

Vehicle Towing

502.1 PURPOSE AND SCOPE

This policy provides guidance related to vehicle towing. Nothing in this policy shall require a member of this office to tow a vehicle.

For procedures related to Vehicle Towing, see the St. Mary's County Sheriff's Office LE Procedures Manual: [Issuance of Release for Stored Vehicle](#)

502.1.1 DEFINITIONS

Definitions related to this policy include:

Stored - Means we have taken possession of the vehicle, even if our possession is temporary. Stored Vehicles will have a Vehicle Tow/Storage Card (SMCSO Form #82) prepared by the storing officer. To reclaim the vehicle, the release section at the bottom of the Vehicle Tow/Storage Card must be completed.

Towed - Means we have simply provided a service to the vehicle owner or operator by calling assistance for him/her. Due to the request being made by the operator/owner, no inventory or release will be required. When the owner or authorized operator is on scene and requests we contact a tow service on their behalf (nearest reliable or their choice), a Vehicle Tow/Storage Card is not required. The deputy will ensure the vehicle information and correct tow service utilized is listed in the CAD entry for the incident.

502.2 POLICY

The St. Mary's County Sheriff's Office will tow vehicles when appropriate and in accordance with the law. The Tow Service program shall be supervised by the Traffic Safety Unit Supervisor.

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. Office members may assist by communicating requests through the Emergency Communications 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 office member.

Vehicles that are not the property of the County should not be driven by office 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.

For procedures related to Removal of Vehicles Due to Hazard, see the St. Mary's County Sheriff's Office LE Procedures Manual: [Tow Requests](#), [Obstruction - Unsafe Vehicles](#), and [Illegally Parked Vehicle](#).

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502.3.1 REMOVAL OF VEHICLES INVOLVED IN ACCIDENTS

- (a) Motor Vehicles involved in accidents will be towed or stored if:
1. The vehicle cannot be driven; or
 2. All persons having custodial interest in the vehicle have been removed from the scene; or
 3. The vehicle creates a hazard (exposure to danger, risk); or
 4. The vehicle can be driven but there is no person with a custodial interest to remove the vehicle from the scene.
- (b) Any vehicle involved in a fatal accident which needs to be stored, or whenever further investigation is required, will be stored and appropriately inspected at the Sheriff's Office Compound. The box labeled "Hold" on the Vehicle Tow/Storage Card will be checked. Once the investigation is completed, the investigating officer will contact the State's Attorney's Office to determine if the vehicle can be released.
- (c) In those instances where the driver of the accident vehicle has fled the scene prior to police arrival or has been transported by emergency personnel before contact is made, the vehicle will be considered stored unless the registered owner or legal representative responds to the scene.

502.4 ARREST SCENES

Whenever the owner or operator of a vehicle is arrested, the arresting deputy should provide reasonable safekeeping 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.

Deputies 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, deputies 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:

- The vehicle is parked on private property, on which the arrestee or owner is legally residing.
- 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.

In the case where the owner/operator is arrested for any violation of 21-902 of the Transportation Article and there is no responsible party to release the vehicle to, the vehicle will be stored. The duty officer will ensure the arrestee does not receive a release for his/her vehicle prior to twelve (12) hours after the arrestee's arrest. This is to ensure compliance with Transportation Article 21-902.1, which prohibits an arrestee from driving a motor vehicle within twelve (12) hours after the arrestee's arrest for a violation of 21-902. If the vehicle is towed from being disabled/inoperable due to an accident, the vehicle storage is not necessary.

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For procedures related to Arrest Scenes, see the St. Mary's County Sheriff's Office LE Procedures Manual: [Transportation for Occupants](#).

502.5 VEHICLES RELATED TO CRIMINAL INVESTIGATIONS

Deputies 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. Deputies 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. If the deputy is unable to return a recovered stolen vehicle to its owner after reasonable efforts have been made, the vehicle should be stored.

