



# GENERAL POLICE ORDER CLEVELAND DIVISION OF POLICE



EFFECTIVE DATE: <b>JUNE 16, 2003</b>	REVISED DATE: <b>MAY 30, 2003</b>	NO. PAGES: <b>1 of 9</b>	NUMBER: <b>8.2.01</b>
SUBJECT: <b>VEHICLE TOW OR RELEASE</b>			
ASSOCIATED MANUAL: <b>DISTRICT, CCS, IMPOUND</b>		RELATED ORDERS: <b>4.1.01</b>	
CHIEF OF POLICE: <b><i>Kevin A Kilbane, Acting Chief</i></b>			

*Revisions are in Italic.*

**PURPOSE:** To establish guidelines for towing or releasing motor vehicles.

**POLICY:** The Cleveland Division of Police shall ensure that motor vehicles are properly towed.

**PROCEDURES:**

**I. Vehicle/Tow Supplement**

- A. Use the Vehicle/Tow Supplement Form (Appendix A) to tow privately owned vehicles.
- B. *Obtain a LEADS check from the district dispatcher or Mobile Data Computer and provide the badge number of the employee performing the check to Channel Seven.*
- C. *Vehicles should not be towed without first performing a LEADS check for stolen. The only exception to this shall be for members of the Bureau of Traffic when specifically exempted by the Traffic Commissioner.*
- D. Complete the "Vehicle Damage" section for each vehicle towed. A description of vehicle damage is necessary to protect the officers involved and limit claims against the City. If there is no damage, enter the word "NONE".
- E. Property Inventory
  - 1. Complete the "Property Inventory" section for each vehicle towed. Vehicles are inventoried to protect citizens and the Division from false

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claims. Inventories shall contain a description of property. If there is no property, enter the word “NONE”.

2. In the inventory include property found in unlocked closed containers and a description of the container.
3. *When conducting inventories, officers shall not open locked containers, trunks, glove boxes or consoles unless they have a key to do so or the vehicle is equipped with an electronic device allowing access to a locked section of the vehicle.*
4. *The Vehicle/Tow Supplement shall reflect whether or not the trunk, glove box or console is locked and shall describe any locked container.*
5. *If a locked vehicle is being towed without access to a key, the vehicle shall not be inventoried unless valuables are seen in plain view or access to the passenger compartment is required to complete the tow.*
6. **If possible, prior to towing, remove from the vehicle property such as jewelry, cameras, radios, televisions, golf clubs, cellular phones, computers, radar detectors or other valuables.** Tag and enter removed property in the district or unit property book and forward the property to the Property Unit. Complete a Record Management System (RMS) report for the property. Show that a RMS report was completed in the “Property Inventory” section of the Vehicle/Tow Supplement.

F. Private Property Authorization (Vehicles **Not** “Junk”)

1. Cleveland Codified Ordinance (CCO) 405.02(b)(1) authorizes members to tow vehicles from private property when the owner, manager or lessee of the **private residential** or **private agricultural property** complains that the vehicle has been parked on the premises for a minimum of four hours.
2. The owner, manager, or lessee of the property must sign an affidavit (Appendix B) to verify that requirements in Section **I, F** have been met.

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3. CMHA Estates are public property and the authority to tow is governed by parking laws related to public property. CCO 405.02(a) and 405.02(b)(2).
4. “Private Residential Property” as defined in The Ohio Revised Code (ORC) 4513.60(A)(3) does **not** include property with more than three separate households residing in structure(s) on the property.
5. Do **not** tow vehicles from private property posted as a “private tow-away zone”. The vehicle may be ticketed. The owner or their agent may remove the vehicle.

G. Distribution

1. Original (white): VIU copy
  - a) Private Property Tows: staple the affidavit to the VIU copy.
  - b) Vehicles towed in connection with a crime: a copy of the original (white) shall be included as a page of the crime report and faxed to the report center.
2. Duplicate (canary): Tow agency copy.
3. Triplicate (pink): Owner copy. Give this copy to the tow truck driver. The tow agency forwards it to the Impound Lot officer, and it is given to the owner when the vehicle is claimed.

