



Office Of The Sheriff
Allegany County
Maryland

GENERAL ORDER NO: **5-100.00**

TO: All Patrol and Judicial Personnel

RE: **TOWED VEHICLES**

PURPOSE: To establish policy for the towing, storage, and disposition of vehicles, establish the criteria for Sheriff's Office approved Tow Services and establish guidelines for the Allegany County Sheriff's Office (ACSO) Impound Lot.

EFFECTIVE DATE: 2013

REVISION DATE:

5-101.00 Sheriff's Office Approved Tow Services

- .01 The Sheriff shall establish a list of tow services authorized by this office. It shall consist of companies capable of towing large or small vehicles. The Tow Service must provide 24-hour service. In order to store a vehicle it must have a building or fenced lot that may be locked to preserve evidence or those vehicles seized on court orders. The Tow Service must have a listed phone number to be contacted at during all hours. The list shall contain reputable businesses throughout the County as to not cause undue delay in response time. The Tow Service will have a response time of 30 minutes or less, with the exception of adverse weather conditions or exigent circumstances beyond their control. The Sheriff, or his designee, will be responsible for maintaining, adding to, or removing Tow Services from the Tow List. Any complaints regarding any Tow Service on the tow list will be documented and referred to the Sheriff or his designee.
- .02 A completed Tow Service application, which includes the fee schedule for towing services, shall be submitted to the Sheriff's Office. Photocopies of MVA registration cards and DOT paperwork for all tow trucks used will be submitted with this application. Approved Tow Service applications shall be updated annually.
- .03 The Tow Service must meet all guidelines of the Maryland Motor Vehicle Law and Code of Maryland Regulations regarding vehicle safety and equipment standards.

- A. They will be inspected annually to ensure that they maintain these standards.
 - 1. Any violation(s) detected will result in the following procedures being followed:
 - a. The violation(s) will be brought to the attention of the Tow Policy Coordinator via written correspondence.
 - b. The Tow Policy Coordinator will issue appropriate documents to rectify the complaint (i.e., S.E.R.O. or citation).
 - c. The Tow Service will be temporarily suspended until the violation(s) is (are) corrected.
- .04 All approved Tow Services will be provided a copy of the Sheriff's Office policy on towed vehicles upon being approved. If a Tow Service fails to follow established Sheriff's Office policies for Towed Vehicles, the following procedures will be followed:
 - A. First offense - warning letter mailed to the Tow Service reminding them of their commitment to following Sheriff's Office policy.
 - B. Second offense - suspension from tow list for 30 days.
 - C. Third offense - suspension from tow list for one year.
- .05 A listing of Tow Services on the tow list will be maintained in the Agencies Dispatch System.
- .06 When utilizing Tow Services from the tow list, they will be called on a rotating basis, for that specified area, so that each receives a fair share of the calls.
- .07 Any Tow Service wishing to be placed on the Sheriff's Office tow list may do so by request, and upon completion of a Tow Service application to the Tow Policy Coordinator, who will make recommendations to the Sheriff or his designee for approval.

5-102.00 Vehicles Towed Due To A Traffic Accident

.01 When a vehicle is rendered inoperative due to an accident, the owner/operator may specify a Tow Service they wish to remove the vehicle, unless the vehicle is being stored at the deputy's direction or the vehicle is creating a hazard. If the vehicle is not creating a hazard, is not along a roadway and is to be towed at a later time, the owner/operator will be advised of State law regulating abandoned motor vehicles. The owner/operator may specify a Tow Service to remove the vehicle under the following conditions:

A. If he/she specifies a certain Tow Service to remove the vehicle, that choice will be honored, subject to State and Local laws. The Tow Service requested by the owner/operator will be noted in the Incident report.

B. When the vehicle must be removed, but cannot be within a reasonable period of time by a Tow Service requested by the owner/operator, the deputy will request the owner/operator select another Tow Service that can respond in a reasonable time. If no preference is expressed, the deputy will request, through the Dispatcher, that a Sheriff's Office Approved Tow Service be contacted. The Dispatcher will contact the next Approved Tow Service for that area as recommended by the Tow list.

