FREDERICK POLICE DEPARTMENT
GENERAL ORDER

Section 2: Traffic Operations **Order Number:** 290
Topic: VEHICLE TOWING AND IMPOUND PROCEDURES **Issued By:** Chief of Police
Approved: 04/29/26
Review: Annually in May by Commander, Professional Services Division
Supersedes: G.O. 290 dated 04/22/26

.01 PURPOSE:

To outline the procedures for towing vehicles which are impounded, seized or otherwise come under the control of the Department and for inventorying and/or safeguarding personal property of significant value found in vehicles remaining under the control of the Department.

.02 CROSS-REF:

Frederick City Code, Article II, Division I, In General, Section 13-20 through 13-69 and as amended.
The Maryland Vehicle Law, Section 14-107; 25-201, 25-202, 25-203, 25-204, et al.
G.O. 830 - "Crime Scene Assessment"
G.O. 831 - "Collection of Physical Evidence"
G.O. 833 - "Evidence and Property Control"
G.O. 880 - "Secure Vehicle Storage"
G.O. 218 - "Arrests for Motor Vehicle Offenses"

.03 DISCUSSION:

The Department has a responsibility to ensure that any vehicle which it impounds, seizes, or otherwise controls is towed from the scene in a timely fashion, is stored consistent with established procedures and that any personal property of significant value found in a vehicle which is stored in its Secure Vehicle Storage Facility or is processed for evidence by the Department is inventoried and safeguarded.

.04 POLICY:

It is the policy of the Department to use only authorized tow firms to tow vehicles that it impounds, seizes, or otherwise acquires as a result of an arrest or other police/enforcement action. The Department will account for and safeguard personal property of *significant* value found in vehicles which will be stored at its Secure Vehicle Storage Facility, will be processed for evidence by the Department or which the owner/operator, because of exigent circumstances, cannot immediately retrieve and requests the officer to secure prior to towing.

.05 DEFINITIONS:

IMPOUNDED VEHICLE - any motor vehicle that the Department tows because:

1. The owner/operator has been arrested *and* the vehicle is illegally parked or presents a hazard to public safety;

NOTE: Vehicles stopped or parked by an arrestee on a private parking lot are not considered to be legally parked unless the owner/agent of the property has granted permission to park the vehicle on the lot.

2. The vehicle is disabled because of an accident/mechanical problem, is illegally parked and impedes the free flow of traffic or is a hazard to public safety;

3. The vehicle is to be processed as evidence; or,

4. The vehicle is parked in violation of the City Code, Section 13-20 thru 13-69 and a supervisor authorizes its towing.

SEIZED VEHICLE - any vehicle that comes under the control of the Department pursuant to execution of a search and seizure warrant, is seized as evidence of a crime, or is subject to forfeiture proceedings.

PERSONAL PROPERTY OF SIGNIFICANT VALUE - refers to any item or collection of items in a vehicle whose value a reasonable person would estimate to be three hundred dollars ($300) or more (auto accessories excluded).

SECURE VEHICLE STORAGE FACILITY - refers to the fenced and locked portion of the parking lot located at the Department of Public Works Yard which is reserved for vehicles temporarily under the custody of the Department as the result of seizure or processing.

REASONABLE PERIOD OF TIME - a "reasonable period of time" as pertains to the arrival of a tow firm is forty (40) minutes. This time will commence from the time the dispatcher contacts the tow firm or the officer on the scene instructs the owner/operator of a vehicle to have the vehicle removed from a location.

.10 AUTHORITY TO TOW:

Article II, Section 13-21 of the Frederick City Code states in part:

> *City employees as designated by the Board of Aldermen are hereby vested with the authority and it shall be their duty to impound any unoccupied vehicle parked in violation of any parking regulations of the city or any vehicle which has been wrecked or abandoned . . .*

Additionally, the Maryland Vehicle Law, TR 25-203 states in part:

> *A police department may take an abandoned vehicle into custody . . .*

.15 TOWING SERVICES:

1. To ensure the Department is able to tow impounded or seized vehicles, the Communications Section maintains a list of authorized towing firms. When required, personnel will request a tow truck from a Communications Specialist who will rotate the selection of the tow firm from the authorized list.

2. Personnel will utilize “next on the list” for all emergency and non-emergency towing needs. This includes vehicles seized for forfeiture or as evidence.

