

# TAKOMA PARK POLICE DEPARTMENT - GENERAL ORDERS



TITLE: <b>VEHICLE IMPOUNDS</b>		NUMBER: <b>705</b>
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New    X Amends    Rescinds	Dated: May 14, 2015	
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**01 Purpose:** To establish an orderly method of accounting for and managing impounded vehicles.

**02 Policy:** It shall be the policy of the Department to only impound vehicles lawfully, efficiently, and in a well-documented manner as described in this General Order. Furthermore, vehicles will not be impounded when reasonable alternatives exist.

**03 Definitions:**

- A. Disabled Vehicle: a vehicle rendered inoperative as a result of a collision or mechanical failure.
- B. Vehicle in Violation: A vehicle in violation of any state, county, or municipal law or ordinance.
- C. Impound Vehicle: A vehicle which a law enforcement agency temporarily takes possession of and has 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 legal means.
- D. Seized Vehicle: A vehicle that a law enforcement agency takes into custody and which may be subject to forfeiture proceedings.
- E. Vehicle Owner: A person who has title to or security interest in a vehicle.
- F. Custodial Interest: A person or persons given temporary control and use of a vehicle by an owner.

**04 Vehicles Involved in an Accident:**

- A. When a person having custodial interest is present on the scene, the vehicle will not be impounded. If it cannot be driven or legally parked, the officer will afford the person the opportunity to remove their vehicle within a reasonable amount of time. If this cannot be arranged in a timely manner, the city’s contracted tow company will be contacted to remove the vehicle. The destination may be arranged by the private parties.
- B. When no person having custodial interest is on the scene, the vehicle will be impounded.

C. When a vehicle has been involved in a fatal accident it may be impounded at the direction of the investigating officer. The vehicle will be stored in a lot wherein the evidentiary chain of custody can be maintained.

D. If a vehicle has been involved in a serious crash, in which a mechanical malfunction is suspected, the vehicle may be impounded at the direction of the investigating officer. The vehicle will be stored in a lot wherein the evidentiary chain of custody can be maintained.

**05 Illegally Parked Vehicles:** Vehicles shall not be routinely impounded for parking violations. When possible, the officer will give the owner/operator a reasonable opportunity to remove the vehicle. However, officers are not restricted from issuing appropriate violation notices or summonses. Impoundment is authorized in the following circumstances:

A. If a vehicle is parked or standing in a fashion that impedes the movement of traffic or blocks a driveway or entrance, or is left unattended on any road, highway, alley or parking lot in a manner that constitutes a threat to public safety.

B. If a vehicle is parked in a fire lane, or interferes with access to a fire hydrant, or interferes with the passage of an emergency vehicle.

C. If a vehicle is parked on a snow emergency route and interferes with snow removal efforts and/or impedes traffic during a snow emergency.

D. If a vehicle is parked in an area adequately marked with temporary emergency no parking signs, as authorized under Title 13 Chapter 13.24 of the City Code.

E. If a vehicle has not been moved in 10 days following the issuance of a warning for 72-hour violation.

**06 Diplomatic Vehicles:** Vehicles owned by a person who enjoys diplomatic immunity will not be impounded. If necessary, a contract towing company **will be** used to move any diplomatic vehicle creating a safety or traffic hazard. However, it will be moved no farther than the closest available legal parking place, and the diplomat and/or State Department will be notified by telephone. Alternatively, the nearest available tow truck may be contacted for a personal tow. (Refer to General Order 610 - Diplomatic Immunity.)

**07 Vehicle with Defective Equipment:** Vehicles with defective, deficient or altered equipment should not be impounded unless the continued operation of the vehicle poses an immediate danger to persons or property.

**08 Arrested Person's Vehicle:** When the operator of a motor vehicle is arrested, but his/her vehicle can be left lawfully parked, or when the owner/operator can arrange legal removal of the vehicle in a reasonable amount of time, the vehicle will not be impounded.

A. When the operator of a vehicle is arrested for DWI, the vehicle may be impounded, in accordance with General Order 706 - DWI Enforcement.

