



## TOWING/IMPOUND OF VEHICLES

**Directive: 14 – 124**

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### I. PURPOSE

The purpose of this Directive is to establish procedures for use by all sworn personnel to ensure the proper exercise of authority when towing/impounding vehicles.

### II. POLICY

It shall be the policy of DGS-MCP that police officers' will only direct the removal of vehicles by towing under the authorities afforded them by State and Federal law and in accordance with the guidelines set forth in this directive.

### III. DEFINITIONS

- A. INVENTORY - A warrantless search of a motor vehicle that is used to inventory the contents of the vehicle prior to impounding the vehicle. The inventory search shall include all parts of the motor vehicle, including the trunk and any closed or locked containers inside the vehicle, if access is afforded. The purpose of an inventory is to protect the officer and DGS-MCP from any claims of theft of valuables from the vehicle, or damage to a vehicle.
- B. OPERATOR - In this directive, operator refers to the owner or operator of a vehicle.
- C. STORAGE - The impounding of a vehicle in order to protect the vehicle from damage or theft.

### V. PROCEDURES

#### A. TOWING OF VEHICLES, GENERALLY

1. Vehicles may be stored for the following reasons:
  - a. The vehicle is abandoned or inoperable;
  - b. The driver of the vehicle is arrested;
  - c. The vehicle is recovered stolen;

- d. The vehicle is involved in a crime, or there is the possibility of evidence or fruits crime within the vehicle;
  - e. It poses a traffic hazard; or
  - g. The vehicle is illegally parked.
2. No vehicles, as a result of an arrest, will be parked or left on state property. When the operator of a vehicle is arrested, they will be given the following options for making disposition:
    - a. The officer will advise the operator that MCP can arrange for an authorized towing business to respond to the scene.
    - b. If the operator desires to have the vehicle towed, he is permitted to use a towing business of his choosing.
    - c. The operator may release the vehicle to a licensed driver who is willing to assume full responsibility for the vehicle and all property within.
  3. Since MCP does not operate a towing service, we must rely on private towing services.
  4. Members of MCP will access a tow company by having the Police Communications Operator (PCO) contact the tow service currently at the top of the established list.
  5. The officer must provide sufficient information regarding the vehicle needing towed to allow the PCO to determine the type of tow truck required.
  6. Unless exigent circumstances exist, an officer will not:
    - a. request the services of a particular towing business unless the request is made by the operator; or
    - b. allow any towing business other than the one dispatched by the PCO to tow the vehicle.
  7. When exigent circumstances exist which require an immediate response, and the shift supervisor determines that another towing business can provide the required assistance in a more efficient or expeditious manner, the supervisor may deviate from the normal procedures and request that towing business handle the request.
    - a. Such a request will be recorded as a response for the towing service who responds.
    - b. Towing businesses by-passed in such situations will be requested for the next response.
  5. All tows will be initiated through the tow list unless the operator requests a particular company be used. This will be an acceptable alternative under the following circumstances:
    - a. The tow is being paid for by the owner;

- b. The use of the specified company does not create an unsafe condition or unreasonable time frame;
- c. There is not a Law Enforcement hold on the vehicle.

## B. AUTHORIZED TOWING BUSINESS

1. A business will be included on the authorized towing list if the business:
  - a. complies with all federal, State and local laws, regulations and ordinances;
  - b. only engages in business practices which could not be construed to constitute a conflict of interest with the State or MCP;
  - c. responds to all reasonable requests for towing;
  - d. operates tow trucks properly registered with the Motor Vehicle Administration and which are capable of safely performing towing operations; and
  - e. complies with established MCP policies related to vehicle towing and storage.
2. Each Detachment will maintain a list of authorized Tow Businesses.
3. The Detachment Commander will designate a supervisor to serve as the Tow Program Supervisor, who will be responsible for conducting initial and annual inspections of authorized tow businesses.
4. The Tow Program Supervisor will inspect each authorized tow business for the following:
  - a. The tow business' facility will be inspected to ensure it maintains a secure lot for storage of vehicles towed at the direction of MCP. The tow company lot will be no more than 15 miles from the Detachment.
  - b. The business will be required to provide a 24/7 contact number for tow requests and release of vehicles.
  - c. The tow business will provide a list of all tow vehicles and tow operators that will respond to MCP tow requests. The Tow Program Supervisor will run an MVA check on the tow vehicles and operators to ensure they are properly registered and licensed.
  - d. The tow company lot will be no more than 15 miles from the Detachment.
  - e. The tow business will provide a written fee schedule to the Tow Program Supervisor. The fee schedule will comply with the requirements set for in the Maryland Transportation Article 21-10A-04.

