

## 2.434 TOWING & IMPOUNDING VEHICLES

### 2.434.02 Towing & Impounding Responsibilities (1.2.4.f, 61.4.3.c)

#### A. OFFICERS WILL TOW VEHICLES CONSISTENT WITH THE PROCEDURES ESTABLISHED IN THIS DIRECTIVE AND:

##### 1. ONLY FROM THE PUBLIC PROPERTY THAT CONSTITUTES THE AGENCY'S PRIMARY JURISDICTION:

- A. FOR PARKING VIOLATIONS – 2.434.04;
- B. DUE TO BEING ABANDONED – 2.434.06;
- OR
- C. TO RELOCATE THEM – 2.434.22; OR

##### 2. FROM PUBLIC OR PRIVATE PROPERTY FOR CRIMINAL OR MOTOR VEHICLE RELATED REASONS BASED ON:

- A. THE CONCURRENT JURISDICTIONAL MEMORANDUM OF UNDERSTANDING WITH THE BALTIMORE COUNTY POLICE – 1.108.04;
- B. EXTRAJURISDICTIONAL AUTHORITY OPERATIONS – 1.125; OR
- C. FRESH PURSUIT – CP § 2-301 ET SEQ & ED § 13-601.

#### B. Officers will:

1. Be on the scene of each tow;
2. Obtain a separate case number and Complete and submit a **Towed Vehicle Report (UPO.010.D)** for each vehicle that is towed as the result of agency authorization except for vehicles involved in collisions or when vehicle owners/agents authorize the private towing of their vehicles;
3. Request Communications personnel:
  - a. Conduct registration, stolen, and other relevant checks on vehicles; and
  - b. Notify the contracted towing company;
4. Inventory vehicle contents consistent with **2.434.04**;
5. Process and submit applicable property and evidence consistent with **2.500 Property & Evidence**.

6. Offer reasonable assistance to operators and passengers of towed vehicles to ensure the well-being of involved persons and property. This assistance may be in the form of finding alternative transportation arrangements, attempting notifications, providing local transports, allowing individuals to wait reasonable times at Headquarters, and using telephones and telephone books.

#### C. Communications personnel will:

1. Call the agency's primary towing company or another towing company if the primary towing company cannot or does not respond within a reasonable time period;
2. Conduct registration, wanted, and stolen checks and other appropriate checks if:
  - a. There are any irregularities on standard checks; or
  - b. Impounding officers or other on-scene officers' request.
3. Relay to officers any irregularities found during any of the checks;
4. Generate a separate case number for each vehicle towed as the result of agency authorization except for vehicles involved in collisions or when vehicle owners/agents authorize the private towing of their vehicles;
5. Record appropriate information in CAD; and
6. Send any necessary NCIC entries and removals.

#### D. Patrol supervisors will:

1. Ensure offices are towing and impounding vehicles appropriately; and
2. Ensure **Towed Vehicle Reports** are submitted, reviewed, corrected if necessary, and submitted to Central Records by the end of the shift wherein vehicles were towed.

#### E. Vehicles may be released on-scene:

1. When vehicles are parked legally, there are no reasons to hold the vehicles, and tow trucks have not arrived on-scene; or
2. If tow truck drivers have taken possession of non-hold vehicles by touch or hooking up to vehicles and owners/agents arrive and arrange for immediate payment and vehicle release.

### 2.434.03 Vehicle Inventories (1.2.4.f, 61.4.3.c)

- A. Vehicle inventories are administrative actions designed to protect:
1. Motor vehicles and their contents while vehicles are not in the possession of their owners/agents;
  2. The agency against claims of lost, stolen, or damaged property; and
  3. Employees and the public against injuries or other harm due to hazardous materials or substances found in vehicles.
- B. Officers will conduct and document INVENTORIES of each vehicle towed as the result of agency authorization except for:
1. Vehicles involved in collisions where owners/agents are able to take custody of property at the scene; or
  2. When vehicle owners/agents authorize the private towing of their vehicles.
- C. Officers will conduct inventories only to the extent officers have access to the vehicles. The inventory of locked vehicles is limited to those articles readily observable from the exterior of the vehicles. Officers will:
1. Ensure they extend their INVENTORIES into all vehicle areas where personal property or hazardous materials may reasonably be found, including, but not limited to passenger compartments, glove compartments, center consoles, and trunks;
  3. Open and inventory any closed, but unlocked containers;
  4. **NOT** force open any locked areas or containers, but **MAY** use any available keys or combinations to unlock and inventory the containers;
  5. Process and document any evidence consistent with **2.500 Property & Evidence**; and
  6. Use the "Vehicle Inventory" section of **Towed Vehicle Reports** to describe in general terms the type of property remaining in vehicles.
- D. NOTHING IN THIS DIRECTIVE IS INTENDED TO NEGATE OR REDUCE OFFICERS' AUTHORITY TO CONDUCT CONSTITUTIONALLY PERMISSIBLE VEHICLE SEARCHES. See also **1.312.06 Vehicle Searches**.

