

IDAHO STATE POLICE PROCEDURE

06.05 VEHICLE IMPOUND AND INVENTORY

I. General.

- A. The Idaho State Police (ISP) is frequently tasked with removing and processing vehicles and their contents.
- B. While a vehicle inventory is an exception to the warrant requirement of the Fourth Amendment of the United States Constitution and Article I, section 17, of the Constitution of the State of Idaho, the decision to impound the vehicle must be reasonable under the circumstances and cannot be solely for the purpose of conducting an inventory search.
- C. Any container or compartment, whether locked or unlocked, within any vehicle subject to inventory must be opened and the contents inventoried.
- D. Vehicles should only be impounded and towed when allowed by law and in compliance with this procedure.

II. Valuing a Vehicle

- A. "High Value Vehicle" means a vehicle valued at more than \$750; ITD High Value Authorization to Tow form (ITD 5100) will be completed.
- B. "Low Value Vehicle" means a vehicle valued at \$750 or less; ITD Low Value Authorization to Tow form (ITD 4100) will be completed.
- C. To determine the value of a vehicle, use the NADA consumer vehicle valuing tool located at www.nada.org/nada/consumer-vehicle-values. The Kelley Blue Book (KBB) tool may also be used and can be found at www.kbb.com/whats-my-car-worth/.
- D. Use the TRADE-IN VALUE, rather than the private party value, to determine the value of the vehicle.

III. Impound Following Driver Arrest.

- A. When arresting a driver/owner of a motor vehicle, possession of the vehicle may be given to a competent passenger who:
 - 1. possesses a valid driver's license; and
 - 2. has consent from the vehicle's owner to take possession of the vehicle.
- B. Do not call for a driver to come to the scene.
- C. If the vehicle cannot be driven from the scene, ensure the safety of passengers stranded by the actions of the person arrested.

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- D. When no passenger is available or able to remove the vehicle:
 - 1. If the vehicle is legally parked and does not create a safety hazard to the motoring public, lock the vehicle, and leave the vehicle where it is parked;
 - 2. Impound the vehicle utilizing the appropriate ITD Authorization to Tow form if the vehicle is:
 - a. within the boundary lines of the interstate, state highway, or other location that is impeding traffic or otherwise creates a threat to public safety;
 - b. parked at a business with signage indicating it will tow vehicles parked overnight or does not allow public parking; or
 - c. on private property without the consent of the owner of the property.
- E. Give a copy of the Authorization to Tow to the tow operator and the legal or registered owner if present.
- F. Deliver a copy of the Authorization to Tow to the District Office. A copy must be mailed via certified mail to the owner within 48 hours (excluding weekends and holidays) even if one was already given on scene. The District Office will retain proof of mailing by certified mail.
- G. Vehicles involved in commerce and/or transporting livestock, perishable freight, or high value commodities should be impounded and the contents inventoried using the High Value Authorization to Tow.

IV. Impound of Abandoned Vehicles.

- A. Abandoned Vehicles are impounded pursuant to [Idaho Code Title 49 Chapter 18](#).
- B. Troopers must determine if the vehicle falls under one of the following extraordinary circumstances and can be towed:
 - 1. Vehicle is endangering public safety;
 - 2. Vehicle's placement is creating an emergency situation;
 - 3. Vehicle is blocking or impeding traffic or causing a hazard;
 - 4. Vehicle's placement will impede an emergency vehicle, snow removal vehicle, or other maintenance vehicle;
 - 5. Vehicle has been reported stolen and not yet recovered; or
 - 6. Vehicle is not registered or has expired registration.
- C. In any of the above situations, towing may occur immediately. However, the trooper should determine if immediate towing is needed, or whether the vehicle may be towed later in the day (such as after rush hour). If any portion of the vehicle is on the pavement, the vehicle should be towed at dark. Notification to the owner should be made by the RCC consistent with ISP procedure 07.14 Regional Communications Center (RCC) Operation.
- D. If none of the above extraordinary circumstances apply, the vehicle may be towed after

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48 hours pursuant to the following procedure:

1. Fill out form EHF 06-05-02 Abandoned Vehicle Sticker and attach to the vehicle.
2. Request that the RCC make reasonable efforts to notify the vehicle's owner of the location of vehicle and the time and date of planned tow. The planned tow must be at least 48 hours later.
3. After 48 hours, the vehicle may be towed.

E. At the time the vehicle is towed:

1. Determine the value of the vehicle and complete the appropriate Authorization to Tow form.
2. For Low Value Vehicles, fill out the appropriate box on the Low Vehicle Authorization to Tow form indicating the reasons the vehicle is valued at less than \$750. Include the vehicle estimate provided by NADA or KBB.
3. If the abandoned vehicle is unlocked, inventory the contents and note the items on the appropriate Authorization to Tow form.
4. If the abandoned vehicle is locked, note this information on the appropriate Authorization to Tow Form and complete form. Take inventory of any items that are visible from the outside of the vehicle.
5. Give a copy of the Authorization to Tow to the tow operator.

