



CLEVELAND DIVISION OF POLICE

GENERAL POLICE ORDER



EFFECTIVE DATE: MARCH 28, 2022	CHAPTER: 6 - Property	PAGE: 1 of 10	NUMBER: 6.03.01
SUBJECT: VEHICLE TOW OR RELEASE			
CHIEF: <i>Dornat A. Drummond, Chief</i> <i>Substantive changes are italicized</i>			

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

POLICY: **It is the policy of the Cleveland Division of Police** to ensure motor vehicles are properly towed.

PROCEDURES:

I. General Guidelines for All Tows

- A. *Police officers are authorized to provide for the removal of a vehicle under Cleveland Codified Ordinance (CCO) [§ 405.02 Impounding of Vehicles](#).*
- B. Members shall obtain a LEADS check from a dispatcher or a Mobile Data Computer (MDC).
 - 1. Vehicles should not be towed without a LEADS check for stolen.
 - 2. The badge number of the member performing the LEADS check shall be given to the Tow Channel.
- C. Members shall physically view and verify the Vehicle Identification Number (VIN) from the vehicle located on the dashboard near the windshield.
 - 1. Members shall not use VIN information from the MDC or the Communications Control Section (CCS).
 - 2. If the VIN is obstructed and the vehicle is locked, the member shall have the tow truck driver unlock the vehicle so the obstruction may be moved and the VIN viewed, *unless unlocking would contaminate anything of evidentiary value contained in the vehicle.*
 - 3. If the vehicle cannot be unlocked, members shall have the vehicle towed for processing for VIN verification (*Refer to General Police Order 6.03.02 Vehicle Processing*).
- D. Members shall fill out the Vehicle/Tow Supplement form (Attachment) as completely as possible.
 - 1. Vehicle damage sections.

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- a. A description of vehicle damage is necessary to protect the officers involved and limit claims against the City.
 - b. *Members shall use the Wearable Camera System (WCS) to walk around the vehicle to record any damage.*
 - c. If there is no damage, write “none” on the Vehicle/Tow Supplement.
2. Property inventory sections.
- a. Vehicles are inventoried to protect citizens and the Division from false claims and shall contain a description of property.
 - b. *Members shall record the property inventory using the WCS.*
 - c. The inventory shall include property found in unlocked closed containers and a description of the container.
 - d. 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.
 - e. Officers shall note on the Vehicle/Tow Supplement whether the trunk, glove box, or console is locked.
 - f. 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.
 - g. When possible, prior to towing, remove from the vehicle property such as jewelry, cameras, radios, televisions, golf clubs, cellular phones, computers, or other valuables.
 - i. Officers shall indicate on the Vehicle/Tow Supplement that property was removed.
 - ii. The property shall be tagged and entered in the district/unit property book, and an incident report shall be completed.
 - h. If there is no property, write “none” on the Vehicle/Tow Supplement.
 - i. Members shall allow vehicle owners to retrieve personal items from the vehicle with proof of ownership unless the vehicle is being towed for processing in connection with a criminal investigation.
- E. Information for the CCS Tow Channel.
- 1. Computer Aided Dispatch (CAD) number.

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2. Name, badge number, and unit number of the member requesting the tow.
 3. Location of the vehicle.
 4. Reason for tow.
 5. Year, make model, license number, and *verified* VIN.
 6. Owner information *including the name, address, and phone number, if available*; for vehicles towed in connection with suspected grand theft motor vehicle (GTMV) and GTMV recoveries, members shall:
 - a. Include the condition of the vehicle with the owner information.
 - b. Include whether the owner was notified.
 7. Vehicle damage and any property of value left in or removed from the vehicle.
 8. If the vehicle has keys and any other services required (e.g., dolly, flatbed, linkage disconnect, wheels, etc.).
 9. Whether the vehicle will be processed (*refer to GPO 6.03.02 Vehicle Processing*).
 10. *Officers shall notify the Tow Channel when the tow truck has not arrived within 30 minutes of the tow request, and additionally if no arrival within 45 minutes of the original request.*
- F. To ensure the chain of custody, members shall remain at the scene until the tow truck arrives, unless required to leave due to urgent police business.
1. The tow truck driver shall sign the Vehicle/Tow Supplement **before** the vehicle is released for towing.
 2. If the members are required to leave another police vehicle shall be dispatched to complete the vehicle tow.
- G. Vehicle/Tow Supplement form distribution.
1. The white copy, is the Vehicle Impound Unit (VIU) copy; members shall turn in this copy at the district/unit.
 2. The canary copy is the towing agency copy and stays with the tow truck driver.
 3. The pink copy is the owner's copy.
 - a. The tow truck driver gives this copy to the Impound Officer at the tow lot.

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- b. The owner receives this copy when the vehicle is claimed.

