

3.02-6

**DAYTON POLICE DEPARTMENT
GENERAL ORDER
TOWING MOTOR VEHICLES**



KAMRAN AFZAL – DIRECTOR AND CHIEF OF POLICE

Rev. 10/23

POLICY STATEMENT

Removing motor vehicles obstructing roadways, involved in crimes, damaged in traffic accidents, or abandoned in the street, is a police function. Vehicles operated by individuals found violating driver's license law should preferably be towed to improve the safety of the general public.

I. WHEN TO TOW A VEHICLE

A. Driver / Owner Arrested or Driving Under Suspension: Vehicles operated by drivers without an operator's license, while under suspension, operating while under the influence or where the vehicle was used in the commission of a crime, should preferably be towed from where they were stopped, including private property (see also General Order 3.02-2, Traffic Enforcement, section III.F.) If an officer elects not to tow the vehicle and leave it legally parked, a Tow-In / Liability Waiver (Form F-472) must be completed by the operator / registered owner of the vehicle.

1. If the driver is the registered owner, or the registered owner is on scene and gives permission to another properly licensed driver to drive their vehicle, the officer should release the vehicle rather than tow it. If the registered owner is not on scene, a reasonable effort should be made to contact him/her in order to retrieve the vehicle.
2. If during the stop, evidence and/or officer's observations indicate that the vehicle is being or has been used in the commission of a crime, the vehicle can be towed and held.
3. If the vehicle is towed, officers should make reasonable efforts to assure that the driver and other occupants are dropped off at a safe location until legal transportation can be obtained.
4. RCGO (Revised Code of General Ordinance) §76.08 describes circumstances, which allow a vehicle to be impounded due to an arrest. It states, in part,

"Members of the Police Department are authorized to remove or direct the removal of a vehicle under any of the following circumstances... (C) Arrest and detention of driver. Whenever the driver or person in charge of any vehicle is placed under arrest and taken into custody and detained by police under circumstances which leaves or will leave a vehicle unattended."

B. Vehicle Used in the Commission of a Crime or Containing Evidence:

1. Suspect vehicle used in criminal offense.
2. Hit and Run suspect vehicle parked on a City street or from private property or on a City street when involved in serious injury accident.

C. Safe Keeping: Vehicle towed from accident scene at owner's request or when owner is incapable of making decision, or to remove the vehicle from obstructing traffic.

D. Parked Vehicle with No or Expired Plates: A vehicle parked on a City street with no license plates or with plates expired for more than 30 days may be towed at any time. However, officers must use discretion and make reasonable efforts to contact the registered owner of the vehicle, or the person currently responsible for parking the vehicle on a public street, to provide them the opportunity to move it to private property. Reasonable efforts would include, but are not limited to, activating a body-worn camera and attempting to contact addresses near the parked vehicle, and searching MIS or other databases for recent telephone



numbers for the registered owner or other known driver. Prior to clearing a call-for-service related to the complaint, officers will enter detailed comments regarding the reasonable efforts made and what enforcement action was or was not taken.

1. Personnel coming into contact with a parked vehicle with a registration that is expired less than 30 days will affix a warning sticker on the vehicle's driver's side window. This sticker will indicate the expiration date of the vehicle's plates and give written warning that the vehicle will be towed either 30 days after the plate's expiration date or ten days from the sticker notice, whichever is later. This will give the owner ample time to correct the violation. A FIC (Field Interview Card) / Warning tag will also be placed in the MIS (Management Information System) describing the vehicle and the expiration warning and date for tow.

Example: Vehicle whose plates are expired by ten (10) days would get a warning to get plates renewed by 30th day. Vehicle whose plates are expired by 28 days would be given a ten-day tow notice from the date of the warning, which would be a total of 38 days.

E. Traffic Stop on Vehicle with Expired Plates

1. Personnel coming into contact with a moving vehicle with registration that is expired less than 30 days may conduct a traffic stop for the violation. The driver would then be given a verbal warning that the vehicle may be towed ten (10) days from the warning. This will give the owner ample time to correct the violation. An FIC / Warning tag will also be placed in MIS describing the vehicle and the expiration warning and date for tow.

