



**CHEVY CHASE
VILLAGE
POLICE
DEPARTMENT**

Police Chief: John Fitzgerald

GENERAL ORDER: 5-48; TOWING POLICY

DATE: 2/20/2013 Pages: 3 ◇ New ◇ Amended ◆ Rescinds 5-48

CALEA: 1.2.4, 61.4.1-b, 61.4.3-a-b-c, 81.2.4-a, 81.2.9

I. POLICY

Officers are authorized to tow vehicles that are in violation of the law, present a hazard to public safety, interfere with the flow of traffic, when the vehicle itself is evidence or may contain evidence, vehicles parked in fire lanes on public or private property, or vehicles found in violation of the Village Code of Ordinances. (CALEA 61.4.1-b, 61.4.3-b)

II. PROCEDURES FOR REQUESTING A TOW TRUCK

A. Officers requesting tow services will make their request via the police radio utilizing CCV Dispatch for Asikins Towing for Village jurisdiction and ECC for all others. Requests will include the following: (CALEA 61.4.3-c, 81.2.4-a)

- The make, model color, and registration
- Location of the vehicle to be towed
- Reason for towing: parking violation, disabled, collision, mechanical problem, etc.
- Special circumstances: GVW of heavy duty vehicles, overturned, loaded, dollies, flatbed required etc.

ECC will maintain records of all towed vehicles. Village Dispatchers will record towed vehicles brought to their attention in the County CAD system.

B. Vehicles will be towed by the nearest available tow service utilizing ECC unless circumstances dictate otherwise. Request by the owner/operator for a specific towing service may be honored with consideration given to existing traffic conditions and the proximity of the desired towing service. Officers will not make negative comments about specific tow companies.

- A stolen check should be requested via the METERS system. (CALEA 81.2.4-a, 81.2.9)
- Officers shall complete a CCV Impound form on all towed vehicles with the exception of those involved in collisions as this information if included in the collision report.

Officers will remain on the scene for police generated tows until the vehicle is removed. Exceptions to this rule are disabled vehicles where the owner/driver is present and is the requesting party and the vehicle is not on the roadway or creating a hazard.

III. STOLEN VEHICLES

A. Officers will make every effort to process recovered stolen vehicles unless specific instructions in the "Hit" confirmation dictate otherwise, i.e. hold for processing, etc.

B. It is the responsibility of the recovering officer to notify the vehicle's owner. If the vehicle can be claimed in a short period of time at the location of the recovery, the officer will stand by and wait for the owner to arrive. The officer will conduct an evidence search before the vehicle is released to the owner. Any evidence seized will be taken to the station and stored in accordance with agency policy.

- If the owner is unable to respond to the recovery location, the vehicle will be towed by the nearest available tow service who will tow the vehicle directly to MCP AVS (Abandoned Vehicle Section), if open. If the AVS is not open, tow the vehicle to the approved firm's tow lot and instruct the tow service to transfer the vehicle to the AVS at the next earliest re-opening. The officer will complete a CCV Impound Form or MCP 60 whichever is appropriate.

C. If the vehicle was reported stolen in another jurisdiction, the recovering officer is responsible for having a teletype sent to the police agency that entered the vehicle into NCIC by calling the MRC (County Message Routing Center). (CALEA 81.2.9)

IV. ABANDONED VEHICLES

When it is determined that a motor vehicle is abandoned in accordance with Maryland Vehicle Law, disposition of the vehicle will be made in the following manner: (CALEA 61.4.3-a)

1. The officer handling the complaint will obtain a listing and stolen check. If the owner can be contacted, advise him of the complaint and request him to move the vehicle.
2. If unsuccessful in making contact with the owner, the officer should cite the vehicle for any law violations or violations of Village Ordinances and attach both the yellow copy of the MCP 24 "Warning Notice," and the MCP 232 (orange sticker), "Abandoned Vehicle Notice" in the vicinity of the window or door of the driver's side.
3. The name, address, and telephone numbers (home and work) of the property owner/complainant will be entered on the white copy of the MCP 24 to assist the AVS.
4. A copy of the MCP 24 will be faxed to the AVS at [REDACTED] by the end of the officer's shift that day. AVS upon receipt of the fax will follow up on the complaint.
5. If the vehicle is on private property, the officer handling the complaint will tell the property owner/complainant to contact the AVS directly at [REDACTED].

