



Ocean City Police Department

General Order

Subject: Towing & Impounding of Vehicles		No. G.O. 400 T-3	
Rescinds:		Amends: G.O. 400 T-3 (Dated: 3/1/1988)	Related Directive: SOP OPS-007
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References: IACP Model Policy- Motor Vehicle Impoundment, IACP Model Policy - Motor Vehicle Inventory, Code of Ocean City, Chapter 90			

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I. Purpose

In the course of providing law enforcement services to the Town of Ocean City, it is frequently necessary to impound and tow vehicles due to various reasons to include, but not be limited to traffic collisions, criminal activity, abandoned vehicles, securing evidence, and vehicles owned by persons deemed to be a scofflaw.

The purpose of this Policy is to provide guidelines for the towing and impounding of vehicles. This Policy will also provide personnel with guidelines for determining when and how a motor vehicle inventory should be conducted.

II. Definitions:

- A. **Boot and Tow Report:** A report generated by the Records Section that lists vehicle registrations that are considered to be in violation of the Code of the Town of Ocean City, Article IV, Section 90-136, pertaining to scofflaw vehicle towing.
- B. **Impoundment:** The seizing and temporary custody of a vehicle by the Department for a legitimate law enforcement purpose.
- C. **Inventory:** An administrative measure designed to safeguard vehicles and their contents while in police custody and to protect the Department and its personnel against claims of lost, stolen or damaged property. Inventories may be conducted without a warrant or probable cause in compliance with this policy.
- D. **Public Assistance Towing:** The towing of a vehicle pursuant to legitimate law enforcement purposes that does not normally involve custody of the vehicle by the Department, or authorization of the Department for its release.
- E. **Scofflaw:** A person that has received three (3) or more unpaid tickets or unpaid tickets totaling \$100.00 or more that are fourteen (14) days overdue without a request for a trial, or if a trial was requested and the person was subsequently found guilty but the fine(s) remains unpaid.
- F. **Street:** Any and all public streets, ways, alleys, avenues, including Atlantic Avenue, thoroughfares, and highways.
- G. **Vehicle:** A "vehicle" as defined by the Maryland Transportation Article including but not limited to motor vehicles, motorcycles, trailers, boats, and boat trailers.

III. Policy

When personnel tow and impound vehicles, the Department has a responsibility to safeguard the vehicle and any other property taken into its custody, either for safekeeping or for evidentiary purposes. It is the policy of the Department to tow and impound vehicles only for legitimate lawful purposes, and the procedures as set forth in this policy shall ensure a measure of consistency in this function.

These guidelines, where they are not governed by statute, are intended to be flexible and to allow for some discretion by Department personnel in those situations where a clear-cut procedure is not prescribed.

IV. Vehicle Impoundment

A. General

1. Impoundment of vehicles shall use commercial towing services, towing vehicles and impoundment lots as authorized by the Code of the Town of Ocean City.
2. Vehicles impounded by or otherwise taken into the custody of the Department shall be inventoried in a manner consistent with this policy.
3. The occupants of an impounded vehicle should not be stranded. Personnel shall ensure that the occupants are provided the opportunity of transportation.
4. Vehicle occupants may be permitted to remove unsecured valuables of a non-evidentiary nature from the vehicle prior to its removal for impoundment. The nature of these valuables shall be noted in the Property/Inventory Section of the Police Tow Summons & Report (Form 504).
5. Impounded vehicles shall be released to owners with proof of ownership, personal identification and following proof of payment of any impoundment, storage or related fees and taxes.

