

Columbus Police Division Directive	EFFECTIVE Aug. 01, 1987	NUMBER 3.33
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<b>Impounding and Towing Motor Vehicles</b>		



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## I. Definitions

### A. Contracted Wrecker

Any personnel operating a towing vehicle, and employed and authorized by a private company contracted with the City of Columbus to perform towing services for the Division.

### B. Safekeeping

Any time a vehicle is impounded solely because the driver or operator of the vehicle was removed due to an illness or injury. Towing fees and applicable storage fees still apply.

## II. Policy Statements

### A. Sworn Personnel may legally impound motor vehicles:

1. For any of the reasons stated in the Columbus City Code Section 2107.01, "Reasons for Impounding";
2. Containing evidence of a crime that needs to be collected; or
3. In accordance with Ohio Revised Code Section 4513.60, "Vehicle left on private residential or private agricultural property without the permission of a person having the right to possession of property."

### B. Releasing Vehicles Without Payment of Fees

A vehicle may be released without payment of fees if it was impounded for evidence or if it was impounded for investigation of stolen and was then determined not to be a stolen vehicle.

### C. Enforcement Options

1. When a motor vehicle or watercraft may be legally impounded and is not reported stolen, sworn personnel may either:
  - a. Impound the vehicle, or
  - b. Release the vehicle to the owner, operator, or to another person with the consent of the owner or operator, given there are no legal requirements or need to impound the vehicle, and there are no overdue unpaid parking fines held against the vehicle.
2. Sworn personnel shall take any reasonable actions necessary to ensure the safety of any occupant of a vehicle left stranded in an unsafe location due to an impoundment. This may include providing a ride to a safe location, or standing by until a taxi cab or a friend of the occupant arrives.

3. Sworn personnel may be liable if they do not obtain the consent of the owner or operator before releasing a vehicle to another person. The consent to release the vehicle and to whom the vehicle was released shall be documented in the appropriate form or report. (e.g. NetRMS Incident Report, Arrest Information form U.10.100, OH-1 Traffic Crash Report.)
4. Sworn personnel may use discretion whether to release or impound a vehicle when a contracted wrecker is at the scene at the same time as the owner or operator.
5. Unless arrangements have been made by the owner or operator to move the vehicle in a timely manner, any disabled or abandoned vehicle creating a traffic hazard or any vehicle on the freeway disabled from a traffic crash shall be impounded as soon as practical. Sworn personnel shall remain with the vehicle until it is removed.
6. Sworn personnel may have vehicles moved to an unrestricted parking space only when there is an emergency situation or when exigent circumstances arise. (e.g. a parked vehicle blocking personnel from getting to an emergency scene.) In these situations, sworn personnel should allow the owner or operator to move the vehicle in a timely manner before towing the vehicle.

#### D. Use of Contracted Wreckers

1. Only contracted wreckers may be used to tow vehicles for impoundment, or to move vehicles to an unrestricted parking space.
2. When a contracted wrecker is called to respond but is cancelled, or responds and does not tow the vehicle, sworn personnel shall notify the Communications Bureau. Communications Bureau personnel shall then contact MTS and request the contracted wrecker be placed back at the top of the respective towing list.
3. All vehicles impounded by Division personnel shall be transported to the Police Impound Lot, unless otherwise directed by investigative personnel and only for the purpose of evidence processing.
4. In order to maintain the chain of custody for vehicles being impounded as evidence of a felony crime, or to be processed for evidence or fingerprints, sworn personnel shall maintain visual contact with the vehicle until it is released by the contracted wrecker at the appropriate storage facility. This does not apply to vehicles impounded only as a recovered stolen vehicle.