### 2.434.04 Illegally Parked Vehicles in Primary Jurisdiction (61.4.3.b)

- A. Vehicles will not be routinely impounded for parking violations. Parking violation notices (PVNs) must be issued by officers, aides, or Parking and Transportation Services employees to vehicles prior to towing for parking violations. Towing is authorized for:
1. Vehicles parked in fire lanes or interfering with access to fire hydrants or the passage of emergency vehicles;
  2. Vehicles illegally parked in handicapped spaces;
  3. Parked or standing vehicles that:
    - a. Impede the movement of traffic;
    - b. Block driveways or entrances;
    - c. Constitute threats to public safety;
    - d. Are in appropriately signed or designated tow zones; or
    - e. Are in gated parking areas that are marked as tow zones during the hours reserved for cardholders.
- B. Employees are not permitted to tow vehicles for parking violations outside the agency's primary jurisdiction.
- C. Vehicles that display diplomatic license plates and are operated by persons enjoying diplomatic immunity will not be impounded unless requested by the driver or owner with diplomatic immunity. If necessary, vehicles may be towed for relocation to close, legal parking places. See also **2.411 Diplomatic Immunity**.

### 2.434.06 Abandoned Vehicles (61.4.3.a)

- A. In order for vehicles to be declared abandoned and towed consistent with **Transportation Article (TR) § 25-201**, they must be:
1. Within the agency's primary jurisdiction;
  2. Inoperable and left unattended for more than 48 hours; or
  2. Illegally parked for more than 48 hours; or
  3. Parked for more than 48 hours; and
    - a. Are not displaying current valid registration plates; or
    - b. Are displaying registration plates of other vehicles.

- B. To start the abandoned vehicle process, officers will:
1. Make reasonable attempts to notify owners;
  2. Have Communications initiate CAD entries to record:
    - a. Vehicle locations;
    - b. Vehicle descriptions;
    - c. Verifications that the vehicles have not been reported stolen;
    - d. Notification attempts; and
    - e. Any reasons to delay towing of vehicles; and
  3. Complete and place **Abandoned Vehicle Notices (UPO.053.D)** on the vehicles.
- C. To complete the abandoned vehicle process, officers will:
1. Have Communications research CAD entries to ensure vehicles have been properly recorded as abandoned;
  2. Ensure any time requirements or restrictions have been met;
  3. Issue PVNs for the charge of “abandoned vehicle;”
  4. Complete **Towed Vehicle Reports (UPO.010.D)**;
  5. Have vehicles towed by a commercial towing service that is licensed as vehicle dismantler, recycler, or scrap processor under **TR § 25-209**; and
  6. Ensure records of the tow are entered by Communications into CAD.

#### **2.434.08 Vehicles Involved in Accidents**

- A. Vehicles that are unable to be driven from accident scenes due to injuries to owners/agents, mechanical damages, road blockages, or other exigent circumstances will be towed unless:
1. They are registered to the university, in which cases they will be taken to General Services; or
  2. They are being impounded for evidence, reconstruction investigation, or seizure.
- B. If owners/agents are capable of making decisions and are willing, vehicle removals are classified as private tows with owners/agents being afforded opportunities to select tow companies so long as tow trucks are licensed and can respond within the same time frame as the agency’s commercial towing service.

- C. If owners/agents are not capable of making decisions, investigating officers or their designees will complete **Towed Vehicle Reports (UPO.012.D)** and direct tow truck drivers to tow vehicles to their facilities.
- D. Tow truck operators are responsible for ensuring glass and debris is removed from roadways.

