

12.270 IMPOUNDING, MOVING, AND RELEASE OF VEHICLES

Reference:

Procedure 12.205, Traffic Enforcement
 Procedure 12.215, Cincinnati Parking Infraction (CPI)
 Procedure 12.255, Impounding/Processing Delinquent Vehicles and 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
 Procedure 12.555, Arrest/Citation: Processing of Adult Misdemeanor and Felony Offenders
 Cincinnati Municipal Code Chapter 503, Vehicular Construction and Equipment
 Cincinnati Municipal Code Chapter 513, Impoundment of Motor Vehicles
 Cincinnati Municipal Code 501-1-S8, Streetcar Obstruction Zone
 Cincinnati Municipal Code 508-1-B, Unauthorized Stopping and Parking Along Streetcar Track
 Cincinnati Municipal Code 512-6, Violation of Section 508-1-B
 Cincinnati Municipal Code Chapter 759, Use of a Motor Vehicle to Facilitate a Prostitution or Drug Related Crime
 Cincinnati Municipal Code 1501-99, Civil Fines
 Ohio Revised Code 4511.681, Parking Prohibitions on Private Property
 Ohio Revised Code 4513.60, Abandoned Vehicles
 Ohio Revised Code 3734.83, Registration of Transporters

Purpose:

Determine when vehicles may be impounded, moved only and/or released.
 Establish accountability for safeguarding property contained in impounded vehicles.

Information:

Cincinnati Municipal Code (CMC) 759, Use of a Motor Vehicle to Facilitate a Prostitution or Drug Related Crime, 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 to the public Monday through Friday 0630 to 1900 hours, Saturday and Sunday 0930 to 1700 hours. Rotation wreckers have 24-hour access to tow impounded vehicles to the Impound Unit.

Procedure:

A. 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, loading facility or streetcar rail
 - 1) Supervisors will monitor the radio and ensure priority is given to vehicles parked obstructing the streetcar rail.
 - g. In the possession of a physically arrested person
 - h. Driven by a person arrested for a violation of Ohio Revised Code (ORC) 4511.19, Operating a Vehicle Under the Influence of Drugs or Alcohol – OVI. Personnel will complete the Administrative License Suspension (ALS) form for all OVI arrests
 - i. Under the control of a person who requests impoundment for safekeeping
 - j. Held for evidence or investigation
 - k. Driven by an owner who is under suspension for specific types of suspensions, defined in Section B.5 of this procedure
 - l. Towed for a violation of ORC 4511.203, Wrongful Entrustment of a Motor Vehicle, when the owner of the vehicle is charged
2. 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.

B. Impounding Vehicles

1. When the driver/owner is arrested and the vehicle has to be impounded, tow or drive the vehicle directly to the Impound Unit during normal business hours. During non-business hours, rotation wreckers have 24-hour access to tow and secure the vehicle at Impound.