II. *Releasing a Vehicle and Cancelling a Tow*

A. *If the owner or person claiming possession of the vehicle arrives prior to the tow truck, officers **shall** release a vehicle and cancel the tow when **all** of the following conditions exist:*

1. *The owner or person claiming possession produces proper identification, and ownership can be verified; for leased, company or rental vehicles, the person claiming possession of the vehicle produces proper proof of possession.*
2. *The owner or person claiming possession is capable of safely taking possession of the vehicle and has a valid driver license or has a valid driver respond.*
3. *The flow of traffic will not be unreasonably impeded.*
4. *The health, safety or welfare of the public will not be adversely affected.*
5. *There are less than four outstanding parking infraction judgments, previously issued outstanding criminal citations or notices of violation associated with the vehicle as verified through the Clerk of Courts.*

B. *If all of the above conditions exist and the owner or person claiming possession of the vehicle arrives after the tow truck has arrived and activity to tow the vehicle has commenced but prior to the actual conveyance of the vehicle, officers **shall** direct the activity to remove the vehicle be ceased in accordance with CCO 405.11a; officers **shall**:*

1. *Issue a Parking Infraction Notice (PIN) to the owner/operator under the appropriate CCO if the tow was a result of a parking infraction.*
2. *Complete the Vehicle/Tow Supplement form.*
 - a. *Write "Tow cancelled with fee for incomplete tow" in the top left corner.*
 - b. *Place a line through the VIU number.*
 - c. *Write "vehicle released to" and include the person's name, address, and last four digits of the social security number.*
 - d. *Have the owner/operator the vehicle is being released to sign in the "Additional Description" box.*
3. *Distribute the copies of the Vehicle/Tow Supplement form.*
 - a. *White copy to the district/unit Officer-in-Charge for review and forwarding to the Impound Unit.*

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- b. *Canary copy to the tow truck driver.*
- c. *Pink copy to the owner/operator.*
- d. *Notify the Tow Channel dispatcher that the vehicle was released on scene and the tow has been cancelled in accordance with CCO 405.11a.*

III. Other Tow Situations

A. Emergency tows.

1. Emergency tows may be requested only when a vehicle poses an immediate danger to the safety of officers and/or the public (e.g., vehicle blocking substantial traffic on the highway, vehicle positioned in such a manner that it presents a clear crash risk, etc.).
2. The member notifies the Tow Channel of the need for an emergency tow, provides the exact location, make, model and color of the vehicle, and advises whether the vehicle will roll.
3. The Tow Channel dispatcher shall process the emergency tow request immediately.
4. Once the tow truck moves the vehicle to a safe location, the officer shall provide the remaining required tow information and receive a VIU number.

B. Fatal and serious non-fatal crashes.

1. The Accident Investigation Unit shall respond for the investigation.
2. If processing is required, complete a Vehicle Processing Request (*see 6.03.02 Vehicle Processing*).
3. *Vehicles towed for processing from crash scenes cannot have crash debris loaded into the front seat by the tow truck driver.*

C. Tows for safekeeping.

1. The vehicle must be legally parked **and** in danger of damage due to obstructing safety forces or public works.
 - a. When the residence of the vehicle owner is obtained through LEADS, if owner lives in the area, officers shall make a good faith attempt to contact them by proceeding to the address or having CCS call, so the vehicle may be moved.
 - b. If attempts to locate the owner fail, the vehicle shall be towed for safekeeping.

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- c. No PIN is issued under this tow condition.
 - 2. A vehicle, abandoned due to a medical emergency, may be towed for safekeeping; *if the operator is conveyed to the hospital for a medical emergency from a motor vehicle crash or a criminal act (i.e., drug overdose), the vehicle shall be towed in connection with the crash or crime.*
 - 3. Tows for safekeeping require approval of a supervisor.
 - a. Vehicles towed for safekeeping require a Vehicle Processing Request form.
 - b. Officers shall *check safekeeping* on the processing form, and report the details of the tow in the narrative portion.
- D. *Burnouts.*
- 1. *A "burnout," for purposes of this directive, is the unofficial name for any vehicle which has been damaged or destroyed by fire.*
 - 2. *Burnout vehicles with a **verified VIN** shall be towed to Lot 6; the recovering member shall:*
 - a. *Complete a recovery report as required.*
 - b. *A Vehicle Processing Request form is not required unless there is evidence of a crime.*
 - 3. *Burnout vehicles with an **unverified VIN** shall be towed to Lot 6; the recovering member shall:*
 - a. *Tow a vehicle to lot 6 for VIN processing only.*
 - b. *Complete a Vehicle Processing Request form.*
 - c. *Not complete a recovery report.*
 - 4. *Burnout vehicles being processed for evidence shall be towed to Lot 2.*
- E. Private property authorization tows.
- 1. Junk vehicles shall not be towed from private property.
 - 2. 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 and the owner, manager, or lessee of the property signs an affidavit (Attachment).

