


## Vehicle Towing

### 502.1 POLICY HEADER

<b>Original Effective Date:</b>	<b>Revised Date:</b>
September 1, 2021	January 4, 2023
<p>Authorization:</p>  <p>Jason Haberman Chief of Police</p>	

### 502.2 PURPOSE AND SCOPE

This policy provides guidance related to vehicle towing. Nothing in this policy shall require a member of this department to tow a vehicle.

### 502.3 POLICY

The Mt. Lebanon Police Department will tow vehicles when appropriate and in accordance with the law.

### 502.4 REMOVAL OF VEHICLES DUE TO HAZARD

When a vehicle should be towed because it presents a hazard, the owner or operator should arrange for the towing. Department members may assist by communicating requests through the Dispatch Center to expedite the process.

If the owner or operator is unable to arrange for towing or the vehicle presents a hazard, the vehicle may be towed at the direction of the department member (73 P.S. § 1971.3; 75 Pa.C.S. § 3352).

Vehicles that are not the property of the Municipality should not be driven by department members unless it is necessary to move the vehicle a short distance to eliminate a hazard, prevent the obstruction of a fire hydrant or comply with posted signs (75 Pa.C.S. § 3745.1).

### 502.5 ARREST SCENES

Whenever the owner or operator of a vehicle is arrested, the arresting officer should provide reasonable safekeeping by leaving the vehicle secured and lawfully parked at the scene or, when appropriate, by having the vehicle towed, such as when the vehicle presents a traffic hazard or the vehicle would be in jeopardy of theft or damage if left at the scene (75 Pa.C.S. § 3352).

Officers are not required to investigate whether alternatives to towing a vehicle exist after an arrest. However, a vehicle should not be towed if reasonable alternatives exist. When considering

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whether to leave a vehicle at the scene, officers should take into consideration public safety as well as the reasonable safety of the vehicle and its contents.

The following are examples of situations where a vehicle should not be towed:

- The vehicle can be legally parked, left in a reasonably secure and safe location and is not needed as evidence.
- The vehicle is parked on private property, on which the arrestee or owner is legally residing, or the property owner does not object to the vehicle being parked at that location.
- The arrestee or owner of the vehicle requests that it be released to a person who is present, willing and able to legally take control of the vehicle.
- The vehicle is legally parked and the arrestee or owner requests that it be left at the scene. In such cases the requester should be informed that the Department will not be responsible for theft or damages.

#### **502.6 VEHICLES RELATED TO CRIMINAL INVESTIGATIONS**

Officers should tow vehicles that are needed for the furtherance of an investigation or prosecution of a case, or that are otherwise appropriate for seizure as evidence. Officers may make reasonable efforts to return a recovered stolen vehicle to its owner rather than have it towed, so long as the vehicle is not needed for evidence.

[For additional procedure on SEIZED AND RECOVERED STOLEN VEHICLES click here.](#)

##### **502.6.1 VEHICLE STORAGE**

The impounding officer shall take reasonable steps to protect against loss or damage to impounded vehicles and to any contents that may have been taken as evidence.

#### **502.7 RECORDS**

Members shall ensure that pertinent data regarding a towed vehicle is included in their incident report.

##### **502.7.1 VEHICLE REPORT**

Department members towing a vehicle shall complete a [Vehicle Report](#) . The report should be submitted to the Watch Commander as soon as practicable after the vehicle is towed.

##### **502.7.2 NOTICE OF TOW**

It shall be the responsibility of the Traffic Services Unit to send a notice of tow, by the most expeditious means, to all registered owners and others having a recorded interest in the vehicle. Notice shall be sent to all such individuals by first-class mail with proof of service or certified mail with return receipt requested. The notice shall include (75 Pa.C.S. § 6109; 75 Pa.C.S. § 6309; 75 Pa.C.S. § 6309.1; 75 Pa.C.S. § 6309.2; 75 Pa.C.S. § 7305):

- (a) The name, address and telephone number of the Mt. Lebanon Police Department.

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- (b) The location where the vehicle is stored.
- (c) A description of the vehicle, including:
  - 1. Color.
  - 2. Manufacturer year.
  - 3. Make and model.
  - 4. License plate number and/or Vehicle Identification Number (VIN).
  - 5. Mileage.
- (d) The authority and purpose for the removal of the vehicle.
- (e) An explanation of the procedure for release of the vehicle and for obtaining a vehicle tow hearing.

#### **502.8 TOWING SERVICES**

Members shall not show preference among towing services that have been authorized for use by the Department. A rotation or other system established by the Department for tow services should be followed.

[For additional procedure on TOW VENDOR RESPONSIBILITIES click here.](#)

#### **502.9 VEHICLE INVENTORY**

The contents of all vehicles towed at the request of department members shall be inventoried and listed on the report. When reasonably practicable, photographs may be taken to assist in the inventory.

