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What Happens to a Vehicle that is Towed or Impounded?

Homicide and missing person cases many times involve the disappearance of a vehicle related to the investigation. This paper will address the points an investigator must consider when searching for or trying to identify the location of a vehicle related to a case.

One difficulty in developing information on this topic is that while states have regulations regarding towing and impounding vehicles, local jurisdictions can also regulate vehicle towing and impounds through their city ordinances and codes. It would be impossible to include all of these regulations in a paper such as this, but it should give a researcher a better understanding of the process. This will allow the researcher to concentrate efforts more specifically in a jurisdiction they may be researching.

What is an Impound?

In Minnesota, an “impound” is defined by statute as “to take and hold a vehicle in legal custody. There are two types of impounds, public and non-public”.¹ When a vehicle is towed from public or private property it is generally taken to an impound lot. An exception to that would be transporting a vehicle to a secure law enforcement facility for the processing of evidence. It is important to point out that not all cases of towing a vehicle fit the criteria of an impoundment. A vehicle owner may contract the services of a towing company to move their disabled vehicle to their property or to a service station.

When Can a Vehicle Be Towed For Impound?

Vehicles parked on public property are subject to the towing regulations set by state statute or local city code. Generally, vehicles on public property or roadways that are in violation of parking regulations cannot be towed until a four-hour waiting period has passed.² Local jurisdictions may have more stringent ordinances allowing immediate removal.³ State law may also define circumstances where removal of the vehicle is not subject to the four-hour waiting period. Some of the circumstances include, parking in violation of snow emergency regulations, blocking a driveway, alley, or fire hydrant, parked blocking the right-of-way of a public street or highway, or parked in a zone restricted for use by emergency vehicles.⁴ Additionally, law enforcement can tow a vehicle immediately if they have probable cause to believe the vehicle is stolen, or contains evidence of a crime to preserve the evidence.⁵ In the event the vehicle is parked in a lot owned or controlled by a

government agency, it may be towed after 48 hours, or after four hours if the lot is legally posted.⁶

If a vehicle is parked or abandoned on private property without the owner's consent that vehicle may be towed from the property.⁷ State law in Minnesota for instance prescribes the amount of time that an owner of the property must wait before towing the vehicle. If the property is single-family or duplex residential the owner may tow the vehicle immediately.⁸ If the property is nonresidential or residential and the owner has properly posted, the vehicle may also be removed immediately.⁹ If the owner of nonresidential property has not posted legally a vehicle may be removed after twenty-four hours.¹⁰

Vehicles left abandoned on Federal properties such as national park lands can be impounded by forestry officials five days after notice is mailed to the registered owner¹¹, or if the owner is unknown 15 days after notice is placed in a local newspaper, posted at the county courthouse, and in at least one local post office.¹²

Who is Notified When a Vehicle is Impounded?

Notice of impound is generally delivered by certified mail to the registered owner of the vehicle, or any lien-holder. The length of time a jurisdiction has to notify the owner varies within differing jurisdictions but generally occurs within three to ten days as prescribed by statute or city code.^{13 14 15} In the event that an impound lot is not able to determine the registered owner or lien-holder of a vehicle some jurisdictions stipulate that notice of the impoundment be placed in a local publication where the vehicle was recovered.¹⁶ Vehicle owners are notified of the location the vehicle was taken from along with any identifiable information about the make, model, color and registration info; as well as information on how to reclaim the vehicle. Within that notice they are also advised of their right to reclaim the vehicle and the procedure should they refuse to do so. Retention of records tracking vehicles that have been impounded varies from impound lot to impound lot, as a result, individual impound lots would need to be contacted to determine their retention policies. Generally a tow company impounding a vehicle from private property will contact local law enforcement to determine whether a vehicle is stolen, during or after the process of towing the vehicle.

What Happens to Vehicles Not Claimed by Owners?

