

UPPER MERION TOWNSHIP POLICE DEPARTMENT
POLICY AND PROCEDURE

No. 220

Supersedes: NA

Effective: October 24, 2003

Page: NA Section: NA

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Dated: September 1, 2003

TOWING OPERATIONS

- I. **PURPOSE:** The purpose of this policy is to establish written guidelines for the towing and/or impoundment of motor vehicles by officers of the Upper Merion Township Police Department. This policy does not apply to situations in which an employee of the department simply assists with arrangements for a vehicle to be towed at the request of the owner or person in authorized possession of the vehicle.
- II. **POLICY:** The Upper Merion Township Police Department has the authority and responsibility to insure the safe and efficient flow of vehicular traffic, to remove abandoned vehicles and to preserve evidence of a crime. This sometimes requires that vehicles be towed to another location for safety, enforcement or security reasons. However, officers should tow vehicles only when necessary, and utilize discretion and sound judgement when following this policy.
- III. **CROSS-REF:** CODE OF UPPER MERION TOWNSHIP, Chapter 157, Vehicles and Traffic
- Policy #210, TRAFFIC CRASH INVESTIGATIONS
- Policy #600, EVIDENCE AND PROPERTY CONTROL
- IV. **DEFINITIONS:**
- ABANDONED VEHICLE (Section 102, PA Vehicle Code): A vehicle (other than a pedalcycle) shall be presumed to be abandoned under any of the following circumstances, but the presumption is rebuttable by a preponderance of the evidence:
1. The vehicle is physically inoperable and is left unattended on a highway or other public property for more than 48 hours;

2. The vehicle has remained illegally on a highway or other public property for a period of more than 48 hours;
3. The vehicle is left unattended on or along a highway or other public property for more than 48 hours and does not bear all of the following:
 - a. a valid registration plate
 - b. a certificate of inspection
 - c. an ascertainable vehicle identification number
4. The vehicle has remained on private property without the consent of the owner or other person in control of the property for more than 48 hours.
5. Vehicles and equipment used or to be used in construction or in the operation or maintenance of highways or public utility facilities, which are left in a manner which does not interfere with the normal movement of traffic, shall not be considered to be abandoned.

IMPOUND: To seize and retain in legal custody.

V. **VEHICLE TOWING PROCEDURES:**

A. AUTHORITY:

1. Officers shall have the authority to remove and impound or to order the removal and impounding of any vehicle parked illegally, provided that no such vehicle shall be removed or impounded except in strict adherence to the provisions of this Article (CODE OF UPPER MERION TOWNSHIP, 157-21, PA VEHICLE CODE, section 6109(22)).
2. Officers are authorized by law to tow and impound vehicles under certain circumstances. Towing and impoundment of vehicles when authorized is intended to ensure compliance with the law, to facilitate criminal or traffic crash investigations, to provide for public safety, and to allow for the proper movement of traffic on streets and highways. Officers shall avoid the unnecessary towing of motor vehicles.

B. GUIDELINES:

1. Traffic Hazards: When a vehicle left unattended upon a street or highway is found in violation of any of the provisions regulating stopping, standing, or parking, and constitutes a definite hazard or obstruction to normal movement of traffic, officers may remove such vehicle, or require the driver or other person in charge of the vehicle to remove it from the roadway.
 - a. If the vehicle is removed at the direction of police, and the driver or other person in charge of the vehicle is not present, the officer requesting removal of the vehicle shall attempt to promptly notify the owner of the vehicle's location. If the owner of the vehicle could not be contacted, a note shall be placed on the Daily Patrol Log and Towing Log as to the vehicle's description and its location.

