


Department of Public Safety
Police Division
Policies and Procedures

<u>Title</u> Motor Vehicle Impoundment and Towing	<u>SOP Number</u> 10.3.500
Approval Signature 	
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Motor Vehicle Impoundment and Towing

- I. **Purpose:** It is the purpose of this policy to provide guidelines for towing, impounding, and disposition of motor vehicles and for determining when and how a motor vehicle inventory should be conducted.
- II. **Policy:** Officers are routinely faced with the question of whether to tow or impound motor vehicles for purposes of safekeeping property, securing evidence, protecting the public, or complying with statutes, among other reasons. This policy provides guidelines that officers should use to make decisions related to the propriety of and procedures for towing and impounding motor vehicles.

A motor vehicle inventory is an administrative measure designed to protect motor vehicles and their contents when vehicles are towed or impounded by police; to protect the agency against claims of lost, stolen or damaged property; and to protect departmental personnel and the public against injury or damaged property due to hazardous materials or substances that may be in the vehicle. It is the policy of the University of Cincinnati Police Division (UCPD) to safeguard the above property and interests by conducting motor vehicle inventories in accordance with applicable law and the procedures below.

III. Definitions:

Impoundment: The seizing and temporary custody of a motor vehicle for a legitimate police purpose, such as for evidentiary purposes or when immobilization is required by law.

Safekeeping: For purposes of this policy, towing of disabled and other motor vehicles for public assistance or for purposes of public safety. While such situations may involve a legitimate police purpose, they normally do not involve custody of the vehicle by the police agency or authorization of the police for its release.

IV. Procedure:

A. General

1. Only commercial towing services shall be used for towing and impoundment.
2. The UCPD Communications Center will maintain a list of authorized towing services.
3. Motor vehicles shall not be towed or impounded for purposes other than those defined by statute or policy (e.g. not as a form of punishment, or as a means of conducting vehicle searches when probable cause does not exist or consent to search cannot be obtained).
4. Unless otherwise specified, no fees will be charged by UCPD for towing or impoundment, however the towing service may charge their customary towing and storage fees to the vehicle owner or operator.
5. When UCPD tows or impounds a motor vehicle,
 - a. Officers shall complete a Vehicle Towing and Inventory Record (UCPD Form 31) and provide copies of the front of the form to the tow truck operator and,

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when on scene, the vehicle owner or operator. The original shall be submitted to Records.

- b. Officers shall enter a records management system (RMS) report for the incident. The vehicle should be added to the RMS report as a Vehicle record, and a Tow Report should be added to the Vehicle record.
 - c. Items of value or personal need (e.g. cash, jewelry, phone, prescriptions) that are not considered evidence or contraband may be released to the owner or operator prior to removal of the vehicle. The nature of any property released shall be noted on the Vehicle Towing and Inventory Record.
 - d. Officers shall take reasonable measures to coordinate transportation to keep the operator and passengers from being stranded.
 - e. When possible, officers shall tell the owner or operator how to retrieve the vehicle and whether they will be responsible for any tow service fees.
6. Unless otherwise specified, when UCPD impounds a vehicle, officers shall inventory the vehicle in accordance with the "Motor Vehicle Inventories" section of this policy.
 7. Vehicles towed for safekeeping will generally be towed to a tow service lot. Release of vehicles towed to a tow service lot will be handled by the tow service.

