

THURMONT POLICE DEPARTMENT

GENERAL ORDER	<i>Date Issued:</i> December 15, 2020	<i>Effective Date:</i> December 15, 2020	<i>Order No</i> Chapter 35.7
<i>Authority: Chief of Police</i> Colonel Gregory L. Eyer		<i>Manual Page No:</i>	
<i>Subject: TRAFFIC ANCILLARY SERVICES</i>		<i>Replaces Page No:</i>	
<i>Accreditation Standard:</i> Chapter 61	<i>Distribution:</i> ALL	<i>Amended:</i> December 7, 2020	<i>Number of Pages:</i> 8
<i>Related Documents:</i> Maryland Statutes		<i>Rescinds:</i> Previous Order	

This Directive is for internal use only, and other than as contraindicated here this Directive does not create or enlarge this Department's, governmental entity's, any of this Department's officers, and/or any other entities' civil, criminal, and/or other accountability in any way. This Directive is not to be construed as the creation of a standard of safety or care in any sense, with respect to any complaint, demand for settlement, or any other form of grievance, litigation, and/or other action. Deviations from this Directive, if substantiated, can only form the basis for intra-Departmental administrative action(s) (including discipline and/or termination).

I. PURPOSE:

The purpose of this directive is to establish procedures and guidelines for assisting motorist, the towing and impoundment of, and the release of towed vehicles by the authority Thurmont Police Department.

II. POLICY:

It is the policy of the Thurmont Police Department to assist motorists and take the appropriate action to accomplish the towing and release of impounded and non-impounded vehicles while safeguarding personal property and preserving the integrity and reputation of the Department.

III. DEFINITIONS:

Owner: A person who holds legal title to a vehicle.

Vehicle: Every device by which any person or property may be transported or drawn upon a highway.

Hazardous Vehicle: Any abandoned, unattended, wrecked, disabled, partially dismantled or burned vehicle that is impeding the flow of traffic or poses a potential danger to others.

Abandoned Vehicle: Any vehicle that is defined as abandoned under Town Ordinance or Maryland Statutes.

Unlawful Vehicle: Any vehicle that has been reported as stolen or is subject to a search and seizure by the department or a vehicle that is parked due to a custodial arrest.

Impounded Vehicle: Any vehicle towed by the authority of the Thurmont Police Department.

IV. PROCEDURE:

A. DISABLED VEHICLES:

1. The Thurmont Police Department shall respond to motorists' request for assistance as well as offer reasonable assistance whenever a stranded motorist is observed. Officer shall report the location and description of the stranded motorist to Frederick County Emergency Communications Center (FCECC).

B. TYPES OF SERVICE RENDERED:

1. The types of assistance provided to stranded and/or disabled motorists by the department shall include but not be limited to the following:
 - a. Contacting and/or informing the motorist of available towing services and service shops.
 - b. Transporting the driver/passengers to a service facility or telephone or other destination within the Town limits. Should a motorist be transported away from a disabled vehicle, the Officer shall take the necessary actions to remove the vehicle from the roadway or place appropriate warning devices by the vehicle so as to alert other traffic. When transporting motorist, the officer shall notify FCECC that a motorist will be transported, the destination, and for motorist of the opposite sex, the beginning and ending mileage, when the transport has been completed.
 - c. Should a vehicle remain in the roadway, the Officer shall remain with the vehicle until it can be removed to a safe location. If the Officer must leave the scene for an emergency, the Officer shall place appropriate warning devices to warn all approaching traffic.

C. Other Assistance Provided to Motorists

1. Providing the public with information and direction.
2. Upon identification of hazardous highway conditions personnel discovering the hazard shall immediately relay the information to communications who in turn shall notify the proper authority in order to remedy the problem. If the hazard is such that it poses a safety risk, personnel shall stand by the hazard or barricade the hazard or take other actions as necessary to provide safety to motorists or pedestrians.
3. Vehicle lock-outs:
 - a. Officers shall not force entry, unless forced entry is made as a result of an emergency. A detailed report shall be submitted describing the circumstances.
 - b. Officers shall not perform a Lock-Out service with a Slim Jim or a Lock-Out Kit. The officer will advise the owner/driver of available area Locksmiths.

- c. Officers may contact FCECC to inquire as to whether Fire/Rescue can assist with the lockout.

D. Services-Not Provided to Motorists:

1. Jump Starts/Minor repairs. Under *no circumstances* will Officers to make minor repairs to or jump-start any civilian vehicle using a department vehicle.
2. Officer may use the jump-pack owned by the Department to jump-start a vehicle
3. Changing tires. Officers may assist with the changing of tires for motorists at the Officers discretion.

