

Vehicle Towing

Index Code: 1909

Effective Date: 11/15/02 (Revised 09/15/12)

I. Purpose

The purpose of this directive is to provide deputies with guidelines for the towing and storing of vehicles.

II. Policy

It is the policy of the Office of the Sheriff to tow and store vehicles when necessary to assist motorists and help maintain a safe highway environment.

III. Situations That Warrant Towing

Deputies may have vehicles towed for legitimate governmental purposes, including:

A. Vehicles that have been damaged and rendered inoperative as a result of a motor vehicle collision, which presents a traffic hazard, and the owner or operator is unable to obtain towing service in a timely manner. A timely manner is generally construed as thirty minutes during normal business hours and forty-five minutes after normal business hours. However, this time limit is generally left to the discretion of the deputy depending on individual circumstances.

B. Vehicles that obstruct the free flow of traffic, present a traffic hazard, or meet the criteria defined in the Motor Vehicle Law for an abandoned vehicle.

C. Recovered stolen vehicles when the owners are unable or unwilling to obtain towing services.

D. Vehicles being held for investigation, or otherwise retained for a lawful purpose (seizure, evidence, etc.) However, supervisory approval must be obtained prior to holding a vehicle.

E. Vehicles that are illegally stopped, standing, or parked in the roadway and present a hazard to the public.

F. Vehicles operated by persons arrested, if no one is available to remove the vehicle for the arrestee, the arrestee does not give

permission for the vehicle to be left at the scene, and/or the arrestee does not assume responsibility for the vehicle being left at the scene. This assumes that the vehicle is not presenting a hazard to other users of the highway.

G. Vehicles requiring mechanical repair which cannot be obtained in a timely manner.

IV. Requesting Tow Service

A. When requesting tow service, deputies will advise the Department of Emergency Services (DES) of the vehicle's exact location and request the closest authorized tow company.

B. Deputies will inform DES of the number and kind of vehicles in need of towing, and any other pertinent information that may be useful to the tow company in determining the type of equipment necessary for removal (i.e., extensive damage, flat tires, oversized vehicle, roll-over, winching, etc.).

C. Vehicle owners/operators may request a specific tow company. Deputies will honor those requests provided that the requested company is able to respond within the allotted time frame, thirty minutes during normal business hours and forty-five minutes after normal business hours.

D. If a deputy requests tow service outside of Queen Anne's County (i.e., pursuit of a vehicle into another jurisdiction, etc.) the closest authorized tow company within Queen Anne's County will be utilized.

E. Tow company telephone numbers provided to DES will not be given out to the public. Only telephone numbers listed in the telephone directory may be given to the public.

F. In cases where a motorist is in need of mechanical assistance, in lieu of towing, deputies will follow the same general procedures outlined above.

V. Towing Procedures

A. After requesting a tow truck the deputy must wait for its arrival, unless extenuating circumstances arise such as a priority call for service, and the vehicle to be towed does not present a traffic hazard.

B. If a vehicle is being held for investigation, or otherwise retained for a lawful purpose (i.e., evidence, seizure, etc.), the tow company must store it in a secure enclosure. Towed vehicles will not be stored at Headquarters. Supervisory approval must be obtained prior to storing a vehicle.

C. Vehicles owned or utilized by the Sheriff's Office will be towed by the Queen Anne's County Central Garage whenever possible. In the event a private company is used to tow a vehicle owned or utilized by the Sheriff's Office, it will be towed to the Central Garage.

VI. Reporting Problems with Tow Service

A. In the event a deputy encounters a problem with tow service, the incident should be reported to the Towed Vehicle Coordinator as soon as practical. Such problems may include:

- 1. Unacceptable response time.
- 2. Inadequate equipment.
- 3. Poor attitude of the tow operator.
- 4. Poor quality of tow service.
- 5. Inadequate storage facility.

B. Notification to the Towed Vehicle Coordinator of problems with tow service can be made through interoffice correspondence, or through notation on the Vehicle Inventory and Tow Report.

VII. Canceled Tow Service

Once tow service or roadside assistance is requested, the tow company expects payment for their notification and response, whether or not the vehicle was actually towed or repaired. Therefore, it is important that deputies evaluate the situation carefully before requesting tow service, and advise the motorist that payment is expected once service is requested.

VIII. Inventory of Towed Vehicles

A. Deputies will conduct an inventory of the contents of every vehicle towed, except vehicles released directly to owners/operators in

the deputy's presence. The purpose of the inventory is to protect the owner, operator, or legal possessor's property while it remains in custody, and to protect the deputy and the Sheriff's Office from claims or disputes about lost, damaged, or stolen property.

B. The inventory will encompass all areas and containers within the vehicle that may contain valuables, including the glove compartment, console, and trunk, and any unlocked containers such as luggage or briefcases that may also contain valuables.

C. Deputies will not break open locked containers in order to inventory the contents. Locked containers will be listed on the Vehicle Inventory and Tow Report as, "one locked/sealed container," with a description of the container. Money, jewelry, and other valuables will be listed in the report and stored for safe keeping in accordance with the procedures outlined in Index Code 1202.

IX. Vehicle Inventory and Tow Report

A. Deputies will complete a Vehicle Inventory and Tow Report on all vehicles they have towed, except disabled vehicles towed at the owner's/operator's request, and the owner/operator remains in control of the vehicle.

B. The Vehicle Inventory and Tow Report will not be used in lieu of any report required to explain the circumstances of the towing.

X. Notification of Owner

As soon as possible after towing a vehicle, the requesting deputy will make reasonable attempts to contact the owner/operator of the vehicle and advise the location of the towed vehicle. Notification is considered made when the owner/operator is contacted in person or by telephone. Notification is not considered made when notes are left on doors or messages left on answering machines. The results of such attempts will be documented in the Vehicle Inventory and Tow Report.

XI. Investigative Tows/Holds

A. Vehicles may be held for investigation only after obtaining permission from a supervisor. Supervisors are responsible for determining that there is a legitimate investigative need for holding the vehicle, such as the collection of evidence. The supervisor will monitor the progress of the investigation so

that neither the owner nor the Sheriff's Office will become responsible for unnecessary storage fees.

B. Vehicles will not be held for investigation to force the owner/operator to come forward to accept a traffic citation.

XII. Tow Records

A. Vehicle Inventory and Tow Reports will be submitted along with any other applicable reports. In addition, a copy will be submitted to the Towed Vehicle Coordinator for logging and follow-up if necessary.

XIII. Towed Vehicle Coordinator

The Field Operations Commander will assign one deputy as the Towed Vehicle Coordinator, who will be responsible for the following:

A. Having abandoned vehicles towed after being tagged for forty-eight (48) hours.

B. Maintaining a logbook documenting the status of all vehicles towed by the Sheriff's Office.

C. Attempting to notify owner/operators of towed vehicle, and advising where and when they can claim their vehicles.

D. Sending certified letters to the last known registered owners of towed vehicles, within seven (7) days, if the vehicle has not been claimed.

XIV. CALEA Reference: 61.4.3a, 61.4.3b & 61.4.3c.

XV. Proponent Unit: Support Services

XVI. Cancellation: None

Sheriff Gary Hofmann