



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 situations where a clean-cut procedure is not prescribed.

II. 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. Ridgely Police Department members may assist by communicating requests through the Caroline County 911 Center 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 department member.

Vehicles that are not the property of the Town 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 to comply with posted signs.

III. REPORTING PROCEDURES

Ridgely Police Department members towing a vehicle on their authority shall complete an RPD Incident Report. The incident report shall be submitted prior to the end of the Officer's shift.

General Order No. 5-4 (Cont.)

IV. INVENTORY OF VEHICLES

The contents of all vehicles towed at the request of the Ridgely Police Department members shall be inventoried and listed in the RPD Incident 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.
- 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, backpacks, personal organizers, briefcases or other closed containers designed for carrying money, small valuables or hazardous materials.
- E. Locked containers, where no key/combination is available, will not be opened or searched. A notation will be made in the Incident Report if/when items cannot be properly inventoried.

Ridgely Police Department members should ask the occupants whether the vehicle contains any valuables or hazardous materials. Responses should be noted in the Incident 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 placed into the Ridgely Police Department Property Room for safekeeping.

Any cash, jewelry or other small valuables located during the inventory process will be held for safekeeping, in accordance with the Ridgely Police Department Property Room Policy.

General Order No. 5-4 (Cont.)

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.

V. TRAFFIC ACCIDENTS

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

- 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.

General Order No. 5-4 (Cont.)

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.

VI. 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:
 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.

VII. 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.

General Order No. 5-4 (Cont.)

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.

VIII. 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 an Incident Report.
 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.
 - 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.

General Order No. 5-4 (Cont.)

- 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 addition, the tow truck operator should be advised that the Department will assume the towing cost upon submission of an invoice.

IX. NOTIFICATION

As soon as reasonably possible and within seven days of a vehicle being towed, it shall be the responsibility of the Officer to send a notice of tow to all registered owners and others having a recorded interest in the vehicle. Notice shall be sent to all such individuals by certified mail. The notice shall include (Md. Code TR § 25-204; Md. Code TR § 16-303.1):

- a. A statement that the vehicle has been taken into custody.
- b. The location of the vehicle.
- c. A description of the vehicle, including the following:
 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.
- f. Information for the owner, or others having a recorded interest in the vehicle, of the right to reclaim the vehicle within three weeks after the date of the notice, on payment of all towing, preservation and storage charges resulting from taking or placing the vehicle in custody.
 1. For vehicles impounded pursuant to Md. Code TR § 16-303.1, the owner or others having a recorded interest in the vehicle shall be notified that the vehicle must be reclaimed within 10 days after the date specified in the applicable court order.
- g. A statement that the failure of the owner, or others having a recorded interest in the vehicle, to exercise this right to reclaim the vehicle in the time provided is:
 1. A waiver to right, title and interest in the vehicle.
 2. Consent to the sale of the vehicle at public auction.
 3. Consent by the owner, other than a lessor, to the retention of the vehicle for public purposes as provided by state law (Md. Code TR § 25-207).

If the identity or address of the last registered owner, or others having a recorded interest in the vehicle, cannot be determined or the certified notice is returned as undeliverable, the Chief of Police shall post the notice where the abandoned vehicle was found as provided by state law (Md. Code TR § 25-205(c)).

X. 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 an Incident 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.

XI. TOWING SERVICES

Ridgely Police Department officers shall not show preference among towing services. The nearest reliable available tow service should be summoned for vehicle removal or storage.

XII. SECURITY OF VEHICLES AND RETRIEVAL OF PROPERTY

If the property inventory of a vehicle leaves the vehicle or any property contained therein vulnerable to unauthorized entry, theft or damage, the Ridgely Police Department member conducting the inventory 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), which are not considered evidence or contraband.

Ridgely Police Department members who become aware that a vehicle may have been towed by the Department in error will promptly advise the Chief of Police. The Chief of Police should approve, when appropriate, the release of the vehicle immediately.