3. The Department will not accept or arrange for special towing requests from owners or operators. However, if the vehicle is safely parked, owners or operators may contact a towing company of their choice using their phone or, with the officer’s assistance, the officer’s Department-issued phone. Other than this exception, personnel will not solicit tow services from any other source, nor will they recommend a specific tow firm to a citizen.

.20 TOWING RATES:

The rates for towing and any attendant services provided by authorized towing firms utilized by the Department, including administrative/storage costs, are established by the Mayor and City Council.

.25 VEHICLES SUBJECT TO TOWING:

1. Vehicles to be towed by tow firms include mopeds, but do not include items which are gas-powered, such as mowers, weed eaters, etc., which are not registered by the Motor Vehicle Administration. Movement and storage of these items and/or "vehicles" is addressed by G.O. 880 "Secure Vehicle Storage Facility."

2. A motor vehicle may be impounded or seized on public or private property by the

Department for any of the following reasons:

A. The driver has been arrested;

B. The vehicle must be processed as evidence and on-scene processing is not reasonable or practical;

C. The vehicle is disabled because of an accident and/or mechanical problem *and* obstructs the free flow of traffic or otherwise creates a hazard to the public's safety;

D. The vehicle is a recovered stolen vehicle and the owner is unable/unwilling to respond to accept custody of the vehicle in a reasonable period of time and a supervisor has authorized its towing;

E. The vehicle is parked in violation of any of the parking regulations enumerated in the City Code and exigent circumstances require the immediate removal of the vehicle;

F. The vehicle has a vehicle identification number (VIN) which has been removed or falsified as defined in The Maryland Vehicle Law, 14-107;

G. The vehicle is in violation of The Maryland Vehicle Law as it pertains to vehicle registration requirements (TR 13-401, et al.); or,

H. The vehicle is being operated by an individual in violation of The Maryland Vehicle Law as it pertains to operator licensing requirements (TR 16-303, TR 16-305, et al.).

.30 COMPLETION OF A VEHICLE TOWING/STORAGE INFORMATION SHEET:

1. The purpose of a Vehicle Towing/Storage Information Sheet is to serve as a property receipt and claim check for vehicles towed at the direction of the Department to a towing firm's facility or the Department's Secure Vehicle Storage Facility under circumstances outlined in section .30.2 below.

2. The towing officer will ensure a Vehicle Towing/Storage Information Sheet is completed when a vehicle is impounded or towed by the Department under the following circumstances:

   A. The vehicle is being towed to a secure vehicle storage facility as evidence.

   B. The vehicle is being seized as asset forfeiture or seized and is otherwise not immediately releasable.

   C. The vehicle is being towed as a result of a DUI/DWI arrest.

   D. The vehicle is being towed as an abandoned vehicle.

3. Personnel completing a Tow Sheet will fill it out in its entirety (except for the "Release" portion if a registered owner is not on scene to receive his copy). A supervisor's signature is NOT necessary to give the tow truck operator or a registered owner their copy. The Tow Sheet will be completed in quadruplicate with distribution as follows:

   - White copy - Records Section
   - Pink and Yellow – Duty Desk Folder via immediate supervisor
     - Pink – Owner
     - Yellow – Records upon release
   - Gold – Tow Truck Operator

4. If the owner of the vehicle can be positively identified and is on scene, personnel may release the vehicle to the owner by providing the pink copy after it is completed in its entirety.

5. The officer who tows a vehicle must submit the completed Sheet to his immediate supervisor prior to the end of his shift. The immediate supervisor will review the Sheet, ensuring that it is clearly noted on the Sheet whether or not the vehicle can be released to the owner. After review, the supervisor will forward the pink and canary copies of the Sheet to the Information Desk prior to the end of his shift. Upon receipt of the Sheet, the on-duty Communications Specialist will file and retain the copies of the Sheet in the appropriate file until either the vehicle is claimed by the owner, representative for the owner, insurance company, and/or their representatives, or the vehicle is administratively processed by the Asset Forfeiture Coordinator, the Special Vehicle Coordinator, or the investigating officer who placed a "hold" on the vehicle.

6. When towing a rental vehicle, the officer will also attach the rental agreement to the Sheet that is submitted to the Information Desk to assist the Special Vehicle Coordinator in contacting the rental company.