- (a) An inventory of personal property and the contents of open containers will be conducted throughout the passenger and engine compartments of the vehicle including, but not limited to, any unlocked glove box, other accessible areas under or within the dashboard area, any pockets in the doors or in the back of the front seat, in any console between the seats, under any floor mats and under the seats.
- (b) In addition to the passenger and engine compartments as described above, an inventory of personal property and the contents of open containers will also be conducted in any other type of unlocked compartments that are a part of the vehicle, including unlocked vehicle trunks and unlocked car top containers.
- (c) Any locked compartments including, but not limited to, locked glove compartments, locked vehicle trunks, locked hatchbacks and locked car-top containers should be inventoried, provided the keys are available and released with the vehicle to the third-party towing company or an unlocking mechanism for such compartment is available within the vehicle.
- (d) Closed containers located either within the vehicle or any of the vehicle's compartments will not be opened for inventory purposes except for the following: wallets, purses, coin purses, fanny packs, personal organizers, briefcases or other closed containers designed for carrying money, small valuables or hazardous materials.

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Members should ask the occupants whether the vehicle contains any valuables or hazardous materials. Responses should be noted in the inventory report. If the occupant acknowledges that any closed container contains valuables or a hazardous material, the container shall be opened and inventoried. When practicable and appropriate, such items should be removed from the vehicle and given to the owner, or booked into property for safekeeping.

Any cash, jewelry or other small valuables located during the inventory process will be held for safekeeping, in accordance with the Evidence Room Policy. A copy of the property receipt should be given to the person in control of the vehicle or, if that person is not present, left in the vehicle.

A copy of the vehicle inventory will be given to the tow truck operator.

These inventory procedures are for the purpose of protecting the vehicle owner's property, providing for the safety of department members and protecting the Department against fraudulent claims of lost, stolen or damaged property.

Towing a vehicle in order to perform an inventory should not be used as a pretext for an evidence search. Nothing in this policy prevents the towing of a vehicle that would occur for reasons independent of any suspicion that the vehicle may contain evidence if it is otherwise justified by law or this policy.

#### **502.10 SECURITY OF VEHICLES AND RETRIEVAL OF PROPERTY**

If the search of a vehicle leaves the vehicle or any property contained therein vulnerable to unauthorized entry, theft or damage, the department member conducting the search shall take such steps as are reasonably necessary to secure or protect the vehicle or property from such hazards.

Unless it would cause an unreasonable delay in towing the vehicle or create an issue of officer safety, reasonable accommodations should be made to permit the owner, operator or occupant to retrieve small items of value or personal need (e.g., cash, jewelry, cell phone, prescriptions) that are not considered evidence or contraband.

Members who become aware that a vehicle may have been towed by the Department in error should promptly advise a supervisor. Supervisors should approve, when appropriate, the release of the vehicle without requiring the owner or his/her agent to request a hearing to contest the tow.

[For additional procedure on RELEASE OF VEHICLES click here.](#)

#### **502.11 TOWING OR IMMOBILIZATION**

If an officer finds that the driver's operating privilege is suspended, revoked, canceled, recalled or disqualified; that the driver is unlicensed; or that there is no valid vehicle registration or the registration is suspended, the officer shall immobilize the vehicle or, in the interest of public safety, direct that the vehicle be towed and stored (75 Pa.C.S. § 6309.2). ( [Vehicle Ordinance Tow Report](#) )

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#### 502.11.1 IMPOUNDMENT

When appropriate, a vehicle shall be rendered temporarily inoperable by an officer, or, in the interest of public safety, the officer shall have the vehicle towed and stored (75 Pa.C.S. § 6309; 75 Pa.C.S. § 6309.1).

#### 502.11.2 ABANDONED

Officers shall process all vehicles presumed to be abandoned by completing the appropriate report and removing the vehicle from the roadway (75 Pa.C.S. § 7303.1; 75 Pa.C.S. § 7310). Notification to the registered owner of the vehicle will follow the guidelines of the Notice of Tow section as listed above.

## Attachments

## Form 2 - Vehicle Report.pdf



# Mt. Lebanon Police Department

## Vehicle Report



<input type="checkbox"/> STOLEN	<input type="checkbox"/> RECOVERED	<input type="checkbox"/> ABANDONED	<input type="checkbox"/> SCOFFLAW	<input type="checkbox"/> ARREST	<input type="checkbox"/> PARKING VIOLATION
<input type="checkbox"/> CRASH / SAFEKEEPING	<input type="checkbox"/> VC 6309.2 / ORD. CH. X, PART II §1103 (NO. 3093)			<input type="checkbox"/> OTHER:	

