
	GAITHERSBURG POLICE DEPARTMENT		
	Parking, Stolen Vehicles and Towing		
	GENERAL ORDER	616.1	
Effective Date	08/30/2024		
Authorized by:	Mark P. Sroka CHIEF OF POLICE	SIGNATURE	DATE 08/30/2024

1. **POLICY** - In many instances, it is not necessary to tow a vehicle solely because it is parked in violation of state or local law. The decision to tow should be based on the nature of the violation as well as a reasonable and objective consideration of the facts and circumstances then present. Pursuant to provisions in the City Code and department directives, Gaithersburg officers are authorized to tow vehicles to restore the free flow of traffic, abate a danger to public safety, and to ensure owner attention to prior violations. Officers may also tow a motor vehicle to protect the interests of the vehicle owner, the vehicle operation, or the City of Gaithersburg and its employees.

2. **DEFINITIONS**

2.1. **Vehicle Inventory** - Within the context of this directive, the term “vehicle inventory” refers to the act of an officer identifying items of value within a vehicle after a vehicle seizure or execution of a search warrant when the vehicle is towed to a police facility.

3. **TOWING VEHICLES FROM PUBLIC OR PRIVATE PROPERTY**

3.1. **Violations for Which Vehicles May be Towed**

3.1.1. When a vehicle is parked in such a manner that it presents a danger to the public safety, its surroundings, or could cause damage to the vehicle, and by having the vehicle towed, the threat would be reduced or eliminated and/or the flow of traffic would be improved. This applies on public and private property.

3.2. **Identifying and Locating Owner in Lieu of Towing**

3.2.1. Before a vehicle is towed, officers may try to locate the owner/operator to remove the vehicle.

3.3. **Requesting Tow Trucks**

3.3.1. In the absence of supervisory direction to the contrary, officers needing a vehicle removed, stored, or towed shall make their request for a tow truck via radio through the Public Safety Communications Center (PSCC). Officers must provide a description of the vehicle

(i.e., color, make, and model), the registration plate, and the reason for the tow, so that a record of the towed vehicle can be entered into the C.A.D. system records. If the vehicle being towed does not contain a registration plate, or the officer will be removing the registration plates, the Vehicle Identification Number (VIN) must also be provided to the PSCC.

3.3.2. If the officer requires a specific tow truck (4-wheel drive, roll-back, conventional, etc.) they should relay this information to the PSCC.

3.3.3. A stolen check should also be completed by MDC or through the PSCC before towing a vehicle.

3.4. Vehicle Inventories

3.4.1. Any time an officer tows a vehicle to a law enforcement facility, that officer shall complete a non-investigatory vehicle inventory using his or her Body Worn Camera (BWC). The officer shall verbally narrate the inventory, with items left in the vehicle being verbally noted on the BWC. If the officer does not have access to the interior of the vehicle (for example, a vehicle towed pursuant to a search warrant without keys), then that officer will walk around the vehicle and verbally narrate any items seen within the vehicle.

3.4.1.1. If an event report is generated, it will be noted in the narrative that an inventory was conducted via the officer's BWC.

3.4.1.2. The officer shall classify the BWC video by selecting the "Vehicle Inventory" classification in Evidence.com when a vehicle is towed.

3.4.1.3. The officer shall ensure that the case number or CAD event number is added to the BWC recording.

4. POLICIES AND PROCEDURES FOR DIFFERENT TYPES OF TOWS

4.1. Vehicles may be towed by an officer incidental to a physical arrest of the driver whenever the vehicle presents a traffic hazard or for safekeeping.

4.2. The vehicle should be towed to the tow company's lot unless the vehicle needs to be processed for evidentiary reasons.

4.3. In the event an officer arrests the operator of a motor vehicle while the vehicle is legally parked on public property, the vehicle may be left in a legally parked position while the driver is taken into custody.

4.4. If the driver is also the owner of the vehicle, the owner may allow a properly licensed driver, who is present, to take control of the vehicle.

