

12.270 IMPOUNDING, MOVING, AND RELEASE OF VEHICLES

References:

Procedure 12.205, Traffic Enforcement
 Procedure 12.215, Cincinnati Parking Infraction (CPI)
 Procedure 12.255, Delinquent Vehicles: Impounding/Processing Delinquent Tags
 Procedure 12.265, Wrecker and Towing
 Procedure 12.275, Removal of Abandoned Junk Motor Vehicles (Public or Private Property) and Overtime Parked Vehicles
 Procedure 12.420, Reporting Vehicle Thefts and Related Offenses
 Cincinnati Municipal Code Chapter 513 - Impoundment of Motor Vehicles
 Cincinnati Municipal Code Chapter 503 - Vehicular Construction and Equipment
 Cincinnati Municipal Code Chapter 759 - Use of a Motor Vehicle to Facilitate a Prostitution or Drug Related Crime
 Ohio Revised Code 4511.681- Parking prohibitions on private property
 Ohio Revised Code 4513.60 - Abandoned Vehicles

Purpose:

Determine when vehicles may be impounded and/or released.

Establish accountability for safeguarding property contained in impounded vehicles.

Information:

Cincinnati Municipal Code (CMC) Chapter 759 authorizes officers to tow vehicles used in drug or prostitution offenses. Vehicles will be held in lieu of payment of a civil fine authorized under this ordinance. To tow the vehicle, the offender must be the registered owner or joint owner of the vehicle, unless an officer can prove the owner knew the vehicle was being used for a drug or prostitution offense. The vehicle can then be towed, as the owner no longer qualifies as an "innocent owner".

The civil penalty may still be issued to offenders not the registered owner, but the vehicle cannot be held in lieu of payment. If the vehicle is owned by an innocent party, the vehicle will be treated as any other "driver arrested" situation, e.g. park the car, turn keys over to responsible party, etc.

The Impound Unit, located at 3425 Spring Grove Avenue, is open from 0630 to 2130 hours seven days a week.

Procedure:

- A. Impoundment of Vehicles Outside Impound Unit's Business Hours
 - 1. Using a supervisor approved move-only, cite and move to a non-hazardous location any vehicle parked in violation and creating a hazard.
 - 2. Do not tow delinquent vehicles when Impound Unit is closed.
 - a. If the vehicle is occupied, drive it to the district and hold it while the owner pays the citation or posts the required bond for delinquent tags.
 - b. If parked, cite the vehicle for any current violation. Make a blotter entry noting the location of the vehicle for follow up.
 - 3. Do not tow vehicles bearing tags expired more than 30 days when the Impound Unit is closed.
 - 4. Tow vehicle recoveries to a designated private storage facility if it is not possible to release the vehicle to the owner at the scene.
 - 5. Provide the district desk person with a completed Form 369, Towing Report, whenever a vehicle is held at a district. Make a blotter entry to have the vehicle towed during Impound Unit's operating hours.
- B. Impoundment Guidelines
 - 1. A police officer may impound any motor vehicle which is:
 - a. Stolen.
 - b. Parked in violation of the law.
 - c. Involved in a motor vehicle crash.
 - d. Has two or more outstanding delinquent parking infractions.
 - e. Not displaying license plates.
 - f. Blocking ingress or egress to a street, alley, roadway, driveway, parking facility, or loading facility.
 - g. In the possession of a physically arrested person.
 - h. Driven by a person under the influence of alcohol, drugs, or a combination thereof.
 - i. Under the control of a person who requests impoundment for safekeeping.
 - j. Held for evidence or investigation (requires supervisory approval).