B. If the vehicle is to be left lawfully parked after an accident, arrest or other circumstance, the owner/operator should be advised of the City's 72 hour parking ordinance.

C. Officers are reminded to exercise sound judgment in these instances and ensure that vehicles left on the scene are parked in a secure fashion.

**09 Proof of Authorized Possession:** Vehicles shall not be impounded solely because the owner or operator does not have a registration card, unless there is no other reasonable means to establish authorized possession to the satisfaction of the officer.

**10 General Impound Guidelines:** It is the policy of the Takoma Park Police Department to inventory the contents of every vehicle that is impounded. The purpose of the inventory is to protect the vehicle owner/operator property while in the police department's control and custody. It is also to protect the officer and the department from claims or disputes about lost, damaged, or stolen property. Officers impounding a vehicle will:

A. Inventory the vehicle and include an inventory list on the Vehicle Impound Form (TPPD 700 - 004). If additional space is needed for inventory items, a Form (TTPD 700-004a) Vehicle Impound Supplement will be used.

B. The inventory will encompass all areas and containers within the vehicle where valuables may be found. Areas and containers include but not limited to, glove compartments, trunk, luggage, briefcases, and any other item that may contain valuables.

C. Officers will not break open any locked glove compartment or container to inventory items within. If a key is available for the locked area, it may be opened and inventoried. If no key is available, the locked area or container will be noted on the inventory form and the container described.

D. Valuable property found in the vehicle or a container in the vehicle will be removed, noted on the inventory report and entered into the station property room for safekeeping until the owner is able to claim the property. Valuable property is considered, monies, jewelry, electronics, and any other item that can be reasonably considered valuable.

**E.** The impound case number, date, department, and officer's identification number should be written on the vehicle's windshield with a grease pencil.

**F.** Officers will make reasonable attempts to contact the owner by telephone and advise where the vehicle is located and the procedure to recover the vehicle.

**G.** Complete a Vehicle Impound Form (TTPD 700-004), ensure that the vehicle is entered into the department's property management system by the end of shift, obtain the Supervisor's approval and submit to the Communications Office prior to the completion of the current tour of duty.

**H.** The on-duty Dispatcher should verify the vehicle's license plate and check the vehicle for stolen status; forward the white copy of the form and a copy of any supplement forms to the Administrative Services Records Clerk. The yellow copy and any copies of the supplement form to the Property and Evidence Section. It is recommended that the officer make a copy of the form for his/her own record.

### **11 Administrative Services Responsibilities:**

**A.** Administrative Services will review its copies of the impound record for accuracy and completeness and ensure that a copy of impounds and releases are uploaded into the department's property management system.

**B.** If the vehicle has not been released within 7 days from the date of impound, the Administrative Services will send a notice of intent to dispose of a vehicle, by certified return receipt mail, to the last known registered owner.

**C.** If the last known owner is undeterminable, a notice of intent to make disposal will be posted in the Montgomery County Court House.

**D.** If a mail notification is returned unclaimed or undelivered, a Notice of Intent to Make Disposal will be posted in the Montgomery County Court House within seven (7) days of the return of the certified mailing.

**E.** If a vehicle has not been reclaimed within 11 days following either:

- receipt of a notice of intent to dispose by the last known owner of a vehicle; or
  - posting of a notice of intent to dispose of a vehicle at the Montgomery County Court House;
- the owner is then deemed to have waived all rights and title to the vehicle. The vehicle thereupon may be sold at Public Auction or retained for use by the department for public purposes or transferred to a scrap processor in accordance with the provisions of the Maryland Code, Transportation Article, Subtitle 2 - Abandoned Vehicles.

## **12 Impounding Vehicles for Evidentiary Purposes:**

**A.** Vehicles used in a crime may be impounded if necessary for evidentiary or identification purposes. If possible, vehicles should be processed on the scene rather than impounded.

**B.** When a vehicle is towed to the station or other secure location for processing, it will be followed by an officer.