F. Vehicles Parked on Public Property that are on the Tow-In-List.

1. Vehicles with four (4) or more unpaid parking citations will appear on the tow-in list. Officers may either:
 - have a warning sticker affixed to the window, warning of the parking citations.
 - The sticker will be a specific reminder for the owner to pay the outstanding fines or risk having the vehicle towed and impounded. A FIC / Warning tag will also be placed in MIS describing the vehicle and the unpaid citations.tow the vehicle when the officer comes into contact with the vehicle while parked on a public street.
 - If towed, NO "HOLD" will be placed on the vehicle unless it had been used in a different crime, not related to the tow-in list.

Officers may **NOT** stop a moving vehicle for merely being on the tow-in list and then tow for that reason only. If a vehicle on the tow-in list is stopped for a moving violation for which a citation is warranted and issued, then that vehicle may also be towed.

If the officer comes into contact with an operator and they have a reason to tow for other than the tow-in list (i.e., Suspended operator's license) then they may tow the vehicle per current policy. (See General Order 3.02-2, Traffic Enforcement, section VIII.)

Officers may still provide the owner with the opportunity to have someone pay the unpaid citations at the Clerk of Courts Office and return to the scene in a reasonable amount of time prior to towing the vehicle.

Owners wishing to pay their unpaid parking citations will be permitted to do so, provided they can get to the Clerk of Courts Office and back with the receipt in a timely manner.

- G. Recovered GTA (Grand Theft-Auto) or Foreign GTA: Recovered GTA's will either be released to the owner on the scene or towed. Recovered GTA's are not be left on the scene. If the owner either cannot be contacted or respond within 30 minutes, the vehicle will be towed and the owner or foreign jurisdiction notified of where the vehicle was towed. Recovered GTAs and Foreign GTAs are not to be held unless used in a crime different than the original GTA.
- H. Suspected Stolen: With approval of a supervisor, suspected stolen vehicles may be towed.



- I. Parking in Restricted Area or Tow Zone: Vehicles parked in marked No Parking areas.
- J. Vehicle parked at the scene of a fire or other emergency that is impeding safety forces or may become damaged at the scene.
- K. Vehicle is impounded by direction of the County Coroner's Investigator when the owner is deceased.
- L. Vehicle is abandoned as defined in RCGO §76.01, VI. (Crew 426 only)
- M. For tows involving parking violations, refer to General Order 3.02-3, Parking Enforcement.

II. REQUESTING TOW TRUCKS

Officers will make a request for a tow truck to the RIO (Radio Information Officer). The requesting officer will then send a completed Tow Screen via the MDC (Mobile Data Computer). Officers without an MDC will provide needed information via radio or phone to the RIO.

- A. Officers will enter any DIBRS (Dayton Incident Based Reporting System) report numbers associated with the vehicle they are towing in the remarks section of the Tow Screen.
- B. Officers will no longer use "Owner's Request" as a reason for towing a vehicle. When completing a tow screen for a tow that would have been an owner's request previously, officers are to use code # 17 "Safe keeping/OR".
- C. Officers will ensure the Tow Screen is completed and transmitted **prior to the clearing of the scene. If no MDC is available, the officer will provide the RIO all necessary information either over the radio or over the phone prior to the clearing of the scene.**

III. PLACING "HOLDS" ON TOWED VEHICLES

- A. **"Holds" are only placed on vehicles that have been used in the commission of a crime, to include Hit and Run. We do not hold towed vehicles for any other tow category.**
 - 1. GTA is taken in a crime, not used in a crime. Unless there is a separate crime in which the stolen vehicle was used, do not place a hold on the GTA.
- B. When towing and holding any vehicle, HOLD "Y" will be indicated on the MIS Tow Screen. Officers without an MDC will advise the RIO of the hold and the reason. For all "Holds", list the date, location of offense, type of crime and DIBRS number in the narrative section of the Tow Screen. The Location of Offense information is in addition to tow location as the two may be different. The officer requesting the hold will also send an email to the appropriate unit advising of the "Hold" and include any details and a DIBRS number. Felony offenses can be changed to "Forfeiture Holds" at a later date, at the discretion of the case detective.

