

## Vehicle Towing

### 502.1 PURPOSE AND SCOPE

This policy provides guidance related to vehicle towing. Nothing in this policy shall require a member of this department to tow a vehicle.

### 502.2 POLICY

The University of Maryland, Baltimore Police Department will tow vehicles when appropriate and in accordance with the law. All towed vehicles must be removed/towed by the contracted towing vendor. The contracted towing vendor is responsible for having a secured lot for towed vehicles.

### 502.3 REMOVAL OF VEHICLES DUE TO HAZARD

When a vehicle should be towed because it presents a hazard, the owner or operator should arrange for the towing. Department members may assist by communicating requests through Communications to expedite the process.

If the owner or operator is unable to arrange for towing and the vehicle presents a hazard, the vehicle may be towed at the direction of the department member.

Vehicles that are not the property of the department should not be driven by department members unless it is necessary to move the vehicle a short distance to eliminate a hazard, prevent the obstruction of a fire hydrant or to comply with posted signs.

### 502.4 ARREST SCENES

Whenever the owner or operator of a vehicle is arrested, the arresting officer should provide reasonable safekeeping by leaving the vehicle secured and lawfully parked at the scene or when appropriate, by having the vehicle towed, such as when the vehicle presents a traffic hazard or the vehicle would be in jeopardy of theft or damage if left at the scene.

Officers are not required to investigate whether alternatives to towing a vehicle exist after an arrest. However, a vehicle should not be towed if reasonable alternatives exist. When considering whether to leave a vehicle at the scene, officers should take into consideration public safety as well as the reasonable safety of the vehicle and its contents.

The following are examples of situations where a vehicle should not be towed:

- The vehicle can be legally parked, left in a reasonably secure and safe location and the vehicle is not needed as evidence.
- The vehicle is parked on private property, on which the arrestee or owner is legally residing, or the property owner does not object to the vehicle being parked at that location.
- The arrestee or owner of the vehicle requests that it be released to a person who is present, willing and able to legally take control of the vehicle.

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- The vehicle is legally parked and the arrestee or owner requests that it be left at the scene. In such cases the requestor should be informed that the department will not be responsible for theft or damages.

### **502.5 VEHICLES RELATED TO CRIMINAL INVESTIGATIONS**

Officers should tow vehicles that are needed for the furtherance of an investigation or prosecution of a case, or that are otherwise appropriate for seizure as evidence. Officers shall attempt to process the recovered vehicle for latent prints and other possible evidence, prior to the vehicle being towed from the scene, if safe to do so. Officers should make reasonable efforts to return a recovered stolen vehicle to its owner rather than have it towed, so long as the vehicle is not needed for evidence. Officers shall notify the Communications Section to remove the recovered stolen vehicle from NCIC.

### **502.6 RECORDS**

Information pertaining to vehicles towed at the request of the department shall be entered and captured in CAD. The Records Section will be responsible for the management of the applicable records and maintaining a log/ledger of all vehicles towed by the UMBPD.

#### **502.6.1 VEHICLE STORAGE REPORT**

Department members towing a vehicle shall complete an Incident Report to capture the vehicle storage. The report shall be reviewed by the employee's supervisor as soon as practicable after the vehicle is towed. In addition, any inventory of the vehicle should be recorded via the officer's body worn camera, if available.

#### **502.6.2 NOTICE OF TOW**

As soon as reasonably possible and within seventy-two (72) hours of a vehicle being towed, it shall be the responsibility of the Records Section to send a certified letter (e.g., notice of tow) to all registered owners and others having a recorded interest in the vehicle. Notice shall be sent to all such individuals by certified mail. The notice shall include (Md. Code TR § 25-204; Md. Code TR § 16-303.1):

- (a) A statement that the vehicle has been taken into custody.
- (b) The location of the vehicle.
- (c) A description of the vehicle, including the following:
  1. Color
  2. Manufacturer year
  3. Make and model
  4. License plate number and/or Vehicle's serial number, which is also synonymous with the Vehicle Identification Number (VIN)
  5. Mileage
- (d) The authority and purpose for the removal of the vehicle.

