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I. Purpose

This Directive establishes procedures for the towing, storage, inventory, search and release of all impounded and seized vehicles.

II. Definitions

- A. Impounded Vehicle - a vehicle which a law enforcement agency temporarily takes possession of and is removed to a police facility or private towing lot until the owner complies with requirements for its release or the vehicle is disposed of by other lawful means.
- B. Seized Vehicle - a vehicle which a law enforcement agency takes into custody and which may be subject to forfeiture proceedings.

III. *Towing Policy*

- A. *This Division's policy is to promptly remove vehicles or marine vessels from within our statutory jurisdiction or related to those incidents being primarily handled by the Division under and associated memorandum of understanding (MOU) that are; disabled, in violation of the law (State, county, local), creating a health or safety hazard, impeding the flow of traffic, the vehicle is evidence itself, or may contain evidence or for other reasons as may be prescribed herein.*
- B. *An officer may advise a tow company not to release a vehicle/marine vessel without proper proof of ownership or registration for up to 72 hours. If there is a need to hold a vehicle/marine vessel for longer than 72 hours, it must be impounded and towed directly to Park Police Headquarters.*
- C. *When officers impound a vehicle they will:*
  - 1. *Contact Communications and have the dispatcher request the nearest contract tow company to respond.*
  - 2. *Advise vehicle make, model, color, registration information, location and reason for impound.*
  - 3. *Complete a Vehicle Incident Report to be submitted to the Records and Communication Section prior to the end of their tour of duty.*

4. *Inventory the vehicle and include the inventory list on the reverse side of the vehicle report. Any property taken from the vehicle will be listed on a property report.*
5. *If the registered owner is not on scene, the officer will make a notification attempt to the owner. If notification is not made by the officer before the end of his/her shift, the officer will note that fact in the body of the report.*
6. *Owners/operators in attendance of vehicles subject to impound may request a specific tow service. Traffic conditions and proximity of the tow service must be considered by the officer. If such a request is unreasonable, the nearest tow service will respond.*

*E. Illegally Parked Vehicles*

*Vehicles will not be routinely impounded for parking violations unless the violation is such that the officer feels impoundment cannot be delayed. Impoundment is authorized in the following circumstances:*

1. *Vehicles parked or standing that impede traffic, block driveways, or entrances, or are left unattended in such a manner as to constitute a threat to public safety.*
2. *A vehicle parked in a fire lane or interferes with access to a fire hydrant or passage of any emergency vehicle.*
3. *A vehicle parked so as to impede snow removal efforts or impedes traffic during a snow emergency.*
4. *A vehicle parked over 48 hours following the issuance of a warning notice of violation.*

*F. Vehicles with Defective Equipment*

*Vehicles with defective or altered equipment should not be impounded unless the continued operation of such a vehicle poses an immediate danger to persons or property.*

*G. Diplomatic Vehicles – See DD – Diplomatic Immunity*

1. *Vehicles displaying diplomatic tags and vehicles owned by a person with diplomatic immunity will not be impounded unless requested by the diplomat. If necessary, a contract tow company will be used to move any diplomatic vehicle creating a safety or traffic hazard. However, it will be moved no further than the closest available legal parking place.*

2. *The officer will accept the tow bill from the towing service. Prior to the end of the tour of duty, initiate a memorandum, via the chain-of-command, to the Assistant Chief – Patrol Operations, dictating the facts and circumstances surrounding the event. The tow bill should accompany this memorandum. In the event the identity of the registered owner is ascertained prior to them claiming the vehicle, the officer will notify the owner or embassy via the telephone of the vehicle's location.*

#### *H. Arrested Person's Vehicle*

*If an operator of a vehicle is arrested and the vehicle can be left lawfully parked, or if the operator/owner can arrange legal removal of the vehicle, it will not be impounded. If the vehicle is left lawfully parked, the owner/operator should be advised of the 48-hour parking limit and also the vehicle should be left parked in a secure fashion so as to protect the vehicle and the officer.*

#### *I. Recovered Stolen/Unauthorized Use Vehicles*

*Vehicles recovered in stolen or unauthorized use cases may be impounded. If the owner of the vehicle lives in close proximity to the scene and the vehicle is in operable condition, officers should attempt to contact them and have them respond to the scene to remove the vehicle. If the owner is unable to arrange removal in a timely manner, the vehicle will be impounded. If available, an I.R.T. officer will respond to process the vehicle/marine vessel. A Vehicle Incident Report will be completed before the end of the reporting officer's tour of duty.*

#### *J. Abandoned Vehicles*

*Vehicles that meet the definition as per Section 25-201(b) of the Maryland Vehicle Law will be issued a warning notice, and after 48 hours will be impounded. If an abandoned vehicle presents a traffic or health hazard it will be immediately impounded.*

1. *The officer will obtain a listing and stolen check. If possible, the officer may first contact the owner, advise him/her of the complaint, and request him/her to move the vehicle.*
2. *The officer will complete a written Warning. The EVENT number will be entered for the Incident #. The last registered owner's information will be entered, if unknown it will be so noted. The Reason for Contact will be "Abandoned Vehicle – 48 Hours Tow Away Notice". The officer will attach both the "Violator" (gold) copy of the warning notice and an abandoned vehicle sticker on the window or door of the driver's side, on glass whenever possible or on a part of the vehicle that would not be damaged by its removal. Officers will write the words "PARK POLICE" on the sticker.*
3. *The officer will turn in the "File Copy" (white) of the warning to Records and the "Investigations" (yellow) copy to Communications.*

