



HARFORD COUNTY SHERIFF'S OFFICE OPERATIONS POLICY

Towing and Storage of Motor Vehicles

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Sheriff

Distribution:	All Employees	Policy Number:	OPS 0805		
Responsible Unit:	Police Operations Bureau	Rescinds:	MAN3800		
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Latest Required Review was Completed:	05/23/23	Next Review Due:	05/23/26		

1. Purpose

To establish guidelines for members of the Harford County Sheriff's Office (HCSO) regarding the towing and storage of motor vehicles.

2. Policy

To provide deputies direction so they may operate on a sound, legal basis when towing vehicles.

3. Definitions

ABANDONED VEHICLE: as defined in the Maryland Transportation Article, Title 25, Subtitle 2, Section 5- 201.

OWNER'S REQUEST: Persons involved in a motor vehicle crash may request a specific tow company under County Code 237-10 if the requested tow company is on the Harford County Department of Emergency Services (DES) rotational list of authorized towers and can respond within a reasonable time. The tow company requested by the owner can only be utilized if the owner or authorized user of the vehicle is present, or the deputy has spoken to the owner or authorized user of the vehicle, and they have made a specific request for a specific tow company. A tow company is not to be used if contact with the owner is unsuccessful, operator is intoxicated, vehicle is not properly registered, driver does not have a valid license, or driver/owner is transported from the scene for medical injuries. To avoid conflicts of interest, deputies will not offer the names of licensed towers. Instead, a person requesting a specific licensed tower must be able to provide the name of the tow company, or the deputy will request DES to contact the "next" tow company on the authorized list.

For a Disabled Motor Vehicle (DMV) not involved in criminal activity or a crash and the owner or authorized operator is present and authorizes a tow, members may request a non-licensed tow company unless the vehicle is a traffic hazard. In that case, the deputy must request a licensed tow company. For a vehicle that has not been in a motor vehicle crash, the operator can request a non-licensed tow company if that company can meet the time requirements. The deputy cannot provide any information or suggest towing companies. The owner must know a specific company without the assistance of the deputy.

LICENSED CARRIER: Harford County Code 237-5 mandates that only "licensed carriers" (tow companies) may tow from the scene of a motor vehicle crash. Deputies may request any tow company "if special equipment is needed" or if an emergency exists and "no licensed tow company is available to, or capable of handling the emergency."

DEPUTY STORAGE: When a deputy's law enforcement action causes the vehicle to be towed. If a vehicle is involved in a motor vehicle crash and the owner or authorized operator is not on the scene upon the deputy's arrival, the towing of the vehicle is considered a Vehicle Storage. Examples of this would include, but are not limited to:

- Driving Under the Influence(DUI)/Driving While Intoxicated (DWI)
- Abandoned vehicle- after it has been tagged by the deputy and 48-hours have passed
- Unregistered vehicle
- Suspended/Revoked/Unlicensed Operator
- Vehicle pursuit **to include operator fleeing from vehicle**
- Tags removed from vehicle for MVA reasons
- Wanted operator, **who is taken into custody**
- Hit and Run, operator not on scene or suspect/operator arrested
- Recovered stolen vehicles when the owner cannot respond within a reasonable time
- Vehicles being taken to the **Criminal Investigation Division (CID / Forensic Services Unit (FSU))**

4. References

Harford County Code 237-5
Harford County Code 237-10
Maryland Transportation Article, Title 25, Subtitle 2, Section 5-201

5. Procedures

A. Authorization

1. HCSO members may authorize the towing and storage of motor vehicles for legitimate purposes. Examples of legitimate purposes include, but are not limited to:
 - a. Abandoned vehicles;
 - b. Recovered stolen vehicles;
 - c. Vehicles involved in motor vehicle crashes;
 - d. Vehicles involved in criminal activity;
 - e. Motor vehicle violations **where the operator is arrested;** and
 - f. Vehicles being seized as a result of a court order.
2. When authorizing the towing and storage of motor vehicles, deputies will utilize tow companies from the list of **Harford County approved licensed tow companies.**
3. Whenever a deputy authorizes the storage of a motor vehicle, the owner may still request a specific tow company as long as they are on the Harford County Department of Emergency Services (**DES**) rotational tow company list, and they can respond within 30 minutes.
4. Deputies will confirm the **V**ehicle **I**dentification **N**umber (VIN) on the vehicle matches the VIN on the registration/stolen check return and the Motor Vehicle Storage Form (SO-004).