II. Vehicles that Require Processing

- A. Complete the Vehicle Processing Request Form. The officer recovering the vehicle makes the recovery report, unless the VIN cannot be verified.
  1. *Tow all “burnouts” with unverified VINs to Lot Six.*
  2. *“Burnouts” with verified VINs are towed to the appropriate Lot according to established Division towing procedures.*
  3. Other vehicles with unverified VINs are towed to Lot Two.

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- B. *Officers shall complete the Form-1 section of the Vehicle Processing Request Form stating details surrounding the request for processing.*
- C. If a vehicle will be processed for evidence, an officer shall follow the towed vehicle to Lot Two to maintain the chain of evidence.

**III.** Information for Communication Control Section (CCS) Channel Seven:

- A. Name, badge and car numbers of officer requesting the tow.
- B. Location of vehicle.
- C. Year, make, model, license number and Vehicle Identification Number (VIN).
- D. Owner information and condition of the vehicle for suspected stolen and stolen recoveries.
- E. Property in vehicle.
- F. Reason for the tow.
- G. *If the vehicle is being towed in connection with a Use of Deadly Force Incident, officers shall notify Channel Seven and mark "U.D.F. Incident" in the Form-1 section of the Vehicle Processing Request Form.*
- H. Whether or not the vehicle will be processed.
- I. Extra services required (dolly, flatbed, linkage disconnect, wheels, winch, etc.).
- J. Officers requesting tows shall notify Channel Seven upon the arrival of the tow truck.
- K. Officers shall notify Channel Seven when the tow truck has not arrived within 30 minutes of the request.

**IV.** Custody of Vehicles

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Officers who request a tow shall remain at the scene until the tow truck arrives, unless required to leave due to urgent police business. The tow truck driver shall sign the Vehicle/Tow Supplement **before** the vehicle is released for towing. If the officers are required to leave the scene before the tow truck arrives, they shall return to the location of the vehicle as soon as possible or another police vehicle shall be dispatched to complete the vehicle tow.

#### V. Fatal and Serious Non-Fatal Accidents

- A. The Accident Investigation Unit (AIU) shall complete the on scene investigation. If further processing of the vehicle(s) is required, the vehicle(s) shall be towed for processing.
- B. *Vehicles towed in connection with a fatal accident shall be towed to Lot 2.*

#### VI. Emergency Tows

- A. Emergency tows are requested only when a vehicle poses an immediate danger to the safety of officers and/or citizens (i.e. a vehicle blocking substantial traffic or a vehicle positioned in such a manner that it presents a clear accident risk).
- B. The officer notifies Channel Seven of the need for an emergency tow, provides the exact location, make, model and color of the vehicle, and advises whether or not the vehicle will roll.
- C. The CCS tow dispatcher shall process the emergency tow request immediately.
- D. Once the tow truck moves the vehicle to a non-hazardous location, the officer shall provide the CCS tow dispatcher with the remaining required tow information and receive a VIU number.

#### VII. Towing Vehicles for Safekeeping

- A. The vehicle must be legally parked **and in danger of damage by obstructing safety forces or public works.**
- B. *A vehicle, abandoned due to a medical emergency, may be towed for safekeeping.*

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- C. Officers shall conduct a LEADS inquiry for license plate information of the vehicle being towed.
- D. When the residence of the vehicle's owner is obtained, if owner lives in the area, officers shall make a good faith attempt to contact the owner by proceeding to the address or having CCS call the owner by telephone, so the owner may move the vehicle.
- E. If attempts to locate the owner fail, the vehicle shall be towed for safekeeping. No PINs will be issued under these tow conditions.
- F. Tows for safekeeping need the approval of a supervisor. The towing officer shall note the name of the supervisor on the Vehicle/Tow Supplement.
- G. Vehicles towed for safekeeping shall be towed to Lot Two. Safekeeping vehicles are not "held".
- H. Vehicles towed for safekeeping require a Vehicle Processing Request Form. Officers shall circle "Other", write safekeeping next to it on the Vehicle Processing Request Form, and report the details of the tow on the information Form-1 section.