4.5. Conveyance Seizures

- 4.5.1. Vehicles seized by officers (i.e., CDS violations) will be towed to the GPD facility for secure storage.
- 4.5.2. Officers shall conduct a non-investigatory inventory of vehicles seized pursuant to conveyance seizures using their Body Worn Camera (BWC) consistent with Section 3.4 of this General Order.
- 4.5.3. The following forms and/or steps shall be completed and submitted to the Accreditation Manager **prior to the conclusion of the officer's shift**:
 - 4.5.3.1. Conveyance Seizure Packet. Follow the procedure outlined in General Order 1106.1 for conveyance seizures.
 - 4.5.3.2. Impounded Vehicle Form (GPD 61)
 - 4.5.3.3. Place any applicable tow paperwork with a copy of the GPD 61. Maintain the original GPD 61 for your records.
 - 4.5.3.4. Enter the vehicle into the evidence system.
- 4.5.4. The Accreditation Manager will maintain these forms until the disposition of forfeiture proceedings.

4.6. Vehicles Towed for Unpaid Parking Tickets

- 4.6.1. If a vehicle is towed because it has three (3) or more past due unpaid parking tickets, the PSCC will be notified, who will request a tow company to respond and enter the vehicle into the CAD.
- 4.6.2. Parking Enforcement Officers will note any items of value in plain view, and these will be entered in the "Internal Notes" field on the parking ticket. If no items of value are noted, then the user will enter "No items of value noted." This will be done anytime a vehicle is towed due to unpaid tickets.
- 4.6.3. The officer or parking enforcement official having the vehicle towed for unpaid tickets should advise the tow truck operator **not** to release the vehicle until a receipt is presented to the towing company, issued by administrative support personnel, indicating the tickets have been paid.

4.7. Vehicles Involved in Traffic Collisions

- 4.7.1. If a vehicle involved in a collision must be towed due to its operator being hospitalized or because damage renders it inoperable, if the owner/operator wishes to have a certain tow company tow the vehicle, the officer may use his or her discretion unless that tow company cannot respond in a timely manner and the vehicle is impeding traffic.

4.7.1.1. *In this instance, the nearest available tow truck should be requested by the officer through the PSCC.*

4.7.2. In the event a vehicle's owner/operator is going to be transported to the hospital because of the collision and the vehicle is still operable, officers may consider moving the vehicle to an appropriate location if requested or authorized by the owner/operator. When possible, valuables may be turned over to the appropriate individuals. If this is not an option, the items may be submitted to the property custodian for safekeeping, or an officer may bring those items to the hospital to provide them to the owner/operator.

4.8. Stolen Vehicles

4.8.1. When a stolen vehicle is recovered, it is considered a crime scene and the recovering officer will make every effort to have the vehicle processed by either Shift I.D. or Forensic Services Section, as described in General Order 1101.1.

4.8.2. It is the responsibility of the recovering officer to notify the vehicle's owner of the recovered vehicle. The officer's report(s) shall indicate the name of the person notified, contact information and the date and time of the notification.

4.8.3. If the vehicle is to be towed, it may be towed to the GPD facility or to an appropriate MCP facility where the search/processing can take place.

4.8.4. If a vehicle is towed to a law enforcement facility, officers shall conduct a non-investigatory inventory search of the vehicle using their Body Worn Camera (BWC) consistent with Section 3.4 of this General Order.

4.8.5. The following forms and/or steps shall be completed prior to the conclusion of the officer's shift:

4.8.5.1. Impounded Vehicle Form (GPD 61)

4.8.5.2. Place the vehicle keys (if applicable) in a regular envelope. Label the envelope with the case number.

4.8.5.3. Place any applicable tow paperwork within the envelope as well.

4.8.5.4. Place a copy of the GPD 61 and the envelope containing vehicle keys and/or any applicable tow paperwork in a secure holding locker within the evidence storage room. Notify the Accreditation Manager.

4.8.5.5. Maintain the original GPD 61 for your records.

4.8.5.6. Enter the vehicle into the evidence system.

4.8.6. If a vehicle is towed to a law enforcement facility, follow the vehicle to the station to preserve chain-of-custody and to ensure that all required forms

pertaining to the vehicle are completed.

