorist or passenger is stranded in an environment that is considered threatening to the motorist's health or safety, officers should make every effort to ensure the safety of the occupants. This may include: [<61.4.1c>](#)
1. Making notification to the Communications Center;
 2. Waiting until the proper assistance has arrived; or
 3. Transporting the person(s) to safety if no alternative is available.
 - a. Officers having cause to transport stranded persons must contact their supervisor for permission, notify the Communications Center of their actions, and provide mileage readings as necessary.



VII. Legal References

- A. **City Ordinance, Sec 611-204:** Any officer or deputy, upon discovering a vehicle parked or left standing so as to constitute a public nuisance pursuant to the provisions of this article, shall cause the vehicle to be removed to an authorized storage place where it will be impounded and detained as provided in this article.
- B. **Indiana Code, 9-21-16:** Officers observing a vehicle that is unattended and in violation of any of the provisions of I.C. 9-21-16 (Chapter 16, Parking) may cause the vehicle to be impounded (e.g., obstructing traffic, illegal parking, or blocking an intersection).
- C. **Indiana Code, 9-18-2-43:** Notwithstanding any law to the contrary, a law enforcement officer authorized to enforce motor vehicle laws who discovers a vehicle required to be registered under this article that does not have the proper certificate of registration or license plate, may:
1. Take the vehicle into the officer's custody; and
 2. Cause the vehicle to be taken to and stored in a suitable place until:
 - a. The legal owner of the vehicle can be found; or
 - b. The proper certificate of registration and license plates have been procured. This includes plates that are:
 - i. Registered to another vehicle;
 - ii. Issued to another person;
 - iii. Altered, including paper temporary plates; or
 - iv. Expired.
- D. **U.S. Supreme Court Case South Dakota v. Opperman**, 428 U.S. 364, (1976), the U.S. Supreme Court recognized the practice of securing and inventorying the contents of impounded vehicles for the following purposes:
1. The protection of the owner's property while the vehicle is in police custody;
 2. Protection of the police against false claims or disputes over lost or stolen property and from potential danger, such as the discovery of weapons; and
 3. To aid in determining whether the vehicle is stolen or abandoned.
- E. **U.S. Supreme Court Case Colorado v. Bertine**, 479 U.S. 367, (1987), the U.S. Supreme Court held the practice of searching containers found inside a vehicle, being searched pursuant to standardized police inventory search policy, to be constitutional.
1. All areas of a vehicle where property is normally contained may be searched;
 2. All containers in a vehicle may be searched; and
 3. Locked containers may not be forced open.



F. Indiana Constitution, Article I., Section 11. Search and Seizure

1. "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable search or seizure, shall not be violated; and no warrant shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the person or thing to be seized."