

2.458 TOWING & IMPOUNDING VEHICLES

2.458.04 Illegally Parked Vehicles In Primary Jurisdiction

- A. Vehicles will not be routinely impounded for parking violations. If practical, officers will allow reasonable opportunities for vehicles to be moved. PVNs must be issued by either officers or Transportation Services employees to vehicles being impounded for specific parking violations. Impoundment is authorized for:
1. Vehicles parked in fire lanes or interfering with access to fire hydrants or the passage of emergency vehicles;
 2. Vehicles illegally parked in handicapped spaces;
 3. Vehicles parked or standing:
 - a. So as to impede the movement of traffic;
 - b. Blocking driveways or entrances;
 - c. So as to interfere or impede traffic during snow emergencies;
 - d. Blocking dumpsters or legally parked vehicles;
 - e. Unattended on roads or parking lots so as to constitute threats to public safety; or
 - f. In areas appropriately signed or designated as tow zones.
- B. Agency officers are not permitted to tow and impound vehicles for parking violations outside the agency's primary jurisdiction.
- C. Registration and stolen checks will be conducted on all vehicles towed for parking violations.
- D. Vehicles displaying diplomatic license plates or being operated by persons enjoying diplomatic immunity will not be impounded unless requested by persons with diplomatic immunity. If necessary, vehicles may be towed for relocation to close, legal parking places.
1. Authorization for such actions must be obtained from supervisory or administrative ranked personnel.
 2. The agency will absorb costs associated with vehicle relocation.
- E. Vehicles impounded for parking violations will be towed to the agency's impound lot unless it is a Department of Transportation Services tow.

2.458.08 Vehicles Involved in Collisions

- A. Vehicles that are unable to be driven from collision scenes due to injuries to owners/agents, mechanical damages, road blockages, or other exigent circumstances will be towed to commercial facilities, unless:
1. They are registered to the MTF, in which cases they will be taken to that facility; or
 2. They are being impounded for evidence, reconstruction investigation, or seizure.
- B. If owners/agents are capable of making decisions and are willing, removals are classified as private tows with owners/agents being afforded opportunities to select tow companies so long as tow trucks can respond within the same time frame as the agency contracted commercial towing service.
- C. If owners/agents are not capable of making decisions, investigating officers or their designees will complete Records of Impoundment and direct tow truck drivers to tow vehicles to commercial facilities.
- D. Tow truck operators are responsible for ensuring glass and debris are removed from roadways.

2.458.10 Arrestee Vehicles

- A. Arresting officers are responsible for ensuring reasonable care is provided to vehicles in immediate physical possession of arrestees.
- B. Arresting officers or their designees will attempt to notify vehicle owners/agents if they are not on the scenes of arrest related impounds.
- C. Vehicles will not be towed:
1. If they are lawfully parked and are not needed for evidence or

seizure;

2. If third parties are present and arrestees request those third parties take possession of vehicles so long as the third parties are legally capable of removing vehicles; or
 3. If arrestees give officers permission to move their vehicles short distances to legal parking spots.
- D. Arrestees will not be allowed to move their own vehicles.
- E. When possible, impounding officers will have the owners/agents sign Record of Impoundment "NOTICE" sections to advise owners/agents of fee responsibilities.
- F. Vehicles impounded as the result of arrests will be inventoried and towed to the agency's impound lot.

2.458.12 Vehicles Impounded for Evidence Purposes

- A. Vehicles impounded and held for evidentiary purposes will be held only long enough to complete the processing and evidentiary needs for the vehicles.
- B. Investigating officers are responsible for notifying owners / agents as soon as impounded vehicles may be released upon completion of processing or investigation.
- C. Vehicles impounded for evidence processing will be towed to the agency's impound lot or other secure location for evidence collection or chain of custody purposes. However, some impounds may require vehicles to be held at commercial impound lots, e.g., unusual sized vehicles.
- D. Vehicles with missing, altered, or obliterated VINs will be treated as vehicles being held for evidence purposes.
- E. When possible, impounding officers will have owners/ agents sign Record of Impoundment "NOTICE" sections to advise owners/agents of fee responsibilities.