.02 When the vehicle is inoperable, impeding traffic or causing a hazard, and the owner/operator cannot have the vehicle removed immediately, the vehicle will be removed as follows:

A. The deputy will request, through the dispatcher, that a Sheriff's Office Approved Tow Service be contacted. The Dispatcher will contact the next Approved Tow Service for that area as recommended by the Tow list. The deputy, at the scene, will relay any need for special equipment and have the Dispatcher enter the make, model, and registration number of the vehicle entered into the Incident report. A deputy will not request the services of a particular Tow Service, absent a request by the owner/operator, except in circumstances where a very hazardous situation exists. Then the closest Sheriff's Office Approved Tow Service will be requested. The circumstances requiring immediate removal of the vehicle will be noted in the Incident report.

.03 Vehicles damaged from traffic crashes will not be towed to the ACSO Impound Lot and will be taken to the towing company's approved lot.

.04 Vehicles involved in crashes that are to be stored for further investigation by the deputy, at the request of the States Attorney's Office or other agency will be taken to the ACSO Impound Lot.

5-103.00 Vehicles Towed Which Are Unsafe, Creating An Obstruction or Hazard, Or Displaying Invalid Or No Registration

.01 Removal of vehicles under the above conditions will be as follows:

- A. When appropriate, the owner/operator will be issued a citation or safety equipment repair order.
- B. The deputy will request, through the Dispatcher, that a Sheriff's Office Approved Tow Service be contacted. The Dispatcher will contact the next Approved Tow Service for that area as recommended by the incident report. The deputy, at the scene, will relay any need for special equipment and have the Dispatcher enter the make, model, and registration number of the vehicle entered into the Incident report.
- C. Any vehicle that is showing as not having insurance, whether parked (on public/government property) or moving, shall be towed to the ACSO Impound Lot.
- D. Vehicles will be towed to the ACSO Impound Lot.

5-104.00 Owner or Operator Taken Into Custody-Charged with DUI/DWI

.01 When the owner or operator of a vehicle is arrested and being charged with DUI/DWI and the vehicle is not needed as evidence or creating an obstruction/hazard, the investigating deputy will:

- A. Tow the vehicle to the ACSO Impound Lot located at 11400 PPG Road Cumberland, Maryland.

-or-

- B. Advise the owner/operator that he/she may release the vehicle to a licensed sober driver if there is a licensed sober operator in the vehicle and they are willing to assume all responsibility for the vehicle and contents.

5-105.00 Owner or Operator Taken Into Custody-Charged with CDS or Other Criminal Offenses

.01 When the owner or operator of a vehicle is arrested and being charged with a CDS violation or other criminal offense; whether or not the vehicle is needed as evidence or creating an obstruction/hazard, the investigating deputy will:

- A. Tow the vehicle to the ACSO Impound Lot.

5-106.00 Vehicles - Recovered/Wanted/Evidentiary Purposes

.01 If a stolen vehicle or a vehicle used in connection with criminal activity is recovered, the investigating deputy will:

- A. Whenever feasible, process the vehicle for evidence at the scene of recovery.
- B. Release the vehicle at the scene to the owner/operator, if possible, or other authorized person (person with written authorization to claim the vehicle other than the owner). Prior to release, the investigating deputy will complete a Stored Vehicle Release Authorization Certificate and obtain the signature of the person claiming the vehicle. If the vehicle was stolen and the report taken by another agency, that agency will be contacted as to their preference in processing and disposition of the vehicle. If the theft was reported to another agency, a Towed Vehicle Report will be submitted on the recovery. If the vehicle recovered was originally reported as stolen to this agency, an Incident report will be submitted to the original report.
- C. If for any reason a vehicle should be held for further processing or cannot be adequately processed at the scene, it will be impounded. The Tow Service operator who responds will be advised not to enter the vehicle. If evidence tape is available, it will be used to seal the doors of the vehicle. Vehicles impounded for evidence purposes will be towed to the Sheriff's Office Impound or a destination determined by the investigating Deputy. When a vehicle is impounded for processing, the investigating deputy will contact the Criminal Investigator or C3I, as soon as possible, and advise them of the circumstances of the case and processing needed on the vehicle. The Criminal Investigator or C3I will coordinate with the investigating deputy on any further action concerning the vehicle.

