

# Bowie Police Department - General Orders



TITLE: TOWING OF MOTOR VEHICLES	NUMBER: 511
EFFECTIVE DATE: 4/18/13	REVIEW DATE:
_ NEW <input checked="" type="checkbox"/> AMENDS _ RESCINDS	DATE

AUTHORITY <b>Chief John K. Nesky</b>	ACCREDITATIONS STANDARDS CALEA STANDARDS:  61.4.3, 84.1.1	TOTAL PAGES  6
---	--	----------------------

## I. POLICY

- A. An Officer is authorized to tow a vehicle if it is in violation of the law and presenting a hazard to public safety, interfering with the flow of traffic, or when the vehicle itself is evidence or may contain evidence.
- B. An Officer may also tow a vehicle pursuant to the provisions of the City of Bowie Code of Ordinances, Section 14-14 and 14-15.
- C. An Officer may tow a vehicle parked in fire lanes on public or private property.
- D. An operator/owner/agent may have the vehicle towed under a private arrangement with a licensed towing company. Such an arrangement does not ordinarily require any involvement by an Officer, unless the towing process creates a hazardous situation or interferes with the flow of traffic.

## II. PROCEDURES FOR REQUESTING A TOW TRUCK

An Officer requesting tow service shall make his request for a tow truck through the online link for Dispatch and Tracking Solutions <https://prod.dtsdispatch.net/>. Officers will provide a description of the vehicle to include the make, model, color, vehicle registration location of the vehicle to be towed, and reason for the tow, (e.g. parking violation, disabled, or an accident). If circumstances prevent an officer from making the request through the internet link or the system is down, an officer shall call the City of Bowie Call Center and request a call taker submit a towing request after obtaining supervisory approval. This should only be done when access to the MDT, internet is unavailable, or DTS is down.

1. All vehicle impounds will be done by an authorized City of Bowie tow contractor. The officer will advise the dispatcher of the impound to be noted in the call record.
2. All impound requests shall be made via the DTS online process with the exception of evidence impounds for serious crimes where the follow up investigation will be conducted by the PGPD.

3. Officers shall notify telecommunications of the full details of all vehicles impounded.
  4. Citizen requests for tows do not require notification to telecommunications.
- A. Vehicles must be towed by the next tow service in rotation, unless exceptional circumstances dictate otherwise. Requests by the owner/operator for a specific towing service may be honored based upon the prevailing traffic conditions and the proximity of the desired towing service.
  - B. If the MILES/NCIC system is operational, a stolen vehicle check should be requested. Officers shall complete a Department incident report on all towed vehicles, including vehicles involved in accidents.

### **III. STOLEN VEHICLES**

- A. When a stolen vehicle is recovered, the recovering Officer shall make every effort to process the vehicle unless specific instructions in the "HIT" confirmation dictate otherwise, i.e. hold for processing, etc.
- B. It is the responsibility of the recovering Officer to notify the vehicle's owner. If the vehicle can be claimed in a short period of time at the location of discovery, the recovering Officer shall stand by and wait for the owner to arrive. The Officer shall conduct an evidence search before the vehicle is released to the owner. Any evidence seized shall be taken to the station and stored in accordance with Department policy.
- C. If the owner is unable to respond to the recovery location, the vehicle shall be towed by an authorized towing company, via the DTS online process, will tow the vehicle directly to their storage lot. The Officer will complete a Department incident report.
- D. If the vehicle was reported stolen in another jurisdiction, the recovering Officer is responsible for having a teletype sent to the police agency that entered the vehicle into NCIC, either by calling Prince George's County Police teletype or notifying the owner/agent directly by phone.

### **IV. ABANDONED VEHICLES**

When an Officer has determined that a motor vehicle is abandoned in accordance with the Md. Code Ann., Transportation Article (TA) Section 25-201, disposition of the vehicle shall be made in the following manner:

- A. The Officer handling the complaint shall obtain a listing and a stolen vehicle check. If the owner can be contacted, the Officer shall advise him of the complaint and request him to move the vehicle.
- B. If unsuccessful in making contact with the owner, the Officer should mark the vehicle for any law violations or violations of City of Bowie ordinances and attach both the red copy of the Department "Warning Notice" and a parking citation, as appropriate, in the vicinity of the window or door of the driver's side and take appropriate action, including the towing of the vehicle, in accordance with County, State, or local ordinances.

The name, address, and telephone numbers (home and work) of the property owner/complainant must be entered on the incident report.

- C. If the vehicle is on private property, the Officer handling the complaint shall advise the property owner/agent of the ordinance requirements and direct the property owner/complainant to contact a towing company of their choice directly.