2.458.14 Stolen Vehicles

- A. Vehicles recovered as stolen or in unauthorized use cases and not needed for evidentiary purposes will be impounded and towed to the agency's impound lot regardless of vehicle condition unless:
1. Vehicles appear to be operable and owners/agents are notified and can respond immediately to the scenes to take custody of their vehicles; or
 2. Owners/agents provide for private tows.
- B. Impounding or investigating officers are responsible for ensuring owners / agents of recovered vehicles are notified of vehicle recoveries directly or via communications. Notification information, e.g., dates, times, and who notified, will be included in police reports and Records of Impoundment filed in cases.
- C. Communications personnel are responsible for ensuring NCIC entry requirements are conducted. Copies of notifications will be submitted by communications personnel to the Records Unit.
- D. Vehicle owners / agents are responsible for all towing related costs.

2.458.16 Violations of Transportation Articles

- A. The impounding of vehicles resulting from violations of the Transportation Articles is permitted for reasons of safety, traffic flow, inability to secure a vehicle, and similar circumstances supporting the decision to remove said vehicle from the scene. Impounding of vehicles is not to be used for the punishment of owners/agents.
- B. Officers will inventory, impound, and tow vehicles to the agency's impound lot or commercial facilities (if no University affiliation) after developing probable cause and charging for certain violations of the Transportation Articles. However, vehicles in these categories will not be impounded and towed if they are legally parked or owners / agents arrange for private tows. These violations include, but are not limited to:
1. Unregistered vehicle;
 2. Suspended, revoked, refused, etc., registration;
 3. Compulsory insurance violation with confirmed pick-up

- numbers;
- 4. Vehicle Emission Inspection Program (VEIP) violations with confirmed pick-up number; or
- 5. Unsafe motor vehicle consistent with TR 22-101.
- C. Officers may inventory, impound, and have vehicles towed to the agency's impound lot or commercial facilities (if no University affiliation) after developing probable cause and charging for certain violations of the Transportation Articles. However, vehicles in these categories will not be impounded and towed if they are not needed for evidence or seizure, are legally parked, or owners / agents give permission to other persons who are legally capable of driving the vehicles. The included violations include, but are not limited to:
 - 1. Violations enumerated in TR 26-202;
 - 2. Expired permanent registration in excess of 30 days;
 - 3. Expired temporary registration;
 - 4. Failure to be licensed; or
 - 5. Expired driver's license; provided that the license has been expired at least six months.
- D. Alternatives to towing a vehicle should be used, if applicable, when the alternative is consistent with state law and local ordinances. Alternatives include: allowing another authorized person to move the vehicle; parking the vehicle in a legal parking space; using discretion when a criminal case is not dependant upon the impoundment of the vehicle; and, other, similar circumstances that can avert an unnecessary impound should be considered. When making decisions regarding vehicle impoundments, the decision should be based upon the necessity of the impoundment, as supported by legal justification, legal requirements, and safety and security concerns, as the impoundment of vehicles is not to be used as a punitive measure to punish violators.

2.458.18 Blocking or Impeding Construction, Maintenance Activities, or Snow Removal

- A. Vehicles may be relocated to designated locations when:
 - 1. Requests have been received from Architecture, Engineering, and Construction (AEC), or contractors;
 - 2. Owners/agents are given reasonable opportunities to move the vehicles; and
 - 3. Officers respond and:
 - a. Inform requesters that all relocations result in charges to requesters;
 - b. Obtain methods of payment, e.g., checks or FRS numbers; and
 - c. Have requesters or authorized agents sign as indicated on the Record of Impoundment for the first relocated vehicle.
- B. All related relocations will be referenced to the CCN of the first, signed relocation authorization.
- C. Officers will ensure that Communications is provided complete listings of relocated vehicles and their locations.

2.458.22 Motor Transportation Facility Vehicles

- A. Vehicles registered to the Motor Transportation Facility will be impounded and towed to that facility for:
 - 1. Parking violations listed in **2.458.04** when lawful drivers cannot be found;
 - 2. Collision damage;
 - 3. Drivers being arrested and other lawful drivers cannot be found; or
 - 4. Being recovered stolen and lawful drivers cannot be found.
- B. Officers will not tow and impound vehicles if lawful drivers from the Motor Transportation Facility or department to which vehicles are issued can respond within the same time frame as contracted commercial towing services.