- k. Driven by an owner who is under suspension.
2. Officers will tow vehicles when probable cause exists to make a physical arrest for a violation of CMC Chapter 759. To tow the vehicle, the offender must be the registered owner or joint owner of the vehicle, unless an officer can prove the owner knew the vehicle was being used for a drug or prostitution offense.
3. With the exception of vehicles towed pursuant to CMC Chapter 759, do not impound the motor vehicle of a physically arrested person or a first offender OVI arrest if:
 - a. The owner/driver allows the officer to safely and legally park the vehicle.
 - b. The vehicle is not needed for evidence.
 - c. The driver arranges for someone to take custody of his vehicle.
4. Do not leave vehicles on expressways.
 - a. Allow up to three hours for owners/operators to move vehicles legitimately disabled on the side of expressways not in a hazardous location.
5. If unable to release a stolen vehicle to the owner, complete Form 303, Motor Vehicle Incident Report, and Form 369.
 - a. The original Form 303 is to be forwarded to Records Section.
 - b. Fax Form 369 to the Impound Unit (352-3998), as soon as possible.
 - 1) Give the yellow copy of Form 369 to the wrecker driver.
 - 2) The pink copy of Form 369 is retained at the district.
 - a) Forward a copy of Form 369 to Records Section.
 - 3) Forward the original white copy of Form 369 to the Impound Unit.
6. For all other tows, the original Form 369 will accompany the vehicle to the Impound Unit.
7. The owner of any vehicle impounded under CMC Section 513-1, Impoundment of Motor Vehicles, must be notified in person or by a letter sent to the last known address of the registered owner.
 - a. Impounding officers will attempt to notify the vehicle owner in person or by phone and note same on the Form 369. If officers are unable to make notification, they will record any relevant information that would help Impound Unit personnel make the notify.

- 1) After towing to the lot, Impound Unit personnel will be responsible for notifying the owner.
- b. The notification will include the:
 - 1) Reason for impounding and the location where the vehicle was towed.
 - 2) Procedure for obtaining release of the vehicle.
 - 3) Basic charges for impound and storage according to current posted rates.
8. Vehicles which were legitimately disabled and towed to clear the flow of traffic are not subject to impound fees if claimed within 48 hours of impoundment. Impound Unit personnel will make this determination.
9. Failure to obtain release of the motor vehicle within 20 days of impound may cause it to be salvaged or sold at auction.
10. The towing officer will inventory the vehicle and the contents of any vehicle taken to the district. Do this even though someone may be responding to pick up the vehicle.

C. Impounding Vehicles

1. The driver/owner is arrested and the vehicle has to be impounded:
 - a. A supervisor must approve the impound.
 - 1) Supervisors do not need to approve vehicle tows when a subject is arrested under CMC Chapter 759.
 - b. Tow or drive the vehicle directly to the Impound Unit during normal business hours.
 - c. If the vehicle is towed or driven to the district, notify the Impound Unit to remove it by contract wrecker the next day.
2. Vehicles towed for CMC Chapter 759 violations:
 - a. Persons charged with violations of CMC Chapter 759 must be given a written "Notice of Civil Citation".
 - 1) The hard copy of the "Notice of Civil Citation" is given to the defendant.
 - 2) The pink copy goes to the Office of Administrative Hearings.
 - a) These copies must be delivered by 1100 hours the day following the arrest.

- 3) The yellow copy is forwarded to the Treasurer's Office at City Hall.
 - a) Officers must also fax a copy to the Treasurer's Office (352-6984) in the event the defendant attempts to pay the civil fine before the copy of the citation arrives.
 - b. Complete Form 369. Indicate in the "Reason for Towing" and "Comments" blocks the operator was arrested for the CMC 759 violation.
 - c. Provide the wrecker driver with the Form 369 and attach a copy of the Form 527, Arrest and Investigation Report, and the original (white) copy of the "Notice of Civil Citation".
3. Operating a Vehicle under the Influence (OVI) and Driving while Under Suspension (DUS).
 - a. Tow a vehicle for pretrial seizure in all cases of DUS except:
 - 1) When charging the driver with ORC 4510.037J.
 - a) Points suspensions (12 or more points).
 - b) Status – "Suspended".
 - 2) When charging the driver with ORC 4510.21.
 - a) Suspensions with time limits/dates that are expired.
 - b) Driver failed to pay fines/fees required to reinstate license.
 - c) Status – "Failure to Reinstate".
 - b. If a vehicle operator is arrested for any of the following, tow the vehicle which is subject to forfeiture:
 - 1) Operating a vehicle which has been ordered immobilized.
 - 2) Arrested for an OVI with three previous convictions within six years.
 - 3) Arrested for wrongful entrustment with one previous conviction (no time limit).
 - 4) Arrested for an FRA suspension with two previous convictions within five years.
 - 5) Arrested for an OVI suspension with two previous convictions within six years.

