



GENERAL ORDER

Loudoun County Sheriff's Office

Chapter: Operations

Section: 408.1

Subject: Traffic

Topic: Towing, Impoundment or Seizure of Motor Vehicles

Accreditation: OPR. 07.12

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Reaffirmed:

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I. PURPOSE

The purpose of this General Order is to define the circumstances under which a motor vehicle may be towed, impounded, and/or seized by members of the Loudoun County Sheriff's Office.

II. POLICY

It shall be the policy of the Loudoun County Sheriff's Office to tow any and all vehicles that are abandoned, illegally parked, hazardous to the public, used in the commission of certain criminal acts and, in certain situations, incident to the arrest of a vehicle's operator, in accordance with State statutes and County ordinances.

III. PROCEDURE

In the course of patrolling the highways of Loudoun County, deputies will, on a regular basis, encounter situations which require them to remove and/or take possession of motor vehicles. The circumstances under which these vehicles may be towed, with or without the consent and knowledge of the owner/operator, are listed below along with the procedures to be followed and the documentation required in each situation.

A. TOWING AND SEIZURE OF MOTOR VEHICLES

1. Deputies shall have vehicles towed off public and private property and stored at a county-approved wrecker service property until released to the registered owner under the following situations:
 - a. Incident to the arrest of the operator or whomever is in possession of the vehicle, and:
 - i. There is no other person present at the scene of the arrest who is associated with the arrestee and who can safely and legally take responsibility for the vehicle
 - ii. There is someone with the operator of the vehicle but this person is physically, mentally, or legally unable to assume responsibility for the vehicle
 - iii. The operator does not delegate the responsibility to a third party to remove or take custody of the vehicle

- iv. In all instances where the operator is not the registered owner and the owner is not present
 - b. Vehicle is abandoned or unattended in violation of Chapter 602 of the Loudoun County Codified Ordinances and/or Section 46.2-1200.1 and 46.2-1209 of the Code of Virginia.
 - c. Vehicle is disabled as a result of an accident, mechanical breakdown, or stopped in the vicinity of a fire, accident, or emergency scene and constitutes a hazard or interferes with police and/or fire operations.
 - d. Vehicle is illegally parked in violation of Section 46.2-1239 of the Code of Virginia, as amended and/or Chapter 486 of the Loudoun County Codified Ordinances.
 - e. Vehicle is parked without permission on county-owned property in Violation of Section 46.2-1221 of the Code of Virginia, as amended and/or Chapter 482 of the Loudoun County Codified Ordinances.
 - f. The vehicle is administratively impounded for 30 days pursuant to 46.2-301.1 of the Code of Virginia, as amended.
2. Deputies may have vehicles removed from public or private property, towed to the county impound lot, and either stored as evidence or seized for forfeiture under the following situations:
- a. Stored as evidence if vehicle constitutes evidence of a crime, in and of itself
 - b. Seized for forfeiture:
 - i. Vehicle is engaged in racing on the highway and the owner is the operator or is present in the vehicle at the time of the offense, in violation of Section 46.2-867 of the Code of Virginia, as amended
 - ii. Vehicle is engaged in the transportation of alcoholic beverages or illegal alcohol in violation of Section 4.1-339 of the Code of Virginia, as amended
 - iii. Vehicle is used to transport stolen goods valued at \$200.00 or more, in violation of Section 19.2-386.16 of the Code of Virginia, as amended
 - iv. Vehicle is used in connection with, or derived from the illegal manufacture, sale, and/or distribution of controlled substances, in

violation of Section 19.2-386.22 of the Code of Virginia, as amended

3. In addition to situations that provide for the storage or seizure of motor vehicles, deputies may also have vehicles towed at the request of the motorist when the vehicle is disabled as a result of mechanical breakdown or accident and presents no hazard to other motorists.