2.458.24 Narcotic/CDS Related Impounds

- A. Vehicles may be impounded, subject to forfeiture if they were used during:
 - 1. Felonies including transporting, manufacturing, distributing, possession with intent to distribute CDS, and conspiracy to commit any of these offenses; transporting, possessing of raw materials or products or equipment of any kind intended for use in any of these offenses; or
 - 2. Misdemeanors if vehicles were used to transport persons to known drug market areas to purchase CDS or when there is evidence that the possession of CDS in vehicles is related to the use of vehicles for other unlawful purposes such as driving under the influence of CDS.
- B. Vehicles impounded and towed as the result of narcotic/CDS impounds will be towed to the agency's impound lot or other secure location if necessary for processing.
- C. Owners/agents are responsible for fees associated with towing and impounding.
- D. When possible, impounding officers will have owners / agents read and sign the "NOTICE" section of Records of Impoundment.

2.458.25 Transportation Services Pick-Up Orders

- A. The agency has entered into an agreement with the Department of Transportation Services (DOTS) to release towed vehicles as a result of pick-up orders being issued for excess parking violations.
- B. Vehicles towed and impounded as the result of Transportation Services pick-up orders will be towed to the DOTS impound lot by DOTS personnel.
- C. Officers will not respond to DOTS pick-up order impounds unless requested.
- D. Transportation Services personnel are responsible for ensuring:
 - 1. Notifications are made to the agency and towing companies;
 - 2. Transportation Services Records of Impoundment are completed; and
 - 3. The Department of Public Safety is provided a copy of each Transportation Services Record of Impoundment.

2.458.26 Keys of Towed and Impounded Vehicles

- A. Officers should keep and retain keys of towed and impounded vehicles, particularly if having and utilizing the keys will reduce towing fees.
 - 1. Vehicle keys may be temporarily retained to facilitate vehicle searches conducted as the result of criminal arrests, but will normally be returned to suspects after processing.
 - 2. House keys, apartment keys, key chains, etc. will not be retained.
 - 3. Vehicle keys will be impounded when vehicles are to be held for seizure actions.
- B. If vehicles keys are impounded, Records of Impoundment will be so marked, keys placed in the Communications key box, and key hook numbers recorded on Records of Impoundment.

2.458.27 Records of Impoundment

- A. Records of Impoundment must be completed by officers when vehicles are towed and impounded or relocated as the result of agency authorization.
- B. Records of Impoundment will not be completed when owners/agents authorize the private towing of their vehicles.
- C. Impounding officers are responsible for ensuring copies of Records of Impoundment are properly distributed on a timely basis when vehicles are impounded and towed to the agency's lot.
 - 1. White copies will be placed in the Impound/Towing book until vehicles are reclaimed by owners / agents or vehicles are otherwise properly disposed of.
 - 2. Pink copies will originally be placed with white copies in the Impound/Towing book and subsequently be given to owners/agents upon signing for vehicle releases or submitted to

- the Logistics Unit to facilitate abandoned vehicle processing.
3. Goldenrod copies will be given to tow truck drivers.
 - D. Goldenrod copies will be given to tow truck drivers and all other copies will be placed in the Impound /Towing book when collision vehicles are impounded and towed to commercial lots.
 - E. Copies of Transportation Services Records of Impoundment will be provided by DOTS when vehicles are towed as the result of Transportation Services pick-up orders.