- a. If the driver is being arrested for illegal transportation of scrap tires under ORC 3734.83, Registration of Transporters, the vehicle must be **towed**, not driven, to the Impound Unit.
 - b. Vehicles will be towed to the Impound Unit unless otherwise specified in the procedure.
 - 1) Officers must have supervisory approval to tow or drive a vehicle to the district.
 - 2) If the vehicle is towed or driven to the district, send a blotter notification to the Impound Unit to have the vehicle removed by contract wrecker the next day.
2. With the exception of vehicles towed pursuant to Cincinnati Municipal Code (CMC) 759, Use of a Motor Vehicle to Facilitate a Prostitution or Drug Related Crime, and ORC 3734.83, Registration of Transporters, 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 the vehicle.
3. Vehicles towed for violation of CMC 759, Use of Motor Vehicle to Facilitate a Prostitution or Drug Related Crime
- a. Officers will tow vehicles when probable cause exists to make a physical arrest for a violation of CMC 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.
 - b. Persons charged with violations of CMC 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.
 - 4) As soon as possible, officers must fax a copy to:
 - a) 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) The Impound Unit for vehicle intake processing.
 - c. Complete the Tows/OT Recovery Module (Tow Mod) in Records Management System (RMS).
 - 1) Under the Impound tab, select "Civil Citation (759)" as the Reason For Tow.
 - 2) Enter the civil citation number in the Comments or Recovery Details box.
 - d. Provide the wrecker driver with both copies of the Form 369A, Towing Receipt, and attach a copy of the Form 527, Arrest and Investigation Report.
 - e. Forward the white copy of the civil citation to the district/section/unit designee responsible for entering civil citations into the Civil Citation Tracking System for entry.
4. Vehicles towed for ORC 3734.83, Registration of Transporters, for illegal transportation of scrap tires
 - a. Process as required in Procedure 12.555 Arrest/Citation: Processing of Adult Misdemeanor and Felony Offenders.
 5. Vehicles Seized for Traffic Offenses
 - a. Personnel will tow a vehicle for pretrial seizure only for the following cases:
 - 1) When arresting the driver, who is the owner of the vehicle, with any violation of ORC 4510.14, Driving Under OVI Suspension.
 - 2) When charging the driver, who is the owner of the vehicle, with a violation of ORC 4511.19(A), OVI, where the defendant has at least one prior conviction for OVI in the past 6 years. Personnel will seize all vehicles from felony OVI arrests.
 - 3) When arresting the owner of a vehicle with a violation of ORC 4511.203, Wrongful Entrustment of a Motor Vehicle.
 - b. Complete Form BMV-2255 (ALS), Tow Mod, and a Form 369A.
 - c. Inform Emergency Communications Section (ECS) Channel 15 operator 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.
 6. Vehicles ordered immobilized by the courts, not already impounded
 - a. The Impound Unit 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, complete the Tow Mod and Form 369A. Advise Channel 15 the vehicle is a court-ordered immobilization and tow to the Impound Unit.
 - b. Patrol Bureau will return Forms BMV-2270 to the Impound Unit along with the disposition.
7. Recovered vehicles
- a. Every effort should be made to release auto recoveries to the owner at the scene of recovery, unless the vehicle is held as evidence.
 - b. If the owner cannot be notified or refuses to claim the vehicle at the scene, all recovered vehicles will be towed to the Impound Unit. All city-originated fees will be waived for the first seven (7) days the vehicle is stored at the Impound Unit.
 - 1) Request Channel 15 dispatch a rotation wrecker.
 - 2) Complete the Tow Mod and Form 369A.
 - a) All fees for towing are charged by the private towing company.
 - c. Investigations concerning recoveries will be done at the Impound Unit within 24 hours of recovery.
 - d. Follow Procedure 12.420, Reporting Vehicle Thefts and Related Offenses to complete the reporting process.
8. Held for evidence/investigation
- a. Tow or drive the vehicle directly to the Impound Unit.
 - b. When the Impound Unit is closed:
 - 1) If the vehicle was involved in a fatal or potentially fatal auto accident, a Traffic Unit supervisor has the authority and access to secure the vehicle at the Impound Unit.
 - 2) If conditions warrant, (e.g., preservation of evidence, chain of custody, homicide, etc.) contact an on-duty Traffic Unit supervisor to gain access to secure the vehicle at the Impound Unit.
 - a) If there is no Traffic Unit supervisor working, no district with an available vehicle bay, or the vehicle must be secured within the Impound Unit garage, Impound Unit personnel may be recalled.
 - c. If a coroner's case, the vehicle may be towed to the Hamilton County Coroner's Office (HCCO). Request Channel 15 contact HCCO for permission prior to towing.

- d. Take vehicles held by specialized units to a district. Specialized units will maintain responsibility for the disposition of the vehicle.
9. 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. Include all pertinent information in the Tow Mod and Form 369A.
 10. Vehicles unlawfully parked on a street or the streetcar rail and interfering with pedestrian, streetcar 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.
 - c. If no police officer is available to respond to a streetcar rail parking obstruction, a supervisor will request ECS contact the City of Cincinnati Parking Enforcement Office via radio or at 352-4527 or 352-6280 between 0900 – 2100 hours. After 2100 hours, the supervisor will ensure priority is given to streetcar rail parking obstruction calls for service.
 11. 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 (e.g., Board of Education, Metropolitan Housing Authority):
 - 1) If the vehicle is obstructing driveways, loading docks, fire lanes, ingress, or egress, try to locate the owner and have the vehicle moved immediately. If unable to locate the owner, impound the vehicle. Include a brief investigative summary and the property owner's name who requested the vehicle removed in the Tow Mod under the Impound tab, Comments or Recovery Details box.
 - 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., run a computer check to see if it is stolen, wanted, etc. Tow only if there is a computer hit.
 - a) Do not tow delinquent vehicles from private property.