E. Emergency Assistance: Officers shall provide emergency assistance to motorists when necessary. Such assistance shall include but not be limited to the following:

1. Contacting FCECC for the assistance from fire and rescue personnel for a medical emergency.
2. Requesting through FCECC, fire and rescue personnel for cases involving vehicle fires, fuel leaks, traffic crash extrications. For cases involving hazardous materials officers shall:
 - a. Attempt to establish a safe perimeter around the scene.
 - b. Attempt to identify the materials involved.
 - c. Follow the HazMat procedures until relieved by fire and rescue personnel.
 - d. Officers should not enter into a hazardous materials scene.

F. Towing of Hazardous Vehicles: Hazardous vehicles may be towed without notice. Prior to towing the vehicle, the officer shall request a registration and wanted check made of both the displayed tag and VIN. The officer shall attempt to contact the registered owner regarding the location and condition of their vehicle prior to requesting the vehicle be towed and stored.

G. Towing of Abandoned Vehicle (Non-Highway): Abandoned or unlawfully parked vehicles not posing a hazard on private or public property other than a roadway, may be towed at the request of the property owner or agent. The officer shall request a registration and wanted check on the displayed tag and VIN. Officers will tow vehicles from private property if it is stolen, evidence of a crime, or has been used in the commission of a crime. If not, the officer will instruct the property owner to have the vehicle towed at their discretion. Prior to towing and storing a vehicle in which the officer has initiated the tow, the officer shall:

1. Conduct a registration and stolen vehicle check, a copy shall be attached to the completed Incident Report, which shall be submitted at the end of the shift.

2. Attempt to contact the listed owner regarding the location and condition of their vehicle.
 3. If the vehicle is located on private property, inform the property owner/agent of the owner of the vehicle, advising them they may have the vehicle towed at their request.
- H. Towing of Abandoned Vehicle (Highway): Abandoned vehicles located on a public highway may be towed without notice after 48 hours. An officer assigned to investigate a potentially abandoned vehicle shall:
1. Determine if the vehicle has been reported stolen by having a Stolen Vehicle check conducted by FCECC, a copy of which shall be attached to the completed Incident Report.
 2. Determine the listed owner(s).
 3. Complete a TPD Unattended Vehicle Tag, attaching the top portion of the tag to the vehicle in a conspicuous location; submit the bottom portion of the tag at the end of the shift.
 4. Attempt to notify the registered owner, if possible, of the violation and action to be taken if the vehicle has not been moved a full vehicles length from its original position.
 5. Conduct a follow-up investigation to assure the violation has been corrected. If the vehicle has not been moved, as required by law, issue the vehicle a parking citation for violation of the 48 Hour Parking Restriction, have the vehicle towed and impounded following the procedures as outlined, to include the completion of a TPD Form 35.7C, which shall be submitted at the end of the shift.
 6. In situations where the vehicle in question does not display registration plates; the officer shall attempt to determine the owner of the vehicle by causing a stolen and registration check to be conducted. If the result of an MILES and NCIC check, the owner can not be identified, the officer shall complete a TPD Unattended Vehicle Tag, with the top portion placed on the vehicle in a conspicuous location and the bottom portion submitted at the end of the shift. The TPD Unattended Vehicle Tag shall serve as sufficient notice.
- I. Towing Vehicle as result of a-D.U.I. Arrest: When an officer arrests the driver of a vehicle for D.U.I, the arresting officer shall impound the vehicle if it is not safe to leave the vehicle at the scene of the stop, unless one of the following circumstances exists:
1. The driver is not the owner of the vehicle, the owner of the vehicle is able to respond to the scene within a reasonable amount of time, and the lawful owner requesting such release possesses a valid drivers license and does not indicate a lack of ability to operate a motor vehicle in a safe manner or that by operating the vehicle it would not be in violation of the Maryland Statutes.