- b. If the owner or other person in charge of the vehicle is present, he/she shall be allowed a reasonable period of time to have the vehicle towed or moved to a safe location off the street or highway. If the owner or other person in charge of the vehicle is unable or unwilling to comply, police will remove the vehicle.
2. Stolen Vehicle: Upon the recovery of a vehicle confirmed as stolen or taken without the permission of the owner, the investigating officer shall:
 - a. Notify the police agency reporting the vehicle stolen (if not this department) as to the recovery, and determine if the vehicle is to be held for evidentiary purposes or for evidence collection.
 - b. If the stolen vehicle is not to be held for evidentiary purposes or other reasons, the officer will order the removal and impoundment of the vehicle when:
 - (1) The lawful owner is unable or unwilling to respond within a reasonable period of time to claim the vehicle or;
 - (2) The vehicle is on a street or highway and is causing a hazard or obstruction to the movement of vehicular traffic.
3. Arrest of owner/operator: In the event the owner or driver of a vehicle is arrested for a violation that does not involve seizing or impounding the vehicle for evidence, the vehicle shall be handled in the following manner:
 - a. If permission is obtained from the owner or driver, the vehicle may be driven away by a licensed occupant, or if the vehicle is parked in a proper and safe area, the secured vehicle may remain in that area at the request of the owner or driver;
 - b. If the vehicle is in an improper or unsafe area, or the owner or driver refuses to make appropriate arrangements, police will remove the vehicle.
 - c. When the officer has probable cause to believe that the vehicle is being operated while the driver is under the influence of alcohol or a controlled substance, the officer shall have the vehicle removed and impounded.
4. Illegally parked: The police department has the authority to remove vehicles which are illegally parked on or in:
 - a. snow emergency routes (CODE OF UPPER MERION TOWNSHIP, 157-30)
 - b. fire lanes (CODE OF UPPER MERION TOWNSHIP, 157-43C. 157-44C and 157-45C)
5. Evidence/Contraband: Officers are authorized to remove and impound a vehicle when:
 - a. There is probable cause to believe that the vehicle contains evidence or contraband which might be lost if the vehicle is not impounded;

- b. There is probable cause to believe that the vehicle has been used in the commission of a crime and that its retention as evidence is necessary;
 - c. The vehicle is subject to seizure and forfeiture under state or federal law.
6. Public Safety: A police officer shall have a vehicle removed and/or impounded for any of the following reasons:
- a. When the vehicle is being operated on a public street or highway and is such an unsafe condition as to constitute an immediate safety hazard to others, the vehicle cannot be safely and legally left where stopped or found, and the driver/owner cannot offer a reasonable alternative for its removal;
 - b. When the removal of the vehicle is necessary in the interest of public safety because of fire, flood, storm, or other emergency.
7. Traffic crashes: If a vehicle is damaged in a traffic crash to the degree that it is immovable and is blocking traffic or presents a hazard, the investigating officer shall request a tow truck and have the vehicle(s) removed.
- a. Officers should check with the driver/owner to ascertain if a private tow truck has already been requested. If so, officers shall wait a reasonable period of time for the private tow if the vehicle is not an immediate hazard, is not causing a serious impediment to the normal flow of traffic, and is not to be impounded.
 - b. When an unoccupied vehicle is involved in a crash, all reasonable means of notifying the owner should be exhausted. If the owner cannot be contacted and the vehicle constitutes a hazard, it shall be removed. If the vehicle is not a hazard, a notice shall be attached to the vehicle indicating that a police report has been made.
8. Vehicle Code Violations: Vehicles shall not be towed for summary Vehicle Code violations. A police officer may have a vehicle removed and/or impounded for violations of the Vehicle Code graded a misdemeanor or felony when the vehicle is evidence of the offense charged (examples: DUI, Hit and Run).

C. PUSH BUMPERS:

- 1. The installation of push bumpers on patrol vehicles is intended to relieve the officer of the physical strain of manually removing a disabled vehicle obstructing traffic. In order to accomplish their purpose, the push bumpers must be used in accordance with certain guidelines:
 - a. To be used to remove disabled vehicles obstructing traffic;
 - b. To remove disabled vehicles to the nearest safe place not obstructing traffic;
 - c. Not to be used to push vehicles for a long distance;

- d. Not to be used to attempt to push start a stalled vehicle;
- e. Not to be used to push a vehicle that has an obstruction to the free movement of any tire.
- f. Disabled vehicles are to be pushed slowly and cautiously. Contact should not be maintained with a vehicle being pushed around a corner. Abuse of the proper use of push bumpers could result in damage to the patrol and/or disabled vehicle.