- b. For vehicles on private property, other than City property, and not stolen or wanted, try to find the vehicle owner to move the vehicle. Advise property owner of the towing provisions under ORC 4511.681, Parking Prohibitions on Private Property, and 4513.60, Abandoned Vehicles. If the property owner follows these guidelines, the vehicle can be towed at the vehicle owner's expense.
 - 1) For abandoned junk vehicles on private property, refer to Procedure 12.275, Removal of Abandoned Junk Motor Vehicles (Public or Private Property) and Overtime Parked Vehicles.
 - c. 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.
 - d. For unlicensed/inoperable vehicles on private property, refer to Procedure 12.275.
12. Follow Procedure 12.275 for abandoned or junk vehicles.
 13. Follow Procedure 12.255, Impounding/Processing Delinquent Vehicle and Tags, for delinquent vehicles.
 14. 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.
 - b. Impound the vehicle if needed as evidence.
 - 1) If the driver is physically arrested, follow Section B.1. of this procedure.
 - c. Complete the Tow Mod and Form 369A.
 15. 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 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.

16. No license plates:
 - a. Impound the vehicle; do not issue a citation. This applies to both occupied and unoccupied vehicles.
17. Un-roadworthy 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. Un-roadworthy Form 17s 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 un-roadworthy, 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 un-roadworthy vehicle.
 - b. Officers notified for court about an un-roadworthy 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.
18. 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.
19. Follow Procedure 12.215, Cincinnati Parking Infraction (CPI), for street cleaning or paving violations.

C. 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 Department.
 - a. Cite vehicles when violations are present.
2. Complete the Tow Mod and Form 369A. Be specific and complete each appropriate field.
 - a. Remain at the scene to direct the wrecker driver.
 - b. Note in the Tow Mod under the Impound tab, Comments or Recovery Details box, if the vehicle was cited for a traffic violation.

D. 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, ensure the vehicle is removed.
 - 1) 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, remain with the vehicle. The owner/driver may be allowed one hour to secure a private wrecker.
 - 3) Remove the vehicle if it is determined a greater hazard would be created by allowing the vehicle to remain.
 - a) Inform the owner/driver they are responsible for the wrecker payment.
 - b) Instruct the wrecker driver to charge the owner/driver and not the Department.
2. Vehicles disabled due to fire will immediately be removed from the roadway by the owner/driver or impounded by the officer.

E. Property Contained in Vehicles – Process as required in Procedure 12.265, Wrecking and Towing.

F. Damage on Vehicles – List as required in Procedure 12.265.

G. 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 Channel 15 to put the wrecker driver back on top of the rotation list.
 - 3) Complete the Tow Mod in progress. Write “Released to Owner” in the Comments or Recovery Details box and fill in the District Release fields.
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 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 impound and storage fees.
 - 2) Any person whose vehicle is towed under CMC 759 will also be required to pay a civil fine of \$750.00 for drug offenses and \$1250.00 for prostitution offenses.
 - 3) Impound Unit accepts cash, Visa, or MasterCard, Discover and American Express for payment of impound fees. Only the person whose name appears on the credit card may use it. Debit cards that can be used without a PIN, and bear a VISA or Master Card logo are also accepted for payment of impound fees. No checks are accepted.
 - d. Inform owners with vehicles on the delinquent list 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. Impound Unit is responsible for completing the Financial tab of the Tow Mod.
3. Releasing vehicles when Impound Unit is closed:
- a. Generally, vehicles are not released from the Impound Unit when closed. In unusual circumstances, the Night Inspector, or in his absence the shift OIC of the involved district may authorize recall of an Impound Unit officer to release a vehicle. 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.
 - 1) A Form 17 should be made by the requesting unit supervisor showing unusual circumstances and/or reason for request.
 - b. Vehicles **driven** to the district may be released without charge at the district upon authorization of the Night Inspector, or in his absence, the shift OIC. Send a blotter notification to the Impound Unit.
4. Removal from district lot
- a. Vehicles impounded at the district will be towed to the Impound Unit after 0700. Impound Unit will dispatch the contract wrecker.

- 1) If release is imminent, or a reasonable amount of time has been given to the owner to claim the vehicle from the district, the towing may be deferred.
 - a) Impounding officers must include this information in the initial blotter notification to the Impound Unit.
- 2) Vehicles towed to the district may not be released without charge.
 - b. 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.
 - c. Time for calculating storage fees begins when the vehicle is actually impounded at the Impound Unit.

H. Notification of Impounded Vehicles

1. The owner of any vehicle impounded under CMC 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 in the Tow Mod under Owner/Driver tab, Notify Information section, Owner Notified drop down field. If officers are unable to make notification, they will record in the Comments or Recovery Details box any relevant information that would help Impound Unit personnel make the notification.
 - 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.
2. 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.
3. Failure to obtain release of the motor vehicle within 20 days of impound may cause it to be salvaged or sold at auction.