1. If the vehicle is no longer needed and the owner does not claim the vehicle within three (3) days after being notified to retrieve it, or the owner is unable to be notified, the original a storage fee will be attached. In instances where a vehicle must be stored at the office for possible forfeiture, official storage fees, at a pre-determined rate as set by the Sheriff, in the form of cash, certified check, or money order, will be collected before the vehicle is released to the owner/authorized person. Monies for storage fees and towing will be forwarded to the Sheriff. Deputies will ensure that towing fees have been paid before releasing a vehicle from the agency.
2. When vehicles are confiscated for forfeiture, as a result of violation of the controlled dangerous substance statutes, the Tow Service will transport the vehicle to the ACSO Impound Lot.

D. When a stolen vehicle is recovered, this was reported to this agency, the following actions will be taken:

1. It will be the responsibility of the Duty Officer, (on duty at the time of notification of recovery), to ensure that the registered owner of the vehicle is notified of the recovery. This notification will be made whether the vehicle is recovered by Allegany County Sheriff 's Office personnel, or by other law enforcement personnel. This notification will be made regardless of any other notifications made or purported to be made, by any other agency.

5-107.00 Abandoned Vehicles

.01 Authority: Disposition of abandoned vehicles is regulated by the Maryland Transportation Article, Title 25, Subtitle 2. Law Enforcement Agencies have the authority to take custody, remove, and dispose of abandoned vehicles found on public or private property.

.02 Definitions:

- A. Public Property: Any property owned or controlled by a Federal, State, or County Government.
- B. Private Property: Any property not owned or controlled by a Federal, State, or County Government.

C. Abandoned Vehicle: Any motor vehicle, trailer or semi-trailer:

1. That is inoperable and left unattended on public property for more than 48 hours after tagging.
2. That has remained illegally on public property for more than 48 hours after tagging.
3. That has remained on public property for more than 48 hours without the consent of the owner or person in charge of the property.
4. That has remained on public property for more than 48 hours, and,
 - a. Is not displaying currently valid registration plates, or,
 - b. Is displaying registration plates of another vehicle.
5. That has been left unattended on any portion of a controlled access highway for more than 24 hours after tagging (Transportation Article, Section 25-201).

.03 Abandoned Vehicles on Public Property:

A. When vehicles are found abandoned on public property, the following procedure will be followed:

1. The investigating deputy will determine if the vehicle is stolen, wanted, or has been previously reported as abandoned. If the vehicle is confirmed as stolen or wanted, it will be processed as per established procedures.
2. If the vehicle is abandoned, the deputy will place an unattended Motor Vehicle tag in a conspicuous place on the vehicle, the tag will indicate the date and time the vehicle was first checked. The deputy will also make a reasonable effort to contact the owner and advise them to remove the vehicle within 48 hours or it will be removed and stored as an abandoned vehicle.
3. The deputy will make periodic checks on the vehicle and notify the Dispatcher if the vehicle is removed within the 48 hour time period.

2. If the vehicle has not been removed within 48 hours, the deputy will notify the Dispatcher to contact a Sheriff's Office Approved Tow Service, as per this policy, and have the vehicle stored. The deputy will submit an Incident report and a Stored Vehicle Release Authorization form prior to the end of his tour of duty. The deputy will physically verify the vehicle identification number when a vehicle is towed.

.04 Abandoned Vehicles on Private Property

- A. In response to complaints of vehicles abandoned on private property, the following procedures will be followed:

1. If a vehicle is observed or reported abandoned on private property, the deputy will conduct a stolen check on the vehicle. If the vehicle is not stolen, the property owner will be instructed to contact a Tow Service for removal. Deputies will not store a vehicle from private property unless it is stolen, evidence, or used in the commission of a crime.