.32 SUSPENSION OF SECTION .30:

1. In the event the City declares a Snow Emergency the on duty supervisor or command member may authorize the suspension of Section .30. In the event the Supervisor/Commander suspends the tow slip requirement the following actions will take place:

   A. The on-duty supervisor or command member will confirm with DPW on the status of snow removal. Once confirmation is given by DPW to the supervisor or command member, the supervisor or command member will contact a/the on duty Communications Supervisor.

   B. Communications will notify all tow firms on the Snow Emergency towing rotation and provide them a start time (two (2) hours after the Snow Emergency has been declared by the Mayor) of removing vehicles along the snow emergency routes.

   C On duty officers will provide assistance to the tow firms when requested. .

   D. Communications will obtain a CR number for documentation of any vehicle towed on the snow emergency route. The report shall document the date and time that the Snow Emergency was enacted.

   E. Tow firms will provide a list of all vehicles removed on their snow emergency route by emailing or faxing the necessary information to Communications within one (1) hour after the towing is completed. A 10-28 and 10-29 will be conducted on each vehicle and entered into the CAD CFS vehicle form by Communications once the lists are received.

   F. Once the Snow Emergency has been lifted by the City, a copy of all tow logs submitted by the tow firms documenting all the vehicles towed during the event shall be attached to the report. The tow logs shall act as a record of all the vehicles towed during the event.

   G. Communications will notify all tow firms on the Snow Emergency towing rotation when the Snow Emergency has been lifted by the City.

2. The on duty Communications Supervisor will ensure the following actions take place.

A. Notify all tow firms on the Snow Emergency towing rotation the start time of the tow (two (2) hours after it has been declared by the Mayor.

B. Check all towed vehicles from the snow emergency routes via NCIC to ensure they are not reported stolen. Along with entering all vehicles into CAD CFS vehicle form.

C. Contact all tow firms on the Snow Emergency towing rotation when the Snow Emergency has been lifted by the City.

.35 TOWING SERVICES - NON-CUSTODIAL SITUATION:

1. Personnel who encounter a vehicle which is disabled as the result of an accident or mechanical difficulty *and* is not impeding traffic or creating a hazard to public safety will permit the on-scene owner/operator of the vehicle to contact a tow firm of their choice. No Towing/Storage Information Sheet is required for this situation as the tow has been requested by owner/operator of the vehicle. Personnel will not recommend or suggest the name of any towing firm even if solicited for advice by a motorist. If the owner/operator is unable to contact a tow firm or requests that the Department contact one, personnel will contact the dispatcher, Communications Section, who will select an authorized firm as per the established procedure.

2. Personnel will remain with a stranded motorist until the hazardous obstruction is removed from the roadway or until, in the judgment of the officer, there is no longer danger to the motorist or to the public. Consideration shall be given to the location, time of day, weather and circumstances surrounding the incident as well as any pending calls for service or other duties.

.40 CANCELLATION OF TOW SERVICES:

1. An officer requesting a tow truck may cancel a tow firm at any time prior to the tow truck "hooking up" to the vehicle. If an officer cancels a tow firm, he will immediately notify the dispatcher who will place the tow firm at the "top of the list" as the next available towing firm (failure of a tow firm to respond in a reasonable amount of time excluded).

2. Once the summoned tow firm has begun "to hook up" the vehicle, the Department considers the vehicle to be in possession of the tow firm. If the vehicle is not being towed to the tow firm's lot, the Department's Secure Vehicle Storage Facility or Headquarters for processing, any accommodations regarding towing charges or towing arrangements will be the responsibility of the owner/operator of the vehicle and the tow truck operator. Personnel shall intervene only if there is a potential or actual breach of the peace.

.45 TOWING SERVICES - CUSTODIAL SITUATION:

During a situation in which the owner/operator of a vehicle is arrested and the Department has no reason to impound, seize, or process the vehicle, the arresting officer may, depending on the circumstances, exercise one of the following options:

1. Permit the owner/operator of the vehicle to release it to a licensed, sober driver of the owner/operator's choice;

2. Permit the vehicle to remain *legally* parked on a *public* street;

3. Relocate the vehicle with the owner/operator's permission to an available, legal parking space within a reasonable distance of the initial stop. Reasonable distance shall mean no more than one hundred (100) feet of the stopped vehicle;

4. Tow the vehicle using an authorized tow firm as per established procedure. In the event a vehicle is towed due to an impaired driver who is a registered owner of the vehicle, the

Information Desk will hold the vehicle for a minimum of twelve (12) hours unless the release is to another registered owner or representative with proper documentation.