2.458.28 Impounding Officer Responsibilities

- A. When towing and impounding vehicles to the agency's facility, officers will:
 1. Ensure vehicles are made safe for towing and impounding, i.e., engine off, transmission in park, parking brake on, etc.
 2. Request that communications personnel conduct registration and stolen checks on vehicles;
 3. Request that communications personnel notify the contracted commercial towing company;
 4. Complete Records of Impoundment and vehicle content inventories;
 5. Obtain and sign billing statements from tow truck drivers;
 6. Inform tow truck drivers where vehicles will be towed;
 7. Give goldenrod copies of Records of Impoundment to tow truck drivers;
 8. Ensure the agency's impound lot is opened to receive towed vehicles; and
 9. Ensure Records of Impoundment, and billing statements, are submitted to Communications as soon as practical.
- B. When towing and impounding vehicles to commercial facilities, officers will:
 1. Request that communications personnel conduct registration and stolen checks on vehicles;
 2. Request that communications personnel notify the contracted commercial towing company;
 3. Complete Records of Impoundment;
 4. Not obtain billing statements from tow truck drivers;
 5. Inform tow truck drivers that vehicles will be towed to commercial facilities;
 6. Give goldenrod copies of Records of Impoundment to tow truck drivers; and
 7. Ensure Records of Impoundment are submitted to Communications and placed in the Impound/Tow book.
- C. If vehicles are impounded for narcotic/CDS violations, officers will:
 1. Collect all property of value from vehicles and submit it to Logistics in accordance with **2.500 Evidence & Property Management**;
 2. Notify Communications personnel of the intentions to seek forfeiture;
 3. Contact the drug task force and OSA Auto Forfeiture Unit (AFU) within 48 hours regarding the impound for determination if forfeiture proceedings will continue; and
 4. Notify CIU who will coordinate agency efforts in forfeiture proceedings.

2.458.30 Communications Responsibilities

When officers tow and impound vehicles, Communications personnel will:

- A. Call the primary commercial towing company or a secondary commercial towing company if the primary towing company cannot or does not respond within the contracted time period;
- B. Conduct standard checks of vehicle and registered owners through MVA or NCIC;
- C. Conduct in-depth checks of all identifiable features if:
 1. There are any irregularities on standard checks; or
 2. Impounding officers or other officers on the scenes request additional checks or information;

- D. Relay to officers any irregularities found during any of the checks;
- E. Accept and file Records of Impoundment received from impounding officers which contain the following information:
 1. Make, Model, State, & Tag Number;
 2. Reasons for tows;
 3. Locations where vehicles were towed from;
 4. Locations where vehicles were towed to; and
 5. Notification, or attempts, of registered owners.
- F. Process vehicle releases, inform owners/agents of vehicle locations, assist owners/agents in obtaining their vehicles, accurately calculate and collect fees, secure collected payments and/or monies; and
- G. Complete owner/agent identification information on Records of Impoundment.

2.458.32 Supervisor Responsibilities

- A. Patrol squad supervisors will routinely review all forms submitted by officers to ensure that the requirements for impounding of vehicles are met; and
- B. PCS personnel will review PCO activities to ensure that officer generated requests are met and case cards are properly generated and completed.
- C. Patrol administrators will perform second echelon reviews on Record of Impoundment forms as a part of the agency's Decentralized Line Inspection program.

2.458.34 Logistics Unit Responsibilities

Logistics Unit personnel will:

- A. Ensure that registration and stolen checks are run bi-weekly on vehicles that have been impounded, but are unclaimed;
- B. Verify that CCNs and vehicles in the agency's impound lot are accurately matched to each other.
- C. Assist the Investigations Unit in agency efforts for vehicle seizures;
- D. Complete all appropriate notifications for abandoned vehicles in the agency's impound lot or on University of Maryland property;
- E. Initiate the abandoned vehicle process for vehicles in the agency's impound lot after vehicles have not been released after 72 hours; and
- F. Ensure that requirements are met for the processing of abandoned vehicles.

2.458.38 Release of Vehicles On-the-Scene

- A. When tow trucks have been requested for impounds and owners/agents arrive at scenes prior to hook-up, officers will release vehicles to owners/agents without compensation to tow truck operators.
- B. If tow trucks drivers have taken possession of vehicles by touch or hooking up to vehicles, but have not left scenes prior to arrival of owners/agents, officers will continue to process impounds as if vehicles had already been towed from scenes.
 1. Officers should, when practical, arrange to have owners / agents transported to headquarters to complete releases.
 2. Officers should, when practical, obtain owners' / operators' vehicle keys at the scene to facilitate the towing process.