- 4.8.7. A copy of the forms completed for any MCP facility will be submitted with the GPD Impounded Vehicle Form (GPD 61).
- 4.8.8. If a recovered vehicle is not going to be processed due to its exposure to weather, other elements, or for other reasons, it can be released to its owner on the scene, or it can be towed to the appropriate tow company's storage lot until the owner is notified.
- 4.8.9. If the vehicle was reported stolen in another jurisdiction, the recovering officer is responsible for notifying the police agency that entered the vehicle into NCIC, via the PSCC and the Message Routing Center. The notification may request the reporting jurisdiction notify the owner of the vehicle recovery.

4.9. Vehicles Towed at the Request of Other City Departments

- 4.9.1. When officers are called upon to tow or remove vehicles by other City Departments the following procedures will be followed:
 - 4.9.1.1. Officers will determine the reason for the tow.
 - 4.9.1.2. If the tow is requested to assist with maintenance or repairs of streets, facilities, special events etc., officers should first determine if proper notice was given to motorist via signs placed at least 48 hours in advance.
 - 4.9.1.3. Officers will first run the vehicle's license plate and attempt to contact the registered owner to remove the vehicle immediately.
 - 4.9.1.4. If the owner cannot be located and appropriate notice was provided, officers will cite the vehicle with a parking citation and notify the PSCC, who will request a tow company to respond and enter the vehicle into the CAD. The approved tow company will remove the vehicle to their tow lot.
 - 4.9.1.5. If appropriate notice was not provided, the PSCC will be notified, who will request a tow company to respond and enter the vehicle into the CAD, have the vehicle relocated to a safe area near where the vehicle was originally parked.
 - 4.9.1.6. All vehicles parked on a designated snow emergency route during the period of the declared snow emergency are subject to being ticketed and towed. Officers should ticket

and tow all vehicles that are interfering with snow removal upon the request of the Public Works Department. If a vehicle is towed, the PSCC will be notified, who will request a tow company to respond and enter the vehicle into the CAD.

5. TOWING VEHICLES TO THE GPD STATION

5.1. Limited Circumstances

- 5.1.1. Vehicles seized and subject to forfeiture proceedings shall be towed to the station's secure lot.
- 5.1.2. Vehicles for which additional investigation is required may be towed to the station with the supervisor's approval.
 - 5.1.2.1. *The supervisor will notify their Bureau Commander and the Accreditation Manager indicating why authorization was given to store the vehicle at the station.*
- 5.1.3. Officers shall conduct a non-investigatory inventory search of the vehicle using their Body Worn Camera (BWC) consistent with Section 3.4 of this General Order.
- 5.1.4. The following forms and/or steps shall be completed prior to the conclusion of the officer's shift:
 - 5.1.4.1. Impounded Vehicle Form (GPD 61)
 - 5.1.4.2. Place the vehicle keys (if applicable) in a regular envelope. Label the envelope with the case number.
 - 5.1.4.3. Place any applicable tow paperwork within the envelope as well.
 - 5.1.4.4. Place a copy of the GPD 61 and the envelope containing vehicle keys and/or any applicable tow paperwork in a secure holding locker within the evidence storage room. Notify the Accreditation Manager.
 - 5.1.4.5. Maintain the original GPD 61 for your records.
 - 5.1.4.6. Enter the vehicle into the evidence system.
- 5.1.5. Vehicles held at the station for investigative purposes will be towed, at the owner's expense, to the MCP AVU, if not claimed by the registered owner within 30 days of being notified that the vehicle is eligible for release.
 - 5.1.5.1. Investigative measures related to these vehicles shall be pursued without unnecessary delay, and the owner promptly notified when the vehicle is eligible for release.

- 5.1.5.2. The vehicle owner is responsible for settling any incurred fees, such as towing expenses, prior to taking custody of the vehicle.

6. ABANDONED VEHICLES

6.1. Defined

- 6.1.1. § 14-16 of the Gaithersburg City Code prohibits the parking of any vehicle upon any street, avenue, road, highway, public parking lot or vacant lot for a continuous period of more than forty-eight hours at any one time.