Crime	Complaint #	
Incident Location	Date / Time	

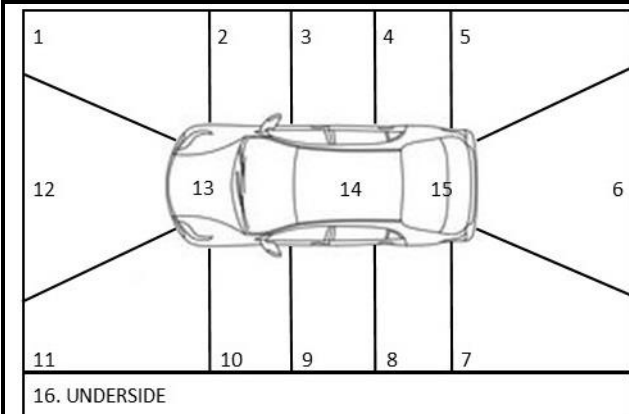
### VEHICLE INFORMATION

Year	Make	Model	Color
Registration	State	VIN	
Registered Owner's Name		Phone Number	
Registered Owner's Address			
Driver's Name		Phone Number	
Driver's Address			
Driver's License Number / OLN		State	
Registration Plate Removed	<input type="checkbox"/> NO <input type="checkbox"/> YES REASON:		
District Justice Release Required	<input type="checkbox"/> NO <input type="checkbox"/> YES REASON:		
Department Release Required	<input type="checkbox"/> NO <input type="checkbox"/> YES REASON:		

### VEHICLE INVENTORY

	YES	NO		YES	NO		CONDITION
JACK / SPARE TIRE			FRONT BUMPER			L.F. TIRE	
REARVIEW MIRROR			REAR BUMPER			R.F. TIRE	
SIDEVIEW MIRROR			MOTOR			L.R. TIRE	
RADIO			BATTERY			R.R. TIRE	
CASSETTE / CD			HUB CAPS			UPHOLSTERY	
KEYS			LOCKED			WHEELS	

### ADDITIONAL ITEMS

### Narrative / Notes


A = Slight/Scratch    B = Moderate/Dents    C = Severe/Disabling

Tow Signature	Date / Time	Location of Storage
Officer	Badge #	Supervisor
		Badge #





# Mt. Lebanon Police Department Vehicle Report



- Released to Owner Date \_\_\_\_\_
- Released to Insurance Co: \_\_\_\_\_ Date \_\_\_\_\_
- Released to Other: \_\_\_\_\_ Date \_\_\_\_\_
- Released by Police Officer: \_\_\_\_\_ Badge # \_\_\_\_\_ Date \_\_\_\_\_
- Released by District Justice (attach release form) Date \_\_\_\_\_
- Vehicle Abandoned (attached MV 942 PP and/or MV 942)

### Move Authorization

Officer \_\_\_\_\_ Badge # \_\_\_\_\_ Date \_\_\_\_\_

Vehicle moved from: \_\_\_\_\_ to \_\_\_\_\_

Vehicle towed by: \_\_\_\_\_

Amount owed for initial tow / storage: \$ \_\_\_\_\_

Vehicle sold for: \$ \_\_\_\_\_ Date \_\_\_\_\_

## **Form 396 - Ordinance Tow.pdf**



# Mt. Lebanon Police Department

## Vehicle Ordinance Tow



Pursuant to Pennsylvania Vehicle Code Section 6309.2 and Mt. Lebanon Municipality Ordinance Ch. X, part II, §1103 (no. 3093), your vehicle is subject to immobilization and towing because:

\_\_\_\_\_ The driver operated the vehicle on the highway when the driver's operating privilege was suspended, revoked, recalled, cancelled, disqualified, or the driver was unlicensed as verified by a Police Officer of the Municipality.

\_\_\_\_\_ The driver operated a vehicle on the highway and the vehicle registration was suspended, expired, or otherwise not valid as verified by a Police Officer of the Municipality

You may reclaim the vehicle by appearing before the District Judge between the hours of 8:00 a.m. and 4:00 p.m., Monday-Friday, who may issue a certificate of release. The District Judge is located at:

District Court 05-2-19  
680 Washington Road  
Pittsburgh, PA 15228  
(412) 561-4415

**PLEASE CALL TO MAKE SURE THE DISTRICT JUSTICE IS AVAILABLE.**

You will be required to furnish the District Justice with proof of a valid operator's license, valid registration for the vehicle, and proof of financial responsibility (insurance). You will also be responsible for payment of any fines and costs associated with this violation.

Upon obtaining the release, you will be required to contact the tow vendor and make arrangements to pay all costs associated with the towing and storage of this vehicle.

The vehicle will be towed and stored temporarily at the following tow vendor:

Tow Company: \_\_\_\_\_ Address: \_\_\_\_\_  
Phone Number: \_\_\_\_\_

**If you do not make arrangements to recover your vehicle within 60 days from the date of this notice the vehicle will be sold and contents disposed of pursuant to the requirements of the applicable law. The proceeds of the sale shall then be applied to the payment of fines and costs associated with the towing, storage, and disposal of the vehicle.**

Vehicle Make/Model: \_\_\_\_\_ Owner's Name: \_\_\_\_\_

State / Registration: \_\_\_\_\_ Address: \_\_\_\_\_

VIN: \_\_\_\_\_

Driver Name: \_\_\_\_\_ Operator's #: \_\_\_\_\_

Driver Signature: \_\_\_\_\_

Officer's Name: \_\_\_\_\_ Badge #: \_\_\_\_\_

Date: \_\_\_\_\_ Incident #: \_\_\_\_\_