#### **2.434.10 Detainee Vehicles**

- A. Detaining officers are responsible for ensuring reasonable care is provided to vehicles operated by detainees.
- B. Detaining officers or their designees will attempt to notify vehicle owners/agents if they are not on the scenes of related impounds.
- C. Vehicles will not be towed:
1. If third parties are present and detainees request those third parties take possession of vehicles, so long as the third parties are legally capable of removing vehicles; or
  2. If they are lawfully parked and are not needed for evidence or seizure. Detaining officers will ensure the Department of Transportation Services is notified about any of these vehicles parked on campus and request the vehicles not be ticketed or towed unless the vehicles become abandoned consistent with **TR §25-201**.
- D. Detainees will not be allowed to move their own vehicles.

#### **2.434.12 Vehicles Impounded for Evidence Purposes**

- A. Vehicles impounded for evidence processing will be:
1. Towed to a secure location for evidence collection or chain of custody purposes; and
  2. Held only long enough to complete the processing and evidentiary needs for the vehicles.
- B. Investigating officers are responsible for notifying owners / agents as soon as impounded vehicles may be released.
- C. Vehicles with missing, altered, or obliterated VINs will be treated as vehicles being held for evidence purposes.

#### 2.434.14 Stolen Vehicles

- A. Vehicles that are recovered as stolen or unauthorized use cases and are not needed to be held will not be towed when:
1. Vehicles appear to be operable and owners/agents are notified and can respond promptly to the scenes to take custody of their vehicles; or
  2. Owners/agents provide for private tows.
- B. Impounding or investigating officers are responsible for notifying owners / agents of recovered vehicles directly or via Communications. Notification information, such as dates, times, and who was notified, will be included in agency reports.
- C. Communications personnel will complete required NCIC entries.

#### 2.434.16 Violations of Transportation Articles

- A. Officers **will** impound vehicles after charging certain violations of the Transportation Articles unless the vehicles are legally parked or owners/agents arrange for private tows. These violations include, but are not limited to:
1. Unregistered vehicle;
  2. Suspended, revoked, refused, etc., registration;
  3. Compulsory insurance violation with confirmed pick-up numbers;
  4. Vehicle Emission Inspection Program (VEIP) violations with pick-up numbers; or
  5. Unsafe motor vehicle.
- B. Officers **may** impound vehicles after charging certain violations of the Transportation Articles.
1. These violations include, but are not limited to:
    - a. Violations enumerated in **TR §26-202**;
    - b. Expired permanent registration in excess of 30 days;
    - c. Expired temporary registration;
    - d. Failure to be licensed; or
    - e. Expired driver's license; provided that the license has been expired at least six months.

2. However, these vehicles will not be towed:
  - a. If vehicles can be driven legally and persons with valid driver's licenses for the vehicles are given permission to drive the vehicles by the vehicles' owners/agents; or
  - b. If they are legally parked.
- C. License plates that must be returned to MVA as the result of suspensions, cancellations, etc. will be photographed and processed for return to MVA consistent with **2.500 Property & Evidence**. Officers may, with supervisory authority, return plates to MVA during business hours or submit the plates to Logistics for transmittal.
- D. License plates that are needed for court will be processed and submitted as evidence consistent with **2.500 Property & Evidence**.

#### 2.434.18 University Vehicles

- A. The preferred order to be used when it is necessary to remove non-police, university vehicles from various locations is to:
1. Locate and have assigned drivers move vehicles;
  2. Contact departments to which vehicles are assigned and have representatives from those departments move the vehicles;
  3. During business hours, contact Parking and Transportation Services and request their staff arrange to move the vehicles, such as drive the vehicles, tow the vehicles with the university's tow truck, authorize the use of licensed commercial tow companies, etc.;
  4. During non-business hours, use Parking and Transportation Service's emergency notification list to contact and request their staff arrange to move the vehicles, such as drive the vehicles, tow the vehicles with the university's tow truck, authorize the use of licensed commercial tow companies, etc.; and
  5. During non-business hours and with supervisor or command permission, obtain the auto shop key and auto shop key box key consistent with **2.401.08 Issued Keys** to obtain spare vehicle keys and drive vehicles to the General Services Building.

- B. Police vehicles that need to be towed:
1. If legally parked, will be left where they are until they can be towed by the agency's current vehicle service provider or the university's Auto Shop; or
  2. If not legally parked, will be promptly towed as directed by an on-duty commander or the Duty Officer.