B. Reasons for Impoundment

Personnel may impound vehicles for the following reasons to include, but not be limited to, when:

1. A vehicle is parked or left unattended upon a public street in a manner that creates an immediate public hazard or creates a traffic hazard by obstruction of the normal movement of traffic;

2. A vehicle is found parked on public property in a tow-away zone which is designated by an authorized and properly placed sign or notice;
3. The operator of a vehicle is taken into custody by the Department and the vehicle would be left unattended on a street and is not in a legal parking area;
4. A vehicle is disabled on a street and is an obstruction to traffic and the owner or operator of the vehicle is, by reason of physical injury, incapacitated and unable to provide for the vehicle's custody or removal;
5. A vehicle that is parked on public property is obstructing the use of private property by the owner or person in charge of that property or a vehicle is parked on public property in a manner that impedes the movement of another vehicle;
6. A vehicle is left continuously unattended on a street for more than forty-eight (48) hours and is presumed to be abandoned;
7. A vehicle is displaying registration plates not issued to that vehicle;
8. A vehicle's VIN has been removed, replaced or purposely modified;
9. A vehicle, because of faulty or illegal equipment, is determined to be in such unsafe condition that the continued operation of the vehicle upon a street would endanger persons or property and would constitute a hazard to the public;
10. A vehicle is recovered as stolen;
11. A vehicle is seized under the forfeiture procedures of the Department;
12. A vehicle's owner is a scofflaw; and
13. A vehicle is or contains evidence.

C. Impoundment for Evidence

1. A vehicle shall be impounded if a subject is arrested and one of the following circumstances exists:
 - a. The vehicle was used as an instrument in the commission of a significant crime; OR

- b. The vehicle is or contains evidence of a crime that cannot be processed at the scene and must be secured elsewhere to ensure its evidentiary integrity. In these cases, the procedures as outlined in SOP OPS-007, Forensic Services Unit Evidence Bay, shall be followed.
- 2. Personnel should not unnecessarily impound vehicles for purposes of gathering evidence when such processing can be reasonably, effectively and safely conducted at or near the scene.
- 3. A “hold” may be placed on any vehicle impounded for evidence for such period of time necessary to complete evidence collection. The following shall apply to any “hold” on a vehicle:
 - a. Holds must be approved by a supervisor;
 - b. Investigating officers shall complete their investigations of the vehicle in a timely manner so that it can be released to the owner; and
 - c. Holds may apply to recovered stolen vehicles.
- 4. Impoundment of recovered stolen vehicles or suspected stolen vehicles is appropriate when the following circumstances exist:
 - a. The owner cannot be contacted;
 - b. The owner is contacted and cannot or will not respond in a reasonable amount of time; or
 - c. Immediate removal is necessary for proper evidence collection and processing, safety reasons or purposes of safekeeping.
- 5. Personnel should document reasonable efforts to contact owners with means readily available.

D. Scofflaw Impoundment

- 1. A scofflaw’s vehicle shall be deemed a public nuisance and the Department is authorized to remove or cause to be removed said vehicle to the Town impound lot and store it at the scofflaw’s sole cost and expense.
- 2. Personnel not utilizing a handheld ticket writer must contact the Records Section to determine whether a vehicle on the Boot and Tow Report is currently in violation before impounding it.

3. If a vehicle registration is listed on the Boot and Tow Report and the Records Section is closed, then the registration information and location of the vehicle is to be passed on to the next Watch so that the Records Section can be contacted during regular business hours to determine the status of the vehicle.
4. Personnel are reminded that simply because a vehicle registration is listed on the Boot and Tow Report does not mean that the vehicle is currently in violation. This information must be verified by contacting the Records Section prior to towing a vehicle.

V. Public Assistance Towing

Public assistance towing of vehicles should be distinguished from impoundment as it does not typically involve police custody of the vehicle. These vehicles will typically be removed to a commercial towing service facility. Public Assistance tows do not require personnel to conduct a vehicle inventory or complete the Police Tow Summons & Report except as described in this section when the tow may become an impound. Personnel may order, or request tows of vehicles for public assistance under the following types of circumstances:

A. Aid to Motorists

This refers to the towing of inoperable or disabled vehicles that cannot otherwise be moved and at the request of the owner/operator of the vehicle.

B. Vehicle Collisions

1. The towing of vehicles from collision scenes due to disabling damage shall be considered public assistance towing and the vehicle should not be impounded unless:
 - a. The operator or owner is unwilling or unable to take charge of the vehicle and/or its contents, and there is property in or attached to the vehicle that cannot be sufficiently secured at the scene or placed in the custody of a responsible third party, OR
 - b. The vehicle is needed for purposes of investigation, to include processing and gathering of evidence. Such cases may, but do not necessarily involve custody of the operator.
2. Before ordering a tow, personnel should give the owner or operator of a vehicle involved in a collision an opportunity to park the vehicle legally if the vehicle can be safely moved.