F. Deliver a copy of the Authorization to Tow to the District Office. A copy must be mailed via certified mail to the owner within 48 hours (excluding weekends and holidays). The District Office will retain proof of mailing by certified mail.

V. Impound of Commercial Vehicles. When arresting a driver/owner of a commercial vehicle, contact the motor carrier for assistance regarding towing or parking the commercial vehicle.

VI. Crash Scene Inventory.

A. At a crash scene where no probable cause exists that a vehicle was involved in a crime and the vehicle must be towed:

1. If the owner/operator is present and authorizes the removal of their vehicle, do not inventory the vehicle's contents or fill out an Authorization to Tow form. If the Trooper requests that dispatch contact a tow company, the Trooper must state that the vehicle owner is authorizing the tow rather than ISP. This should also be relayed to the tow company.
2. If the legal or registered owner is not present at the scene, or when the owner/operator is incapacitated, complete the appropriate Authorization to Tow form (ITD 4100 for Low Value Vehicles and ITD 5100 for High Value Vehicles) including the space provided to inventory the vehicle.
3. Give a copy of the Authorization to Tow to the tow operator and the legal or registered owner if present.

B. Deliver a copy of the Authorization to Tow to the District Office. A copy must be mailed via certified mail to the owner within 48 hours (excluding weekends and holidays). The District Office will retain proof of mailing by certified mail.

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VII. ISP Impound Lot.

- A. When a vehicle must be held for evidence processing, it should be towed to the ISP impound lot instead of a commercial impound lot.
- B. When ISP does not file for forfeiture on a vehicle, the owner will be responsible for towing costs and should deal directly with the towing company.
- C. ISP should release the vehicle to the owner when a receipt from the towing company for payment of the towing costs is provided.
- D. When ISP files for forfeiture, ISP is responsible for towing costs.

VIII. Disposition of Motor Vehicles.

- A. Vehicles may be released to owner or lienholder at any time prior to disposition.
- B. Low Value Vehicles.
 - 1. 15 days after tow, District staff should call the tow company to determine if the vehicle is still in its possession. If vehicle was released, note the name of the person it was released to on the Authorization to Tow form, clear the case and file the documents.
 - 2. If the vehicle has not been claimed, District Office staff shall:
 - a. Request communication officers in the appropriate RCC run the VIN again to verify the vehicle is not stolen, the name of the current owner, and the name of any lien holders.
 - b. Contact the tow company for the date the "Notice of Intent to Dispose of Vehicle less than \$750" and the "Declaration of Opposition" was sent by the tow truck company to all owners and lienholders. Do not proceed unless the tow company provides documentation that the above documents have been mailed to the owner and lienholders.
 - 3. 15 days after the date of mailing of the above documents, fill out Section 3 of the Low Value Authorization to Tow form. Send the form to the tow company, clear the case and file the documents.
- C. High Value Vehicles.
 - 1. Vehicle must be stored for 60 days prior to pursuing sale of the vehicle.
 - 2. After 60 days, the District Office should call the tow company to see if the vehicle is still in its possession. If vehicle has been released, note the name of the person it was released to on the Authorization to Tow form, clear the case and file the documents.
 - 3. If vehicle has not been released, District Office staff shall:
 - a. Request communication officers in the appropriate RCC run the VIN again to verify the vehicle is not stolen, the name of the current owner, and the name of any lien holders.
 - b. Request a copy of the Notice of Tow and Storage (and proof of mailing)

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- from the towing company.
- c. At least 15 days prior to the date of sale, complete and send by certified mail ITD 5103 Notice of Vehicle Sale for a High Value Vehicle to the registered owner and all lienholders. Retain proof of mailing. If the owner's address is unknown, send the notice to the last known address.
 - d. Complete the EHF 06-05-05 Legal Ad Notice and publish it in a newspaper of general circulation in the location where the vehicle was towed from at least twice. Obtain proof of publication from the newspaper.
 - e. Send a copy of the ITD 5103 Notice of Vehicle Sale and the EHF 06-05-06 Possessory Bid Sheet to the tow company.
4. Once the above steps are taken, and the date indicated on the notice of sale has passed, the vehicle may be sold to the highest bidder. The District Office will fill out ITD 5101 Application for Title for High Value Vehicle and give it to the purchaser along with the items listed in Section 4 of the form. The new owner is responsible for taking the Application and listed items to the local DMV for processing.
 5. If there are excess proceeds after paying the costs of conducting the sale and possessory lien fees, forward the fees to the Idaho Department of Transportation for placement in the Abandoned Vehicle Fund.