


Haverford Township Police Department Operations Manual		
Issue Date February 2021	Review Date February 2022	Directive Number 6.2.5
Accreditation Index:		Rescinds: Directive 6.2.5 of November 2019
Chapter: Six – General Procedures		Section: Two – Law Enforcement Function
Chief of Police: <i>John F. Viola</i>		

SUBJECT: ABANDONED, DISABLED AND REMOVAL OF VEHICLES

I. PURPOSE

A disabled vehicle or a vehicle that comes under the control of officers as a result of arrest, a vehicle code violation, accident or other situation may require removal. Additionally, vehicles that have been left unattended on highways, public or private property and are abandoned as defined by the Pennsylvania Vehicle Code (Title 75) may create hazardous situations and/or present an “eyesore” to the public. These vehicles generally diminish the overall quality of life within the community. This directive is written to provide officers of the Haverford Township Police Department with procedures to remove these vehicles as necessary to comply with the law, protect citizens and to improve the quality of life in the Township of Haverford.

II. POLICY

It is the policy of this department that any police officer investigating an abandoned vehicle or removing any vehicle from the roadway or private property shall follow the procedures outlined herein. Officers shall ensure an incident report or supplement is created documenting all information that pertains to the abandoned vehicle or to the removal of any vehicle by or at the direction of police.

III. DEFINITIONS

- A. The following definitions come from the Pennsylvania Vehicle Code Title 75 PA C.S.A. Section 102 or Haverford Township Ordinance:

Abandoned Motor Vehicle:

- (1) 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:
 - (i) The vehicle is physically inoperable and is left unattended on a highway or other public property for more than 48 hours.
 - (ii) The vehicle has remained illegally on a highway or other public property for a period of more than 48 hours.
 - (iii) 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 current certificate of inspection.
 - (C) An ascertainable vehicle identification number.
 - (iv) The vehicle has remained on private property without the consent of the owner or person in control of the property for more than 24 hours.
- (2) 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.

Disabled Motor Vehicle: A disabled motor vehicle shall be a vehicle which meets one or more of the following conditions:

- A. A vehicle which is unable to operate or move under its own power for any reason.
- B. Any sharp or protruding metal, broken or missing glass or rusted cavities.
- C. A vehicle suspended from a lift, supported by jacks or propped up by another object which is not part of the said disabled vehicle.

- D. A vehicle which has flat or missing tires for a period of more than 72 consecutive hours.
- E. A vehicle which has any missing parts or which would allow for the harborage of vermin.
- F. A vehicle which does not bear a current registration or inspection sticker.

Duty Tower: A person engaged in the business or performing the services of operating a vehicle wrecker, tow truck, car carrier or other vehicle whereby disabled, wrecked or abandoned vehicles are towed or otherwise removed from the place where they are disabled, wrecked or abandoned, which "duty tower" shall have been appointed by the Haverford Township Board of Commissioners for the aforesaid services.

Highway: The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel. The term includes a roadway open to the use of the public for vehicular travel on grounds of a college or university or public or private school or public or historical park.

Private road or driveway: A way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

Vehicle: Every device in, upon or by which any person or property is or may be transported or drawn upon a highway, except devices used exclusively upon rails or tracks. The term does not include a self-propelled wheel chair or an electrical mobility device operated by and designed for the exclusive use of a person with a mobility-related disability.

Wrecker: A motor vehicle designed or constructed and used for the towing of abandoned or disabled vehicles.

IV. PROCEDURES

A. Prior to police removing or having a vehicle removed it shall meet one of the following five criteria:

1. Title 75 PA. C.S.A. 3352 Removal of vehicle by or at direction of police
 - a) **Outside business and residence districts.**--Whenever any police officer finds a vehicle in violation of any of the provisions of section 3351 (relating to stopping, standing and

parking outside business and residence districts), the officer may move the vehicle, or cause the vehicle to be moved, or require the driver or other person in charge of the vehicle to move the vehicle, to a position off the roadway where the vehicle will not interfere unduly with the normal movement of traffic or constitute a safety hazard.