IV. PROPERTY INVENTORY OF A TOWED MOTOR VEHICLE

- A. Prior to towing any motor vehicle (excluding Abandoned Vehicles), conduct an inventory of the vehicle's contents and note the information on the MDC screen or complete a Tow-In / Liability Waiver Card (F-472). A property inventory is an administrative, caretaking function, which itemizes and secures property in a seized or impounded vehicle. The United States Supreme Court has ruled that an inventory of a lawfully seized motor vehicle conducted to safeguard property and not merely as a pretext to search without a warrant is reasonable and does not violate Fourth Amendment Rights against illegal searches.
- B. Inventory of a Towed Vehicle -- Arrest Situation
 - 1. Inventory property inside the vehicle's passenger compartment, glove box, console, and trunk prior to towing. Secure all property inside the trunk, except **money or valuable items**. Place money and valuable items in the Property Room. Place vehicle trunk key (if separate) with the driver's personal effects and leave ignition key with the vehicle. In cases where vehicle forfeiture will be sought, the officer will make every attempt to release all vehicle contents to the owner or the owner's designee.



2. If perishable items are among the property, have them picked up by or delivered to a person designated by the prisoner, the Department does not accept any perishable items. The inventory should reflect disposition of perishables.
3. Seize contraband or criminal evidence discovered during an inventory.
4. If there is reasonable cause to believe that contraband or criminal evidence is in the vehicle in areas not covered by the inventory, place a "**HOLD**" on the vehicle so a search warrant can be obtained.
5. Inventory the contents of closed containers (boxes, bags, and unlocked suitcases) prior to locking them in the trunk. Do not open locked containers but list them on the vehicle inventory. Any container taken to the Property Room must be opened and inventoried for safety purposes.
6. Valuable items and money must be inventoried in the presence of a supervisor (See General Order 1.06-1, Property Room, Evidence, and Impounded Property).

C. Inventory of a Towed Vehicle -- Parking Violation

1. When a vehicle is impounded due to a parking violation, follow the same procedure as above. However, if the car is locked, note the visible property on the Tow Screen as "visible in car..."

D. Inventory of a Towed Vehicle -- Non-Arrest Situation (i.e., Accidents, Car Trouble)

1. The owner, if able, may remove personal property from the vehicle prior to towing. Property left in the vehicle is inventoried and secured the same as in the parking violation tow section above.

V. **STOLEN VEHICLE TOW-IN**

A. Recovered Stolen Vehicles

When possible, a FST (Forensic Services Technician) will process a recovered vehicle at the point of recovery. When the FST cannot process the vehicle at the scene, it will be towed to the appropriate tow yard. Once the FST has processed the vehicle, the FST will notify the RIO that the processing has been completed. The RIO will then log that information on the Tow Screen and the FST fingerprint log.

B. Releasing a Vehicle Where Recovered

Vehicles recovered and processed for physical evidence where recovered, are not towed to storage until every possible effort has been made to release the vehicle to its owner at the scene, within the guidelines of RCGO §76.13 (Owner must have the title, registration and a valid driver's license)

1. The officer recovering the vehicle will request that the RIO notify the owner of the vehicle location.
 - a. Telephone – The RIO will call the owner by phone (if local), regardless of the hour, tell the owner where the vehicle is, the condition of the vehicle, and ask if they can respond within 30 minutes. If the owner cannot respond within 30 minutes then the vehicle will be towed.
 - b. Police Crew, NAO (Neighborhood Assistance Officer), PEA (Parking Enforcement Aide) – If the owner has no phone, but lives in the City limits, the officer will request the RDC (Regional Dispatch Center) send an officer or NAO to the owner's home. If the owner has no transportation to the scene, the crew will transport them.
2. If the owner appears at the scene after the tow truck has arrived but before it has left, they may retrieve the vehicle if they pay the "dead run" fee.