**1.** The officer impounding a vehicle for evidence processing shall notify CID that the vehicle is ready for processing, or, if possible, process the vehicle himself/herself, if authorized by CIS investigator, for cases that CIS is involved.

**2.** CIS personnel shall process all vehicles involved in any:

- \* murder
- \* rape or attempted rape
- \* serious aggravated assault
- \* armed robbery

**3.** In any incident not listed above, processing by CIS is at the discretion of the investigator, based on the seriousness of the incident, availability of manpower, and work priorities.

**C.** Whenever a vehicle is impounded for evidentiary purposes, the owners are responsible for towing and storage fees.

## **13 Recovered Stolen Vehicle Procedures:**

**A.** Vehicles recovered in stolen or unauthorized use cases may be impounded. However, if the owner of the vehicle lives close to the recovery location and the vehicle appears to be operable, the officer should attempt to contact the owner and request that he/she respond immediately to the scene to take custody of the vehicle. If the owner is unable to respond, the vehicle will be impounded.

**B.** When a towing company, other than one, which normally tows for the Police Department, impounds a vehicle and discovers it to be stolen, an officer will be sent to the storage location. If necessary, the vehicle may be removed from its temporary location and transferred to the Department's approved storage lots. The decision to move the vehicle will be influenced by the availability of the owner and/or the degree of safety provided for the vehicle at the current location. If any problems should arise with the tow company, assistance should be requested from a supervisor.

## **14 Release of Vehicle:**

**A.** Issuance of Vehicle Release: Except in cases in which a vehicle is impounded for evidentiary

purposes, a vehicle release will not be denied to a person who has produced adequate documentary evidence that he/she is entitled to the vehicle. Such documentary evidence will be required when any person other than the last registered owner requests release, and documents must be photocopied and attached to the original release form. No release will be given to persons who are apparently intoxicated.

**B.** Documentary evidence should consist of, but is not limited to, two or more of the following:

- \* certificate of title
- \* endorsed title
- \* bill of sale
- \* notarized authorization
- \* power of attorney from owner
- \* proof of next-of-kinship
- \* owner=s driver's license, with photo

**C.** If there is doubt concerning the adequacy of documentary evidence; the vehicle should not be released. The citizen should be advised to see the Administrative Services Commander for a release during normal business hours.

**D.** The vehicle owner will not be denied a release for his/her vehicle solely because he/she refuses to sign a summons.

#### **15 Release Following Request for a Tow:**

**A.** When a request for a tow has been made for an impound and the owner/custodian arrives at the scene prior to the vehicle hookup, the officer will release the vehicle to the owner/custodian without compensation to the crane operator.

**B.** If the vehicle has been hooked up but has not left the scene upon the arrival of the owner/custodian, the officer should release the vehicle on the scene and allow the owner/custodian to negotiate the fee with the tow operator. Once the vehicle release has been issued, the matter becomes one of a civil nature, to be settled by the vehicle owner and the tow operator.

#### **16 Narcotics Related Impounds (Forfeitures):**

**A.** Impound Officer's Duties: When a vehicle is impounded for a narcotics related violation which is believed to meet the forfeiture criteria set forth in Sections 12-102 (a) (4) and 12-204 of the Criminal Procedure Article, Maryland Code, the impounding officer shall:

1. Notify Communications to send a tow service.
2. Have vehicles impounded pending seizure stored at the designated secure facility. In the event that

additional searches and/or evidence processing is necessary, the vehicle may be stored in the Police evidence bay.

**3.** Complete a police arrest/incident report, Vehicle Impound Form (TPPD 700-004), and a (TPPD Form 600-084) Notice of Conveyance Seizure. A copy of the Notice of Conveyance Seizure will be served on the vehicle owner when possible. The Criminal Investigations Commander will ensure notification to the property owner in accordance with Maryland Law.

**4.** Submit completed forms to Criminal Investigations Commander, via the chain of command, with a detailed memorandum describing all circumstances of the arrest, a statement regarding the officer's request for forfeiture, and the justification for recommending forfeiture. (See General Order 662 Seizure - Conveyances)