#### **2.434.20 Drug Related Impounds (1.2.4.f)**

A. Consistent with **Criminal Procedure (CP) §12-204**, vehicles will be towed and recommended for forfeiture to the Office of the Attorney General (OAG) if:

1. Any quantity of a drug is sold or attempted to be sold in violation of the Controlled Dangerous Substances law or **Criminal Procedure Title 12**;
2. An amount of the drug or paraphernalia is found that reasonably shows that the violator intended to sell the controlled dangerous substance in violation of the Controlled Dangerous Substances law; or
3. The total circumstances of the case dictate that seizure and forfeiture are justified. Circumstances to be considered in deciding whether seizure and forfeiture are justified include:
  - a. The possession of controlled dangerous substances;
  - b. An extensive criminal record of the violator;
  - c. A previous conviction of the violator for a controlled dangerous substances crime;
  - d. Evidence that the motor vehicle was acquired by use of proceeds from a transaction involving a controlled dangerous substance;
  - e. Circumstances of the arrest; and
  - f. The way in which the motor vehicle was used.

B. Vehicles may be towed for other reasons as described in this directive, but, consistent with **CP §12-205**, are not to be seized and forfeiture may not be recommended to the OAG if:

1. The motor vehicle has been placed under seal and taken to a court designated location consistent with **CP §12-103(b)**;

2. An innocent registered owner lends the motor vehicle to another person and that person, or someone invited into the motor vehicle by that person, brings a drug or paraphernalia into the motor vehicle without the registered owner's knowledge; or
3. A member of the family other than the registered owner uses the motor vehicle, and a drug or paraphernalia is in the motor vehicle in an amount insufficient to suggest a sale is contemplated, a sale was not made or attempted, and the registered owner did not know that the drug or paraphernalia was in the motor vehicle.

C. Vehicles towed as the result of narcotic/CDS impounds will be towed to secure locations if necessary for processing.

D. See also **2.352 Asset Seizure**.

#### **2.434.22 Vehicle Relocations**

- A. Officers may be called to assist in relocating vehicles within the agency's primary jurisdiction when vehicles are blocking or impeding construction, maintenance activities, snow removal, etc.
- B. Officers will assist with relocations only at the request of other departments.
- C. Officers assisting with relocations will ensure that Communications is provided complete listings of relocated vehicles and their locations.
- D. Relocated vehicles are not impounded and do not require the completion of **Towed Vehicle Reports** and associated inventories.

#### **2.434.24 Vehicle Holds**

- A. Officers may require vehicles be held and not released only for:
  1. Determining ownership;
  2. Return of vehicles to rightful owners;
  3. Evidence processing; and
  4. Narcotic/CDS cases pending forfeiture.
- B. Vehicles may not be held:
  1. For driver's license violations;
  2. For registration violations; or
  3. To require owners / agents to see particular officers or sign citations.

- C. Tow companies cannot be asked to act as enforcement agents restricting a vehicle owner from their vehicle with invalid tags or license. Payment of tow fees remains the only legal reason a lien may be placed against these vehicles by a tow company.
- D. To clear holds for stolen vehicles or to determine rightful ownership, owners/agents must present proof of identity and ownership or authorization. This documentation includes, but is not limited to:
  - 1. Certificates of title;
  - 2. Notarized authorizations;
  - 3. Powers of attorney;
  - 4. Properly endorsed Certificates of Title with signature of sellers and information on purchasers inserted; or
  - 5. Driver's licenses that match vehicle registration information.
- E. A supervisor or commander may authorize releasing vehicle holds placed for evidence processing or forfeiture.

**2.434.26 Appeals** {Revised: 07/17/15}

- A. Owners/agents of vehicles impounded by the agency may submit appeals to determine if proper procedures were followed when vehicles were towed.
- B. Towing appeals must be submitted BY FAX, ELECTRONICALLY OR IN WRITING to the Chief NOT LATER THAN 10 BUSINESS DAYS after vehicles have been released.
- C. The Chief will designate a commander to review towing appeals and forward findings and recommendations to the Chief within 10 business days after receiving appeals.
- D. The Chief will review towing appeal findings and recommendations and ensure decisions are mailed to the owners/agents of vehicles.
- E. Decisions in favor of vehicle owners/agents will include means of any reimbursements.