B. ABANDONED VEHICLES: SPECIAL CONSIDERATIONS

1. As defined in Chapter 602, Loudoun County Codified Ordinances, an abandoned motor vehicle is a motor vehicle, trailer, or semi-trailer or part thereof that:
 - a. Is inoperable and left unattended on public property for more than forty eight (48) hours
 - b. Has remained illegally on private property for a period of more than forty-eight (48) hours
 - i. A deputy must obtain the written request from the owner, lessee, or occupant of the private property prior to towing or removing any vehicle off of the premises
 - c. Has remained for more than seventy-two (72) hours on private property without the consent of the property's owner
2. It shall be presumed that a motor vehicle, trailer, or semi-trailer or part thereof is abandoned if it lacks a current state license plate, or a current county, city or town plate or sticker, or a valid state inspection certificate or sticker, and it has been in a specific location for four (4) days without being moved.
3. Deputies encountering motor vehicles believed to be abandoned as provided above, shall follow the following procedures:
 - a. Determine if the vehicle is stolen and obtain information on the registered owner by contacting Division of Motor Vehicles (DMV), National Communications Information Center (NCIC), and Virginia Communications Information network (VCIN) through dispatch.
 - b. Complete the Abandoned, Inoperable and Unattended Vehicle Check form. Post the notice conspicuously on the vehicle.
 - c. The deputy shall monitor the vehicle for removal. If the vehicle is not removed within the 72-hour time frame, specified by Chapter 602 of the Loudoun County Codified Ordinances, the vehicle will be towed

and stored at a county-approved wrecker service property, as provided in the statute.

- d. If towing and storage is effected, the Notice of Vehicle Impoundment/Immobilization form shall be completed and distributed appropriately.

C. VEHICLE INVENTORY: POLICY AND PROCEDURE

All vehicles towed at the direction of a deputy will be carefully inspected for damage and contents. Damage shall be noted and an inventory of all items in the vehicle shall be completed. In order to protect the property of persons whose vehicles are towed and to defend the deputy against allegations of theft and/or neglect, this procedure shall be strictly followed.

1. Inventory searches will be conducted and a Notice of Vehicle Impoundment/Immobilization form will be completed in all cases of towing, storage, and seizure. Said inventory shall be completed at the scene and prior to removal, unless the vehicle is being towed to a Sheriff's Office facility for storage.
2. The scope of the inventory shall include the interior of the vehicle and areas that can be readily entered without the use of force. The glove compartment, console, and/or trunk is within the scope of the inventory, if unlocked or entry can be made with the keys to the vehicle. The inventory shall also include all containers found inside the vehicle. Examples of items that can be opened for inventory purposes are suitcases, briefcases, knapsacks, boxes, paper bags, and any other container or object that can be inspected without damage.
3. Towing companies, under agreement with Loudoun County, are responsible for the vehicle and its contents from the time of towing until retrieved by the owner or otherwise disposed of by law. Therefore, items discovered during the course of the inventory will normally remain in the vehicle. However, certain items, because of their value and nature, dictate their removal from the vehicle prior to towing. The following items will be removed by the responsible deputy from the vehicle and submitted to the Evidence Section for storage and appropriate disposition:
 - a. Contraband and evidence of a crime
 - b. Firearms and other dangerous weapons
 - c. Items of obvious value, which may not be properly protected at the towing storage facility. Examples would include money, jewelry, furs, electronic equipment, perishable items of extreme value, etc.

D. DOCUMENTATION AND FOLLOW-UP RESPONSIBILITY

1. A Notice of Vehicle Impoundment/Immobilization form will be completed in all cases of vehicles being towed at the direction of a deputy. The form will be completed thoroughly and accurately, and shall contain all information about the vehicle known to the deputy at the time of the tow. Deputies shall ensure that the proper case number is included on each report prior to submission in order to facilitate proper handling by Records Section personnel. In addition, it is imperative that the reason for the tow is indicated in the appropriate section. If the action is taken subsequent to an arrest, the reason for the arrest must be indicated next to the block checked.
 - a. Notification of owner: Deputies shall indicate on the form whether the owner has been notified and the method of notification. If the owner is not the operator or is not present at the scene, the assigned deputy will make every effort to contact the owner prior to the end of his shift and inform him of the status of the vehicle. If contact is not made with the owner, the deputy shall contact the Emergency Communications Center (ECC) and have the vehicle entered in VCIN as a stored vehicle. The deputy shall attach the teletype message to the form, along with a DMV listing, and submit it to the Records Section.
 - b. Disposition of form:
 1. Original – Submitted to the Loudoun County General District Court
 2. Green copy – Vehicle Operator, if applicable
 3. Yellow copy – Submitted to the Records Section
 4. Blue copy – Retained by deputy assigned to the case
 5. Pink copy – Remains with vehicle
 - c. Records Section responsibility:
 - i. When the vehicle is abandoned and towed:
 - a. Upon receipt of the yellow copy of the Notice of Vehicle Impoundment/Immobilization form, the Records Section shall ensure that a notice of tow/impoundment action is forwarded to the registered owner, in writing, by registered or certified mail, within 15 days of the vehicle being taken into custody. Date, time, and name of the forwarding person shall be

indicated on the bottom of the form, which is retained by the Records Section. This action is mandatory and shall be carried out in accordance with Chapter 602 of the Loudoun County Codified Ordinances.