## V. IMPOUNDING GUIDELINES

- A. In matters in which the vehicle is used in a crime, the vehicle may be impounded for evidentiary or identification purposes.
- B. In motor vehicle collisions in which the damage to the vehicle is such that the vehicle cannot be driven away safely or the occupants have been transported to a medical facility, and is illegally parked, the vehicle may be impounded. If the vehicle is left legally parked, the owner/operator shall be advised of the 72 hour parking ordinance.
- C. If an operator is arrested for an offense and the vehicle can be left lawfully parked, or if the owner/operator can arrange for legal removal of the vehicle by a licensed operator at the scene, the vehicle will not be impounded unless additional circumstances dictate impoundment. Additional circumstances may include habitual violators of DUI, driving on a suspended/revoked license and driving without a license.
- D. Vehicles will not be impounded solely because the owner does not have a registration card available unless there is no other means of establishing proper registration, ownership or possession of the vehicle to the satisfaction of the officer. If it is not possible to reasonably establish proper registration possession or ownership, the vehicle may be impounded.
- E. Vehicles should not normally be impounded for parking violations. If practical, and if circumstances do not dictate immediate removal of the vehicle, the officer should give the owner/operator a reasonable opportunity to remove the vehicle prior to the impoundment. (This in no way restricts officers from issuing parking and/or traffic summons). However, if the nature of the parking violation is such that the officer feels that impoundment cannot be delayed, vehicles may be impounded under the following circumstances:
  - 1. If the vehicle is parked or standing in such a manner as to interfere with the normal flow of traffic or is blocking a driveway or entrance, or is left unattended on any highway, alley or parking lot so as to constitute a threat to public safety
  - 2. If the vehicle is parked in a fire lane, or is parked in such a way as to interfere with access to fire hydrants, or in such a way to interfere with the passage of emergency vehicles (ingress/egress)
  - 3. If the vehicle is parked on a snow emergency route and is interfering with snow removal efforts, or the vehicle is disabled on a snow emergency route and is impeding traffic during a declared snow emergency.
  - 4. If a vehicle is parked in an area marked "No Parking Parade Route."
  - 5. If a vehicle is parked in an area where the Department of Public Works has posted no parking signage.
  - 6. Any vehicle deemed to be a safety hazard i.e on blocks.

- F. Vehicles with defective, deficient or altered equipment should not be impounded unless the continued operation of such vehicles poses an immediate danger to person or property.

## VI. VEHICLES BEARING DIPLOMATIC REGISTRATION

- A. Prior to towing a vehicle bearing diplomatic registration, the Officer shall attempt to locate the owner or operator and solicit their cooperation in moving the vehicle. If unsuccessful, the Officer shall:
  - 1. Have the vehicle towed by the closest available towing service to the nearest legal parking space or adjacent side street and issue the appropriate violation notice and notify Communications of the new location.
  - 2. Accept the towing bill from the towing service and, prior to the end of that shift, initiate a memorandum via the chain of command to the Chief of Police, detailing the facts surrounding the incident and attach the towing bill to the memorandum.
- B. In the event the identity of the registered owner is ascertained prior to his claiming the vehicle, the Officer will notify the owner or embassy by telephone of the location of the vehicle.

## VII. INVENTORY SEARCHES

- A. Officers conduct an inventory search of **every vehicle** they tow or seize, except those driven or owned by a person who has diplomatic immunity, in order to:
  - 1. Identify and take possession of valuable property for safekeeping;
  - 2. Protect Officers from danger; and,
  - 3. Protect the towing/seizing Officer and the Department from claims of lost, stolen, or vandalized property.
- B. The results of the inventory shall be placed into the Incident Report.

## VIII. RECORDS/COMMUNICATIONS UNITS RESPONSIBILITIES

- 1. Review Vehicle Impound Records for accuracy and completeness.
- 2. Release vehicles to owners after being provided proper ownership documentation. Make copies of any and all supporting ownership documentation and staple it to the impound form.
- 3. If a vehicle for which a release has been issued is still impounded after seven (7) days, the Supervisor of Records, or a designee, will notify the last known owner.
- 4. In cases where the last known registered owner has not been notified, a certified mail notification will be prepared and sent to him/her.

5. Following expiration of twenty-one (21) days from the date of notice by mail or publication, SMVA Form CS-78 will be issued to the appropriate tow agency for disposal to a wrecker or scrap processor.
6. When applicable, arrangements will be made with the Operation Support Division for vehicle disposal under the Maryland Transportation Article. If the Department has no further interest in the vehicle it shall be released to the crane service to facilitate their obtaining a mechanic's lien. If the Department has an interest in the vehicle, it will be prepared for auction or other Department use.

**IX. NOTIFICATION AND DISPOSITION PROCEDURES:**

- A. In cases in which a vehicle is impounded without the owner's knowledge, the impounding officer shall notify the owner as soon as possible. If the impounding officer is unable to contact the owner, the Vehicle Impound Report shall state so and upon receipt of the report to the Records Unit, an impounding letter shall be sent to the owner and lien holder within seven (7) business days. The lien holder information may be obtained from the MVA record. The letter shall be sent by certified mail, return receipt requested, to be signed by the addressee only, with a copy forwarded to the Records Unit Supervisor and the letter shall contain that information in accordance with the Maryland Traffic Law.
- B. The return address must indicate that returned receipt and undelivered mail shall be returned to the Police Department Records Unit. The impound number shall be placed on the return receipt form and envelope.
- C. In cases in which all efforts to release the vehicle are unsuccessful (for example, if a certified letter cannot be delivered or if the vehicle still has not been released twenty-one (21) days after the date of the certified notification letter), the Records Unit shall be responsible for assisting the towing agency in completing appropriate disposition procedures for such vehicles.
- D. In cases in which officers impound abandoned motor vehicles which are over eight (8) years old and have no engine or are otherwise inoperable (as noted in the Maryland Transportation Article) the Records Unit Supervisor will be responsible for supplying CS-78, to the towing agency. A supply of blank forms (CS-78) forms shall be kept on hand by the Records Unit Supervisor to be issued as needed.
- F. The Records Unit Supervisor issuing the CS-78 certificate shall not do so until he/she has verified that it is abandoned and meets the established criteria and that the vehicle is not listed as active wanted/stolen.

**X. RELEASE OF MOTOR VEHICLE FOLLOWING REQUEST FOR TOW:**

- A. When a tow truck has been called for an impound and the owner/custodian arrives at the scene prior to the hook-up by the crane and is entitled to the vehicle, the officer will turn the vehicle over to the custodian.

- B. If the tow truck has hooked-up but has not left the scene upon arrival of the owner/custodian, the matter becomes a civil nature to be settled by the vehicle owner and the tow truck operator. Vehicles shall not be released by the Officer on scene; the vehicle release process described above shall be followed.