In the event that a vehicle is not claimed by the owner, statute or code describes the process to be followed for disposal of the vehicle. Disposal of vehicles is generally through public sale or auction. Each jurisdiction may have separate requirements for the length of time that must elapse between notification attempt, and eligibility for sale at public auction. Two large metropolitan cities specify that fifteen days must pass before a vehicle is eligible for public sale.^{17 18} For other municipalities where local ordinance does not specify a different time-period a vehicle is eligible for disposal after 45 days and a second mailed notice.¹⁹ In the event a vehicle is abandoned on Federal property as described earlier, ninety days must elapse, after the initial notice that a vehicle will be impounded, before a vehicle is eligible for disposal.²⁰ Some jurisdictions require that notice of public sale be posted in a local publication before the vehicle is permitted to be sold. This occurs only after the expiration of the initial

waiting period.²¹ Local jurisdictions, authorized by ordinance or code, may utilize vehicles eligible for sale. Some of these uses include police departments utilizing a vehicle for special investigations prior to offering it for public sale.²² Vehicles not sold at public sale are generally disposed of by the local jurisdiction to vendors who reclaim the vehicle components as scrap materials.²³

A vehicle that is abandoned without plates in a state where it is not registered can create the potential for never recovering the vehicle or learning of its whereabouts. If an agency or impound operator is not aware of the state the vehicle is registered in, and does not do an exhaustive search of each 50 states' records, the owner of the vehicle may never be discovered.

What About Vehicles That Don't Make it to Impound?

There are many potential ways that a vehicle can disappear. Towing or impound is only one of many different ways that could lead to a vehicle related to a case being missing. Some additional methods of concealing a vehicle to be considered include; concealment on private property such as parking the vehicle in an out-building or burial, intentional concealment of a vehicle by burning, or theft of a vehicle that is subsequently taken to a "chop shop" and reduced to parts for sale. Another possibility to consider is that the vehicle may be concealed by the natural terrain it is located within. Whether by accident, or intent, a vehicle could be located in a river or stream, out of view in a ravine, cliff, canyon, or simply masked by heavy vegetation.

How is This Relevant to Researchers or Investigators?

When faced with a homicide investigation or missing person case where the vehicle is unaccounted for, researchers or investigators must consider any possibility that would result in the vehicles whereabouts remaining unknown. Towing or impounding is one of many potential dispositions of a vehicle. By considering the information presented here it is hoped that a general understanding of the process will guide a researcher or investigator to consider this as a potential explanation for a vehicles disappearance.

Investigators should also consider the timeline of events. In cases where entry into the National Crime Information Center (NCIC) database is significantly delayed, investigators should consider contacting the FBI to conduct an off-line search of NCIC queries. This will allow an investigator to determine whether anyone had queried the database for the vehicle when they towed or impounded it. Off-line queries should include a Vehicle Identification Number (VIN) query as well as a license plate check.

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- ¹ Minn. Stat. § 168B.011 Subd. 7
² Minn. Stat. § 169.041 Subd. 3
³ St. Paul, Minnesota, Municipal Code title XV, § 162.01a (2008)
⁴ Minn. Stat. § 169.041 Subd. 4
⁵ Minn. Stat. § 169.041 Subd. 4
⁶ Minn. Stat. § 168B.011 Subd. 2
⁷ Minn. Stat. § 168B.011 Subd. 2
⁸ Minn. Stat. § 168B.04 Subd. 2(b)(2)(i)
⁹ Minn. Stat. § 168B.04 Subd. 2(b)(2)(ii)
¹⁰ Minn. Stat. § 168B.04 Subd. 2(b)(2)(iii)
¹¹ 36 U.S.C. § 262.12(a) (2008)
¹² 36 U.S.C. § 262.12(b) (2008)
¹³ St. Paul, Minnesota, Municipal Code title XV, § 162.03a (2008)
¹⁴ Minneapolis, Minnesota, Municipal Code art. X, § 478.1044 (2008)
¹⁵ Minn. Stat. § 168B.06 Subd. 1
¹⁶ Minn. Stat. § 168B.06 Subd. 2
¹⁷ Minneapolis, Minnesota, Municipal Code art. X, § 478.1150 (2008)
¹⁸ St. Paul, Minnesota, Municipal Code title XV, § 162.10a (2008)
¹⁹ Minn. Stat. § 168B.06 Subd. 2
²⁰ 36 U.S.C. § 262.12(c) (2008)
²¹ St. Paul, Minnesota, Municipal Code title XV, § 162.10a (2008)
²² St. Paul, Minnesota, Municipal Code title XV, § 162.10b (2008)
²³ Minn. Stat. § 168B.08 Subd. 2.

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