2. The vehicle is owned by the person under arrest, and grants permission to another to operate such vehicle, provided that the other person possesses a valid driver's license, and has the ability to operate the motor vehicle in a safe manner and not in violation of any of the Maryland Statutes.
- J. Vehicle Tow-Arrest: When an arrest has been affected as the result of a criminal offense and the vehicle was used during the commission of that crime, the vehicle shall be towed and impounded. The towing and impoundment of a vehicle following any other type of an arrest shall be based upon the offense as well as the safety of the vehicle, its contents as well as the safe flow of traffic.
1. Any vehicle that is impounded incident to arrest shall be inventoried at the scene or as soon as practical thereafter. The inventory shall be completed on **TPD Form # 35.7C, ILEADS Report, and Property/Evidence record, and submitted by the officer at the end of their shift.**
 3. Any containers that are found during the inventory shall be opened and the contents included in the inventory. Caution shall be used when opening any closed container or compartment. Containers and compartments which are found locked shall not be forcibly opened.
 3. The Officer, when considering whether to impound a vehicle incident to arrest shall consider the following factors:
 - a. The location of the vehicle and if such location presents a hazard.
 - b. Any valuables in the vehicle and the available means to secure them.
 - c. If the operator agrees to take responsibility for leaving the vehicle unattended, the officer shall complete a TPD Unattended Tag, with the top portion placed in a conspicuous location on the vehicle, the bottom portion submitted with all related reports at the end of the shift. The officer shall inform the owner/operator that the vehicle shall be moved within 48 hours. If the operator does not agree, the vehicle shall be impounded.
 - d. If the vehicle is not impounded and it is located outside Town limits, the appropriate jurisdiction shall be notified.
- K. Vehicle Towed for Motor Vehicle Offense:
1. Any vehicle operator arrested for a violation of a Maryland Transportation Article shall have their vehicle towed by the investigating officer, if:
 - a. The vehicle serves as evidence.

- b. The vehicle cannot be legally parked.
 - c. The vehicle is not properly registered.
 - d. The vehicle is uninsured.
 - e. The Officer shall complete a TPD Form #35.7C and provide the arrestee instructions on claiming the impounded vehicle if the vehicle is releasable.
2. Release of Towed/Impounded Vehicle:
- a. Once all required documentation has been provided, and proper ownership of vehicle has been satisfied, the releasing Officer shall sign and date the authorization on the bottom of the Vehicle Tow Report, giving the authorized person the pink copy to be used as the release of their vehicle from impoundment.
- L. A Vehicle Tow Report Form 35.7C shall be completed for conditions met in F thru K; and whenever an owner/operator of a motor vehicle that needs to be towed is not present or coherent.
- M. A Vehicle Tow Report may not be required under following circumstances:
1. Where vehicles have been towed as the result of a traffic crash, where there has not been an arrest.
 2. Where vehicles have been towed as abandoned or hazardous when the owner is present and requests the tow or has specific or direct knowledge of the tow and has given permission for the tow.
- N. Completion/Distribution of the Vehicle Towing/Storage Information Sheet:
1. All Vehicle Tow Reports shall be assigned a case report number that is to be noted on the report, and completed in its entirety.
 - a. All seized property shall be noted on a Property/Evidence record and placed within a property locker or room.
 - b. In cases involving an arrest, easy accessible items such as wallets, briefcases and cellular phones belonging to the arrestee shall be removed and included in the arrestee property inventory.
 - c. Stand by the vehicle until tow truck arrives.
 - d. Assure that the vehicle is taken to the police lot or approved storage lot.
 2. A completed copy of the Vehicle Tow Report will be given to the tow truck operator.

3. In cases of illegal/abandoned or hazardous vehicles towed without the vehicle owner's knowledge, the vehicle should be entered into ILEADS as a "Towed and Impounded Vehicle." The ILEADS case number should be noted on the Vehicle Tow Report form.

O. Claimed Vehicles:

1. When a vehicle is claimed by the registered owner, the Officer releasing the vehicle shall:
 - a. Have the registered owner sign the release form and give the registered owner the Pink copy of the Vehicle Tow Report, which is to be used as the Police Department's release.

P. Unclaimed Vehicles:

1. In the event a vehicle has not been claimed within either 10 or 30 days, depending on the age of the vehicle, the Department's Impound Vehicle Officer shall issue a Supplementary Report stating that fact together with the Notification Disposal of Towed Vehicle Letter.
 - a. A vehicle 7 years or newer will be held for 30 days from this notice and will be disposed of in accordance with *the Transportation Article* of the Maryland if not claimed.
 - b. A vehicle more than 7 years of age will be held for 10 days from this notice and will be disposed of in accordance with *Transportation Article* of the Maryland if not claimed.
2. A towing agency may request authorization for disposal under *the Transportation Article of Maryland; section 25-209*.

ATTACHMENTS: Appendix 35.7C: Vehicle Tow Report

DOCUMENT DATES:

Amended Date: December 7, 2020

Amended by: Lt. P.A. Droneburg

Review Date:

Review Date:

Rescinds: Previous Order

Order Written by: Sergeant Shawn R. Tyler

Order Edited and Approved by: Col. Gregory L. Eyler, Chief of Police, Lt. P. Allen Droneburg, Deputy Chief of Police

Order Revised by: Kenneth W. Oland

Revised Order Edited and Approved by: Col. Gregory L. Eyler, Chief of Police, Lt. P. Allen Droneburg, Deputy Chief of Police, and Kenneth W. Oland

*CALEA Standards Included in this Order
CHAPTER 61 Traffic
Ancillary Services*