6.2. Citizen Complaints of Abandoned Vehicles

6.2.1. On Public Streets

- 6.2.1.1. All other citizens calling the station to report an abandoned vehicle on a public street will be advised to call the MCP Abandoned Vehicle Unit (AVU).

6.2.2. On Private Property

- 6.2.2.1. If a citizen calls the station about an apparently abandoned vehicle on private property (i.e., apartment complex lot, in a parking space of a townhouse development, or shopping center), the caller will be referred to the MCP AVU.

6.3. Officer Response

- 6.3.1.1. Any officer who responds to an abandoned vehicle complaint on a public street or City-owned parking lot will attempt to locate the owner and inform them that a complaint has been made concerning the alleged abandonment of their vehicle.
- 6.3.1.2. The responding officer will check the vehicle for stolen by tag/VIN.
- 6.3.1.3. If the vehicle has not been reported stolen and the owner cannot be located/contacted, the officer will affix an orange “Abandoned Auto Sticker” and a Warning Notice to a conspicuous location on the vehicle, citing a violation of § 14-17 of the Gaithersburg City Code.
- 6.3.1.4. The officer will then contact the MCP AVU and advise them of the location of the abandoned vehicle, the tag/VIN and the complainant’s information for follow-up.

- 6.3.1.5. If an obviously abandoned vehicle is causing a danger to public safety (stripped, broken glass near it, leaking fluids), and its owner cannot be located/contacted to remove it immediately, the officer should contact the MCP AVU either by phone or via the PSCC to remove it immediately during normal business hours. After normal business hours of the MCP AVU, officers should tow the vehicle via the PSCC.
- 6.3.1.6. Parking Enforcement Officers will note any items of value in plain view, and these will be entered in the "Internal Notes" field on the parking ticket. If no items of value are noted, then the user will enter "No items of value noted."

6.3.2. **Abandoned Vehicle on a Homeowner's Property**

- 6.3.2.1. Complaints pertaining to an abandoned vehicle in a private yard or driveway will be referred to the City's Neighborhood Services Division for appropriate action.

7. PARKING ENFORCEMENT

7.1. Chapter 14 of City Code

- 7.1.1. Officers are authorized to enforce the City's parking regulations, pursuant to the provisions of Chapter 14 of the City Code, which requires an officer to "attach to any vehicle found to be in violation of any provision of [Chapter 14], a Citation to the owner thereof that such vehicle has been in violation of such provision and informing the owner of the penalty for such violation."
- 7.1.2. All officers shall have a thorough working knowledge of Chapter 14 of the Gaithersburg City Code.
- 7.1.3. Upon locating vehicles parked in violation of Gaithersburg City Code and marked by proper signage, officers may issue a City Parking Violation Citation or a warning. Officers will use their best judgment and discretion in determining which action to take.
- 7.1.4. For instances of parking violations that are enforceable but not marked by signage, officers are encouraged to issue a warning. A citation may be issued if, based on the officer's judgment, a City Parking Violation Citation is the appropriate course of action.
- 7.1.5. Command personnel cannot assume responsibility for reviewing the judgment of individual officers in all cases involving the issuance of a parking citation. Differences of opinion on whether an offense was committed will be best resolved in court at the time of trial.

- 7.1.6. Parking Violation Citations shall be issued using the department's online parking enforcement system. If that system is offline a paper citation can be issued, and a copy will be given to the Administrative Support personnel for entry into the system.
- 7.1.7. The violator's copy will be placed in a conspicuous location on the vehicle and the top copy will be submitted to administrative support personnel for processing.

7.2. Scofflaws and the Flagging System

- 7.2.1. The Passport parking ticket program will notify the MVA of any Parking Violation Citations that have not been paid or otherwise disposed of in a timely manner, so that the registrations of the vehicles will not be renewed until the payment is satisfied.
- 7.2.2. The MVA flagging system will be notified of a vehicle that was issued a Parking Violation Citation and whose owner attempted to pay the fine with a check that was returned, and no attempt was made to make the check good.
- 7.2.3. Also treated as scofflaws are those persons whose vehicle received a Parking Violation Citation and who failed to appear at the trial they requested. The MVA flagging system will be notified of the failure to appear.