C. Stolen Vehicles Recovered From a Foreign Jurisdiction

1. When a stolen vehicle from a local foreign jurisdiction is recovered in the City of Dayton, the RIO will notify



- the police agency charged with the investigation of the recovery and advise them that they have 30 minutes to respond before we will have the vehicle towed.
2. The originating agency will process the vehicle for evidence. If the other department is unable to process the vehicle, the recovering officer will decide whether to have this Department's FST process the vehicle prior to being towed to storage.
 3. The originating agency may request our FST process the vehicle if it was involved in a serious crime. In that case, the recovering officer will have the vehicle processed prior to being towed.
- F. If the originating agency contacts the owner, the same 30-minute limit applies.
- G. If the officer tows the vehicle at the request of the originating agency, officers will list DIBRS number, and the originating agency in the narrative section of the Tow Screen.

VI. TOWING ABANDONED VEHICLES (ABV)

- A. The Abandoned Vehicle Unit, Crew 426, is responsible for towing all abandoned vehicles.
- B. Applicable RCGO §76.01 Definitions
1. An **"Abandoned Motor Vehicle"** is a motor vehicle left on private property more than 72 hours without permission of the property owner, or on public property for 48 hours or longer without permission of the Chief of Police of the City of Dayton.
 2. A **"Junk Motor Vehicle"** is any motor vehicle, three years old or older, and extensively damaged or inoperative due to missing parts.
 3. **RCGO §76.02 - Leaving Junk or Abandoned Motor Vehicles on Public or Private Property** states "no person shall...."
 - (1) Leave an abandoned motor vehicle or junked motor vehicle on private property; or
 - (2) Leave an abandoned motor vehicle or junked motor vehicle on public property.
- C. Determining the Status of Abandoned Vehicles:
1. The Abandoned Vehicle Unit can determine the status of an ABV complaint.
 2. Police Officers - PEAs - NAOs

If an abandoned vehicle is found during routine patrol, the police officer, PEA, or NAO will first determine whether the vehicle is **abandoned** or a parking violation. If the vehicle is abandoned by RCGO definition, obtain the vehicle identification number and the license number and attempt to establish ownership through the RIO or MDC.

- a. If the owner is contacted, advise them of the violation and issue a Warning. Record this tactic on the Vehicle Card, F-633, for Abandoned Vehicles, giving the date and time notification was issued. Forward the card to the ABV Unit, who will use the time noted as the beginning of the required **48-hour** waiting period. (If the owner cannot be contacted, submit a Warning and Vehicle Card to the ABV Unit regardless.)
- b. If the vehicle is blocking a street, determine whether the vehicle can be safely moved in order to commence the 48-hour waiting period. Otherwise, tow the vehicle immediately. However, if the vehicle is towed immediately, it cannot be classified as abandoned. The Tow-In / Liability Waiver Card (F-472) and a Tow Screen should indicate the violation for which the vehicle was towed.
- c. When locating a potential abandoned vehicle, remember:
 - (1) **Private Property** – Housing Inspectors are notified of abandoned vehicles on Private Property.



The housing Inspectors will notify the vehicle owner via certified mail of the nature of the violation and the law pertaining to abandoned motor vehicles. They will give the owner of the vehicle ten (10) days to repair or remove the vehicle. If the owner fails to comply with the order, the ABV Unit will be given a tow order to have that vehicle removed.

- (2) **Public Property** - If the vehicle is in the same condition as when originally marked, it should be towed. The vehicle **may not** be towed to private property, as this is also a violation.

- d. Property inside a vehicle to be towed

A vehicle owner may remove any property that has no evidentiary value from inside the vehicle prior to being towed. The owner may not remove anything that is attached to the interior of the vehicle (i.e. stereo, speakers, etc.), from the exterior of the vehicle or under the hood.