4. *The Abandoned Vehicle sticker will remain on the vehicle for forty-eight (48) hours before the vehicle can be towed away as abandoned. Prior to the vehicle being towed as abandoned, Communications personnel will make a reasonable attempt to identify and contact the vehicle's owner by telephone advising him/her that the vehicle is going to be towed if not promptly removed. The results of this notification will be noted on the warning copy.*
5. *After the 48 hours has expired, Communications personnel will dispatch an officer to verify that the vehicle has not been moved. The officer will request an Incident number and complete a Vehicle Incident Report.*
6. *Communications personnel will contact the Montgomery County Police Abandoned Vehicle Unit to have the vehicle removed, advising A.V.U. of the: location of vehicle, description of vehicle (make, model, color, tag number and state, VIN) and the name and ID number of originating officer. The date and time of this notification will be noted on the copy of the Vehicle Report. A.V.U. will have the vehicle removed to their storage lot.*
7. *On the next business day, the Communications Section supervisor or his/her designee will call the A.V.U. and ascertain the case number assigned to the vehicle(s) and when it was removed. This information will be noted on the Vehicle Report and a copy forwarded to Records.*

*K. Identification of Vehicles*

*Vehicles should not be impounded solely because the owner or operator cannot produce a registration card or title, unless there is no reasonable means of establishing ownership or authorized possession to the satisfaction of the officer.*

*IV. Inventory of Impounded Vehicles*

*An inventory is conducted to identify and take possession for safekeeping of valuable property from a towed vehicle. The scope of an inventory is limited to those unsecured or readily accessible areas within the vehicle. A locked trunk or glove box will be within the scope of an inventory, only if the keys to those areas are in the officer's possession. An inventory should be conducted prior to towing of the vehicle from the place of impound. Any evidence, contraband, fruits or instrumentalities of a crime found during an inventory search may be admissible in a subsequent prosecution. Officers will not conduct an evidentiary search under the guise of an inventory.*

*Elements of a valid inventory:*

- A. Lawful basis for taking custody of the vehicle.*
- B. The inventory is non-investigative.*

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- C. *The scope of the inventory is limited to valuables for storage for future protection of officers and the Division, as well as the owner.*
- V. Towing Vehicles/Marine Vessels for Evidential/ CDS Purposes (Seizures)
- A. Vehicles/Marine Vessels seized for CDS/Evidential purposes will be towed by the nearest available towing service to Park Police Headquarters. Officers will follow guidelines outlined in the Division Directive, "Seizure of Conveyances," regarding the requirements for towing of all seized vehicles/marine vessels.
- B. Officers will complete a Vehicle Incident Report form and distribute before the end of their tour of duty.
- C. If a hold is desired on the vehicle/marine vessel or if there are any other instructions pertaining to disposition, notation will be made on the Vehicle Incident Report by the investigating officer. *When a vehicle is impounded for a narcotics related violation, which is believed to meet the forfeiture criteria, set forth in MD. CODE ANN., CRIM. PRO. §§ 12, the impounding officer will submit to their supervisor a detailed memo describing the totality of circumstances and the justification for recommending forfeiture. This memo will then be forwarded to the Chief, Park Police for consideration.*
- VI. Release Of Vehicles/Marine Vessels From Division Custody
- A. The Property Specialist will be responsible for the release of all vehicles/marine vessels, except those seized for CDS violations, held by the Division.
- B. Investigative Services will be responsible for the release of all vehicles/marine vessels seized for CDS violations.
- C. Proper identification will be furnished by any individual seeking custody of a vehicle/marine vessel held by the Division. Vehicles will be released to either the legitimate owner or a person authorized to assume control of the vehicle and only after showing reasonable proof of ownership along with at least two (2) forms of identification and upon display of a paid receipt indicating that all applicable tow charges have been satisfied. No money for payment of tow bills will be accepted by any Division employee.
- D. All vehicles/marine vessels subject to release will only be released by appointment with the Property Specialist, or if not available, the Management & Technology Sergeant.
- VII. Towing Company Complaint Procedures
- A. All complaints against tow companies by other tow operators, officers or citizens will be made in writing by the complainant and forwarded to the Management and Technology Commander.

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- B. All complaints received will be forwarded to the Montgomery County Police, Abandoned Auto, Tow Supervisor and investigated by the Management and Technology Commander or designee.
- C. The Management and Technology Commander will attempt to resolve the complaint to the satisfaction of all parties concerned. The Commander will notify all parties to the complaint of actions taken as a result of the investigation. If the investigation results in the removal of the tow company from the Division's tow list, the Chief, Park Police Division, will be notified, in writing.
- D. The Management and Technology Commander will maintain a file of all complaints against tow companies.
- VIII. Communications Section Responsibility
- A. The Communications Supervisor will be responsible for establishing, maintaining and updating a list of authorized tow companies divided by region. Communications personnel will **impartially** select tow companies for use from this list.
- B. Vehicles/Marine Vessels will be towed by the nearest available tow company unless circumstances dictate otherwise. Requests by the driver/owner for a specific tow company will be honored if possible.
- C. During normal duty hours, a Commission tow truck will be called to tow all Commission owned vehicles unless circumstances dictate otherwise. If the Commission tow truck is unavailable, the towing of Commission-owned vehicles will be accomplished by whichever private tow company is currently under contract to the Commission.
- D. When a vehicle/marine vessel is towed and either the driver or owner is not present, Communications will notify the Montgomery County Emergency Communications Center of the description, time, location and reason.

**Approved Park Police Document  
Signed Original on File**

**End of Directive**