B. Impoundment for Evidence

1. A motor vehicle may be impounded if one of the following circumstances exists:
 - a. The vehicle was used as a major instrument in a crime.
 - b. The vehicle contains evidence of a crime that cannot be processed at the scene and must be secured to ensure its evidentiary integrity.
2. Officers shall not unnecessarily impound motor vehicles for purposes of gathering evidence when such processing can be reasonably, effectively, and safely conducted at or near the scene.
3. UCPD may hold any motor vehicle impounded for evidence for such period of time necessary to complete evidence collection.
4. In cases where a motor vehicle must be impounded for evidence,
 - a. The on-duty UCPD supervisor will contact the Investigations Unit supervisor to determine where and how to secure the vehicle.
 - b. If performing a full inventory of the vehicle would compromise the evidence to be collected, officers may perform a limited inventory which would not compromise the evidence. In such cases, the reason for performing a limited inventory shall be noted in the RMS report.
 - c. To maintain proper chain of custody, an officer shall stay with the vehicle, following the tow truck, until the vehicle is properly secured.
 - d. The impounding officer shall indicate in the RMS Tow Report for the vehicle that the vehicle is being held for evidence.
 - e. Investigating officers shall complete their investigation of the vehicle in a timely manner so that it can be released to the owner.
 - e. Once the vehicle has been processed and all evidence has been collected, the assigned investigator shall notify the owner and Property and Evidence Specialist that the vehicle can be released and of any requirements for

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release (e.g. driver with a valid license, valid registration, proof of ownership, etc.). The investigating officer shall document the notification of the owner and the fact that the vehicle is authorized to be released in the RMS Tow Report for the vehicle.

- f. Keys to vehicles impounded for evidence processing shall be submitted to the property room for secure storage.
- g. Release of vehicles impounded for evidence will be managed by the Property and Evidence Specialist.
 - 1) If the vehicle owner does not pick up their vehicle within seven (7) days of being notified it has been released, the Evidence and Property Specialist will have it towed to a tow service lot.
 - 2) The owner shall be updated on the location of their vehicle by the Evidence and Property Specialist.
 - 3) When a vehicle is picked up within seven (7) days of notification that the vehicle has been released, any towing fees should be referred to the Department of Public Safety for payment. Any fees for moving and storing the vehicle after seven (7) days have passed since notification of release will be the responsibility of the vehicle owner.

C. Stolen Vehicles

1. Vehicles Stolen from UCPD Jurisdiction

- a. When a vehicle stolen from UCPD jurisdiction is recovered, the on-duty supervisor shall contact the Investigations Unit supervisor to determine:
 - 1) Whether UCPD will respond to the recovery location. UCPD will generally respond if the recovered vehicle is in Hamilton County or an adjacent county.
 - 2) Whether the vehicle needs to be impounded for evidence. If so, follow the procedures in the "Impoundment for Evidence" section above.
- b. Officers will make every effort to release stolen vehicles that do not need to be impounded for evidence to the owner.
 - 1) Officers shall run the vehicle in RCIC to confirm current ownership information and that the vehicle is no longer entered as stolen before releasing the vehicle.
- c. A recovered stolen or suspected stolen vehicle, which does not need to be held for evidence, may be towed for safekeeping if
 - 1) The owner cannot be contacted, or
 - 2) The owner is contacted and cannot or will not respond in a reasonable amount of time, or
 - 3) The vehicle is inoperable, and the owner is unable to make arrangements for the removal of the vehicle, or
 - 4) Immediate removal is necessary for safety reasons or purposes of safekeeping.
- d. Officers shall document their efforts to contact and return the vehicle to the owner. If the vehicle is towed or impounded, officers shall attempt to notify the owner of the vehicle's status and document this notification.

2. Vehicles Stolen from Outside UCPD Jurisdiction

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- a. If UCPD recovers a vehicle stolen from another jurisdiction, contact the agency with jurisdiction so that the agency can respond to recover the vehicle.
- b. If the agency with jurisdiction is unable to respond to recover the vehicle, UCPD, at the request of the agency with jurisdiction, may release the vehicle to the owner.
 - 1) Officers shall run the vehicle in RCIC to confirm current ownership information and that the vehicle is no longer entered as stolen before releasing the vehicle.
- c. If neither the agency with jurisdiction nor the owner can respond in a reasonable amount of time, the vehicle may be towed for safekeeping. The agency with jurisdiction shall be notified of the vehicle location.