- e. The City's contract with the towing company does not provide for a "dead run" charge on inoperable abandoned vehicles. The abandoned vehicle will be towed, unless it has been repaired and can be driven to storage.

VII. AUTO RECOVERY UNIT – VEHICLE RELEASES

Vehicles towed by the City of Dayton Police Department will not be released until the requirements of ORC (Ohio Revised Code) §4513.61C2 are satisfied. This is done to remove liability exposure to the City of Dayton. The Auto Recovery Unit will document the release of motor vehicles.

- A. In releasing a motor vehicle in which the City is responsible for the tow charges, either a Courtesy Release or a Paid Vehicle Release, authorization must be obtained from the Chief of Police or their designee. Courtesy Release is a free-to-the-owner tow intended to be used by true victims of crimes or those citizens of Dayton which having to pay for a tow would be an extreme financial hardship. Paid Vehicle Release, (Moral Obligation) is provided when a vehicle is towed on accident, wrong car, or the reason for tow was outside this established policy.

The Motor Vehicle Release form will be completed digitally from the Police Resource Center and must be completed by the initiating officer. This form must be signed by the following:

- Initiating officer,
- The supervisor of the initiating officer,
- The Division Commander of the initiating officer,
- The Chief of Police, or their designee.

Once the authorization form has been signed by the Chief of Police or their designee, it will be returned to the Auto Recovery Unit. The Auto Recovery unit will contact the titled owner to get the car from the tow company. After the car has been released, the tow company must fax or mail the invoice requesting payment. The packet is then sent to the Tow Administrator with an attached letter for approval of payment by the Business Office.

- B. The Auto Recovery Unit will obtain "innocent owner" affidavits from owners of vehicles that were seized for forfeiture but subsequently released because of an "innocent owner" defense.
- C. Personnel assigned to the Auto Recovery Unit are the **only** personnel authorized to contact the towing company for the purpose of releasing a vehicle or discussing payment or other arrangements.
- D. Citizens will be advised that they will have to comply with ORC §4513.61C2 before their vehicles are released.

4513.61 Storing vehicles in possession of law enforcement officers or left on public property
(Effective March 23, 2022)

(C)(2) *The owner or lienholder of the motor vehicle may reclaim the motor vehicle upon payment of any*



expenses or charges incurred in its removal and storage, and presentation of proof of ownership, which may be evidenced by a certificate of title or memorandum certificate of title to the motor vehicle, a certificate of registration for the motor vehicle, or a lease agreement. Upon presentation of proof of ownership evidenced as provided above, the owner of the motor vehicle also may retrieve any personal items from the vehicle without retrieving the vehicle and without paying any fee. However, a towing service or storage facility may charge an after-hours retrieval fee established by the public utilities commission in rules adopted under section 4921.25 of the Revised Code if the owner retrieves the personal items after hours, unless the towing service or storage facility fails to provide the notice required under division (B)(3) of section 4513.69 of the Revised Code, if applicable. However, the owner shall not do either of the following:

- (a) Retrieve any personal item that has been determined by the sheriff, chief of police, or a state highway patrol trooper, as applicable, to be necessary to a criminal investigation;
- (b) Retrieve any personal item from a vehicle if it would endanger the safety of the owner, unless the owner agrees to sign a waiver of liability.

For purposes of division (C)(2) of this section, "personal items" do not include any items that are attached to the vehicle.

- 1. For a party having a secured interest in the impounded vehicle:
 - a. Proof of secured interest in the vehicle, such as a title with the interest noted thereon.
 - b. A signed release on a City of Dayton Law Department Secured Creditor Hold Harmless form holding the City of Dayton, etc. free from liability.
 - 2. If the person driving the vehicle from the tow company cannot satisfy all applicable federal, state and local laws for operating the vehicle, it must be removed from impound by an insured towing service.
 - 4. Auto Recovery will retain copies of all the above mentioned documents.
- E. Personnel assigned to the Auto Recovery Unit are the **only** personnel authorized to contact the towing company for the purpose of releasing a vehicle or discussing payment or other arrangements.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

