



**MYRTLE BEACH POLICE DEPARTMENT
ADMINISTRATIVE REGULATIONS
AND OPERATING PROCEDURES**

Subject: *Guidelines for Towing Vehicles*

Number: *214-E*

Effective Date: *January 1, 2001*

Revised Date: *September 12, 2012*

Rescinds: *214-D
214-C
214-B
214-A
214*

Dated: *February 28, 2009
August 15, 2005
November 4, 2004
January 21, 2004
January 1, 2001*

Approved By:

PURPOSE

To establish guidelines for the towing and inventory of all towed vehicles and submission of tow sheets. To establish a uniform procedure that will ensure that the Myrtle Beach Police Department is operating within established guidelines and current state statutes in handling information from towing companies that tow motor vehicles without owner consent from private property.

DEFINITION

1. Towed Vehicle shall mean any motor vehicle towed by a wrecker at the request of an employee of this department. It shall also include any vehicle towed by a wrecker from either private or public property without the vehicle owner's consent. Exception: City owned vehicle not impounded.
 - a. The term "towed vehicle" will also include items that are towed and left in the possession of a towing, storage, garage or repair facility;
 - b. Contents contained in the vehicle; and
 - c. Personal property affixed to the vehicle
2. Inventory shall mean an itemized list of all property in the vehicle to include vehicle keys.
3. Tow Sheet shall mean the Myrtle Beach Police Department tow sheet.
4. Abate means repair, replace, remove, destroy or otherwise remedy the condition in question by such means, in such time, in such a manner and to such

an extent as the enforcement officer or hearing committee shall determine to be in the best interest of the public, taking into account all facts and circumstances.

5. Impoundment means to seize a vehicle and retain in legal custody by means of towing and storage, or the placement of a boot or similar device designed to prevent movement of the vehicle on the basis of the vehicle being declared a public nuisance as defined in 14-62 subsection (c) #17, b.

6. Motor Vehicle means any device in, upon, or by which any person or property is, or may be transported or drawn upon any public highway, public right of way or public or private property. Motor vehicle shall not include any device propelled solely by human power or which is used exclusively upon stationary rails or tracks.

7. Owner means a person, other than a lien holder, having the property or title to a vehicle. The term includes a person entitled to the use and possession of a vehicle subject to a security interest in another person but excluded a lessee under a lease not intended as security.

8. Police Hold means a temporary restriction for release placed on the vehicle by the officer completing the tow and subsequent charges. The police hold on the release of the vehicle is satisfied when the owner pays all applicable towing and storage charges, and redeems the vehicle with the apparent and present ability to remove the vehicle from the city limits without operation within the city limits.

9. Public Nuisance means as determined by an enforcement officer based upon the facts and circumstances found after reasonable inquiry, investigation or upon citizen report, those conditions or events which constitute an unreasonable interference with rights of the public in general, and where, in a public place, or where the public congregates, or where the public is likely to come within the range of influence through the senses, a person unlawfully does an act or omits to perform a duty, which act or omission does nay one or more of the following:

(1) Annoys, injures, subverts or endangers the public's order, economy, resources, safety, health, welfare, comfort, repose or offends public decency.

(2) Unlawfully interferes with, obstructs or tends to obstruct, or renders dangerous for passage any waters or public places or way;

PROCEDURE FOR TOWING

1. Officers towing a vehicle from either private or public property shall follow all guidelines as set forth in South Carolina Code of Law 16-11-760 as amended. If the vehicle is considered an abandoned/derelict vehicle and is on private property, the towing of the vehicle must be handled in conjunction with Code Enforcement. Code Enforcement will tag the vehicle and present a list of abandoned/derelict vehicles to Council for their approval to tow. Once approval has been received, the Police Department will tow the vehicles.

2. Upon making an arrest or charge for violation of City Ordinance Chapter 14 Article IV, Section 14-62 (c), Noises prohibited, Unnecessary Noise Standard, all officers will follow this procedure to prevent further operation as a nuisance vehicle. Upon completion of impoundment and towing of the motor vehicle, a police hold will be put on the motor vehicle. This hold will ensure all towing and storage charges are paid by the owner of the motor vehicle prior to release. The arresting officer needs to ensure he/she is advising the violator that the motor vehicle cannot be retrieved from impoundment without first paying the applicable charges in addition to removing the motor vehicle without operation within the city limits in order to avoid future violation of the ordinance.
3. Upon making an arrest or charge for violation of Section 14-62 (c), officers may use their discretion in instances where the owner had the prompt ability to trailer or tow the vehicle without operation. In these instances, officers will standby for a reasonable amount of time not to exceed thirty (30) minutes to ensure the owner of the vehicle does not further engage in a public nuisance after the initial violation is given.
4. Upon giving a warning for violation of 14-62 (c), officer may use their discretion in instances where the owner has the immediate ability to trailer or tow the vehicle without operation or is in close proximity to their residence and/or lodging location or city limits to ensure the owner of the vehicle does not further engage in a public nuisance after the initial warning.
5. A Myrtle Beach Police Department tow sheet must be completed for all vehicles towed except those towed at the owner's request (i.e. vehicle collisions).
6. If a stolen vehicle is recovered at a towing company, that vehicle will remain at the towing company that took initial custody of the vehicle until the owner or lien holder can pick up the vehicle. The only exception to this would be if the vehicle would need to be processed by our Crime Scene Section. If at all possible, the processing would be done at the tow company. If this is not possible, the vehicle will be towed by one of our contract wrecker services, to the police annex for processing and then returned to the tow company that took initial custody of the stolen vehicle.
7. Any deviation from this guideline will be approved by a division supervisor prior to implementation.