.05 Abandoned Vehicles at Garages/Towing Facilities

- A. Vehicles that are abandoned at garages or towing facilities will be disposed of using the following procedures:

1. All inquiries from garages/tow services will be referred to the agency's Abandoned Vehicle Officers. If the vehicle was stored at the direction of this agency, the incident will be handled as a follow-up to the report number for the storage of the vehicle.
2. Upon contacting the garage/tow service, the Abandoned Vehicle Officer will check the vehicle for stolen. If it is stolen, the vehicle will be processed as per established guidelines.
3. If the vehicle is not stolen, the Abandoned Vehicle Officer will ascertain if:
 - a. The vehicle has been at the establishment in excess of ten (10) days after the period when, pursuant to a contract, the vehicle was to have been claimed.

- b. The vehicle has been at the establishment in excess of ten (10) days after notice by registered mail, (return receipt requested), to the last known owner requesting the vehicle be removed.
 - c. The vehicle has been at the establishment in excess of ten (10) days after it was left by someone other than the registered owner, or by a person authorized to have possession of the vehicle under a contract of use, service, storage, or repair.
4. If any of the above conditions have been met, and after the Abandoned Vehicle Officer obtained copies of any documents verifying they have been met, the complainant will be assisted in completing the MVA Salvage Certificate Form. In each case, the complainant must sign the form, and the vehicle's identification number physically verified.
5. If the vehicle was not originally towed at the direction of this agency, the Abandoned Vehicle Officer will complete a Towed Motor Vehicle report before the vehicle is disposed of.

5-108.00 Completion of Towed Motor Vehicle Report, Stored Vehicle Release Authorization Form, and Notice To Registered Owner

.01 When a motor vehicle is towed at the direction of this agency, the following action will be taken by the investigating deputy prior to the end of his tour of duty:

- A. A Towed Motor Vehicle report will be completed.
- B. A Stored Vehicle Release Authorization form will be completed and filed on the Stored Vehicle Release Clipboard.
- C. A Certified Copy of Title from the state of last known registration with all lien information will be requested by the towing Deputy.
 1. The impounding Deputy will notify the last registered owner(s) and lienholder(s), if any, that the vehicle was towed and where it is being stored.

.02 Release of Stored Vehicles

- A. Release of a vehicle stored at the direction of this agency will require the completion of a Stored Vehicle Release Authorization form indicating the name and address of the person taking possession of the vehicle, date and time of release, and signature of the releasing deputy. Vehicles may be released under the following circumstances:
 - 1. To the owner with proper identification and proof of ownership is provided.
 - 2. To an authorized agent of the owner possessing a notarized form from the owner granting such authorization. Proof of ownership must also be provided.
 - 3. Upon presentation of a valid Court Order
- B. Vehicles stored at the direction of this agency will be released only on authority of the storing deputy or higher authority.
- C. The second copy of the Stored Vehicle Release Authorization form will be given to the person authorized to take possession of the vehicle. Upon presentation of the Stored Vehicle Release Authorization form to the deputy releasing the vehicle at the impound lot.
- D. Prior to release the deputy will ensure the person removing the vehicle is a licensed driver and the registration and insurance on the vehicle is valid. Unless the vehicle is being removed by a licensed tow service or an approved trailer/tow system.

5-109.00 Inventory of Towed Vehicles

- .01 All vehicles stored at the direction of this agency will be inventoried by the storing deputy. The vehicle will be inventoried prior to towing by the Tow Service whenever possible. If the vehicle cannot be inventoried prior to towing, the deputy will follow the Tow Service to its destination and then complete an inventory. The inventory will be documented in the Towed Motor Vehicle report. This procedure is an administrative function of the agency, designed to safeguard civilian property, and to protect deputies from potential liabilities or accusations of wrongdoing.