- b) **Unattended vehicle obstructing traffic.**--Any police officer may remove or cause to be removed to a place of safety any unattended vehicle illegally left standing upon any highway, bridge, causeway or in any tunnel, in such position or under such circumstances as to interfere unduly with the normal movement of traffic or constitute a safety hazard.
- c) **Removal to garage or place of safety.**--Any police officer may remove or cause to be removed to the place of business of the operator of a wrecker or to a nearby garage or other place of safety any vehicle found upon a highway under any of the following circumstances:
 - (1) Report has been made that the vehicle has been stolen or taken without the consent of its owner.
 - (2) The person or persons in charge of the vehicle are physically unable to provide for the custody or removal of the vehicle.
 - (3) The person driving or in control of the vehicle is arrested for an alleged offense for which the officer is required by law to take the person arrested before an issuing authority without unnecessary delay.
 - (4) The vehicle is in violation of section 3353 (relating to prohibitions in specified places) except for overtime parking.
 - (5) The vehicle has been abandoned as defined in this title. The officer shall comply with the provisions of Chapter 731 (relating to abandoned vehicles and cargos).

and/or;

- 2. Title 75 PA. C.S.A. 6309.2 Immobilization, towing and storage of vehicle for driving without operating privileges or registration.
 - a) General rule.--Subject to subsection (d), the following shall apply:

- (1) If a person operates a motor vehicle or combination on a highway or trafficway of this Commonwealth while the person's operating privilege is suspended, revoked, canceled, recalled or disqualified or where the person is unlicensed, as verified by an appropriate law enforcement officer in cooperation with the department, the law enforcement officer shall immobilize the vehicle or combination or, in the interest of public safety, direct that the vehicle be towed and stored by the appropriate towing and storage agent pursuant to subsection (c), and the appropriate judicial authority shall be so notified.
- (2) If a motor vehicle or combination for which there is no valid registration or for which the registration is suspended, as verified by an appropriate law enforcement officer, is operated on a highway or trafficway of this Commonwealth, the law enforcement officer shall immobilize the motor vehicle or combination or, in the interest of public safety, direct that the vehicle be towed and stored by the appropriate towing and storing agent pursuant to subsection (c), and the appropriate judicial authority shall be so notified.

and/or;

3. Township Ordinance Chapter 175. Vehicles and Traffic - Article IX. Removal and Impounding of Disabled or Illegally Parked Vehicles
 - a) § 175-63. Disabled vehicles.
 - (1) It shall be unlawful for the owner of any motor vehicle to allow, or for any person to park a disabled motor vehicle or permit a disabled motor vehicle to stand, whether attended or unattended, upon any public highway within the Township of Haverford for a period of more than 48 consecutive hours. It shall also be unlawful for the owner of any motor vehicle to allow or for any person to repair, fix or service a disabled motor vehicle upon any public highway within the Township of Haverford except in an emergency situation.
 - (2) Any motor vehicle found upon the public highways of the Township of Haverford in violation of any provision of this section may be removed and impounded. Prior to being removed and impounded,

the Township of Haverford Police Department shall ascertain the name and address of the owner of such vehicle and forward to such owner, by regular mail, notification that such vehicle may be removed and impounded if such vehicle is not moved by the owner, or someone acting on his behalf, within 48 hours.

- b) § 175-64. Removal and impoundment of illegally parked vehicles. [Amended 5-9-1994 by Ord. No. 2203]
 - (1) The Chief of Police of the Township is hereby authorized to remove and impound or to order the removal and impounding of any vehicle parked on any of the streets, highways or public property in the Township in violation of any provision of the law or of any ordinance of the Township; provided, however, that no such vehicle shall be removed or impounded except in strict adherence to the provisions of this Article.

and/or;

- 4. Seized as evidence or for forfeiture
 - a) Any vehicle(s) identified as evidence shall be seized in accordance with the Rules of Criminal Procedure and Directives 1.2.3 Search and Seizure with and without a warrant, 3.5.2 Evidence Control
 - b) Any vehicle(s) identified for forfeiture shall be seized in accordance with the Rules of Criminal and Civil Procedure and Directive 3.5.5 Forfeiture of seized vehicles and property and comply with the DA's Memorandum "Vehicle seizure for purposes of drug asset forfeiture".

and/or;

- 5. Township related tow (Emergency)
 - a) The duty tower shall be responsible for Township-related towing, which includes, but shall not be limited to, towing relating to a Township construction project, Township special event, special police investigation that may yield nonpayment by vehicle owner.

B. Reporting Officer shall: Determine which criteria above apply to their investigation and follow the procedures below for that criterion.