.50 IMPOUNDED VEHICLES:

Vehicles, which are impounded by the Department because of an arrest or because of the unavailability of the owner/operator, will be towed to the towing firm's storage lot. In non-custodial situations the owner/operator of the vehicle and the towing firm may make mutually agreeable arrangements to relocate the vehicle to a location other than the towing firm's lot. If the owner of the vehicle can be positively identified and is on scene, personnel may release the vehicle to the owner.

.55 SEIZED VEHICLES:

1. Vehicles, which are seized by the Department and are subject to forfeiture proceedings, will be towed by the Department's contracted tow firm(s) (next on the list) directly to the Department's Secured Vehicle Storage Facility located at the Department of Public Works Facility.

2. The seizing officer will notify the Special Vehicle Coordintaor of the tow. The Special Vehicle Coordinator will contact the tow company for an invoice of the tow and forward to the Fiscal Unit for payment. This will settle the Department's financial responsibility to the tow firm up front. If the vehicle is then returned to the owner, or is sold back to the owner through a "buy-back agreement," the vehicle owner will reimburse the Department at the Records Section window prior to receiving the pink copy of the Vehicle Towing Storage/Information Sheet. The Asset Forfeiture Coordinator will coordinate this transaction, and will arrange for the seized vehicle to be towed by the Department's contracted tow firm to the rear parking lot of headquarters for return to the owner following this transaction. The vehicle owner will then be responsible for settling this tow bill with the tow firm.

3. The Seizing officer will place the pink copy of the tow sheet and vehicle keys on property for safe keeping. The pink copy of the tow sheet and vehicle keys may not be removed unless confirmed with the Asset Forfeiture Coordinator. The yellow copy will go to the Information Desk to be filed appropriately. The white copy of the tow sheet will go directly to the Records Section to be scanned. The canary copy of the tow sheet will be given to the tow company for their records.

.60 VEHICLES IMPOUNDED AS EVIDENCE:

1. Vehicles which have evidentiary value and cannot be processed at the scene of an incident will be towed to Headquarters and placed in the sally port or the Department's Secured Vehicle Storage Facility. To maintain the evidentiary chain of custody for the vehicle, an officer will accompany the tow truck to the "sally port" or the secured lot maintaining visual contact with the vehicle at all times. After the vehicle is placed in the "sally port" or the secured lot the officer accompanying it will remain with it until the Crime Scene Unit Technician arrives to process the vehicle. If the Crime Scene Unit Technician is unavailable and the officer must leave the vehicle, he shall ensure that the vehicle's windows are up, the vehicle is locked, and a small piece of evidence tape has been placed across each doorjamb and the trunk of the vehicle and has initialed each piece of tape. Gloves shall be worn when securing a vehicle prior to processing. The keys to the vehicle will be processed as evidence.

2. Prior to processing the vehicle, the Crime Scene Unit Technician shall photograph each sealed doorjamb and the trunk of the vehicle. These photographs will be maintained in the case folder with the chain of custody.

3. In the event that the exterior of the vehicle must be processed, the officer accompanying the vehicle will remain with the vehicle until the arrival of the Crime Scene Unit Technician or relieved by another officer, which will be noted on the chain of custody.

4. Once processing is complete and the vehicle can be released to the owner, it must be towed

to the tow lot of the same tow company that towed the vehicle to the sally port or the secured lot. Vehicle owners are responsible for their portion of the payment for the tows. Vehicles will not be released to owners at headquarters whenever there are outstanding tow bills owed to the tow company. Once the vehicle has been towed to the original tow company's secured lot, the releasing officer must notify the owner of the release and the location of the vehicle. See section .90 of this Order.

.65 VEHICLES IN VIOLATION OF CITY PARKING REGULATIONS:

While Section 13-21 of the City Code authorizes personnel "to impound any unoccupied vehicle in violation of any of the parking regulations of the City," the Department, as a practical matter, views that this authority must be used with discretion. The Department maintains that towing a vehicle because of a parking violation should only be used under exigent circumstances because the vehicle creates a hazard, impacts public safety, or inhibits the free flow of traffic. The Department relies on the common sense and professional judgment of its personnel to determine if an illegally parked vehicle should be towed for the safety, welfare, or good of the public. Prior to towing any illegally parked vehicle, personnel will obtain permission from their on-duty supervisor. After obtaining permission, they will obtain a CAD number from the Communications Specialist and complete an incident report detailing the circumstances requiring the towing of the vehicle.