V. VEHICLES BEARING DIPLOMATIC REGISTRATION

Prior to towing a vehicle bearing diplomatic registration, the officer will attempt to locate the owner/operator and solicit his cooperation in moving the vehicle. If unsuccessful, the officer will:

1. Have the vehicle towed by contacting ECC for the next available tow service and tow the vehicle to the nearest legal parking space or adjacent side street and issue the appropriate violation notice. Notify ECC of the new location.
2. Accept the tow bill from the towing service and prior to the end of your shift; initiate a memorandum via the chain of command, to the Chief of Police, detailing the facts surrounding the incident. Attach the tow bill to the memorandum. In the event the identity of the registered owner is ascertained prior to his claiming the vehicle, the officer will notify the owner or embassy by telephone of the vehicle's location.

VI. TOWING A SECURITY THREAT

Abandoned vehicles parked on public roadways that pose a security threat e.g., non-registered, expired registration, inoperable, obvious junk, etc., may be towed immediately to the Abandoned Vehicle Lot. These direct tows do

not require the officer to remain with the vehicle unless security needs dictate otherwise. **Note:** non-registered and vehicles with expired registration discovered within Village boundaries are usually vehicles that Village residents are donating to charitable organizations. In these cases officers will obtain a listing on the vehicle and contact the registered owner to determine the status of the vehicle before initiating a tow.

Officers having abandoned vehicles immediately towed will:

- Place a yellow MCP 234, "Abandoned Vehicle Tow Notice," on the vehicle and write the officer's name and ID# in the space provided.
- Notify ECC and Village dispatch that this is a direct tow to AVS.
- If five (5) or more vehicles are towed from the same location, the officer will contact AVS prior to ordering tow trucks.
- No abandoned vehicles will be towed after hours or on weekends unless the vehicle poses a security threat/public safety hazard.
- Officers will contact AVS for approval to tow abandoned vehicles from private property for security reasons. After business hours, supervisory approval is needed.

Private Property Tows – abandoned vehicles on private property must be reported to AVS by the property owner/agent. Commercial property owners are required to pay tow service fees.

VII. INVENTORY SEARCHES

Officers will conduct an inventory search of every vehicle they tow or seize to:

- Identify and take possession of valuable property for safekeeping.
- Protect officers from danger; and
- Protect the towing/seizing officer and the Department from claims of lost, stolen, or vandalized property. (*CALEA 1.2.4, 61.4.3 -b*)

The inventory policy does not include those vehicles driven or owned by a person who has diplomatic immunity as defined in General Order 5-43 or vehicles involved in collisions when the owner is present at the time the vehicle is towed.

IX. TOWING SERVICE COMPLAINTS

- A. Complaints against tow operators who responded at police request or complaints by other tow operators

or citizens will be submitted in a complaint letter by the complainant to AVS, [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

- B. Officers with complaints against tow operators who responded at police request will submit a memorandum or e-mail through their chain of command to the MCP Police Towing Supervisor or the AVS Supervisor.
- C. All complaints received against police approved tow services will be investigated by the MCP Police Towing Supervisor as outlined in the Montgomery County Towing Regulations.
- D. Only the MCP Police Towing Supervisor, under the direction of the Chief of Police and the Montgomery County Towing Regulations, will suspend or remove an approved service from the rotation list.

X. MSP PICK UP ORDERS

Suspended vehicle registrations for emissions violations will be treated as a flag on tags. The vehicle operator may be cited for driving a vehicle with suspended tags but the **vehicle will not be towed.**