2.458.40 Authority to Release Vehicles

- A. All vehicles towed to the agency's impound lot must be processed by employees assigned to the Customer Service Desk in order to be released. Vehicles towed to commercial facilities do not require release processing by employees assigned to the Customer Service Desk.
- B. Employees assigned to the Customer Service Desk must be presented with adequate documentary evidence that persons are owners/agents of subject vehicles and entitled to vehicles before releases are completed. Document must be reproduced and at-

tached to yellow copies of Records of Impoundment. This documentation includes, but is not limited to:

1. Certificates of title;
 2. Notarized authorizations;
 3. Powers of attorney;
 4. Properly endorsed Certificates of Title with signature of sellers and information on purchasers inserted; or
 5. Driver's licenses that match vehicle registration information.
- C. Impoundment releases will not be denied to persons having adequate documentary evidence and ability to pay unless vehicles are impounded for evidentiary or seizure purposes or for having missing, altered or questioned VINs.
- D. Impounding officers may request that they be notified when specified impounded vehicles are being released.
1. Vehicles are to be released without delay if officers cannot be contacted.
 2. If officers can be contacted, instructions may be given to employees assigned to the Customer Service Desk as to the action to be taken, information to be obtained, etc., but vehicles may not be held.
- E. Vehicles impounded for evidence or seizure purposes will not be released without court orders or authorizations from Investigations.

2.458.41 Release of Transportation Services Pick-Up Orders

- A. During normal business hours, owners/agents of vehicles towed as the result of Transportation Services pick-up orders must first obtain clearance from Transportation Services prior to vehicles being released.
- B. Owners/agents will be instructed to contact Transportation Services for release clearance.
- C. Following release clearance from Transportation Services, the vehicle will be released consistent with **2.458.40** and **2.458.44**.
- D. After normal business hours, agency employees will collect all monies for overdue parking fines, towing charges, administrative fees, and, if applicable, storage fees for the Department of Transportation Services and then release the vehicle to the owner/agent.
- E. Absent of tow release authorization from DOTS or payment through the UMDPS credit card terminal, UMDPS employees will not release any towed vehicles from the DOTS impound lot.
- F. If the violator presents a release emergency need, and does not have the DOTS documentation or credit card to pay UMDPS, then UMDPS will call the DOTS staff members listed in the DOTS impound manual.
1. Call Transportation Services utilizing numbers contained in CAD and RMS;
 2. If unable to speak with any of the DOTS staff, leave voicemail messages and allow for a 30 minute response time;
 3. If after 30 minutes, there is still no response from DOTS, UMDPS has the authority to release the vehicle for an emergency need without payment with approval of a supervisor.

2.458.44 Collection of Fees

- A. Excepting provisions of **2.458.55**, Employees assigned to the Customer Service Desk will not release vehicles without payment of fees.
- B. Employees will accurately calculate impounding and storage fees according to the UMDPS towing fee schedule and collect same for vehicles stored in the agency's impound lot.
- C. Only exact change payments will be accepted. The only acceptable forms of payment are:
1. Cash;
 2. Checks;
 3. Money Orders;
 4. Credit Cards; and
 5. Billing student or departmental accounts via journal vouchers.
- D. University of Maryland students may have fees billed to their

student accounts or pay by cash, checks, money orders, or credit cards.