D. Arrest of Operator

1. When officers physically arrest the operator of a vehicle and the vehicle will not be impounded, officers should attempt to do one of the following:
 - a. If the operator is not the owner of the vehicle, release the vehicle to the owner, or
 - b. If the owner or operator allows it, release the vehicle to a properly licensed friend or family member, or
 - c. If possible and the owner or operator allows it, park the vehicle legally and safely and secure it.
2. If a vehicle in possession of a physically arrested person cannot be released in a reasonable amount of time or legally and safely parked, the vehicle should be towed for safekeeping.
 - a. Officers shall inventory the vehicle in accordance with the "Motor Vehicle Inventories" section of this policy.

E. Impoundment for Forfeiture

1. With approval of the Patrol Bureau Commander or their designee, officers may impound a motor vehicle with the intent of initiating forfeiture proceedings when the vehicle is used in the commission of a crime as specified by state law.
2. The on-duty UCPD supervisor shall contact the Investigations Unit supervisor to determine where to secure the impounded vehicle.
3. The Property and Evidence Specialist will coordinate the vehicle forfeiture process in accordance with current state law.
4. The long-term storage of the vehicle during the forfeiture process will be determined by the Evidence and Property Specialist through his or her Chain of Command.
5. Keys to vehicles impounded with the intent of initiating forfeiture proceedings shall be submitted to the property room for secure storage.
6. The decision to seek vehicle forfeiture based on racial or ethnic characteristics, national origin, gender, sexual orientation, socio-economic status, religion, immigration status and/or age is prohibited.

F. Improperly Parked Vehicles

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1. If there is a pressing need to remove an improperly parked vehicle on University property, officers should attempt to contact the owner or operator to have the vehicle moved.
2. If the owner or operator cannot be contacted or is unable or unwilling to move the vehicle in a reasonable amount of time, officers should summon University of Cincinnati Parking Services to address the improperly parked vehicle. Examples of issues Parking Services may be able to address include:
 - a. A vehicle blocking a fire lane, fire hydrant, roadway, drive, loading dock, dumpster, or other vehicle
 - b. A vehicle creating a real or potential safety hazard
 - c. A vehicle parked in violation of posted signs or barricades
3. If Parking Services is unable to address the improperly parked vehicle in a reasonable amount of time and the Ohio Revised Code or Ohio Administrative Code permits towing, officers may cite the vehicle and have it towed for safekeeping.

G. Relocation of Vehicles

1. In extraordinary, unforeseen situations, a vehicle that is parked on University property may need to be moved to another location on University property. Such situations include, but are not limited to:
 - a. Vehicles creating a hazard to life or property
 - b. Vehicles blocking a pathway needed to facilitate University operations (e.g., emergency maintenance, emergency response, etc.)
2. In such situations, when practical, officers shall attempt to contact the vehicle owner or operator to have the vehicle moved.
3. If the owner or operator cannot be contacted or is unable or unwilling to move the vehicle in an acceptable amount of time, officers should summon University of Cincinnati Parking Services to handle the relocation.
4. If Parking Services cannot handle the relocation in an acceptable amount of time, UCPD may relocate the vehicle. Whenever UCPD relocates a vehicle,
 - a. The towing officer shall obtain supervisor level approval to relocate the vehicle.
 - b. The vehicle shall be towed to the nearest practicable on-campus parking space. The officer shall accompany the tow truck driver during the tow and confirm that the vehicle is locked where it is relocated.
 - c. UC Parking Services should be notified of the relocation so that the vehicle is not ticketed or towed at the new location.
 - d. The towing officer shall attempt to notify the owner of the location to which the vehicle was relocated.
 - e. When completing the RMS report for the incident, the officer shall include the reason for the relocation and a detailed description of where the vehicle was towed from and to.
 - f. If the vehicle was legally parked at the time of relocation, UCPD will generally pay the towing fees. The towing fee/bill should be referred to the Department of Public Safety for payment.