D. REPORTING:

1. Whenever a vehicle is towed at the discretion of an officer, an incident number shall be requested and the appropriate report shall be completed.
2. The officer assigned shall check to ascertain if the vehicle is wanted or stolen and determine the registered owner.
3. The officer will complete the Upper Merion Township Police Towing Authorization & Vehicle Release Form insuring that the appropriate information is obtained and recorded on the form. The yellow copy will be given to the owner/operator if present. The pink copy will be given to the tower, and the white copy will be filed with the police report.
4. If the vehicle is unattended when towed, the officer requesting the tow shall insure that the registered owner is notified as soon as possible. If contact cannot be made with the registered owner, the dispatcher shall make an entry on the Daily Patrol Log and Towing Log with the vehicle's description and its location.
5. Refer to the CODE OF UPPER MERION TOWNSHIP, 157-23, regarding the required notice of removal and impounding, and 157-25 regarding the required record of vehicles impounded.

E. RELEASE OF VEHICLES:

1. When it is not necessary to place a hold on the vehicle's release, the officer shall complete and sign the Vehicle Release Authorization blocks on the Upper Merion Police Towing Authorization & Vehicle Release Form.
2. When it is necessary to place a hold on a vehicle's release, the officer will leave the Vehicle Release Authorization blocks blank and detail the reasons for the hold on the appropriate police report. Vehicles on "HOLD" shall not be released without the approval of the officer for whom the vehicle is being held, or a Command or Supervisory Officer. Additionally, no items shall be removed from the impounded vehicle without the approval of the impounding officer, or a Command or Supervisory Officer. When there is no longer a valid reason to hold the vehicle, the impounding officer shall sign the Vehicle Release Authorization and notify the owner and the towing agency of the vehicle's release.

3. Vehicles will only be released to the registered owner or his/her authorized designee. The person requesting release of the vehicle must appear at the Upper Merion Township Police Department with proof of ownership to obtain a vehicle release authorization. A third party must have written consent of the owner, along with proof of ownership, to claim a vehicle.
4. When a vehicle is towed to the police garage to be searched or processed for evidence, the vehicle shall be released to the towing agency that originally towed the vehicle to the police garage. The vehicle will then be released from the impoundment yard of the towing agency to the owner. The owner is responsible to the towing agency for all towing or storage fees. When a vehicle is towed a long distance to the police garage, circumstances may dictate that the towing agency is paid immediately or through an Upper Merion Township purchase requisition.
5. After obtaining the release authorization, the owner or his/her authorized designee, should contact the towing agency to make arrangements for picking up the vehicle. (Refer to the CODE OF UPPER MERION TOWNSHIP, 157-24, regarding the payment of towing and storage charges).

F. TOWING CONTRACTORS:

1. The towing contractor shall comply with all the provisions of the Towing Agreement with the township, and of this policy. Any one or more violations of the towing agreement or this policy may result in termination of said contract.
2. The towing contractor for Upper Merion Township shall provide services, as needed, on a seven (7) day a week, twenty-four (24) hour a day basis. The towing contractor shall supply one telephone number to the police department for use in requesting service which shall be available at all times.
3. The towing contractor for the township shall dispatch towing equipment in a timely fashion to insure that equipment is on the scene within fifteen (15) minutes of the call for assistance from the police department. The shift supervisor may designate any tow service to initiate a tow regardless of on-duty call status for any of the following reasons:
 - a. Slow response by the towing contractor for the township;
 - b. Owner's request of another tow service;
 - c. Any Vehicle Code violations by the towing contractor while at the scene or enroute to or from the scene;
 - d. Any unsafe action by the towing contractor;
 - e. Any other reason that is in the best interest of the owner of the vehicle or the police department.
4. All complaints against the towing contractor for the township shall be investigated and recorded. The Captain of Police, or his/her designee, shall be responsible for handling problems that arise from the towing contractor.