1. Abandoned Vehicle or Disabled Vehicle (Township Ordinance)
 - a) Ensure that the vehicle being investigated is an abandoned vehicle or disabled vehicle as defined in the Pennsylvania Vehicle Code (Title 75 PA C.S.A. 102) or Township Ordinance Chapter 175. Vehicles and Traffic - Article IX
 - b) Request a C.L.E.A.N. inquiry for vehicle ownership information and stolen vehicle status.
 - c) Place an orange “Abandoned Vehicle” notice on the windshield of the vehicle if “abandoned” as defined by Title 75 PA C.S.A.
 - d) Complete an incident report recording the following information:
 - (1) Year, make, model and color of the vehicle.
 - (2) Vehicle registration number and state if available.
 - (3) Vehicle identification number if available.
 - (4) Vehicle inspection status – example: current, expired, no inspection certificate displayed.
 - (5) Overall condition of the vehicle – example: no wheels, engine missing, body parts missing, etc.
 - (6) Registered owner of vehicle according to C.L.E.A.N. inquiry.
 - (7) Whether the owner was notified to remove the vehicle, or if an abandoned vehicle notice was placed on the vehicle.
 - (8) A telephone number, if available, for the owner of the vehicle.
 - (9) If the vehicle is on private property, was the owner or person in control of the private property notified to send a letter to the Department requesting assistance in removing the vehicle as abandoned.

2. Accident, arrest, driving without operating privileges or registration or disabled vehicle in the roadway.
 - a) Verify the vehicle is not operable or the driver is not present to remove the vehicle from the highway; or
 - b) Verify the driver will be arrested or that the driver / vehicle does not have operating privileges through JNET/C.L.E.A.N; then
 - c) Request DelCom dispatch the duty tow to remove the vehicle.
 - d) Conduct an inventory search of the vehicle to be towed in accordance with Directive # 1.2.3 Search and Seizure with and without a warrant.
 - e) Ensure a Towed Vehicle/Evidence Tag is completed.
 - f) Complete an incident report or supplement recording the following information:
 - (1) Reason for the vehicle removal.
 - (2) Year, make, model and color of the vehicle.
 - (3) Vehicle registration number and state if available.
 - (4) Vehicle identification number if available.
 - (5) Registered owner of vehicle according to C.L.E.A.N. inquiry.
 - (6) A telephone number, if available, for the owner of the vehicle.
 - (7) Whether the driver was provided the towed vehicle/ evidence tag, or if driver was not on location, where the tag was placed.
3. Parking violations other than overtime (meter or timed sign)
 - a) Determine if the vehicle is parked, stopped or standing in violation.
 - (1) If the vehicle is not parked in violation or parked in violation but removal is not required then document findings in an incident report and issue any appropriate violation notices.

- (2) If the vehicle is parked in violation and requires removal notify the on-duty supervisor and request permission to remove the vehicle.
 - (a) If the on-duty supervisor does not approve the removal then document findings in an incident report and issue any appropriate violation notices.
 - (b) If the on duty supervisor approves the removal then request DelCom dispatch the duty tow to remove the vehicle and issue the parking violation.
- b) Ensure that if the duty tow or police are required to open the vehicle so that it can be towed an inventory search of the vehicle is conducted in accordance with Directive # 1.2.3 Search and Seizure with and without a warrant.
 - (1) If the towed vehicle is not opened than an inventory search shall not be done. The reporting officer shall document in his report anything of clear value that can be seen from the exterior.
- c) Ensure a Towed Vehicle/Evidence Tag is completed.
- d) Complete an incident report or supplement recording the following information:
 - (1) Reason for the vehicle removal.
 - (2) Year, make, model and color of the vehicle.
 - (3) Vehicle registration number and state if available.
 - (4) Vehicle identification number if available.
 - (5) Registered owner of vehicle according to C.L.E.A.N. inquiry.
 - (6) A telephone number, if available, for the owner of the vehicle.
 - (7) Whether the owner was provided the towed vehicle/ evidence tag, or if owner was not on location, where the tag was placed.