5. Whenever a deputy authorizes the storage of a motor vehicle, he will conduct a registration/stolen check of the tag(s) displayed on the vehicle (if any) and the VIN.
6. If for any reason Maryland Telecommunications Enforcement Resource System (METERS) and the National Crime Information Center (NCIC) is unavailable, the deputy will conduct this check as soon as the systems are available.
7. All vehicle tow related data is entered into the Law Enforcement Record Management System (RMS) Impound Module
8. The original Motor Vehicle Storage Form (SO-004) will be scanned and submitted as an attachment in the RMS Impound module, and then forwarded to the Traffic Unit.

B. Requesting Deputy

1. A deputy requesting a tow truck will use the following, or similar, terminology when requesting a tow company's services via DES:
 - a. "Deputy storage next on the list, (color of vehicle), (releasable or hold)."
 - b. "Owner's request next on the list, (color of vehicle)."
 - c. "Deputy storage or Owner's Request - Owner specific (name of tow company), (color of vehicle), (for deputy storages: releasable or hold)."
2. If a deputy requires the services of a tow company, the deputy will contact DES and request the next available tow company on the rotation list to respond.
3. DES will, at the request of the deputy, attempt to notify the vehicle's owner by telephone of the storage.
4. The deputy will inform DES of the number and type of vehicle(s), color, and other pertinent information when requesting a tow company.
5. If the tow company does not arrive at the deputy's location within 30 minutes after the request has been made, the deputy will notify DES.
6. DES will recontact the tow company to ascertain the cause of the delay. If the deputy at the location of the vehicle is not reasonably satisfied that the tow company will arrive within 10 minutes after the second contact by DES, the tow company will be informed to cancel its response.
7. When the tow company cannot respond within the 30-minute time limit, DES will contact the next Harford County licensed tow company on the rotation list to respond to the request. When considering the 30-minute response time, deputies will consider adverse traffic patterns, weather conditions and/or other causes which could delay a tow company's response.
8. The deputy will provide the tow company with the vehicle owner's name, address, and telephone number, if known, and any carbon copy of the vehicle storage form SO-004. (NOTE: If the vehicle cannot be released to the vehicle owner for any reason, the deputy must indicate same on the

carbon copy provided to the tow operator).

9. If a deputy determines a vehicle is being utilized for violations of the controlled dangerous substance laws, and the vehicle may need to be stored for processing or forfeiture, the deputy will have the Watch Commander/Duty Officer contact the on-call detective/supervisor from the Special Investigations Division (SID) prior to notifying a tow company. It will be the decision of the SID representative to determine the disposition of the vehicle, and how it will be transported.
10. Any storage request made by another agency will be conducted by that agency and HCSO members will not tow and store a vehicle for any other law enforcement agency, unless authorized by a supervisor.
11. If, after a motor vehicle crash, the vehicle is on private property, the vehicle can be left on that private property if the responding deputy receives express permission from the actual owner of the property (e.g. If the vehicle crashes and comes to rest on the property of a convenience store, the clerk of the store cannot provide permission. Only the owner of the store can grant that permission).
12. For all deputy storage requests, a Motor Vehicle Storage Form (SO-004) will be completed, and the required data entered into the RMS Impound Module by the deputy as soon as practical.
13. The original Motor Vehicle Storage Form (SO-004) will then be scanned and submitted as an attachment in the RMS Impound module by the deputy.
14. The deputy will submit the original Motor Vehicle Storage Form (SO-004) to a supervisor who will verify the correct information was entered by the deputy into the RMS tow module and a copy was attached, before submitting the form to the Traffic Unit.
15. For all deputy storage requests, the vehicle can only be towed to the impound lot unless further investigation or processing is needed. (IE: search warrant or forensic services)
16. For all deputy storage requests that require further investigation or processing, a deputy can authorize the vehicle to be towed to a precinct after contacting a patrol supervisor, or if approved by a CID supervisor, towed to FSU for processing.