- c. Complete Form BMV-2255 (ALS) and Form 369.
 - d. Inform Police Communications Section (PCS) whether the vehicle is being towed for pretrial seizure or is subject to forfeiture.
 - 1) Towing companies will tow vehicles held for pretrial seizure and those subject to forfeiture to the Impound Unit.
4. Vehicles ordered immobilized by the courts not already impounded.
- a. Records Section will distribute all court issued Immobilization Notices (BMV-2270) to Patrol Bureau for action.
 - 1) Districts will make reasonable attempts to locate these vehicles and impound them.
 - 2) If the vehicle is found, impound the vehicle and advise PCS the vehicle is a court ordered immobilization. These tows go to the Impound Unit.
 - a) Complete Form 369.
 - b. Patrol Bureau will return Forms BMV-2270 to Records Section along with the disposition.
5. Stolen/recovered vehicles:
- a. Every effort should be made to release auto recoveries to the owner at the scene of recovery.
 - b. If the owner cannot be notified or refuses to claim the vehicle at the scene, the vehicle will be towed by a private wrecker designated for auto recoveries.
 - 1) Request PCS dispatch a private wrecker.
 - 2) Forms 369 and 303 will be completed by the recovering officer.
 - a) Fax Form 369 to the Impound Unit (352-3998), as soon as possible.
 - 1] The yellow copy will be given to the wrecker driver.
 - 2] The original white copy will be forwarded to the Impound Unit.
 - 3] The pink copy will be retained at the district.
 - 4] Forward a copy of the Form 369 to Records Section.

- b) All copies of Form 303 will be turned in at the district for processing.
 - c. If the vehicle is not held as evidence, follow Procedure 12.420.
 - d. Investigations concerning recoveries will be done at the private storage facility within 24 hours of recovery.
 - 1) Location of the vehicle can be obtained from the Form 369 or PCS.
 - e. All fees for towing and storage are charged by the private towing company.
6. Held for evidence/investigation
- a. A supervisor must approve the impounding of the vehicle.
 - b. Tow or drive the vehicle directly to the Impound Unit, during business hours.
 - c. If the vehicle is towed or driven to the district, notify the Impound Unit to remove it by contract wrecker the next day.
 - d. If a coroner's case, the vehicle may be towed to the Coroner's Office, with supervisory approval. Other options include towing or driving to the district for processing and release, or towing to the Impound Unit by first shift.
 - e. Take vehicles held by specialized units to a district with the approval of the district shift officer in charge (OIC). Specialized units will maintain responsibility for the disposition of the vehicle.
7. Vehicles held at the request of other authorities
- a. If possible, contact the requesting authority.
 - b. If they can respond immediately, release the vehicle to them.
 - 1) Obtain a signed Form 330, Property Receipt, for the vehicle.
 - c. If the requesting authority cannot respond immediately:
 - 1) Drive the vehicle to the district.
 - 2) If the vehicle is not drivable, tow to the Impound Unit during business hours. If outside of Impound Unit's business hours, tow to the district. Include all pertinent information on the Form 369.
8. Vehicles unlawfully parked on a street and interfering with pedestrian or vehicular traffic:

- a. Have the owner/driver move the vehicle immediately.
 - b. If the owner/driver is not immediately available, cite for the proper violation and tow it to the Impound Unit.
 - 1) When the Impound Unit is closed, a supervisor may approve a move-only. Issue a citation and tow to a non-hazardous location.
9. Vehicles parked on private or public property without consent of the owner:
- a. For vehicles parked on private property, or public property under the control of non-City government agency (Board of Education, Metropolitan Housing Authority, etc.).
 - 1) If the vehicle is obstructing driveways, loading docks, fire lanes, ingress, or egress, the officer will try to locate the owner and have the vehicle moved immediately. If unable to locate the owner, the officer will impound the vehicle. Include on the Form 369 a brief investigative summary and the property owner's name who requested the vehicle removed.
 - a) Issue citations for any applicable violations.
 - 2) If the vehicle is occupying a parking space or appears to be abandoned but not blocking ingress, egress, loading dock, etc., the officer will run a computer check to see if it is stolen, wanted, etc. The officer will tow only if there is a computer hit.
 - a) Do not tow delinquent vehicles from private property.
 - 3) For vehicles on private property, other than City property, and not stolen or wanted, the officer should try to find the vehicle owner to move the vehicle. The officer will advise the property owner of the towing provisions under Ohio Revised Code Sections 4511.681 and 4513.60. If the property owner follows these guidelines, the vehicle can be towed at the vehicle owner's expense.
 - a) For abandoned junk vehicles on private property, refer to Procedure 12.275.
 - b. For private property owned or controlled by the City, including the Park Board, Recreation Department, etc., take the following action:
 - 1) If the vehicle is obstructing driveways, loading docks, fire lanes, ingress, or egress, the officer will try to locate the owner and have the vehicle moved immediately. If unable to locate the owner, the officer will impound the vehicle.

- a) If applicable, issue a citation for the violation.
 - 2) If the vehicle is stolen, otherwise wanted, or in violation of the law, impound it.
 - c. For unlicensed/inoperable vehicles on private property, refer to Procedure 12.275.
10. Follow Procedure 12.275 for abandoned or junk vehicles.
11. Follow Procedure 12.255 for delinquent vehicles.
12. Vehicles wanted for hit-skip:
 - a. If an individual is cited or physically arrested for hit-skip, tow the vehicle to the Impound Unit, only if it is needed for follow-up investigation, with the approval of a supervisor.
 - b. Impound the vehicle if needed as evidence, with supervisory approval.
 - 1) If the driver is physically arrested, follow Section C.1. of this procedure.
 - c. Complete Form 369. A photocopy of the Form 369 will be forwarded to the Hit Skip Squad with the OH-1.
13. Expired license plates:
 - a. If the plate is expired 30 days or less, issue a citation for CMC 503-52 if the vehicle is moving; or CMC Section 508-25 if the vehicle is parked.
 - b. If the plate is expired more than 30 days, the vehicle may be impounded. A citation is sufficient if registration information is verified and the owner notified.
14. No license plates:
 - a. Impound the vehicle; do not issue a citation. This applies to both occupied and unoccupied vehicles.
15. Unroadworthy vehicles:
 - a. Officers will issue an Ohio Multi-Count Uniform Traffic Ticket (MUTT) using CMC 503-29.
 - 1) Have the vehicle towed to the Impound Unit. Do not drive or allow the vehicle to be driven.
 - 2) Impound Unit will arrange to have the vehicle inspected by a mechanic from Fleet Services.

- a) The mechanic will record his findings on a Form 17, noting his name, unit, and telephone line number. Unroadworthy Forms 17 are kept in a separate file at Impound Unit. A copy of this Form 17 is also sent to the impounding officer by Impound Unit for use in court cases.
 - b) If the inspection determines the vehicle is unroadworthy, the additional towing charge and the inspection fee charged to the Department by the Municipal Garage will be passed on to the owner of the unroadworthy vehicle.
- b. Officers notified for court about an unroadworthy vehicle charge will contact the Impound Unit supervisor who will notify the mechanic to appear in court to testify about the condition of the vehicle.
16. Parked vehicle involved in a vehicular crash:
- a. If legally parked and not causing a safety hazard, do not tow.
 - b. If parked in violation or interfering with traffic, and the owner is not located, tow the vehicle to the Impound Unit as held for owner.
17. Follow Procedure 12.215 for street cleaning or paving violations.

D. Move-Only Tows

- 1. Use a move-only as a last resort unless an emergency situation requires immediate action. Costs for move-only tows are charged to the Police Department.
 - a. Cite vehicles when violations are present.
- 2. Complete Form 369. Be specific, complete each appropriate space.
 - a. Remain at the scene to direct the wrecker driver.
 - b. Give the white copy to the wrecker driver.
 - c. The officer's immediate supervisor will review, sign, and forward the yellow copy to the Impound Unit without delay.
 - d. Note on the Form 369 if the vehicle was cited for a traffic violation.

