



Vehicle Towing Procedures

I. PURPOSE

Disposing of vehicles abandoned, involved in accidents or otherwise part of the many situations which may be brought to the attention of an Officer, is recognized as a routine function. It is, nevertheless, one which must be approached with a great deal of discretion for the result of misguided authority may be civil liability, or in the case of an investigation, inadmissible evidence and the resultant embarrassment of an acquittal.

The inability to respond before the fact to all of the occasions where operating guidelines may be desirable is readily recognized; consequently, it is the purpose of this order to offer direction, in a general way to the Officer so that he may operate on a sound legal basis when disposing of vehicles that must be towed and stored. It must be understood that these guidelines, where they are not governed by statute, are intended to be flexible and allow for wide discretion by the Officer in those situation where a clean - cut procedure is not prescribed.

II. INVENTORY OF VEHICLES

- A. Except where specifically noted otherwise in this order, whenever any vehicle is towed by a towing service or taken into custody at the direction of an Officer, a Vehicle Report (RPD Form 25) and a Vehicle Release (RPD Form 26) authorization certificate will be initiated and the operator of the tow truck shall sign his name in the narrative section of the Vehicle Report as an agent of the towing business. His signature shall indicate formal acknowledgement that the vehicle was released to the custody of the towing business.
- B. Since the primary purpose of having the vehicle towed to a place of storage is to protect property from loss or damage, the Officer will examine the vehicle prior to its removal by the tow truck and prepare an inventory of all property therein. All property included in the inventory will be recorded on a supplemental report which will be attached to the incident report. The tow truck operator will sign the supplemental report containing the inventory list as an acknowledgement of the items remaining with the vehicle.

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- C. All property in the vehicle must be inventoried, including items in unlocked baggage, unsealed cartons, etc. Items in the trunk and glove compartment should be inventoried as should items in locked suitcases or containers, but only if a key is available. Forced entry to a trunk, glove box, suitcase or other item is not permitted to complete an inventory unless express permission has been granted and the consent to search and seize form has been signed by the owner. Items such as clothing in a suitcase or tools in a tool kit need not be individually itemized, but can, for example, be described on the inventory and the supplemental report simply as "women's clothing" or "auto mechanic tools".
- D. Certain limitations are imposed on the scope of an inventory and each inventory must be justified by its own circumstances. An inventory may extend to any part of the vehicle where personal property would ordinarily be kept; looking elsewhere will call into question the Officer's motives. Unlocked packages may be opened for the mutual protection of the Officer and the owner. Evidence or contraband discovered in the conduct of a bona fide inventory may be seized and used to prosecute. The burden is on the Officer, however, to show that the inventory was reasonable and pursuant to the Ridgely Police Department policy.
- E. Except for evidence, only items with a marketable value or those with an obvious attraction which may result in its disappearance, should be removed and placed on a property record. Officers shall consider each item in the vehicle in connection with the circumstances necessitating the inventory, as well as their obligation to safeguard property when deciding what will be stored. An obviously broken CB set has little appeal and/or resale value compared to a leather brief case which is empty; or soldering gun, as compared to a hammer. When deciding to store property Officers are encouraged to use good judgment. Vehicle equipment listed on the vehicle report, e.g., spare tire, will not be listed on the inventory nor removed from the vehicle. Items not removed will be locked in the vehicle, preferably in the trunk. Those items listed on a property record will also be listed on the inventory and identified with the symbol "PH". Permitting personal containers to be secured at the Ridgely Police Department when the contents are not known may be subjecting personnel and county property to an unreasonable and significant liability; therefore, luggage or other containers that are locked will not be removed or described on a property record but only on the inventory. Even if the apparent value of the locked luggage or containers seem significant, they will not be removed or described on a property record but only on the inventory. Even if the apparent value of the locked luggage or containers seem significant, they will not be removed, but will remain locked in the vehicle, preferably in the trunk.

III. TRAFFIC ACCIDENTS

- A. In those instances when the vehicle has been involved in an accident but is operable and the owner/operator is able to move it, he should move it from the traveled portion of the roadway and park it in a safe location.

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- B. Where a vehicle is rendered inoperative as a result of an accident, but there is no necessity for having the vehicle removed immediately, the owner/operator or some other responsible person designated by the owner/operator must be given the option of making disposition of the vehicle. However, the owner/operator should be advised that the vehicle will be classified as an "abandoned vehicle" if allowed to remain on public property more than forty-eight hours and may be towed on the authority of the Ridgely Police Department.
1. If the owner desires to have the vehicle towed, his choice of the business to do the towing will be respected subject to local and state statutes, ordinances, and regulations or unless the requested tow vehicle cannot respond within a reasonable period of time and prompt removal of the damaged vehicle is necessary.
 2. When the vehicle must be removed and such removal cannot be effected within a reasonable period of time by that requested tow service, the investigating Officer will so inform the owner/operator or other responsible person and either give him the opportunity to call a closer towing service or arrange through the emergency communications center (with or without owner's/operator's consent) for the nearest towing service to respond.
- C. When the vehicle is operable and/or the person responsible for it cannot make immediate disposition, and it is impeding the free flow of traffic or creating a traffic hazard, the vehicle must be removed. In these instances the Officer will arrange through the emergency communications center for a tow service to respond.
1. The investigating Officer shall request a tow vehicle through the emergency communications center. The request will include the reason why it is being made, the location of the vehicle, the make and registration of the vehicle, and the need for special equipment, i.e., a dolly for a vehicle without wheels, a heavy tow vehicle for a tractor trailer, etc.
 2. Only that towing vehicle dispatched by the emergency communications center will be permitted to tow the disabled vehicle unless the owner/operator pays the costs incurred by the tow service dispatched by the emergency communications center.