C. Scope of Inventory

1. An inventory of vehicle contents will be conducted by the deputy completing the Motor Vehicle Storage Form (SO-004) prior to storage of the vehicle by the tow company. However, if a search warrant is pending issuance for the search of the vehicle, no inventory will be conducted prior to obtaining the search warrant. Items observed by the deputy in "plain view" will be documented in any corresponding reports, whenever possible photographs of items in plain view will be utilized to preserve the exact location of the items.
2. Any inventory conducted will be performed in a systematic manner, starting from the front of the vehicle, and progressing towards the rear of the vehicle, noting the exact location of items.
3. All valuables taken into custody for safe keeping will be listed and submitted to the Property Management Unit (PMU) per current policy.

4. Deputies will not break open locked or sealed containers in order to inventory any contents.
5. Locked or sealed containers will be listed on the Motor Vehicle Storage Form (SO-004) as "one locked/sealed container" with a description of the container. If a key or lock combination is available, locked containers will be opened and inventoried.
6. If an electronic device is located inside the vehicle during a plain view observation and the vehicle is going to be held for evidence pending a search warrant, the electronic device may be recovered given the below criteria:
 - a. It is suspected that the electronic device contains evidence of the crime under current investigation;
 - b. There is a concern that the evidence on the electronic device can be remotely accessed and the evidence of the crime under current investigation would be lost;
 - c. A search warrant will be authored on the electronic device; and/or
 - d. If the above criteria are met, refer to HCSO Policy OPS 1611 - Digital Evidence Submissions for guidance on how to recover the electronic device.
7. Any other property items of value left in the vehicle will be documented on the Motor Vehicle Storage Form (SO-004).

D. Contact with The Owner

1. The deputy responsible for initiating the storage will make every effort to contact the owner of the vehicle if they are not present at the time of storage to notify them of the vehicle's storage and tow company information. The results will be noted in the narrative of the Motor Vehicle Storage Form (SO-004).
2. The deputy will advise DES to attempt a telephone call to the owner regarding the storage.
3. If contact is not made by telephone, or if there is no telephone number of the owner, and the owner's address is in Harford County, a deputy will make personal contact at the residence with the owner or a relative. This information will be documented in any corresponding report.
4. If the residence is not located within Harford County, the deputy will advise DES to contact the jurisdictional police agency for the owner's address and request that they make notification to the vehicles listed owner.
5. This information along with the outcome will be noted in the narrative of the Motor Vehicle Storage Form (SO-004) and any corresponding report. A copy of the radio traffic containing the request will be scanned and uploaded to the incident module in RMS.
6. The deputy will complete a written follow-up within 72 hours if the owner of the vehicle has not been contacted or identified.
7. The deputy will document all attempts to contact the owner.

8. The deputy will conduct an additional stolen check to ensure that the vehicle has not been reported stolen since the date of the original report.

E. Report Status - Contact with the Vehicle Owner

1. The report will remain "open" until the owner is contacted, or all investigative leads have been exhausted.
2. If a deputy is unable to contact the owner within 72 hours, the deputy will fill out and mail a Notice of Impounded Vehicle (SO-081) to the registered owner of the stored vehicle via United States Postal Service (USPS) Certified Mail, Return Receipt Requested. The deputy will include the report number on the return receipt.
3. When the deputy receives the USPS Certified Mail, Return Receipt, he will update the RMS Impound Module and scan and attach a copy of the letter and the receipt before submitting them to their supervisor.
4. The deputy's supervisor will ensure the RMS Impound Module is appropriately updated and a copy of the letter and receipt were scanned and attached to the original incident, prior to forwarding them to the Traffic Unit for further follow-up.
5. A database containing a log of stored vehicles is available to all supervisors in RMS and the supervisor is responsible for reviewing the storage report to ensure the deputy entered the appropriate information into the RMS Impound Module.
6. Supervisors will check the RMS Impound Module daily to monitor all follow-up investigations of their respective personnel.
7. The Traffic Unit will run a monthly report to ensure cases are being appropriately completed in the RMS Impound Module.