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- a. “Private Residential Property” as defined in the Ohio Revised Code (ORC) 4513.60(A)(4) does not include property with more than three separate households residing in structure(s) on the property.
 - b. 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).
3. Vehicles shall not be towed from private property posted as a “private tow-away zone”.
 - a. The vehicle may be ticketed.
 - b. The owner or their agent may remove the vehicle.
- F. Abandoned vehicles.
1. Use the half-page, neon-orange, Abandoned Vehicle Warning Form *to make notice* on a vehicle when determining its status as abandoned for 72 hours.
 - a. Record the date, time, location, and vehicle license number on the warning form.
 - b. 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.
 - c. The forms are available through the Supply Unit.
 2. Use a grease pencil *to mark the street before and after the tire to indicate if the vehicle has been moved.*
 3. Abandoned motor vehicles on City streets shall be towed to City contracted impound lots using City contracted tow companies.
- G. Junk motor vehicles.
1. For a vehicle to be considered “junk” it must meet all of the following requirements:
 - a. Left on private property for more than 72 hours or longer without the permission of the person having the right to the possession of the property, 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;
 - b. Three years old or older;
 - c. Extensively damaged, including but not limited to any of the following:

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missing wheels, tires, motor, or transmission;

- d. Apparently inoperable;
 - e. Having a fair market value of one thousand five hundred dollars or less.
2. *Members shall issue a PIN for CCO 451.241 when towing junk vehicles abandoned on private property.*
 3. *Motor vehicles left without permission or notification is prima facie evidence of abandonment.*
 4. CCO 451.27 Notice to Cover or Remove Junk Motor Vehicles requires that junk motor vehicles 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 following steps shall be taken before a vehicle is towed for this offense:
 - a. *The Chief or Chief's designee may send notice, by certified mail with return receipt requested, to the person having the right to the possession of the property on which a junk motor vehicle is left, that within 10 days of receipt of the notice, the junk motor vehicle either shall be covered by being housed in a garage or other suitable structure, or shall be removed from the property.*
 - b. *No person shall willfully leave a junk motor vehicle uncovered in the open for more than 10 days after receipt of a notice as provided in this section. The fact that a junk motor vehicle is so left is prima facie evidence of willful failure to comply with the notice, and each subsequent period of 30 days that a junk motor vehicle continues to be so left constitutes a separate offense.*
 - c. *Whoever violates this section is guilty of a minor misdemeanor on a first offense; on a second offense, such person is guilty of a misdemeanor of the fourth degree; on each subsequent offense, such person is guilty of a misdemeanor of the third degree.*

H. Commercial tows.

1. *Commercial tows shall go to the impound lot as directed by the Tow Channel dispatcher.*
2. *Commercial tows may be treated as a private tow only if requested by the person responsible for the vehicle and approved by the Division of Police on-scene supervisor.*
 - a. *The contractor shall provide the name and title of the person requesting*

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the change to the on-scene supervisor so that the supervisor can then notify radio communications of the change in status.

- b. *At the time of conversion to a private tow, the Contractor assumes all responsibility and liability for the vehicles and cargo.*

I. *Recovery of ATMs and safes.*

- 1. *Tows for ATMs and safes require the approval of a supervisor, and the supervisor's name shall be written on the tow sheet.*
- 2. *ATMs and safes towed for evidence require a Vehicle Processing Request form; members shall circle "Other" and write ATM or Safe next to it.*
- 3. *ATMs and safes of considerable bulk or weight shall be towed/conveyed to the Supply Unit, 2200 W. 3rd Street, Monday through Friday, 0800 to 1600 hours.*
 - a. *After hours ATMs and safes shall be towed to the district until able to be conveyed to the Supply Unit.*
 - b. *A Property Section supervisor may be contacted via CCS for direction as required.*

J. *Tesla electric motor vehicles.*

- 1. *Tesla electric motor vehicles require specific towing procedures to avoid causing substantial damage to the vehicle.*
 - a. *Tesla vehicles shall be towed using tire skids, wheeled dollies or a flatbed trailer with boards in order to minimize the potential for damage.*
 - b. *Tow companies have been provided with a copy of the Tesla Roadside Assistance Manual and will determine the proper method for towing the vehicle after arriving on scene.*
- 2. *Members shall be aware that this type of tow may require extended time.*

IV. *Tow Truck Operator Responsibilities*

- A. *Tow, **do not drive**, vehicles to the proper impound lot.*
- B. *Remove vehicle debris left on the roadway when towing from accident scenes,*
 - 1. *Crash debris may be placed in the towed vehicle.*
 - 2. *No vehicle debris shall be placed in the **front seat of vehicles being processed towed**.*

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- C. *Sign their name in the designated area on the Vehicle/Tow Supplement and Vehicle Processing Request forms.*

THIS ORDER SUPERSEDES ANY PREVIOUSLY ISSUED DIRECTIVE OR POLICY FOR THIS SUBJECT AND WILL REMAIN EFFECTIVE UNTIL RESCINDED OR SUPERSEDED.

DAD/ad/lms
Property Section
Policy Unit
Attachments