- ii. When the driver of vehicle is arrested but is NOT the registered owner, the vehicle has been towed, and the case deputy has not notified the owner by the end of his/her shift:
 - a. Upon receipt of the yellow copy of the Notice of Vehicle Impoundment/Immobilization form, the Records Section shall ensure that a notice of tow/impoundment action is forwarded to the registered owner, in writing, by registered or certified mail, within 24 hours, excluding weekends and holidays, after receiving notification from the deputy that the vehicle was taken into custody.
 - iii. When a vehicle is stolen from any jurisdiction, including Loudoun County, and recovered in Loudoun County, the vehicle has been towed, and the case deputy has not notified the owner by the end of his/her shift:
 - a. Upon receipt of the yellow copy of the Notice of Vehicle Impoundment/Immobilization form, the Records Section shall ensure that a notice of tow/impoundment action is forwarded to the registered owner, in writing, by registered or certified mail, within 24 hours, excluding weekends and holidays, after receiving notification from the deputy that the vehicle was taken into custody.
2. Notice of Vehicle Impoundment/Immobilization form will be completed in all cases of vehicles seized for forfeiture as provided for in Section III.A.2. b. of this General Order. An original and four copies shall be completed in all cases of seizure and the following disposition made:
- a. Original – Submitted immediately to the Commonwealth Attorney's Office with a copy of the arrest and/or IBR report.
 - b. Copies to:
 - i. Sheriff
 - ii. Vehicle operator

- iii. Records Section, along with the IBR report, a copy of the DMV listing and other support documentation, as required
- iv. Deputy assigned case and effecting the seizure

Except when necessary to store due to evidentiary value, seized vehicles shall be stored at the County's impound lot pending disposition of the Sheriff in accordance with state law. The deputy shall fill out a property card with the vehicle information and forward it to the Evidence Section clerk.

3. If a vehicle is towed at the direction of a deputy and later it is discovered that the vehicle had originally been stolen, the deputy shall contact the Emergency Communications Center. ECC will notify the towing company so arrangements can be made to release the vehicle to the legal owner.

In addition, the Records Section shall be notified and an IBR report completed indicating the action taken. Prior to release, the deputy assigned to the case shall process the vehicle for evidence, if appropriate, in accordance with departmental directives regarding stolen vehicles.

4. If a deputy directs that a vehicle be towed and stored for evidence and later determines that the vehicle is no longer needed, the deputy shall notify the registered owner and Evidence Section clerk so that the vehicle may be released. A supplemental IBR report will be written indicating the action taken.

E. REQUEST FOR TOWING SERVICE

1. Vehicles towed at the direction of a deputy shall be towed by a wrecker service under current agreement with Loudoun County. Requests for wrecker service will be made to the Emergency Communications Center, which is responsible for ensuring the proper response in accordance with current towing agreements.
2. Requests from deputies for towing service shall include the following information, when applicable:
 - a. Whether the case is a storage or seizure
 - b. Make and model of the vehicle and the need for special equipment in order to retrieve and tow
 - c. The location where the vehicle is to be towed if it is not going to be stored at the wrecker service facility

- d. Whether the vehicle is abandoned and/or unattended and whether it is being towed under authority of the Code of Virginia or Loudoun County Ordinance
- 3. After requesting towing service through the ECC, the deputy shall remain on the scene to ensure that only the wrecker summoned responds and handles the tow. If a wrecker other than the one requested by ECC responds, the deputy on the scene shall request that operator to leave and advise the ECC of the incident so that appropriate action may be taken.
- 4. Deputies receiving requests for towing assistance from citizens, in accordance with Section III, A, 4 of this General Order shall route the request through the ECC. If the citizen requests a specific wrecker company, the request must include the name and/or telephone number of the service. In the event the citizen does not know the name and/or telephone number, or has no preference to the company, the deputy shall request the nearest available wrecker service currently under agreement with the county. No documentation is required in cases involving citizen requests for towing service.
 - a. If after requesting wrecker service the citizen decides to cancel the request, then it is up to the deputy's discretion whether to cancel the wrecker.

Factors that should be considered are the time of day or night, the time elapsed since the initial request, and the distance the responding service may have already traveled. This pertains only to situations where the wrecker service has not actually arrived on the scene.

- b. If after making a request for wrecker assistance the citizen decides to cancel the request and contact has been made between the towing service and the vehicle operator, then it is between the wrecker driver and the citizen to settle payment of any charges that may have been incurred.