



**Policy Number: 502 – Vehicle Towing**  
**Effective Date: February 9, 2021**  
**Revision Date: February 9, 2021**  
**Approved By: Brandon Gatlin, Interim Chief of Police**

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## **502.1 PURPOSE AND SCOPE**

This policy provides guidance to members of the Montana State University Billings Police Department (Department) related to vehicle towing. Nothing in this policy shall require a member of this Department to tow a vehicle.

## **502.2 POLICY**

This Department will tow vehicles when appropriate and in accordance with the law.

## **502.3 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 City/County Dispatch to expedite the process.

If the owner or operator is unable to arrange for towing and the vehicle presents a hazard, the vehicle may be towed at the direction of the officer (§ 61-12-401, MCA; § 61-8-705, MCA).

Vehicles that are not the property of the State 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.

## **502.4 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.

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 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:

1. The vehicle can be legally parked, left in a reasonably secure and safe location and is not needed as evidence.
2. 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.
3. 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.
4. 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.

## **502.5 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. In this instance, arrangements should be made to tow the vehicle to the City of Billings Police Department Impound Lot. Officers should 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.

## **502.6 VEHICLES TOWED RELATED TO PARKING FINES**

Vehicles whose owners have accrued excessive unpaid parking citations/fines may be towed at any time without additional warning, pursuant to Department Parking Policy 503. The tow company should be instructed to place a hold on the vehicle to ensure all fines/fees are paid to Parking Services prior to the vehicle being released.

The Parking Services Administrative Associate will make all reasonable attempts to advise the owner prior to towing. This may include electronic communications, telephonic communication, vehicle tow warning notices, etc.

The officer conducting the tow will provide a copy of the Vehicle Tow Report to the parking Services Administrative Assistant for their records.

Prior to the vehicle being released by the tow company they should confirm that all fines/fees have been paid to Parking Services

## **502.7 ABANDONED VEHICLE TOWING**

The statutory authority for the identification and removal of abandoned vehicles located on Montana State University Billings property and adjoining roadways is defined by Montana Law.

### **502.7.1 PROHIBITION AGAINST PARKING OR LEAVING VEHICLES ON PUBLIC PROPERTY – PRESUMPTION OF OWNERSHIP (§ 61-8-356, MCA)**

1. A vehicle may not be parked or left standing upon the right-of-way of a public highway for a period longer than 48 hours or upon a city street or state, county, or city property for a period longer than 5 days.
2. The abandonment of a vehicle, other than a bicycle, on a public highway, a city street, public property, or private property creates a prima facie presumption that the last-registered owner of the vehicle is responsible for the abandonment and is liable for the costs incurred in removing, storing, and disposing of the abandoned vehicle, less the amount realized if the vehicle is sold.
3. The filing of a theft report with a law enforcement agency prior to the abandonment relieves the last-registered owner of liability under subsection (2).

### **502.7.2 PROCEDURE**

Once a vehicle has been identified as having been abandoned or being illegally stored on University property:

1. An Officer will be notified and assigned to investigate the circumstances.
2. Query the vehicle license plate, or campus registration permit to determine the owner.
3. Inform the owner in writing that they have thirty (30) days to remove the vehicle or the vehicle will be towed at their expense.
4. If the owner is not identified and/or the vehicle is not moved after thirty (30) days the vehicle will be towed from University property in accordance with this policy.

## **502.8 RECORDS**

Department members shall ensure that pertinent data regarding a towed vehicle is promptly entered into the appropriate database through the Billings Police Department and/or City/County Dispatch Center.

### **502.8.1 VEHICLE TOW REPORT**

Department members towing a vehicle shall complete a Vehicle Tow Report and an incident report in the Department's Automated Records Management System (ARMS).

### **502.8.2 NOTICE OF TOW**

It shall be the responsibility of the University Police Department 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 certified mail with return receipt requested. The notice shall include (§ 61-12-402, MCA):

1. The name, address and telephone number of the Montana State University Billings Police Department.
2. The location where the vehicle is stored.
3. A description of the vehicle, including:

- A. Color.
  - B. Manufacturer year.
  - C. Make and model.
  - D. License plate number and/or Vehicle Identification Number (VIN).
4. The authority and purpose for the removal of the vehicle.
  5. An explanation that the failure to respond within the time period provided will be deemed as consent to sell or dispose of the vehicle or personal property pursuant to § 61-12-404, MCA.

## **502.9 TOWING SERVICES**

Department 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.

## **502.10 VEHICLE INVENTORY**

The contents of all vehicles towed by members of this Department shall be inventoried and listed on a Vehicle Tow Report. When practicable, photographs may be taken to assist in the inventory.

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.

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.

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.

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.

Department 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.

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Any cash, jewelry or other small valuables located during the inventory process will be held for safekeeping, in accordance with Department 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 shall 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.

**502.10.1 VEHICLES TOWED PENDING APPLICATIONS FOR A SEARCH WARRANT**

Vehicles that are towed to the Billings Police Department Impound Lot pending an application for a search warrant shall not be inventoried prior to obtaining the search warrant.

1. The vehicle shall be sealed appropriately with evidence tape to ensure the vehicle was not entered prior to the service of the warrant.
2. Photographs of the vehicle and the evidence tape shall be kept on file with the case.

If the search warrant application is denied then the vehicle shall be returned to the owner, or their designee, with all evidence tape intact. The releasing member shall take photographs of the evidence tape before the vehicle is released.

**502.11 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.

Department 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.

## **502.12 Complaints and Appeals**

Any person that contacts the Department to dispute/appeal the towing of their vehicle should be referred to the Chief of Police, or their authorized designee.

(Cancels and Replaces 105.3 - Abandoned Vehicles; and 105.4 - Towing of Vehicles)