VI. ABANDONED VEHICLE PROCEDURES:

A. PROCESSING- ABANDONED VEHICLE ON PUBLIC PROPERTY:

1. Upon receipt of the report of an abandoned vehicle, a special officer shall be dispatched to investigate the complaint. If the vehicle conforms with the definition of an abandoned vehicle, the special officer shall attempt to make contact with the last registered owner and have the vehicle moved.
2. If contact cannot be made with the last registered owner, or the owner is unable or unwilling to comply with the request to remove the vehicle, the special officer shall request an incident number and initiate the processing of the vehicle as abandoned.
3. Registration, NCIC and CLEAN checks shall be obtained on the vehicle's VIN and registration number. Attach all printouts to the reports submitted.
4. If the vehicle is reported as stolen, follow normal procedures related to the recovery of stolen vehicles.
5. If the vehicle is not stolen, initiate UMPD Form #AV-1. One copy of the #AV-1 shall be sent via certified mail to the last registered owner of the vehicle, and one copy shall be placed in the abandoned vehicle file.
6. An abandoned vehicle notice, on a form approved by the department, shall be securely attached to the abandoned vehicle in a conspicuous location.
7. A minimum of nine (9) days after the #AV-1 has been mailed, the special officer shall check if the vehicle is still parked in the same location and in the same condition as when the process was initiated. If this is the case and the last registered owner of the vehicle has not contacted this department and made arrangements to remove the vehicle, the special officer will prepare three (3) copies of the PA Department of Transportation Form #MV-952. One copy of this form will be retained by this department and the remaining two copies will be given to the township's salvor when the vehicle is towed.
8. Immediately prior to ordering the vehicle removed by the salvor, another registration and NCIC/CLEAN check of the vehicle's VIN will be initiated to ascertain if there has been any change in the status of the vehicle. If the vehicle has not been reported a stolen, the vehicle will be ordered towed by this department. The vehicle will not be towed until the special officer verifies receiving the "return receipt card" from the post office.
9. Photographs shall be taken of all four sides of the vehicle to accurately record the condition at the time it was towed.

10. An Upper Merion Township Police Towing Authorization and Vehicle Release form, and all other paperwork including the new NCIC/CLEAN and registration printouts will be turned in to the Patrol Division Secretary for filing. The Police Computer System will be updated using the original incident number to indicate the vehicle was towed, and the location where the vehicle was towed for further processing.
 - a. The investigating officer or special officer shall issue or cause to be issued the appropriate Vehicle Code violation to the last registered owner for any abandoned vehicle towed from public property per Section 3712 of Title 75, Abandonment and Stripping of Vehicles, unless that vehicle was stolen or operated without the consent of the owner.

B. PROCESSING- ABANDONED VEHICLE ON PRIVATE PROPERTY:

1. Vehicles abandoned on private property are processed in a similar manner, but several additional steps are necessary:
 - a. Initiate steps #1 to #4 in section A above. The Form #AV-1 is to show the origin of the vehicle, or how it was obtained by the property owner; make any notations under "miscellaneous" remarks.
 - b. If the vehicle is not stolen, provide the property owner with an UMPD Form #AV-3. The property owner is to complete the #AV-3 and have the form notarized. Once the notarized form is completed and returned, the original incident number will be used to continue the processing of the abandoned vehicle. A \$15.00 fee for processing will be paid to Upper Merion Township at this point in the process.
 - c. Initiate steps #5 to #9 in section A above.
 - d. If any salvor contacts this department for the purpose of disposing of a vehicle already in his/her possession and on his/her property, he/she must also proceed as stated in steps #1a, #1b, and #1c above. The salvor's address will be recorded on the PA State Abandoned Vehicle Form (#MV-952) as being the location where the vehicle has been abandoned.
 - e. The investigating officer or special officer shall issue or cause to be issued the appropriate Vehicle Code violation to the last registered owner for any abandoned vehicle towed from private property per Section 3712 of Title 75, Abandonment and Stripping of Vehicles, unless that vehicle was stolen or operated without the consent of the owner.

APPROVED: _____

DATE: _____

APPROVED: _____

DATE: _____

TO BE REVIEWED: ANNUALLY

DISTRIBUTION: All police officers
All special officers
Township Manager
File