- f. If a towing business refuses to permit an inspection by MCP personnel, that towing business will be removed from the authorized towing list.

#### C. RECORDS OF TOWED VEHICLES

1. Whenever a vehicle is towed, an incident will be initiated in the Computer Aided Dispatch (CAD).
2. The PCO will enter the time, date, location, requesting officer, reason for the tow and the name of the tow business in the CAD.
3. If the vehicle is being stored at the direction of the police officer, the police officer will complete a Vehicle tow Report in the CAD as outlined below and a Vehicle Impound Report (MCP Form 50).

#### D. VEHICLE INVENTORIES

1. All vehicles stored by MCP will be inventoried by the officer who stores the vehicle.
2. Unless impractical to do so, vehicles will be inventoried prior to removal by the towing business.
3. Unless otherwise indicated in this policy, all property (including items in unlocked baggage and items in the trunk and glove compartment) in the vehicle must be inventoried.
4. Certain limitations are imposed on the scope of an inventory.
  - a. An inventory may extend to any part of the vehicle where personal property would ordinarily be kept; looking elsewhere may call into question the officer's motives.
  - b. Evidence or contraband discovered during a bona fide inventory may be seized and used to prosecute the defendant; the burden is on the officer to show that the inventory was reasonable and pursuant to MCP policy.
  - c. If evidence is discovered during an inventory, the inventory should be stopped, the vehicle secured and a search warrant obtained.
  - d. Only after execution of the search warrant, should the inventory be completed.
5. Certain items should not be inventoried.
  - a. Locked luggage and containers will not be inventoried or removed from vehicles, unless a key is available.
    - (1) Even if the value appears significant, these items will not be removed but will remain locked in the vehicle, preferably the trunk.

(2) These items will be documented in the comments section of the Vehicle Impound Report.

- b. Forced entry into a locked trunk, glove box, suitcase or other item is not permitted unless express permission has been granted by the owner and a Form 78, Consent to Search and Seize, has been signed.
  - c. Vehicle equipment (e.g., spare tire) will not be listed on the inventory or removed from the vehicle and will be secured in the vehicle.
6. If there is probable cause that a locked container may contain evidence of a crime, a search warrant must be obtained.
  7. The exterior of the vehicle shall be surveyed for damage that exists prior to the tow.
  8. The contents and condition of the vehicle shall be clearly documented on a Vehicle Impound Report. The officer completing the inventory for the storage will sign the form, and clearly print his/her name on the form. A copy of the form may be given to the tow company at their request and the original will be maintained by the officer for report purposes.
  9. Items that present a safety concern for the public, such as firearms, will be removed from the vehicle and placed into the property holding facilities at each detachment.
  10. Items that present a liability risk such as large amounts of cash or expensive property will be removed and similarly stored for the owner. All items removed from a vehicle will be documented on the tow report, and a separate property report will be completed for all items taken for safekeeping.

#### E. ABANDONED VEHICLES

1. Abandoned vehicles, as defined in TR 25-201, shall be marked with a notice, giving the intent to tow the vehicle in forty eight (48) hours (unless the location of the vehicle's abandonment creates a risk to other citizens and must be towed immediately).
2. Officers shall notify the PCO when a vehicle is identified as abandoned and it shall be documented in the CAD. The PCO shall enter the vehicle information, date, time, and location of the vehicle.
3. Prior to towing, the officer shall make reasonable attempts to identify and contact the registered owner of the vehicle. If towing of a vehicle does occur, record of the attempts to contact the registered owner shall be documented.

#### F. VEHICLE OPERATOR ARRESTS

1. When the operator of a vehicle is arrested, and the vehicle and contents have no evidentiary value, the operator will be given the following options for making disposition:

- a. The officer will advise the operator that MCP can arrange for an authorized towing business to respond to the scene.
  - b. If the operator desires to have the vehicle towed, he is permitted to use a towing business of his choosing.
  - c. The operator may release the vehicle to a licensed driver who is willing to assume full responsibility for the vehicle and all property within. The person taking possession of the vehicle must:
    - (1) Be a licensed driver; and
    - (2) Not under the influence and in a safe condition to drive as determined by the officer.
2. When an arrest is made and the vehicle requires towing, the officer shall inventory the vehicle prior to releasing it to the tow company.