4. Stolen Vehicle or Vehicle seized for forfeiture
 - a) Notify the on duty supervisor that a stolen vehicle was located or that a vehicle has met the requirements for forfeiture as contained in Directive 3.5.5 Forfeiture of seized vehicles and property and Appendage #1 Vehicle seizure for purposes of drug asset forfeiture.
 - b) Ensure that if the vehicle is listed as “Preserve for prints” or similar NCIC designation that a chain of custody of the vehicle is maintained.
 - c) If the on duty supervisor approves the removal then request DelCom dispatch the duty tow to remove the vehicle.
 - d) Comply with all requirements of Directive # 1.2.3 Search and Seizure with and without a warrant if the stolen vehicle is to be searched by members of this department.
 - (1) If the vehicle is to be forfeit in accordance with Appendage #1 then follow the procedure for inventory search in Directive 1.2.3 Search and Seizure with and without a warrant and the District Attorney’s Memorandum in Appendage #1
 - e) Ensure a Towed Vehicle/Evidence Tag is completed.
 - f) Contact the on duty supervisor and determine where the vehicle is to be towed to and escort the duty tow to that location.
 - g) Complete an incident report or supplement recording the following information:
 - (1) Reason for the vehicle removal.
 - (2) Year, make, model and color of the vehicle.
 - (3) Vehicle registration number and state if available.
 - (4) Vehicle identification number if available.
 - (5) Registered owner of vehicle according to C.L.E.A.N. inquiry.
 - (6) A telephone number, if available, for the owner of the vehicle.

- (7) Whether the owner/ driver was provided the towed vehicle/ evidence tag, or if owner/ driver was not on location, where the tag was placed.

5. Township Related Tow

- a) Notify the on duty supervisor of the reason a township related tow is needed.
- b) If the on duty supervisor approves the removal then request DelCom dispatch the duty tow to remove the vehicle.
- c) Ensure that if the duty tow or police are required to open the vehicle so that it can be towed an inventory search of the vehicle is conducted in accordance with Directive # 1.2.3 Search and Seizure with and without a warrant.
 - (1) If the towed vehicle is not opened than an inventory search shall not be done. The reporting officer shall document in his report anything of clear value that can be seen from the exterior.
- d) Ensure a Towed Vehicle/Evidence Tag is completed.
- e) Complete an incident report or supplement recording the following information:
 - (1) Reason for the vehicle removal.
 - (2) Year, make, model and color of the vehicle.
 - (3) Vehicle registration number and state if available.
 - (4) Vehicle identification number if available.
 - (5) Registered owner of vehicle according to C.L.E.A.N. inquiry.
 - (6) A telephone number, if available, for the owner of the vehicle.
 - (7) Whether the owner/ driver was provided the towed vehicle/ evidence tag, or if owner/ driver was not on location, where the tag was placed.

6. Driver / Owner contracts a private tow
 - a) To ensure an unobstructed highway and the safety of the public, officers shall use the duty tow to remove vehicles. However if a private tow has been contacted by a driver or owner prior to police arrival and the disabled or accident involved vehicle is not causing a hazard, not in the roadway and can be removed in a timely manner without interfering with police operations an officer may allow the private tow to remove the vehicle. Police shall not contact private tows nor delay their duties to facilitate a private tow.
 - b) If the duty tow is removing a vehicle at police direction for disabled or an accident the driver or owner of the vehicle may make arrangements with the duty tow for the tow to be handled privately. If the parties agree to a private tow then all payment arrangements shall be handled by the parties and police shall not intervene. This private process shall not interfere with police operations, otherwise the tow shall be handled as a police tow in accordance with this directive.
 - c) Tows as a result of motor vehicle or criminal violations shall be removed to the impound yard unless specified otherwise in this directive.

C. Patrol Division Supervisors shall:

1. Ensure that officers under their supervision comply with the procedures outlined in this directive.
2. Ensure that vehicles are towed in accordance with this directive.
3. Ensure that officers under their supervision actively look for and report abandoned vehicles in their assigned patrol areas.

D. Special Operations Unit personnel shall:

1. Within forty-eight (48) hours of receipt of notification that an incident report had been generated for an abandoned or disabled vehicle (township ordinance); verify the vehicle has not been removed.
2. Mail a certified letter to the last registered owner of the vehicle informing him/her that he/she has seven (7) days from the date of the postmark of the letter to remove the abandoned vehicle or forty eight hours (48) for a disabled vehicle (Township Ordinance). The letter shall state if the vehicle is not removed it will be towed in accordance with state law or township ordinance.

3. After the seven (7) day period has lapsed and the vehicle has not been removed by the owner, prepare salvor forms and forward these forms to the Township impound yard operator/ salvor.
 - a) After the 48 hour period has lapsed for a vehicle designated as disabled (township ordinance) and the vehicle has not been removed by the owner, notify the duty tow and have the vehicle removed.
4. Ensure that the vehicle is removed by the impound yard operator/ salvor or duty tow as appropriate.
5. Ensure that if the vehicle to be towed is opened to facilitate its removal by the tow then an inventory search of the vehicle shall be conducted in accordance with Directive # 1.2.3 Search and Seizure with and without a warrant.
 - a) If the towed vehicle is not opened than an inventory search shall not be done. The reporting officer shall document in his report anything of clear value that can be seen from the exterior.
6. Ensure a log of all abandoned vehicles is maintained in the Special Operations Unit office.
7. Ensure that a supplement is completed updating the outcome of the original report and documenting all actions.