F. Law Enforcement Records Responsibilities

1. When Law Enforcement Records receives a stolen vehicle report, the Records Technician will check the RMS Impound Module prior to entering the vehicle into NCIC.
2. If the vehicle is in the RMS Impound Module, it will not be entered into NCIC.
3. The Records Technician will notify the reporting deputy and his supervisor via e-mail that the reported stolen vehicle is located in the RMS Impound Module.
4. A copy of the e-mail will be scanned and attached to the original incident.
5. The reporting deputy or supervisor will confirm with a Records Technician the status of entering the vehicle into NCIC and document the appropriate information in the incident module.

G. Vehicle Release

1. Prior to a vehicle being stored by the HCSO, it is the responsibility of the storing deputy to ensure the owner is contacted and aware of the name, address and phone number of the tow company that took possession of the vehicle, and that the owner must make arrangements with the tow company for the vehicle's release.

2. Once a vehicle is stored, it is the responsibility of the tow company to advise the owner when and where to respond, and what legal documents will be needed for the vehicle to be released.
3. DES will direct all phone calls from vehicle owners to the appropriate precinct for impound and release information inquiries.
4. HCSO members will check the RMS Impound Module when fielding a vehicle release question. They will verify the vehicle can be released and advise the owner to contact the appropriate tow company to arrange the release of their vehicle.
5. The Traffic Unit will conduct follow-up investigations on motor vehicle storages that are forwarded by patrol shift supervisors.

H. Salvage Process

1. Once a vehicle owner is contacted and fails to pick up the vehicle, or is unable to be contacted, the Traffic Unit will begin salvage procedures.

I. Vehicle Operators Arrested

1. A person who is arrested may consent to their vehicle being secured by the deputy if:
 - a. The vehicle is legally parked;
 - b. The vehicle is not being held for evidence, processing, or other investigative purposes;
 - c. The operator is aware of his actions and agrees to assume full responsibility for the vehicle, accessories, and contents;
 - d. The operator can make arrangements for the vehicle by the owner or owner's agent within a reasonable time frame. Deputies should document this arrangement in the narrative of their report; and
 - e. If it is a DUI arrest, the deputy must advise the driver they cannot drive for 12 hours after being charged.
2. If the vehicle is owned by someone other than the operator, the deputy will attempt to contact the owner and advise the owner of the vehicle's location.

J. Vehicles Towed to CID

1. Vehicles may be towed to CID for processing or search warrants upon approval of the CID supervisor or the on-call CID supervisor and must be accompanied by a deputy.
2. If the CID supervisor determines that the vehicle will require processing, FSU may respond to process the vehicle's location, or it may be towed to CID for further evaluation.
3. For vehicles released by CID to the tow company, the CID supervisor will ensure the RMS Impound Module was properly updated by the investigating detective, then notify the Traffic Unit.
4. After the deputy releases the vehicle to the tow company and updates the Tow Module in

RMS, the deputy must contact the registered owner to advise them their vehicle has been released and provide the owner with the name, address, and phone number of the tow company. Inform the owner they can respond directly to the tow company to retrieve their vehicle.

5. CID supervisors will ensure all required information is properly entered into the RMS Impound Module including all updates before releasing any vehicle held by CID and will ensure notification to the Traffic Unit.
6. A CID supervisor must authorize the storage of any vehicle for evidence processing and will advise what tow company on the Harford County DES rotational tow list to use.