- .02 All property in a vehicle will be inventoried, including items in unlocked baggage, unsealed cartons, etc. Items in the trunk and glove compartment will be inventoried as will items in locked suitcases or containers, but only if a key is available. Forced entry to a trunk, glove compartment, suitcase, or other item is not permitted to complete an inventory, unless the express permission has been granted and a consent to search 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 simply as women's clothing or auto mechanic tools.
- .03 Limitations are imposed on the scope of an inventory and each inventory must be justified. An inventory may extend to any part of the vehicle where personal property would ordinarily be kept; looking elsewhere may call the deputy's motives into question. Unlocked packages may be opened for the mutual protection of the deputy and the owner. Evidence or contraband discovered in the conduct of the bona fide inventory can be seized and used in a criminal prosecution. The burden is on the deputy, however, to show the inventory was reasonable and pursuant to agencies policy.
- .04 Promptly after evidence is discovered during an inventory, the inventory should be stopped, the property secured, and a search warrant obtained. Only after execution of the search warrant should the inventory be completed.
- .05 Except for evidence, only items of value or those with an obvious attraction that may result in its disappearance should be removed and placed on a property record. Personnel shall consider each item in the vehicle as their obligation to safeguard. An obvious broken CD set has little appeal and/or resale value as compared to a leather briefcase that is empty; or a soldering gun, as compared to a hammer. Personnel are encouraged to use good judgement in light of the circumstances involved. Items not removed will be locked in the vehicle, preferably in the trunk.

5-110.00 Assumptions of Liability

- .01 Any deputy who willfully, mistakenly, or otherwise wrongfully authorizes the towing, impoundment, or storage of a vehicle, may be responsible for reimbursing the owner for all reasonable towing and storage costs incurred as stated in 26-306 of the Transportation Article.

5-111.00 Administrative Procedures for Disposition of Abandoned Vehicles

- .01 Procedures for the disposition of abandoned vehicles in accordance with State law will be established. Personnel, as designated by the Sheriff, will be responsible for supervising the agencies Abandoned Vehicle Officers.
- .02 The notification procedures required by law and as outlined in this order will not be necessary when the abandoned vehicle is over eight years old and has no engine or is otherwise totally inoperable and these facts have been verified by an on-site physical inspection of the vehicle by an Abandoned Vehicle Officer.
- .03 Upon receipt of a request to dispose of a vehicle, the Abandoned Vehicle Officer will initiate a MILES inquiry to the State of Maryland Motor Vehicle Administration to determine the owner(s) and lien holder(s) associated with the abandoned vehicle. The MILES printout received will be retained with other documentation pertaining to the abandoned vehicle.
- .04 If the investigation indicates the vehicle may be titled or registered in another jurisdiction, that jurisdiction will be contacted and reasonable attempts made to establish ownership.

.05 If the registered owner and/ or lien holder is unknown and cannot be determined, and the vehicle is eight years old or less, the Abandoned Vehicle Officer will prepare a Notice of Publication to appear in one newspaper of general circulation in the area where the vehicle was abandoned. The notice shall appear within fifteen (15) days from the date of removal of the abandoned vehicle from public property, or seven (7) days after the certified notice is returned as undeliverable. One copy of the publication will be retained with the abandoned vehicle file.

A. If the abandoned vehicle was removed at the direction of the Sheriff's Office, the Abandoned Vehicle Officer will send a copy of the Stored Vehicle Release Authorization form and a MVA Certificate of Authority to Dispose of An Abandoned Vehicle form to the Tow Service or scrap processor having custody of the vehicle. This will permit the Tow Service or scrap processor to dispose of the vehicle in accordance with State law. The Abandoned Vehicle Officer will submit a supplement report indicating the disposition of the vehicle and closing the file.

B. If the vehicle was abandoned on private property or in a garage, the complainant will be granted authority to dispose of the vehicle to a licensed auto wrecker or scrap processor through the issuance of the MVA Certificate of Authority to Dispose of an Abandoned Vehicle form. A copy of this form will be forwarded to the Motor Vehicle Administration and the Abandoned Vehicle Officer will retain an additional copy.

5-112.00 Allegany County Sheriff's Office (ACSO) Impound Lot

.01 The ACSO Impound Lot shall be located at 11400 PPG Road in Cumberland Maryland at the Allegany County Department of Homeland Security.

.02. The storage fee shall be \$25.00 per day beginning on the first day of storage, except as noted in Section 5-106.01(C) (1).

By Order Of:

Craig A. Robertson, Sheriff