IV. OBSTRUCTION – UNSAFE VEHICLES

- A. A vehicle that is illegally parked where it unreasonably obstructs or impedes the free flow of traffic or the movement of pedestrians, or where a vehicle is being operated on the highway in an obviously unsafe condition or is for any other reason being operated contrary to law, such a vehicle shall be removed in the manner hereafter prescribed:

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1. Where appropriate, the owner/operator shall be issued a citation or warning for the appropriate violation.
 2. If the vehicle is parked and obstructing the free flow of traffic or pedestrians, the owner/operator shall be required to move the vehicle. If the owner/operator is unwilling or unable to move the vehicle then the Officer shall arrange for the vehicle to be removed by a tow vehicle and placed in the custody of the tow service.
- B. If the vehicle, because of its condition, may not be legally moved on the highway, it must remain where it was stopped unless the location where it is to be kept restricts parking in some manner. If the vehicle must be moved, then the owner/operator shall be allowed to make suitable disposition, but in lieu of arrangements for removal by the owner/operator the Officer may have the vehicle removed in the matter previously described.

V. OWNER/OPERATOR REMOVED CUSTODY/INCAPACITATED

- A. Where the owner/operator in possession of a vehicle is arrested or is physically unable to continue operating his vehicle, and the vehicle is not required as evidence or need not be impounded for any reason, the investigating Officer will adhere to the following procedure:
1. Advise the owner/operator that he may, if he so desires, release the vehicle to a licensed driver who is willing to assume full responsibility for the vehicle and all property contained therein.
 2. Advise the owner/operator that he may, if he so desires, secure the vehicle and allow it to remain at the scene, providing it will be parked in an unrestricted parking area, and the owner/operator agrees to assume full responsibility for the vehicle and all property left therein.
 - The owner/operator shall also be advised that if the vehicle is left unattended for forty-eight hours, and/or becomes a traffic hazard, it may be disposed of according to established procedures.
 3. If the owner/operator chooses not to release the vehicle to a third party, or is not competent or is otherwise unable to make disposition of this vehicle, or will not agree to secure and assume full responsibility for the vehicle and property left therein, the vehicle shall be removed by a tow vehicle and personal property shall be secured and inventoried in the manner prescribed by policy.

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VI. RECOVERED STOLEN/WANTED VEHICLES

- A. If a stolen vehicle, a vehicle used without the authority of the owner, or a vehicle used in connection with a criminal offense is recovered, the investigating Officer will:
1. If necessary and feasible, arrange for the vehicle to be processed at the scene for evidence.
 2. If there is no reason for holding the vehicle, release may be made directly to an authorized person. Prior to the release, the Officer will complete a vehicle report and a vehicle release authorization.
 3. If the owner of the vehicle is not available, and there is no reason for holding the vehicle, request the nearest tow service for removal and storage.
 4. If the vehicle must be retained as evidence or for further processing:
 - a. The Officer will select a tow facility that is secure with room to facilitate further processing and has the lighting conditions to allow for further processing.
 - b. The investigating Officer may have the vehicle removed to the Department of Public Works building for processing. Prior approval for removing a vehicle will be obtained from the Chief of Police to contact an employee of the Department of Public Works and make arrangement for access to the building.
 - c. Whenever possible, a vehicle to be retained as evidence or for further processing should be driven from its place of recovery to the Department of Public Works by the investigating Officer to provide for the proper safeguarding and chain of custody of evidence.
 - d. When it is not possible to drive the vehicle from its place of recovery to the Department of Public Works, the investigating Officer shall arrange for such removal by a dispatched tow vehicle. The Officer should secure the vehicle prior to towing and follow the vehicle as it is being towed to its destination to provide for the proper safeguarding and chain of custody of evidence.
 - e. When a vehicle is being towed to the Department of Public Works to be retained as evidence or for further processing, the investigating Officer will remain in constructive custody of the vehicle. In this instance, it will not be necessary for the tow truck operator to sign a receipt for the vehicle. In addition, the tow truck operator should be advised that the Department will assume the towing cost upon submission of an invoice.

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VII. NOTIFICATION

In every instance when a vehicle is stored at the direction of the Ridgely Police Department, every reasonable attempt will be made to immediately notify and advise the owner of the involved vehicle concerning the storage of the vehicle and the procedures of obtaining its release.

VIII. RELEASE OF STORED VEHICLE

A vehicle stored at the direction of the Ridgely Police Department may be released to an authorized person upon completion of a vehicle report by a police employee. Vehicles may be released to the following persons or under the following circumstances:

- a. To the owner,
- b. To an authorized agent of the owner with a notarized form from the owner giving such authorization. A fax copy or photocopy of the form is acceptable,
- c. Upon presentation of a court order,
- d. Upon presentation of a notarized form or document indicating that the person or firm named in the form or document is lawfully entitled to the stored vehicle. A fax copy of photocopy or the form or documentation is acceptable.

IX. TOW SERVICES

When a vehicle is stored at the direction of an Officer, the Officer will request the nearest tow service listed in this General Order.

Caroline County

Knott's Towing
POB 94 - 101 E. 6th St.
Ridgely, MD 21660

410-820-1100
410-270-8062 (Cell)

2 rollbacks - 1 light, 1 medium 1 medium duty wrecker
Visa, MC, GEICO, Allstate - Road Service, Lockouts, *Gooseneck

Usilton's Tire/Towing
921 Market Street
Denton, MD 21629
2 Rollbacks - Visa, MC, Discover, AAA

443-786-5511
410-479-5668