

## Vehicle Towing

### 504.1 PURPOSE AND SCOPE

This policy provides guidance related to vehicle towing.

### 504.2 POLICY

The Montgomery County Sheriff's Office will tow vehicles only when appropriate and in accordance with the law.

### 504.3 REMOVAL OF VEHICLES DUE TO HAZARD

When a vehicle should be towed because it presents a hazard, the owner or operator should arrange for the towing. Deputies may assist by communicating requests through Dispatch to expedite the process.

If the owner or operator is unable to arrange for towing and the vehicle presents a hazard, the vehicle may be towed at the direction of the deputies. An incident report is required if the deputy is responsible for the towing of a vehicle.

Vehicles that are not the property of the county should not be driven by deputies unless it is necessary to move the vehicle a short distance to eliminate a hazard, prevent the obstruction of a fire hydrant or to comply with posted signs.

### 504.4 ARREST SCENES

Whenever the owner or operator of a vehicle is arrested, the arresting deputy should provide reasonable safekeeping by leaving the vehicle secured and lawfully parked at the scene or when appropriate, by having the vehicle towed, only when the vehicle presents a traffic hazard; or if the vehicle may be or contain evidence of a criminal offense.

The following are examples of situations where a vehicle should not be towed:

- The vehicle can be legally parked, left in a reasonably secure and safe location and the vehicle is not needed as evidence.
- The vehicle is parked on private property, on which the arrestee or owner is legally residing, or the property owner does not object to the vehicle being parked at that location.
- The arrestee or owner of the vehicle requests that it be released to a person who is present, willing and able to legally take control of the vehicle.
- The vehicle is legally parked and the arrestee or owner requests that it be left at the scene. In such cases the requestor should be informed that the Office will not be responsible for theft or damages.

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#### **504.5 VEHICLES RELATED TO CRIMINAL INVESTIGATIONS**

Deputies should tow vehicles that are needed for the furtherance of an investigation or prosecution of a case, or that are otherwise appropriate for seizure as evidence. Deputies should make reasonable efforts to return a recovered stolen vehicle to its owner rather than have it towed, so long as the vehicle is not needed for evidence and the vehicle is released in conformity with state law.

#### **504.6 RECORDS**

Dispatch shall ensure that pertinent data regarding a towed vehicle is promptly entered into the appropriate database.

##### **504.6.1 VEHICLE STORAGE REPORT**

Deputies towing a vehicle shall complete a vehicle tow report. The report should be submitted to Dispatch as soon as practicable after the vehicle is towed.

##### **504.6.2 NOTICE OF TOW**

Unless a towed vehicle is subject to seizure pursuant to state law, the reporting Deputy shall provide a notice of tow to all registered owners and others having a recorded interest in the vehicle within 24 hours for vehicles registered in North Carolina and within 72 hours for vehicles registered out of state. Notice shall be given by telephone if practicable. Whether or not the owner is reached by telephone, notice shall be mailed to his/her last known address unless the owner or his/her agent waives the notice in writing. The notice shall include:

- (a) The name, address and telephone number of the Montgomery County Sheriff's Office.
- (b) Why the vehicle was towed
- (c) The location where the vehicle is stored.
- (d) A description of the vehicle, including the following:
  1. Color
  2. Manufacturer year
  3. Make and model
  4. License plate number and/or Vehicle Identification Number (VIN)
  5. Any visible damage
- (d) The authority and purpose for the removal of the vehicle. This should include the violation with which the owner is charged, if any.
- (e) An explanation of the procedure for release of the vehicle and for obtaining a vehicle tow hearing.

Whenever a vehicle with neither a valid registration plate nor registration is towed, the Records Section shall make reasonable efforts, including checking the VIN, to determine the last known registered owner of the vehicle in order to notify him/her as required (N.C.G.S. § 20-219.11(b)).

Notice is not required to be given for a vehicle towed for evidence in a criminal proceeding.

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#### **504.7 TOWING SERVICES**

Deputies shall not show preference among towing services that have been authorized for use by the Office.

#### **504.8 VEHICLE INVENTORY**

The contents of all vehicles towed at the request of Deputies shall be inventoried and listed on the inventory report. When reasonably practicable, photographs may be taken to assist in the inventory.

- (a) An inventory of personal property and the contents of open containers will be conducted throughout the passenger and engine compartments of the vehicle including, but not limited to, any unlocked glove box, other accessible areas under or within the dashboard area, any pockets in the doors or in the back of the front seat, in any console between the seats, under any floor mats and under the seats.
- (b) In addition to the passenger and engine compartments as described above, an inventory of personal property and the contents of open containers will also be conducted in any other type of unlocked compartments that are a part of the vehicle, including unlocked vehicle trunks and unlocked car top containers.
- (c) Any locked compartments including, but not limited to, locked glove compartments, locked vehicle trunks, locked hatchbacks and locked car-top containers should be inventoried, provided the keys are available and released with the vehicle to the third-party towing company or an unlocking mechanism for such compartment is available within the vehicle.
- (d) Closed containers located either within the vehicle or any of the vehicle's compartments will not be opened for inventory purposes except for the following: wallets, purses, coin purses, fanny packs, personal organizers, briefcases or other closed containers designed for carrying money, small valuables or hazardous materials. Locked containers may require additional lawful authority (such as a warrant) before they are opened. Consultation with a supervisor prior to forced opening should occur.

Deputies should ask the occupants whether the vehicle contains any valuables or hazardous materials. Responses should be noted in the inventory report. If the occupant acknowledges that any closed container contains valuables or a hazardous material, the container shall be opened and inventoried. When practicable and appropriate, such items should be removed from the vehicle and given to the owner, or booked into property for safekeeping.

Any cash, jewelry or other small valuables located during the inventory process will be held for safekeeping, in accordance with the Property Policy. A copy of the property receipt should be given to the person in control of the vehicle, or if that person is not present, left in the vehicle.

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These inventory procedures are for the purpose of protecting the vehicle owner's property, providing for the safety of Deputies and protecting the Office against fraudulent claims of lost, stolen or damaged property.

Towing a vehicle in order to perform an inventory should not be used as a pretext for an evidence search. Nothing in this policy prevents the towing of a vehicle that would occur for reasons independent of any suspicion that the vehicle may contain evidence if it is otherwise justified by law or this policy.

#### **504.9 SECURITY OF VEHICLES AND RETRIEVAL OF PROPERTY**

If the search of a vehicle leaves the vehicle or any property contained therein vulnerable to unauthorized entry, theft or damage, the Deputy conducting the search shall take such steps as are reasonably necessary to secure or protect the vehicle or property from such hazards.

Unless it would cause an unreasonable delay in towing the vehicle or create an issue of officer safety, reasonable accommodations should be made to permit the owner, operator or occupant to retrieve small items of value or personal need (e.g., cash, jewelry, cell phone, prescriptions), which are not considered evidence or contraband.

Deputies who become aware that a vehicle may have been towed by the Office in error should promptly advise a supervisor. Supervisors should approve, and when appropriate, should coordinate with the District Attorney's Office on the release of the vehicle.