### III. Procedures

#### A. Impounding or Moving Motor Vehicles

1. Impounding Personnel
  - a. Run the vehicle's license plate number and VIN through LEADS.

- b. Contact Communications Bureau Personnel and request a contracted wrecker.
- c. When able, remove any license plate not registered to the vehicle, and either:
  - (1) Place the plate(s) into a OBMV mailing envelope, form BMV3613, and mail to the OBMV, or;
  - (2) Submit the plate(s) to the Property Control Unit.
- d. Conduct an inventory of the contents of all reasonably accessible areas and containers in the vehicle, and complete an Impounded Vehicle Inventory, form A-32.107.**
  - (1) If the passenger compartment of the vehicle is inaccessible, conduct the inventory by looking through the windows, and mark the 'Passenger compartment inaccessible' check box.
  - (2) If a VIN was not located, write "NO VIN" in the 'VIN' box on the form.
  - (3) List the inventoried property in the 'Property in the Vehicle' section of the form, and mark its disposition.
  - (4) Note the disposition of any license plate removed from the vehicle in the 'Property in Vehicle' section.
  - (5) Mark existing damage to the vehicle on the vehicle diagram.
  - (6) When the vehicle is impounded solely because the operator was removed due to illness or injury, write "Safekeeping" in the 'Violation' box.
- e. Retrieve any of the following property from the vehicle for submission to the Property Control Unit:
  - (1) Contraband
  - (2) Weapons
  - (3) More than \$20 in currency
  - (4) Any property of high value or subject to theft
- f. Allow the owner or operator to retrieve paperwork or property from the vehicle, when appropriate.
- g. Leave the ignition key with the vehicle when impounding.
- h. As able, secure the vehicle against weather conditions.
- i. Leave the violator's copy of any parking ticket with the vehicle.
- j. Provide the Impounded Vehicle Inventory form to the contracted wrecker for review and for a signature. Make appropriate corrections as needed.
  - (1) Give the bottom yellow copy to the contracted wrecker.
  - (2) Make copies of the form as needed for investigative personnel or packets, and forward the copies as appropriate.
  - (3) Forward the top white copy of the form to the Impounding Unit.

- k. Inform the contracted wrecker where to tow the vehicle.
  - l. When the chain of custody of a vehicle must be maintained, follow the procedures in Section III,C,1,c; otherwise, remain with the vehicle until it is removed.
2. Contracted Wrecker
- a. Assist in securing the vehicle, if requested.
  - b. Review the Impounded Vehicle Inventory form.
    - (1) Sign the form if it is correct.
    - (2) If the form is incorrect or illegible, request that corrections be made.
    - (3) Retain the bottom yellow copy of the form.
  - c. Tow the vehicle as directed. Vehicles being held for prints should be towed to the lot near the vehicle processing garage at the Police Impound Lot.
  - d. Check the vehicle after towing and report any new damage to the personnel in the impound lot tower.
  - e. If the vehicle is towed to an unrestricted parking space:
    - (1) Print the new location of the vehicle on the Impounded Vehicle Inventory form.
    - (2) Notify the Division's Records Unit of the vehicle's location as soon as practical.
  - f. Forward the Impounded Vehicle Inventory form to the personnel in the impound lot tower.
- B. Impounding Vehicles for Driving Under Suspension (DUS) or Operating a Vehicle Under the Influence (OVI)
- 1. Follow the impounding procedures outlined in Section III,A,1.
  - 2. Seize the vehicle when the vehicle is registered in the arrested person's name and the arrest involved any of the following charges:
    - a. Driving Under an OVI Suspension
    - b. Driving Under an FRA Suspension or Cancellation, with at least one prior conviction within five years of the current offense.
    - c. Wrongful Entrustment
    - d. OVI with at least one prior conviction within six years of the current offense, or with any prior felony OVI conviction.
  - 3. When seizing a vehicle, mark the 'Yes' check box in the 'Vehicle Seized' section on the Impounded Vehicle Inventory form and mark the appropriate box to indicate the reason for the seizure.
- C. Impounding Vehicles Used in Felonies/Misdemeanors
- 1. Impounding Personnel
    - a. Contact the appropriate investigative unit when the vehicle was used in a felony crime. Follow the directions of investigative personnel regarding

impounding the vehicle for evidence. Determine if evidence processing is necessary for serious misdemeanor crimes.

