


**Department of Public Safety  
Police Division  
Policies and Procedures**

<b><u>Title</u></b>  <b>Motor Vehicle Impoundment and Towing</b>	<b><u>SOP Number</u></b>  <b>10.3.500</b>
<b>Approval Signature</b> 	
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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.
- II. **Policy:** Officers are routinely faced with the question of whether to impound or tow motor vehicles for purposes of safekeeping property, securing evidence, protecting the public, or securing property under asset forfeiture statutes, among other reasons. This policy provides guidelines that officers should use to make decisions related to the propriety of and procedures for impounding motor vehicles.

### **III. Definitions:**

**Impoundment:** For purposes of this policy, the seizing and temporary custody of a motor vehicle for a legitimate police purpose, such as for evidentiary purposes.

**Public Assistance Towing:** Impoundment should be contrasted with towing of disabled and other motor vehicles for public assistance or for purposes of public safety. While these 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. Impoundment of motor vehicles shall use commercial towing services, towing vehicles, and impoundment lots as authorized by the University of Cincinnati Police Division (UCPD).
- 2. The UCPD Communications Center will maintain a list of authorized towing services.
- 3. Vehicles impounded by or otherwise taken into the custody of UCPD shall be inventoried.
  - a. Inventories should be performed at the scene or at a safe place nearby whenever this can be done safely and effectively.
  - b. Officers shall complete the [Records Management System \(RMS\) "Tow File"](#) whenever a vehicle is towed for impoundment as evidence or for other purposes.
- 4. Motor vehicles shall not be impounded for purposes other than those defined by statute or ordinance, (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).
- 5. Generally, vehicles will not be impounded for registration, VIN or title violations, however citations may be issued when appropriate.
- 6. When impoundments are ordered, the operator and any passengers should not be stranded. Officers shall take those measures necessary to ensure that the operator and any passengers of the vehicle are provided reasonable transportation.

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7. Vehicle operators may be permitted to remove unsecured valuables of a non-evidentiary nature from the vehicle prior to its removal for impoundment. The nature of these valuables shall be noted in RMS "Tow File".
  8. In addition, each towing service may have a form with basic information for the officer to complete (date, time, location, owner information, etc.).
  9. Impounded vehicles shall be released to owners with proof of ownership and personal identification.
  10. Generally, no fees will be charged by UCPD for Impoundment or Public Assistance Towing, however the towing service may charge their customary towing and storage fees.
- B. Impoundment for Evidence
1. When a vehicle is impounded by UCPD and secured in the Parking Services secured cage, the impounding officer will notify Parking Services by email at parking@uc.edu. The goal will be to have the vehicle returned to owner or moved to an appropriate towing service lot within seven (7) days of impoundment.
  2. A vehicle shall be towed if a subject is arrested for purposes of incarceration and 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.
  3. Officers should 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.
  4. A "hold" may be placed on any vehicle impounded for evidence for such period of time necessary to complete evidence collection.
    - a. Holds on vehicles must be approved by a UCPD supervisor.
    - b. Vehicles impounded for processing will be secured in the Parking Services secured cage.
    - c. The "hold" will be documented in the RMS "Tow File".
    - d. Investigating officers shall complete their investigation of the vehicle in a timely manner so that it can be released to the owner.
  - e. Recovered Stolen Vehicles
    - 1) Impoundment of stolen vehicle or suspected stolen vehicles is only appropriate when there is a need for further evidential processing of the vehicle.
  - e. Once the vehicle has been processed and all evidence has been collected, it is the responsibility of the assigned investigator to notify the owner that their vehicle can be picked up. In addition the investigating officer will document the notification of the owner and the fact that the vehicle is authorized to be released in the RMS "Tow File".
  - f. Keys to impounded vehicles will be secured in property.
  - g. Release of impounded vehicles will be managed by the Property and Evidence Specialist.

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- h. The towing fee/bill for impoundments should be referred to the Public Safety Director of Business Affairs for payment.
- i. 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 picked up by the original towing service to be taken to their lot.
- j. The owner will be updated on the location of their vehicle by the Evidence and Property Specialist.