.70 SCOFFLAW VIOLATIONS:

The enforcement of Section 13-21, City Code of Frederick regarding unpaid parking citations is the responsibility of the Superintendent of the Parking Department. Vehicles in violation of Section 13-21 will be towed by the Parking Department pursuant to their towing procedures. Registration plates seized by the Department for registration violations or in response to a Maryland State Police "Pick-up Order" will be handled in accordance to existing procedure. Vehicles parked illegally following the seizure of the registration plates will be towed by personnel as outlined in this order.

.75 FAILURE OF A TOW FIRM TO RESPOND IN 40 MINUTES:

In the event the tow firm summoned by the department fails to respond to the scene in forty (40) minutes, another tow firm will be summoned via the Communications Specialist. The original tow firm will not be permitted to tow the vehicle if the Communications Specialist has contacted a second tow firm. The Communications Speicalistshall attempt to notify the original tow firm by telephone that it has been canceled for failing to respond in 40 minutes. If this cannot be done then the on-scene officer shall notify the original tow firm of the reason for its cancellation if it appears on the scene.

.80 INVENTORY OF PERSONAL PROPERTY OF SIGNIFICANT VALUE:

1. Authorized towing firms assume liability for the vehicle and any personal property which is in the vehicle if the vehicle is towed to the firm's storage lot. Prior to towing, the owner/operator of a vehicle may authorize a passenger or other person of his choice who is present at the scene to secure any non-evidentiary personal property which is in the vehicle. In the event an arrestee claims that there is an item of significant value in the vehicle and he does not want it to remain in the vehicle the officer requesting the towing the vehicle shall conduct an inventory of the vehicle's contents and retrieve any item(s) which the officer reasonably believes are of significant value ($300) (auto accessories excluded). This item(s) shall be processed as property and submitted to the Records Section as per established procedure. The towing officer will contact the on-duty supervisor prior to towing the vehicle in the event there is a question regarding the need to secure personal property.

2. In the event a vehicle is seized and towed to the Department's Secured Vehicle Storage Facility, the towing officer shall inventory the contents of the vehicle and place any item or collection of items which a reasonable person would estimate to be worth more than three hundred dollars ($300) on a Property Receipt and submit it to the Records Section for safekeeping. The towing officer will contact the on-duty supervisor prior to towing the vehicle in the event there is a question regarding the need to secure personal property.

3. After the Crime Scene Unit Technician has completed processing a towed vehicle, an

inventory of any non-evidentiary items in the vehicle will be conducted by the technician processing the vehicle and items. Items or collections of items estimated to be worth more than $300 will be handled as above.

.85 RELEASE OF VEHICLES:

1. Vehicles towed under .30.2 of this Order will only be released upon presentation of a copy of the Vehicle Towing/Storage Information Sheet to the towing firm representative and payment of applicable fees. An authorized person (registered owner or a notarized letter from the owner authorizing another individual) may retrieve a copy of the Sheet (pink) from the Duty Desk. Proof of identification is required prior to release of the Vehicle Towing/Storage Information Sheet.

2. The release of a vehicle seized as a result of a drug violation or asset forfeiture and stored at the Department's Secured Vehicle Storage Facility will be the responsibility of the Asset Forfeiture Coordinator, Drug Enforcement Unit. The release of any vehicle held as evidence in any other matter will be the responsibility of the current primary investigator assigned to the case. In either instance, the officer responsible for the release of the vehicle will first schedule a date and time with the registered owner to release the vehicle. The officer will then arrange to have the vehicle towed to Headquarters or the originating tow firm's secured lot, as scheduled with the owner of the vehicle, using the same tow firm that originally towed the vehicle. Unless specifically authorized by the Chief of Police to do otherwise, citizens are not permitted to enter or retrieve vehicles or property from the Secured Vehicle Storage Facility. All such transactions shall occur away from the Facility, preferably at the originating tow firm's secured lot.

.90 MAINTENANCE OF RECORDS:

Upon receipt, the Records Section will scan Towing/Storage Information sheets to the corresponding incident report.