#### G. RECOVERED STOLEN VEHICLES

1. When a stolen vehicle is recovered, it shall be treated as evidence and as such, may need to be processed for evidence.
2. Officers will also notify the MCP Criminal Investigations Section (CIS) of the recovery. The CIS investigator will assist in coordinating any evidence processing and disposition of the vehicle.
3. MCP personnel shall contact the agency that entered the vehicle as stolen to determine if any special evidentiary circumstances exist.
4. If the stolen vehicle is not required to be held as evidence, it may be inventoried and towed.
5. If the vehicle needs to be processed for evidence, where feasible, it will be processed at the scene.
6. If the vehicle is not able to be processed at the scene, MCP will, in coordination with the reporting agency, determine a secure location to take the vehicle. An MCP officer will follow the vehicle to the secure location to maintain chain of custody.
7. The originating agency will be responsible for notifying the registered owner of the vehicle and the owner will be responsible for arrangements necessary to retrieve the vehicle.

#### H. VEHICLES AS CRIMINAL EVIDENCE

1. A vehicle may be held because it was involved in a crime and/or has evidence of a crime within it.

2. The Officer will notify the CIS for a disposition on the vehicle and/or its contents. CIS will determine if a search warrant will be required prior to processing and will direct MCP personnel of the steps required to secure the vehicle and or its' contents.
3. Any evidentiary items removed from the vehicle will be documented on the Vehicle Impound Report and listed on a Property/Evidence Report.

#### I. TRAFFIC HAZARDS

1. A vehicle may not be left unattended if it is impeding the free flow of traffic, or is creating a traffic hazard. Under these circumstances, and where the owner operator is unavailable, unable and/or unwilling to immediately move or make disposition on the vehicle, an officer may have the vehicle towed and placed in storage.
2. The officer shall make notification to the owner as outlined below.

#### J. PARKING VIOLATIONS

1. Pursuant to Maryland Transportation Article, 21-1001 a person may not park where prohibited by an official sign.
2. If a vehicle is improperly parked and creates a traffic and/or public safety threat, it may be immediately towed and placed in storage.
3. Vehicles which are illegally parked but do not create a traffic hazard or require immediate removal will not be stored until the following actions have been taken:
  - a. The Officer observing the violation will provide the PCO with the vehicle information.
  - b. The PCO's will run the registration and will compare the registered owner's last name with the State Employee's Data Base and if the last name matches, will advise the Officer of the possibility that the vehicle is being operated by a state employee.
  - c. The officer will make a reasonable effort to confirm that the vehicle is being operated by a state employee or elected official.
  - d. If the vehicle is parked in a reserved parking space for an elected or state government official, the officer will have the PCO make contact with the office of the official to ensure permission had not been obtained by the operator to park there.
  - d. If it is confirmed that the vehicle is being operated by a state employee or elected official, attempts will be made to contact the employee and have the vehicle moved.
4. If it is determined that the vehicle is owned or operated by a state employee or official and they cannot be contacted, the officer may issue a written warning.
5. If, with reasonable effort, it cannot be initially confirmed that the vehicle is being operated by a state employee or elected official, the officer may:

- a. issue a written warning or citation; or
  - b. store the vehicle if it is parked in a reserved parking space for an elected or state government official, and the officer obtains concurrence from the on-duty supervisor.
6. If a vehicle illegally parked in a non-reserved parking space remains or is again illegally parked 24 hours after issuing a warning or citation, the officer may store the vehicle after obtaining concurrence from the on duty supervisor.
  7. If, upon investigation, it is determined that an illegally parked vehicle does not belong to a state employee or official, the officer may:
    - a. issue a written warning or citation to the registered owner; or
    - b. store the vehicle with the concurrence of the on-duty supervisor.

#### K. DOCUMENTING STORED VEHICLES

1. Officers will verify the vehicle identification number (VIN) and registration number (if present) before storing any vehicle.
2. The officer storing the vehicle will submit a Vehicle Tow Report in the CAD/RMS by the end of their shift.
3. An MCP Form 50, Vehicle Impound Report, will also be completed by the officer and attached to a printed copy of the Vehicle Tow Report.
4. If there is a hold on the vehicle, it will be indicated on the Form 50 and in the Vehicle Tow Report.

#### L. NOTIFICATION TO OWNERS

1. When a vehicle is stored, the police officer will contact the operator and notify him of the:
  - a. CAD Incident Number;
  - b. the Reason for the storage;
  - b. name and phone number of the towing company; and
  - e. the procedures for obtaining the vehicle.
2. Attempts to contact the owner will be documented on the Vehicle Tow Report.
3. Upon release of the vehicle, the releasing officer or supervisor will obtain the signature of the owner or authorized representative and a copy of his government-issued identification prior to providing him a copy of the Form 50 to be used as a receipt of release authorization.

- a. The owner/authorized representative will be instructed to take the Form 50 to the towing service to obtain custody of the vehicle.
- b. The installation copy of the Form 50 will be filed with the Vehicle Tow Report.