E. Mechanically Disabled Vehicles

- 1. The owner/driver is responsible for securing a wrecker for a disabled vehicle not involved in an auto accident. Instruct the owner/driver to secure a licensed wrecker of his choice.

- a. If the position of the vehicle creates a hazard to motorists or pedestrians the officer will ensure the vehicle is removed.
 - 1) The officer will attempt to move the vehicle to a non-hazardous location with the use of push bumpers.
 - 2) If the vehicle is unable to be moved the officer will remain with the vehicle and may allow the owner/driver one hour to secure a private wrecker.
 - 3) The officer will remove the vehicle if it is determined a greater hazard would be created by allowing the vehicle to remain.
 - a) The officer will inform the owner/driver they are responsible for the wrecker payment.
 - b) The officer will instruct the wrecker driver to charge the owner/driver and not the Police Department.
 - 2. Vehicles disabled due to fire will immediately be removed from the roadway by the owner/driver or impounded by the officer.
- F. Property Contained in Vehicles
- 1. Process as required in Procedure 12.265.
- G. Damage on Vehicles:
- 1. List as required in Procedure 12.265.
- H. Releasing Vehicles
- 1. At the scene
 - a. Release vehicles, not needed for evidence or by other authorities, to persons with right of possession if they arrive at the scene before the wrecker driver has left the curb and entered a moving lane of traffic.
 - 1) Issue a citation for existing violations.
 - 2) Advise PCS to put the wrecker driver back on top of the rotation list.
 - 2. From Impound Unit
 - a. An owner wishing to claim an impounded vehicle must present a Certificate of Title and/or License Registration and proper identification at Impound Unit. Impound Unit will ensure the owner of the vehicle is queried for outstanding warrants prior to releasing the vehicle.

- b. Inform owners that impound and storage fees do not include payment for traffic citations. Traffic citations attached to the vehicle are to be processed by the vehicle's owner in the regular manner.
- c. Impound Unit will obtain the total impound and storage fees from the vehicle owner/driver.
 - 1) Extra costs for any service necessary to impound or properly maintain the vehicle will also be added to the impound and storage fees.
 - 2) Any person whose vehicle is towed under CMC Chapter 759 will also be required to pay a \$500.00 civil fine.
 - 3) Impound Unit accepts cash, Visa, or MasterCard for payment of impound fees. No checks are accepted.
 - a) Only the person whose name appears on the credit card may use it.
- d. Inform owners with vehicles on the delinquent list that all delinquent tags must be paid or registered for court. They must present proof of payment to the Impound Unit before the vehicle will be released.
- e. Releasing vehicles when Impound Unit is closed:
 - 1) Generally, vehicles are not released from the Impound Unit when closed. In unusual circumstances, the Night Chief, or in his absence the shift OIC of the involved district may authorize recall of an Impound Unit officer to release a vehicle. PCS maintains a recall list. Examples of unusual circumstances include: a vehicle impounded through error which would reflect adversely on the public image of the Department, extreme hardships such as an out-of-town family with young or ill members, etc. Supervisors ordering such recalls should bear in mind the expense incurred from a recall.
 - 2) Vehicles driven or towed to the district may be released without charge at the district upon authorization of the Night Chief, or in his absence, the shift OIC. Send a copy of the completed Form 369 to the Impound Unit.
 - 3) A Form 17 should be made by the requesting unit supervisor showing unusual circumstances and/or reason for request.
- f. Removal from district lot

- 1) Vehicles impounded at the district when the Impound Unit is closed will be ordered towed to the Impound Unit after 0700 by notifying the Impound Unit OIC. Impound Unit will dispatch the contract wrecker. If release is imminent, or a given period has been permitted for the owner to claim the vehicle from the district without imposing a towing fee, the towing may be deferred.
- 2) If a vehicle is towed to a district and again to the Impound Unit, the additional towing charge is not passed on to the owner. The owner will pay only the normal fee.
- 3) Time for calculating storage fees begins when the vehicle is actually impounded at the Impound Unit.