**VIII.** Officers are required to release a vehicle and cancel the tow when **all** of the following conditions exist:

- A. The owner or person claiming possession of the vehicle arrives prior to the tow and produces identification to the satisfaction of the towing officer that they are entitled to possession of the vehicle.
- B. The officer feels the owner or other claiming possession is capable of safely taking such possession.
- C. The officer feels the flow of traffic will not be unreasonably impeded.
- D. The towing officer feels the health; safety or welfare of the public will not be adversely affected.
- E. The vehicle has less than four outstanding parking infractions, judgments, or citations.

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**IX.** *Assessment of “Dropped Tow” Fees.*

- A. *If the release of a vehicle (described in Section VIII) occurs after the tow truck has arrived and **activity to remove the vehicle has commenced**, officers shall:*
1. *Issue a PIN to the owner/operator under the appropriate City Ordinance that has been violated.*
  2. *Complete the Vehicle/Tow Supplement form in its entirety.*
  3. *In the top left corner of the form write “Tow cancelled in c/w 405.11”.*
  4. *If a VIU identification number has been issued, place a line through it to indicate that the tow has been cancelled.*
  5. *If the tow request was made through CCS, notify the tow dispatcher that the vehicle was released on scene and the tow has been cancelled in accord with CCO 405.11*
  6. *In the “additional description” section of the Vehicle/Tow Supplement enter the name, address, and social security number of the person to whom the vehicle is released and write “Vehicle released to” and obtain a signature.*
  7. *Advise the person that payment of the “dropped tow” fee may be made in person at the Municipal Clerk of Courts office.*
  8. *Officers shall distribute:*
    - a) *The original (white) to their Officer-in-Charge (OIC) for review and forwarding to the Impound Unit.*
    - b) *The duplicate (Canary) to the tow truck operator.*
    - c) *The triplicate (pink) to the owner or person taking possession of the vehicle as a record of the incident.*
- B. *The OIC of the Impound Unit Shall:*

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1. *Maintain a file of all Vehicle/Tow Supplement forms and Vehicle Impound Unit Tow Record forms received in connection with incomplete tows.*
2. *Cause a copy of each Vehicle/Tow Supplement to be delivered daily to the Municipal Clerk of Courts office.*

**X. Abandoned Motor Vehicles**

- A. Tow abandoned motor vehicles on city streets to city contracted impound lots using city contracted tow companies.
- B. Use the half-page, neon-orange, Abandoned Vehicle Warning Form to mark a vehicle when determining its status as abandoned for 72 hours. Record the date, time, location, and vehicle license number on the warning form. Use the space in the lower right corner of the form to give the vehicle owner the officer's name, badge, assignment, and telephone number. The forms are available through the Supply Unit.
- C. Use a grease pencil to mark the date and time on the vehicle tires.
- D. If the vehicle has not been removed after 72 hours, the officer may tow the vehicle for violation of CCO 451.25.

**XI. Junk Motor Vehicles**

- A. A junk motor vehicle is a motor vehicle that meets **all** of the following requirements:
  1. Left on private property for more than 72 hours without permission of the property owner, on a public street or other property open to the public for purposes of vehicular travel or parking, or upon or within the right-of-way of any road or highway, for 48 hours or longer;
  2. Three years old or older;
  3. Extensively damaged, including, but not limited to any of the following: missing wheels, tires, motor or transmission;



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4. Apparently inoperable;
  5. Has a fair market value of \$1,500 or less.
- B. CCO 451.27, Notice to Cover or Remove Junk Motor Vehicles, requires that junk motor vehicles (as defined by Section XI) left on private property for more than 72 hours with the permission of the person who has possession of such property must be covered in a garage or other suitable structure. The first offense is a Minor Misdemeanor. Enforcement of this ordinance requires owner notification.
- C. Officers who have knowledge of a suspected junk motor vehicle left uncovered, in the open, on private property shall utilize the Housing Code Violation Warning Form and follow established Division procedures.
- D. Junk Motor Vehicles on City Streets
1. Officers shall tow junk motor vehicles on city streets to city contracted impound lots using city contracted tow companies.
  2. Basic patrol personnel shall notify the District Junker Detail (DJD) personnel of the location make, model, license plate number and location of abandoned or junk motor vehicles on city streets. If the DJD is unavailable, officers may forward the information to the District administrative officer who shall ensure that the DJD receives the information.