- b. Follow the applicable procedures in Section III,A,1 and:
  - (1) Mark the appropriate box(es) on the Impounded Vehicle Inventory form to indicate 'Hold for Prints' or 'Hold for Evidence Processing', as necessary.
  - (2) Complete the 'Investigating Detective' section of the Impounded Vehicle Inventory form, as needed.
  - (3) Complete a Hold for Prints, form I-10.109 and place it on the vehicle's dashboard as needed.
- c. When a vehicle is impounded as evidence, or to be processed for evidence or fingerprints:
  - (1) Maintain visual contact with the vehicle until it is released by the contracted wrecker at the appropriate storage location.
  - (2) Mark the 'Chain of Custody Maintained' box on the Impounded Vehicle Inventory form, and list your name, badge number and assignment.

## 2. Investigative Personnel

- a. Direct sworn personnel in regard to impounding the vehicle for evidence. Request that a Hold for Prints form be completed as necessary.
- b. Check to see if there is space available at the crime lab when the vehicle is to be processed for evidence.
  - (1) If space is available, direct that the vehicle be transported to the crime lab.
  - (2) If room is not available, contact personnel in the impound lot tower to arrange for the vehicle to be secured.
- c. Follow your respective SOP for releasing impounded vehicles no longer needed for investigative purposes.

## D. Impounding Vehicles Suspected Only of Being Stolen

1. Follow the impounding procedures outlined in Section III,A,1.
2. Mark the 'Vehicle Suspected of Being Stolen' box on the Impounded Vehicle Inventory form.
3. Complete a NetRMS Impounded Suspected Stolen Vehicle Report. In the 'Investigative Information' tab of the report, document all reasons the vehicle was suspected of being stolen and any investigative actions taken.

## E. Impounding Stolen Vehicles

1. Document the recovery
  - a. For unreported stolen vehicles:
    - (1) Have a NetRMS report completed for vehicles stolen in Columbus' jurisdiction, or

- (2) Request the appropriate foreign agency complete a report for vehicles stolen outside of Columbus' jurisdiction.
  - b. For vehicles reported stolen by the Division, add a NetRMS report to the NetRMS investigative folder.
  - c. For vehicles reported stolen by a foreign agency, complete a Foreign Stolen Vehicle Recovery form.
2. Collection of Evidence
- a. Follow the procedures outlined in Section III,C when the vehicle was used in a separate felony crime. When impoundment is requested by investigative personnel, write "Stolen Recovered" in the 'Violation' box on the Impounded Vehicle Inventory form.
  - b. Dust the vehicle for fingerprints when the vehicle was not used in a separate felony crime or impoundment is not requested by investigating personnel.
3. Attempt to return the vehicle to the owner, unless the vehicle is being impounded as evidence or for evidence processing. If unable to contact or return the vehicle to the owner, follow procedures in Section III,A,1 to impound the vehicle and write "Stolen Recovered" in the 'Violation' box on the Impounded Vehicle Inventory form.
4. When returning a stolen vehicle to the owner, contact Communications Bureau personnel and request that the recovered stolen vehicle information be aired on all patrol radio channels before the owner drives away.
5. When a stolen vehicle is impounded by a private towing company to a private storage facility, advise the owner to recover the vehicle from the private towing company. The vehicle owner will be responsible for the towing and storage fees.
- F. Impounding Vehicles Towing Trailers or Other Vehicles
1. Follow the impounding procedures outlined in Section III,A,1.
  2. Complete a separate Impounded Vehicle Inventory form for the towing vehicle, the trailer, and each vehicle on the towing vehicle or trailer. Separate forms are required because the vehicles and trailers may be released at different times.
- G. Impounding or Removing Vehicles Involved in Traffic Crashes
1. Request a contracted wrecker from the Accident List when the owner, operator, or an authorized person is available to make arrangements for the towing.
  2. Request a contracted wrecker from the Impound List and impound the vehicle when the owner or operator is unable to make arrangements for the towing.
    - a. When the operator is charged with an offense, write the charge in the 'Violation' box on the Impounded Vehicle Inventory form.