K. Recovered Stolen Vehicles

1. Whenever a vehicle that has been reported stolen by the HCSO is recovered in Harford County, the CID supervisor or the on-call CID supervisor will be notified.
2. If the CID supervisor determines that the vehicle will require processing, FSU may respond to process the vehicle, or it may be towed to CID for processing.
3. If the CID supervisor determines that a recovered stolen vehicle will not require processing, the investigating deputy will attempt to contact the owner prior to storage of the vehicle.
4. The owner will be given the opportunity to respond to the scene of the recovery to take possession of the vehicle, provided:
 - a. The vehicle is not creating a traffic hazard;
 - b. The owner can respond in a reasonable time period; and
 - c. The vehicle is operable.

L. Deputy Storage Tows for Further Investigation or Processing

1. Deputies conducting a tow for further investigation or processing will request through DES contact the tow company that is "Next on the List" to respond to the deputy's location to tow the vehicle to either precinct or CID after obtaining the proper authorization as outlined in B16.
2. Once the investigation involving the vehicle is concluded. The investigating deputy will contact the same tow company and do the following:
 - a. Request the vehicle be towed back to the tow company's impound yard.
 - b. Provide the tow company with the registered owners information and a carbon copy of the Motor Vehicle Storage Form (SO-004) so they can arrange release with the owner.
3. The investigating deputy will then contact the owner and provide them with the name and contact information for the tow company where their vehicle is located and advise them that they must contact the tow company to arrange its release.

M. Abandoned Vehicles

1. **Deputies** will investigate the vehicle by conducting a registration/stolen check of the tag and VIN.
2. If for any reason METERS/NCIC is unavailable, the deputy will conduct required checks at the earliest time possible after the system becomes available.
3. If the vehicle is not stolen/wanted, and is on private property, the property owner is responsible for towing the vehicle.
4. If the vehicle is not stolen/wanted, is on public property, and the deputy has determined that the vehicle is abandoned, the deputy will initiate a storage of the vehicle.

N. HCSO Vehicles

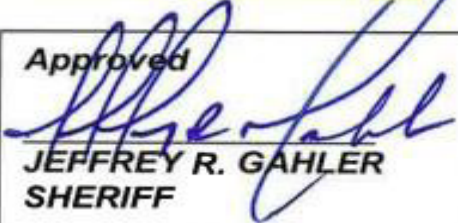
1. When an HCSO vehicle becomes disabled, stuck, or will need to be towed for any reason, only **HCSO agency** approved tow operators will be used.
2. Under no circumstances will an HCSO member utilize the assistance of a private citizen's vehicle to tow an HCSO vehicle.
3. The deputy will contact **DES** and advise the location, vehicle number, and other pertinent information regarding the tow situation.
4. During normal business hours (Monday-Friday from 0700-2300hrs), request that **DES** contact a representative of First Vehicle Services (**FVS**). **FVS** will then notify a tow operator from their approved tow operators to respond. After the aforementioned normal business hours, the "on- call" FVS number can be utilized.
5. If the **HCSO** vehicle is a traffic hazard, or has been involved in a crash, the tow company must be a licensed Harford County tow operator that is able to respond within 30 minutes.
6. During all other hours, weekends and holidays, request that **DES** contact the Watch Commander/Duty Officer for authorization to notify a tow company from the **HCSO** list of approved licensed tow operators to respond.

O. Motor Vehicle Crashes

1. Vehicles involved in a motor vehicle crash that are unable to be driven from the scene will be towed.
2. The owner/operator of the vehicle may request the services of a tow company.
3. If not an owner specific tow, the deputy will request the services of the next available licensed tow company on the tow list.
4. If the vehicle involved in a motor vehicle crash comes to final rest on private property and is unable to be driven from the scene, the vehicle can be left on the private property provided:
 - a. The vehicle owner is present and requests the vehicle be left on the property; and
 - b. The deputy obtains express permission from the actual owner of the property to leave the vehicle. **The aforementioned information will be documented in the crash report.**

5. Summary of Changes

A. On 5/23/23 a 3-year review was conducted with no changes. Next review required 5/23/26.

Approved

JEFFREY R. GAHLER
SHERIFF
DATE 5/25/2021