### **C. Motor Vehicle Crashes**

- 1. Vehicles may be impounded only if the vehicle is needed for purposes of the investigation following a vehicle crash. Such cases may, but do not necessarily involve custody of the operator.
- 3. Officers shall complete the RMS "Tow File".
- 4. The "hold" will be documented in the RMS "Tow File".
- 5. Once the vehicle has been processed and all evidence has been collected, it is the responsibility of the assigned investigator to notify the owner that their vehicle can be picked up. In addition the investigating officer will document the notification of the owner and the fact that the vehicle is authorized to be released in the RMS "Tow File".
- 6. Keys to impounded vehicles will be secured in property.
- 7. Release of impounded vehicles will be managed by the Property and Evidence Specialist.
- 8. The towing fee/bill for impoundments should be referred to the Public Safety Director of Business Affairs for payment.
- 9. 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 picked up by the original towing service to be taken to their lot.
- 10. The owner will be updated on the location of their vehicle by the Evidence and Property Specialist.

### **D. Impoundment for Forfeiture**

- 1. 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. Officers should contact a supervisor before initiating forfeiture proceedings and shall follow forfeiture procedures as provided by UCPD in accordance with state law.
- 3. Officers shall complete the RMS "Tow File".
- 4. The Evidence and Property Specialist will coordinate the vehicle forfeiture process in accordance with current state law.
- 5. 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.
- 6. Keys to impounded vehicles will be secured in property.

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7. 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.
8. Any vehicle that is deemed abandoned or unclaimed may be disposed of in accordance with state law.

### **E. Public Assistance Towing**

1. Public assistance towing of motor vehicles should be distinguished from impoundment as it does not typically involve police custody of the motor vehicle. Officers may order that vehicles be towed under the following types of circumstances:
  - a. Motor Vehicle Crashes
    - 1) Following motor vehicle crashes, an officer may request towing when the operator is unwilling or unable to take charge of the vehicle, and
      - a) The vehicle cannot be legally parked and sufficiently secured at the scene, or
      - b) There is property in or attached to the vehicle that cannot be sufficiently secured at the scene or placed in the custody of a responsible third party.
2. Danger to the Public

Vehicles that present a danger to the public may be towed. Typically these involve the following circumstances:

  - a. Abandoned or inoperable vehicles that have been left on or that cannot otherwise be moved from the roadway and that are in a position where they may impede traffic or create a hazard;
  - b. Vehicles parked illegally
3. Recovered stolen or suspected stolen vehicles will be towed if,
  - a. The owner cannot be contacted, or
  - b. The owner is contacted and cannot or will not respond in a reasonable amount of time, or
  - c. Immediate removal is necessary for safety reasons or purposes of safekeeping.
  - d. Officers should document reasonable efforts to contact owner with means readily available.
4. Aid to Motorists

Officers may request towing services for motorists:

  - a. following vehicle crashes or in other instances where involved vehicles are not operable; or
  - b. when the operator/owner is transported and the vehicle cannot be legally parked, or
  - c. when, following arrest of the owner/operator or for other reasons, the vehicle cannot be legally parked, secured, or released to a family or friend with permission of the owner.
5. In all public assistance towing situations, the officer will complete a Record Management System (RMS) "Tow File".

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- a. On the form, the officer will note the condition of vehicle (damage, scratches, etc.) and at minimum a visual inventory of the vehicle contents.
  - b. When the owner is not on scene during a public assistance towing, the towing officer will make an effort to notify the owner of the location of their vehicle. Attempts to notify the owner will be documented in the RMS "Tow File".
6. Generally, the vehicle owner will be responsible for paying the towing company fees for any Public Assistance Towing.

### **G. Relocation of Vehicles**

1. In extraordinary situations, UCPD may have the need to relocate a vehicle that is parked on UC property to another location. Those situations include but are not limited to:
  - a. Vehicles creating a real or potential safety hazard
  - b. Vehicles blocking a pathway needed to facilitate university operations (e.g., construction, maintenance, emergency, etc.).
  - c. Vehicles parked in area reserved for event management. Signs will be posted at least 24 hours in advance.
2. In those situations the following will apply:
  - a. An attempt will be made to contact the vehicle owner when practical to have the vehicle moved, or at minimum attempt to notify the owner that the vehicle has been moved.
  - b. The towing officer will obtain Bureau Commander level approval to relocate the vehicle.
  - c. The towing officer will complete a "Tow File". On the form, the officer will note the condition of vehicle (damage, scratches, etc.) and at minimum a visual inventory of the vehicle contents.
  - d. The vehicle will be towed to the University Avenue Garage Top Deck.
  - e. Officer shall complete the RMS "Tow File".
  - f. The towing officer will include the location and the specific parking spot number where the vehicle is relocated to in the RMS "Tow File".
  - g. 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 Public Safety Director of Business Affairs for payment.

### **References**

[University of Cincinnati 3361:70-5-08 Parking: towing and impounding of vehicles](#)