- b. When the operator is not charged with an offense, write “Safekeeping” in the ‘Violation’ box on the Impounded Vehicle Inventory form.
  - c. When possible, advise the owner or operator that the vehicle was towed, and that they are responsible for the towing fees and any storage fees, even when impounded for safekeeping.
3. Only allow a private towing company that is not a contracted wrecker to tow a motor vehicle from traffic crash scene when:
    - a. The towing company has been authorized to do so by the owner or operator.
    - b. There is no legal requirement or need to impound the vehicle.
  4. Ensure the contracted wrecker sweeps and cleans the roadway of any debris before they leave the traffic crash scene.

#### H. Abandoned vehicles

1. Impound any abandoned vehicle found to be in violation of a parking code.
2. When an abandoned vehicle is on a freeway in a non-hazardous location:
  - a. Complete an Abandoned Vehicle on Freeway Notice, form U-22.100, and in large lettering write an “A” or a “P” to indicate whether the vehicle was initially inspected in the AM or PM hours.
  - b. Affix the notice sticker to the rear window of the vehicle, or place the notice under a front windshield wiper when weather conditions dictate.
  - c. Impound abandoned vehicles left in the same location for three or more hours after the initial inspection.

#### I. Junk Vehicles

1. Sworn Personnel
  - a. A vehicle must meet the following criterion in order to take action:
    - (1) Three years or older
    - (2) Extensively damaged
    - (3) Apparently inoperable
    - (4) Has a fair market value of \$1500 or less
  - b. If above criterion is met, take one of the following actions:
    - (1) Impound any vehicle found in violation of a parking code, other than 2151.22 CCC or 2151.23 CCC.
    - (2) For junk vehicles legally parked on a roadway, right of way, or public property, complete a Junk Vehicle Report, form A-32.119, forward it to the Impounding Unit, and leave the vehicle at its location.
    - (3) For junk vehicles on private property or private property open to the public, contact the 311 Call Center and report the vehicle to Columbus Code Enforcement.

## 2. Impounding Unit

Follow established unit guidelines for investigating reported junk vehicles.

## J. Impounding Watercraft

### 1. Impounding Personnel

#### a. Watercraft seized on the waterway:

- (1) Complete an Impounded Vehicle Inventory form.
- (2) Secure the watercraft at a police dock.
- (3) Forward the original copy of the Impounded Vehicle Inventory form to the Impound Lot.
- (4) Inform the owner to respond to the Parking Violations Bureau to pay impound fees and secure a release.
- (5) Release the watercraft after the owner presents a release from the Parking Violations Bureau.

## K. Releasing Impounded Vehicles and Watercraft

Advise the owner of an impounded vehicle or watercraft to contact the Parking Violations Bureau to arrange for its release.

## L. Releasing Vehicles Without Payment of Fees

### 1. Requesting Personnel

- a. Forward a letter to the Property Management Lieutenant through your immediate supervisor.
- b. Include the reason for releasing the vehicle without payment of fees, and list the vehicle's claim number, make and model, VIN, and license plate number.
- c. Inform the owner of the decision when notified.

### 2. Property Management Section Lieutenant

- a. Determine whether to approve the request. The Impounding Unit Sergeant may make this determination when the Property Management Lieutenant is not available.
- b. Return disapproved requests to the requestor and indicate the reasons for denial.
- c. For approved requests:
  - (1) Make a copy of the letter to keep on file.
  - (2) Forward the original letter to the Parking Violations Bureau Administrator for processing.
  - (3) Notify the requestor of the approval.