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- (e) An explanation of the procedure for release of the vehicle.
- (f) Information for the owner, or others having a recorded interest in the vehicle, of the right to reclaim the vehicle within three weeks after the date of the notice, on payment of all towing, preservation and storage charges resulting from taking or placing the vehicle in custody.
  - 1. For vehicles impounded pursuant to Md. Code TR § 16-303.1, the owner or others having a recorded interest in the vehicle shall be notified that the vehicle must be reclaimed within 10 days after the date specified in the applicable court order.
- (g) A statement that the failure of the owner, or others having a recorded interest in the vehicle, to exercise this right to reclaim the vehicle in the time provided is:
  - 1. A waiver to right, title and interest in the vehicle.
  - 2. Consent to the sale of the vehicle at public auction.
  - 3. Consent by the owner, other than a lessor, to the retention of the vehicle for public purposes as provided by state law (Md. Code TR § 25-207).

If the identity or address of the last registered owner, or others having a recorded interest in the vehicle, cannot be determined or the certified notice is returned as undeliverable, the Records Section shall post the notice where the abandoned vehicle was found as provided by state law (Md. Code TR § 25-205(c)).

### **502.7 TOWING SERVICES**

The Auto Barn Inc., located at 2125 West Lafayette Avenue, Baltimore, Maryland, 21217, is the authorized contracted towing vendor. Individuals wishing to make a complaint against the contracted towing vendor must file a written complaint, which will be forwarded to the Commander of the Professional Standards Bureau or designee to determine the validity of the complaint and determine if an investigation is needed.

### **502.8 VEHICLE INVENTORY**

The contents of all vehicles towed at the request of department members shall be inventoried and listed on the inventory report. Any inventory of the vehicle should be recorded via the officer's body worn camera, if available.

- (a) An inventory of personal property and the contents of open containers will be conducted throughout the passenger and engine compartments of the vehicle including, but not limited to, any unlocked glove box, other accessible areas under or within the dashboard area, any pockets in the doors or in the back of the front seat, in any console between the seats, under any floor mats and under the seats.
- (b) In addition to the passenger and engine compartments as described above, an inventory of personal property and the contents of open containers will also be conducted in any other type of unlocked compartments that are a part of the vehicle, including unlocked vehicle trunks and unlocked car top containers.

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- (c) Any locked compartments including, but not limited to, locked glove compartments, locked vehicle trunks, locked hatchbacks and locked car-top containers should be inventoried, provided the keys are available and released with the vehicle to the third-party towing company or an unlocking mechanism for such compartment is available within the vehicle.
- (d) Closed containers located either within the vehicle or any of the vehicle's compartments will not be opened for inventory purposes except for the following: wallets, purses, coin purses, fanny packs, personal organizers, briefcases or other closed containers designed for carrying money, small valuables or hazardous materials.

Members should ask the occupants whether the vehicle contains any valuables or hazardous materials. Responses should be noted in the inventory report. If the occupant acknowledges that any closed container contains valuables or a hazardous material, the container shall be opened and inventoried. When practicable and appropriate, such items should be removed from the vehicle and given to the owner, or booked into property for safekeeping.

Any cash, jewelry or other small valuables located during the inventory process will be held for safekeeping, in accordance with the Property and Evidence Section of Policy 802. A copy of the property receipt should be given to the person in control of the vehicle, or if that person is not present, left in the vehicle. Items having no value that remain locked inside the vehicle shall be listed on the incident report and captured in RMS.

A copy of the Vehicle Custody Transfer Form (Form 21-001) shall be given to the tow truck operator.

These inventory procedures are for the purpose of protecting the vehicle owner's property, providing for the safety of department members and protecting the department against fraudulent claims of lost, stolen or damaged property.

Towing a vehicle in order to perform an inventory should not be used as a pretext for an evidence search. Nothing in this policy prevents the towing of a vehicle that would occur for reasons independent of any suspicion that the vehicle may contain evidence if it is otherwise justified by law or this policy.

### **502.9 SECURITY OF VEHICLES AND RETRIEVAL OF PROPERTY**

If the search of a vehicle leaves the vehicle or any property contained therein vulnerable to unauthorized entry, theft or damage, the department member conducting the search shall take such steps as are reasonably necessary to secure or protect the vehicle or property from such hazards.

Unless it would cause an unreasonable delay in towing the vehicle or create an issue of officer safety, reasonable accommodations should be made to permit the owner, operator or occupant to retrieve small items of value or personal need (e.g., cash, jewelry, cell phone, prescriptions), which are not considered evidence or contraband.

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Members who become aware that a vehicle may have been towed by the department in error should promptly advise a supervisor. Lieutenants and above can approve, when appropriate, the release of the vehicle without requiring the owner or their agent to request a hearing to contest the tow. The owner must provide identification and proof of ownership before the vehicle can be released.