BY ORDER OF THE CHIEF OF POLICE



OFFICE OF THE DISTRICT ATTORNEY
 DELAWARE COUNTY COURTHOUSE
 MEDIA, PENNSYLVANIA 19063

(610) 891-4161

JOHN J. WHELAN
 DISTRICT ATTORNEY

Sharon H. McKenna
 DEPUTY DISTRICT ATTORNEY

Memorandum

Date: June 3, 2014
 To: All Chiefs of Police
 From: John J. (Jack) Whelan, District Attorney
 Cc: Sharon H. McKenna, Deputy District Attorney,
 Karin L. Judge, Assistant District Attorney,
RE: Vehicle Seizure for Purpose of Drug Asset Forfeiture

Should your department choose to seize a vehicle for potential forfeiture pursuant to the Drug Act, there are some factors that should be considered prior to the seizure. First, is the vehicle owned by the operator/suspect? If the vehicle is not owned and/or registered to the suspect, who is the registered owner, and will you be able to defeat an "innocent owner" claim if the vehicle's owner raised such a defense to forfeiture? Finally, in all cases, there should be an inquiry as to whether or not the vehicle is subject to a lien by the bank or other financial institution and the amount of the lien.

In your inquiry, only if the facts of the particular investigation tend to establish that the registered owner of the vehicle is NOT an "innocent owner," then the vehicle may be seized and maintained for forfeiture proceedings. However, if any seized vehicle has a high lien, then the vehicle should not be seized and not maintained for forfeiture purposes.

When a decision has been made to seize a vehicle for forfeiture purposes please follow the following procedure:

1. Upon seizure of said motor vehicle, please secure the vehicle and retain the ignition and entry keys.
2. Inventory the contents of the vehicle using a vehicle inventory form currently utilized by your department. All evidence (criminal and forfeiture) must be marked and stored accordingly. When this form is completed a COPY must be placed inside the vehicle prior to storing the vehicle at the District Attorney's Office Impound Yard.

3. **The windshield of the seized vehicle must be marked with the last name of the individual arrested, name of the arresting agency and police incident number.** (e.g. Joseph Smith, CID, 20071129M003.)

4. Additionally, a copy of the police incident report and vehicle registration shall be placed inside the vehicle. **If the incident report is not prepared at the time the vehicle is stored at the lot, please fax a copy of the report and a copy of the registration within 24 hours of the seizure to fax number 610.566.1334, Attn: Forfeiture Unit.**

5. The vehicle shall be forwarded to the Delaware County Impound Lot located at Fair Acres pending forfeiture proceedings. There is a Park Police Officer at Fair Acres who can provide access to the lot 24 hours a day. Vehicles may be towed by contacting Ray Fisher (District Attorney's Office) at cellphone number (610) 633-6610 or by driving the vehicle to the impound yard.

6. **The District Attorney's Office will not pay private towing or storage fees. Any fees incurred for vehicles towed by and/or held at a local tow company instead of the Impound Lot at Fair Acres will be the arresting agency's responsibility. The purpose of the District Attorney's Office impound lot is to eliminate excess storage and towing fees, and to generate funds for the continuing effort to fight illegal drug activity.**

7. The ignition and entry keys to the vehicle are to remain with the vehicle while in storage at the impound lot.

8. The vehicle shall be held for storage at the District Attorney's Office Impound Lot located at Fair Acres pending forfeiture proceedings.

9. At the Impound Lot, the arresting agency shall prepare a **Vehicle Information Form** and leave the form inside the vehicle. This form must contain the arrested person's name, police department, incident number, the make, model and year of vehicle, vehicle registration information and if the vehicle has a lien (if known).

10. If your investigation indicates that the vehicle seized has a lien, please contact the District Attorney's Office within 72 hours to address that vehicle's particular circumstances.

11. All correspondence forwarded to the District Attorney's Office must include the arresting agency's incident number, the name of the person charged with the crimes that initiated the seizure of the vehicle and a copy of the registration.

12. Should you have any questions regarding these guidelines or have a particular question regarding a seized vehicle, you may contact Deputy District Attorney Sharon McKenna at mckennas@co.delaware.pa.us or at 610.891.4509.

Enclosure