3. If the vehicle cannot be moved or parked, on-scene personnel shall request Ocean City Police Communications to send the next available commercial tow service from the established tow list and shall notify Communications of any need for special equipment due to vehicle damage, size, type etc. On-scene personnel may deviate from the established tow list per Section VII of this policy.
4. If the vehicle owner/operator requests a specific tow company, personnel may permit the owner/operator to contact the specific tow company if the tow company can respond and arrive at the scene in twenty (20) minutes or less.
5. Under extreme circumstances, tow companies may utilize the Department's impound facility to temporarily store a towed vehicle when:
 - a. Removal of a vehicle from a motor vehicle collision is imperative; and
 - b. The tow company will be returning to the scene to remove additional vehicles.
6. Under the circumstances as described above in V.B.5, investigating personnel are not required to complete a Police Tow Summons & Report. Investigating personnel shall request that Emergency Communications advise the impound facility employee when these circumstances exist.

VI. Vehicle Inventory

In order to account for and safeguard the personal property of persons, personnel shall conduct an inventory of all vehicles which have been impounded.

- A. Legal Authority to Inventory
 1. Personnel may conduct a vehicle inventory without a warrant or probable cause when the vehicle has been lawfully seized or impounded and when personnel conduct the inventory within the scope of this policy as an administrative procedure.
 2. Examination of the contents of a motor vehicle pursuant to a criminal investigation or with the intent of discovering evidence of a crime is a search, not an administrative inventory.

B. Scope of Inventory

1. The contents of all vehicles that are lawfully seized and/or impounded by the Department shall be subject to inventory.
2. An inventory should be conducted in the location at which the vehicle is seized prior to the vehicle being impounded unless limited by reasons of safety or practicality. If so, it may be inventoried at a later time following impoundment.
3. A vehicle inventory may extend to all areas of the vehicle in which personal property or hazardous materials may reasonably be found, including but not limited to the passenger compartment, trunk and glove compartment.
4. All closed containers found within the vehicle shall be opened for purposes of the inventory. Locked containers shall not be forced open but shall be logged on the Police Tow Report & Summons as such. If a key or lock combination is available, locked containers may be opened and inventoried.
5. Inventories may not extend any further than is reasonably necessary to discover valuables or other items for safekeeping. Inventories must be conducted in accordance with Department policy and procedure and cannot be used as a subterfuge to conduct otherwise impermissible searches.

C. Property Control

1. The owner or operator of the impounded vehicle shall be asked to remove, if possible, all items of unusual value from the vehicle prior to impoundment. If the owner/operator cannot remove the items, then the impounding personnel shall remove the items.
2. If such items cannot be removed, they shall be inventoried before the vehicle is removed, and the owner/operator shall be requested to verify the completeness of the inventory by signature, if possible.
3. All items of unusual value shall be documented on the Police Tow Report & Summons Form and such items that have been removed from the vehicle submitted to the Property and Evidence Section for safekeeping.
4. If any hazardous materials are discovered, personnel shall contact the Fire Marshall's Office for retrieval, control and safekeeping.

5. Contraband and evidence discovered during the course of a vehicle inventory shall be submitted to the Property and Evidence Section in accordance with Department policy.

VII. Commercial Towing Services & Fees

A. Tow Roster

Normally, tow companies are requested on a rotating basis in the order that they are listed on the Department's tow roster for all tows and impounds. Personnel may deviate from the established tow roster with the permission of a supervisor when:

1. Traffic congestion is such that tow companies responding from outside areas would be significantly delayed in their response; OR
2. Traffic safety would be enhanced by the use of a specific tow company due to logistical reasons.

B. Tow / Impoundment Fees

1. The fees associated with towing and impounding of vehicles are established by the Town of Ocean City.
2. Personnel shall not allow the towing operator to use the authority of Department employees to assist in collecting tow charges or fees.