PROCEDURE FOR SUPPORT SERVICES

1. Upon being notified by an officer or towing company that they have towed a vehicle, the call taker or dispatcher will record the following vehicle information:
 - a. Location vehicle was towed from;

- b. Make and Model;
- c. Color;
- d. License Plate Number;
- e. License Plate State;
- f. Vehicle Identification Number (VIN);
- g. Date of Tow;
- h. Time of Tow;
- i. Caller's name and the company he/she is representing;
- j. A telephone number where the caller can be reached.

2. The call-taker will **immediately** record all of the information into the "tow log" within the Crimes Tow Vehicle History Module and check the vehicle license plate and /or the vehicle identification number (VIN) through the National Crime Information Center (NCIC). The call-taker will then enter the vehicle's owner information into the Crimes Tow Vehicle History Module from the information obtained from NCIC. The call-taker will provide the caller with the Tow Vehicle History generated "tow number".

3. If the vehicle that was towed was reported as stolen, the department will place a hold on the vehicle and an officer will be dispatched to the towing company within the city limits of Myrtle Beach to complete a recovered stolen vehicle report.

4. If the vehicle that was recovered was stolen from within the city limits of Myrtle Beach, the department will notify the owner/lien holder immediately to assist them in retrieving their vehicle. The officer will advise them the location of the vehicle and that storage charges will begin to accrue seven days from the date of the towing.

5. If the vehicle that was recovered was stolen from another jurisdiction, all NCIC regulations will be followed and the jurisdiction where the vehicle was stolen from will be responsible for contacting the owner/lien holder of the vehicle. The communication section personnel will make sure the reporting ORI is made aware of their responsibility and provide them with the information on location and status of the recovered vehicle.

6. If the call-taker has reason to believe that the vehicle may be stolen but has been purged from the National Crime Information Center (NCIC), the call-taker may contact the National Insurance Crime Bureau (NICB) to determine if the vehicle has been reported stolen.

INVENTORY PROCEDURE

1. An inventory shall be completed on any vehicle towed by an employee of the Myrtle Beach Police Department and is subject to the completion of the tow sheet as set forth in this procedure.

2. The inventory shall be listed in the appropriate section of the City of Myrtle Beach Towing and Storage Report, labeled "Vehicle Inventory". If the vehicle is locked or secured so that no access is available to all or part of the vehicle, that information will be indicated on the towing report and a visual inventory will be conducted of those items readily visible, listing those items on the report.
3. Any item seized pursuant to the inventory shall be processed in accordance with the Department Property/Evidence Procedure, and the storage report will list the property seized, with proper reference to the property sheet number.
4. The officer responsible for having a vehicle towed will complete a tow sheet and attach NCIC paperwork to the tow sheet. The tow sheet will be submitted to the officer's supervisor or the shift supervisor for the on-duty shift to be reviewed for completeness. After verifying the tow sheet is complete and correct, the shift supervisor will initial the tow sheet and place it in the paperwork basket for the Support Services Office Assistant. The shift supervisor must submit the completed and initialed tow sheet prior to leaving work. The Support Services Office Assistant will review the tow sheet, forwarding any incomplete tow sheet(s) to the Support Services Sergeant for follow-up.
5. For any vehicle towed where a hold is requested, the reason must be annotated on the tow sheet. A supervisor must sign the tow sheet giving approval for the hold. No hold should exceed 48 hours unless approved by the section Lieutenant. All holds **must** be resolved as soon as possible to prevent the accrual of charges.
6. The Support Services personnel will continue to automatically print all vehicle information and NCIC when an officer initiates a tow for any reason and will give the printed information to the officer for attachment to the tow sheet.

PROCESS FOR DETERMINING OWNER/LIENHOLDER

1. The Support Services Office Assistant will perform the following steps to determine the owner / lienholder of vehicles:
 - a. The towing company will provide a list of vehicles still in their possession after ten (10) days from the original tow date.
 - b. The Office Assistant will then run the vehicle through the NCIC system and provide to the tow company in writing, within ten (10) working days, the name and address of the current owner, and a record of all lien holders, along with the make, model and identification number.