1. Only currently registered students can have fees billed to their student accounts.
 2. Students of the University College or other constituent institutions of the USM are not eligible to have fees billed to their student accounts.
 3. In order for university students to have fees billed to their student accounts, Duty Officers must:
 - a. Obtain and make photo copies of students' photo IDs and current semester registration cards;
 - b. Attach photo copied IDs to white copies of Records of Impoundment; and
 - c. Attempt to verify current student status via checks through university data bases.
- E. Employees must appropriately and accurately use University of Maryland Cash Receipt books when receiving cash payment of fees.
- F. If a receipt is voided, employees will:
1. Keep all copies of the receipt in the receipt book or placed in the payment box with the exception of the pink copy which should never be removed from the cash receipt book; and
 2. A reason for the voiding of the receipt should be emailed to the Accounting group and written on the voided receipt.
- G. Employees will appropriately distribute receipt copies, cash, and Records of Impoundment.
1. Original copies of receipts are to be given to owners / agents.
 2. Yellow receipt copies, cash, white copies of Records of Impoundment, and tow company receipts will be checked for accuracy by second parties before being sealed in envelopes and placed in the locked payment box. Both employees will initial the sealed payment envelopes.
 3. Pink copies of receipts must be left in receipt books.
- H. When accepting checks and money orders, employees will:
1. Ensure they are made payable to "**University of Maryland;**"
 2. Complete University of Maryland Cash Receipts as in cash transactions;
 3. Record check or money order numbers on receipts;
 4. Verify identities of check writers and record the information on Records of Impoundment if writers are not the owners/agents;
 5. Promptly seal checks or money orders, Records of Impoundment, and tow company receipts in envelopes and place in the locked payment box.
- I. When accepting credit cards, employees will:
1. Accept Visa, or MasterCard cards only;
 2. Put cards through the verification terminal, keying in amounts, and verify card holder information;
 3. Generate credit card slips;
 4. Compare signatures on credit card receipts with signatures on credit cards;
 5. Separate and distribute copies of credit card slips; and
 6. Seal agency copies, Records of Impound, and tow company receipts in envelope and place in the locked payment box.
- J. If mistakes are made in credit card transactions, officers will:
1. Void transactions in accordance with instructions posted near the credit card terminal and sign voided copies;
 2. Issue corrected receipts; and
 3. Attach notes of explanation with the voided receipts, corrected receipts, and Records of Impoundment and place in the payment box.
- K. Split payments between cash, checks, and money orders will be processed similar to cash transactions.
1. Separate university receipts must be issued for cash, each check, or money order.
 2. No university receipts will be generated for credit card transactions.

- L. No fees will be collected from owners/agents of vehicles that have been relocated. Billing will be handled by Fiscal Services.
- 3. Patrol squad supervisors authorizing exigent circumstances without payment will compose and send CIS relating to the releases.

2.458.46 Release Documentation

- A. Separate CCNs will be generated for each vehicle released from the agency's impound lot.
- B. Vehicle release CCNs must contain:
 - 1. Make, model, state, & tag numbers;
 - 2. Locations from where vehicles were released;
 - 3. Amount of fees collected;
 - 4. CCNs of original impounds; and
 - 5. ID numbers of officers completing vehicle release documentation.

2.458.50 Appeals

- A. The chief will designate:
 - 1. A bureau commander to administer the towing appeals process; and
 - 2. An administrative or supervisory employee to review and coordinate towing appeals.
- B. Towing appeals must be submitted on Towing Appeal forms or other reasonable written or electronic documents to the towing appeals coordinator before vehicles are released or within 14 calendar days after vehicles have been released.
- C. Owners/agents of vehicles impounded by the agency may submit appeals to:
 - 1. Determine if proper procedures were followed when vehicles were towed; or
 - 2. Request waiver or reduction of fees.
- D. Full payments must be tendered for vehicle releases even though owners/agents decide to submit appeals.
- E. Storage fees will continue to accrue if appeals are filed prior to vehicle releases.
- F. The towing appeal coordinator will conduct towing appeal investigations and forward findings and recommendations to the designated bureau commander within 10 business days after being assigned investigations.
- G. The designated bureau commander has 10 business days to review towing appeal findings and recommendations and mail written decisions to the owners/agents of vehicles.
- H. Decisions in favor of vehicle owners/agents will include means of reimbursements or amount of reduced fees to be paid.

2.458.55 Assistance to Citizens

- A. Impounding officers will offer reasonable assistance to operators and passengers of towed vehicles to ensure the well-being of persons and property involved in towing and impounding of vehicles. This assistance may be in the form of finding alternative transportation arrangements, attempting notifications, providing local transports, or the ability to wait a reasonable time in the Headquarters lobby, use the lobby telephone and telephone books, and access restroom facilities.
- B. Reasonable efforts will be made by employees assigned to the Customer Service Desk to assist owner/agents in finding alternative transportation to their destinations when they lack necessary payment mechanisms to have their vehicle immediately released or funds brought to them.
- C. Patrol squad personnel may use their discretion in deciding whether to release vehicles without immediate payments when presented with exigent circumstances regarding the owners'/agents' needs for vehicles and they receive approval from a supervisory or administrative ranked officer.
 - 1. Billing amounts will be calculated and entered on Records of Impoundment as "To be billed" and signed by a patrol squad supervisor.
 - 2. Officers must positively identify owners/agents and obtain billing addresses.