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H. Motor Vehicle Crashes

1. Vehicles may be impounded after a motor vehicle crash only if the vehicle is needed for purposes of investigating the motor vehicle crash. In such cases, follow the procedures in the "Impoundment for Evidence" section above.
2. If a vehicle is inoperable as the result of a motor vehicle crash on University property, the operator or owner should arrange to have the vehicle towed.
 - a. Officers may aid motorists by requesting a response by a tow service on their behalf. In such cases, the motorist will be responsible for coordinating the tow and any payment with the tow service when they arrive.
 - b. If the operator or owner is unable or unwilling to take charge of the vehicle, and the vehicle cannot be legally parked and sufficiently secured (e.g. the vehicle can be locked and no valuables are in plain sight) at the scene, the vehicle may be towed for safekeeping. The towing officer shall attempt to notify the owner or operator of the location of the vehicle. The owner or operator is responsible for any towing and storage fees.
3. Tows for vehicles that are inoperable as a result of a crash outside of UCPD jurisdiction should generally be referred to the jurisdiction where the crash occurred.

I. Aid to Motorists

1. Motorists are responsible for securing tows for disabled vehicles on University property.
2. Officers may aid motorists by requesting a response by a tow service on their behalf. In such cases, the motorist will be responsible for coordinating the tow and any payment with the tow service when they arrive.
3. Tows for disabled vehicles that are not on University property should generally be referred to the jurisdiction where the vehicle is located.

J. Other Bases for Towing and Impoundment

1. Officers shall impound a motor vehicle any time the impoundment is required by law. In such cases, the on-duty UCPD supervisor shall contact the Investigations Unit supervisor to determine where to secure the impounded vehicle.
2. With approval of a supervisor, officers may tow a vehicle for safekeeping in other cases permitted by law.

K. Motor Vehicle Inventories

1. Authority to Inventory
 - a. An authorized member of UCPD may inventory the contents of a motor vehicle without a warrant or probable cause when the vehicle is lawfully towed and/or impounded by UCPD and the inventory is conducted as an administrative procedure required by this policy.
 - b. Examination of the contents of a motor vehicle pursuant to a criminal investigation or with the intent of discovering evidence of a crime is a search, not an administrative inventory.

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2. An inventory should be conducted at the location from which the vehicle will be removed unless limited by reasons of safety or practicality. If so, it shall be inventoried as soon after its removal as is safely and practically possible.
3. Officers may elect not to complete an inventory required by this policy if the condition or the contents of the vehicle would make performing the inventory unsafe for officers. In such cases, officers shall ensure that hazards are properly addressed before the vehicle is towed or impounded.
4. Scope of Inventory
 - a. A motor vehicle inventory shall extend to all areas of the vehicle in which personal property or hazardous materials may reasonably be found, including, but not limited to, the passenger compartment, center console, glove compartment, and trunk.
 - b. All closed containers found within the vehicle shall be opened for purposes of the inventory. Locked containers shall not be forced open but shall be logged on the Vehicle Towing and Inventory Record as such. If a key or lock combination is available, locked containers shall be opened and inventoried.
 - c. If the vehicle is locked, the vehicle shall be unlocked to perform the inventory.
5. Property Control
 - a. All property of value discovered during the inventory shall be listed on the Vehicle Towing and Inventory Record.
 - b. Items valued over \$500, cash, firearms, and prescription medications not able to be removed by the owner shall be removed from the vehicle and submitted to the property room for safekeeping.
 - 1) Items considered to be part of the vehicle (radio, spare tire, jack, etc.) will be left in the vehicle.
 - 2) Valuable items which would normally be stored in the vehicle, would be difficult to secure in the property room, and can be sufficiently secured in a trunk or other securable compartment may be secured in the vehicle.
 - c. Contraband and evidence discovered during a motor vehicle inventory shall be noted in the associated RMS report and submitted to the property room in accordance with Policy 15.1.100, Property and Evidence and Control.

References

[Ohio Administrative Code Rule 3361:70-5-08 | Parking: towing and impounding of vehicles](#)

[Ohio Revised Code Section 4513.61 | Storing vehicles in possession of law enforcement officers or left on public property](#)

[Ohio Revised Code Section 4513.64 | Willfully leaving abandoned junk motor vehicle](#)

UCPD Policy 15.1.100 Property Evidence and Control