7.3. Administrative Support Personnel Processing of Parking Enforcement Citations

- 7.3.1. If a request is received for a court date, administrative support personnel will process the request using the officer's next scheduled traffic court date and send a letter to the requestor advising of the court date.
 - 7.3.1.1. ***The Parking Violation Citation, a copy of the letter, and the appropriate District Court Transmittal Form, will be sent to the District Court to be included on the docket.***
- 7.3.2. Only designated members of the Administrative Bureau are authorized to accept payments for fines. If a Parking Violation Citation is paid in-person, a receipt will be issued to the person paying the fine.
- 7.3.3. If a *flagged ticket* is paid, an MVA Receipt will be issued to the person making payment, in conjunction with a City receipt, so that this person can prove to the MVA that the Citation was satisfied and the "flag" can be removed.
- 7.3.4. If a person fails to appear for trial after having been notified of a requested court date, they will be required to pay all penalties before a new court date is assigned.

7.3.4.1. *Receipts will be issued upon payment and money will be refunded in whole or in part if the court renders a finding of not guilty, waives the fine/costs, or fines the vehicle's owner an amount less than the amount posted by the owner.*

7.4. Issuance by Fire Officials

7.4.1. Certain members of the Gaithersburg-Washington Grove Fire Department are authorized to issue Parking Violation Citations to vehicles in violation of fire lane and fire hydrant ordinances.

7.4.1.1. Administrative support personnel will process these citations in the same manner as if police officers had issued the citations.

7.5. Issuance by Planning and Code Administration Officials

7.5.1. City Code Enforcement Officers are authorized to issue Parking Violation Citations for any violation.

7.5.2. Administrative support personnel will process these Citations in the same manner as if Gaithersburg Police personnel had issued the Citations.

7.6. Issuance of Parking Citations by Parking Enforcement Officials

7.6.1. The Department has civilian Parking Enforcement Officials that have been trained and are authorized to issue Parking Violation Citations for all types of parking violations. Parking Enforcement Officials will follow the same procedures as set forth in Section A of this order.

8. TOWING MATRIX

Towing Situation	Inventory Required	Form Required	Other Actions
Incident to Arrest	Only yes if towed to a law enforcement facility	<i>May need:</i> Impounded Vehicle Form (GPD 61)	Submit GPD 61 if necessary. Place vehicle keys into envelope. Label envelope with case number. Submit any applicable tow paperwork. Enter vehicle into evidence system if towed to a law enforcement facility.

			Classify BWC Inventory on Evidence.com if towed to a law enforcement facility.
Conveyance Seizures	Yes	Impounded Vehicle Form (GPD 61)	<p>Make notification to Bureau Commander/Accreditation Manager</p> <p>Submit GPD 61.</p> <p>Submit any applicable tow paperwork.</p> <p>Enter vehicle into evidence system if towed to a law enforcement facility.</p> <p>Classify BWC Inventory on Evidence.com.</p> <p>Complete Conveyance Seizure Packet</p>
3 or more Parking Tickets	Note items of value on "Internal Notes" field	None	Place hold on vehicle with tow company.
Traffic Collisions	No	None	None
Stolen Vehicle	Yes, if towed to a law enforcement facility	<i>May need:</i> Impounded Vehicle Form (GPD 61)	<p>Make notification to Bureau Commander/Accreditation Manager</p> <p>Submit GPD 61.</p> <p>Place vehicle keys into envelope. Label envelope with case number.</p> <p>Submit any applicable tow paperwork.</p> <p>Enter vehicle into evidence system if towed to a law enforcement facility.</p> <p>Classify BWC Inventory on Evidence.com.</p>
Investigations	Yes	<i>May need:</i> Impounded Vehicle Form (GPD 61)	<p>Make notification to Bureau Commander/Accreditation Manager</p> <p>Submit GPD 61.</p> <p>Place vehicle keys into envelope. Label envelope with case number.</p> <p>Submit any applicable tow paperwork.</p> <p>Enter vehicle into evidence system if towed to a law enforcement facility.</p> <p>Classify BWC Inventory on Evidence.com.</p>
Other City Departments	No	None	Attempt to locate owner.