Vehicles towed or stored by a specific division (e.g. Vice/Narcotics, CID) will be handled by the designated division personnel in accordance with this policy.

For procedures related to Vehicles Related to Criminal Investigations, see the St. Mary's County Sheriff's Office LE Procedures Manual: [Recovered Stolen Vehicles](#), [Vehicles with Missing or Altered Vehicle Identification Numbers](#), and [Vehicles Stored for Evidentiary Purposes](#).

502.6 RECORDS

Records Section members shall ensure that pertinent data regarding a towed vehicle is promptly entered into the appropriate database.

502.6.1 VEHICLE STORAGE REPORT

Office members towing a vehicle shall complete a vehicle tow report when necessary. The report should be submitted to the Duty Officer as soon as practicable after the vehicle is towed.

502.6.2 NOTICE OF TOW

As soon as reasonably possible and within seven days of a vehicle being stored, it shall be the responsibility of the storing deputy to attempt contact with owners. If no contact is made, forward it to the Traffic Safety Unit supervisor to begin disposal process within 10 days. Once forwarded to the Traffic Safety Unit supervisor, a notice of tow to all registered owners and others having a recorded interest in the vehicle will be sent. 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 (if obtainable)
- (d) The authority and purpose for the removal of the vehicle.

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- (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 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 Traffic Safety Unit supervisor shall post a notice at the Circuit Courthouse where the abandoned vehicle was found as provided by state law (Md. Code TR § 25-205(c)).

Vehicles shall not be stored solely because the owner or operator does not have a registration card available, unless there are no other reasonable means to establish ownership or authorized possession to the satisfaction of the officer.

502.6.3 STORED VEHICLE LOG INVENTORY

- (a) During the months of April and October of each year, an on-site inventory of all stored vehicles in the Sheriff's Office Vehicle Storage Compound will be conducted by the Traffic Safety Unit Supervisor. This inventory will be forwarded to the Sheriff via the chain of command by way of a detailed report in Blue Team.
- (b) This report will include the status of all stored vehicles, and any discrepancies will be resolved, and the Vehicle Storage Log adjusted as necessary.

502.7 TOWING SERVICES

Members shall not show preference among towing services that have been authorized for use by the Office. A rotation or other system established by the Office for tow services should be followed.

The rules and regulations for tow service owners and operators are contained in the document "St. Mary's County Sheriff's Office Authorized Tow Service Requirements, Rules, Regulations, and Schedule of Fees for Services (SMCSO Form #81). This document applies any time a tow truck is requested by the SMCSO, even if our call is at the request of the vehicle owner. All employees will report violations of the rules and regulations of this program in writing to the Traffic Safety Unit Supervisor.

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For procedures related to Towing Services, see the St. Mary's County Sheriff's Office LE Procedures Manual: [List of Approved Tow Service Operators](#)

502.8 VEHICLE INVENTORY

The contents of all vehicles towed at the request of office members shall be inventoried and listed on the inventory 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 and released with the vehicle to the third-party towing company or an unlocking mechanism for such compartment is available within the vehicle.
- (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, personal organizers, briefcases or other closed containers designed for carrying money, small valuables or hazardous materials.

Members should ask the occupants whether the vehicle contains any valuable 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.

Any cash, jewelry or other small valuables located during the inventory process will be held for safekeeping in accordance with the Property Unit 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 office members and protecting the Office against fraudulent claims of lost, stolen or damaged property.

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Towing a vehicle 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.

Promptly after evidence is discovered during an inventory, the inventory should be halted, the property secured, and a search warrant obtained. Only after execution of the search warrant should the inventory be completed.

502.9 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 office 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), which are not considered evidence or contraband.

Members who become aware that a vehicle may have been towed by the Office in error should promptly advise a supervisor. Supervisors should approve, when appropriate, the release of the vehicle without requiring the owner or his/her agent to request a hearing to contest the tow.