

Columbus Police Division Directive	EFFECTIVE Aug. 01, 1987	NUMBER 6.01
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<b>Impounding and Towing</b>		



## I. Definitions

### A. Contracted Wrecker

Any person operating a towing vehicle and employed and authorized by a private company contracted with the City of Columbus to perform towing services for the Division.

### B. Safekeeping

Any time a vehicle is impounded solely because the driver or operator of the vehicle was removed due to an illness or injury. Towing fees and applicable storage fees still apply.

### C. Hold

A period of time with no set duration, for which a vehicle will remain unavailable to the owner or agent of the owner because it is being kept for evidence, is being processed for evidence, cannot be released due to provisions of the Ohio Revised Code (**ORC**), or any combination thereof.

## II. Policy Statements

### A. Sworn Personnel may impound motor vehicles:

1. For any of the reasons stated in the Columbus City Code Section 2107.01, "Reasons for Impounding";
2. Containing evidence of a crime that needs to be collected; or
3. In accordance with **ORC** Section 4513.60, "Vehicle left on private residential or private agricultural property without the permission of person having right to possession of property."

***a. This includes any motor vehicle, other than abandoned junk vehicles, that have been left on private residential property or private agricultural property for at least four hours without the permission of the person having the right to possession of the property.***

***b. "Private residential property" refers to private property on which is located one or more structures that are used as a home, residence, or sleeping place, if no more than three separate households are maintained in the structure(s).***

***c. This ORC section does not apply to any private residential or private agricultural property that is established as a private tow-away zone in accordance with ORC Section 4513.601.***

## B. Releasing Vehicles Without Payment of Fees

1. A vehicle may be released without payment of fees if it was impounded for evidence, if it was impounded for investigation of stolen and was then determined not to be a stolen vehicle, or if it was mistakenly impounded.
2. Division personnel requesting the release of a vehicle without payment of fees shall forward a completed Release of Impounded Vehicle Without Charges, form A-32.122, through the chain of command to the Property Management Lieutenant for approval.

## C. Enforcement Options

1. When a motor vehicle or watercraft may be impounded, is not reported stolen, and aggravating circumstances do not dictate otherwise (for example, OVI), sworn personnel may select one of the following enforcement options in order of preference:
  - a. Release the vehicle to the owner, operator, or to another person with the consent of the owner or operator provided there is no legal requirement or need to impound the vehicle, and there are no overdue unpaid parking fines held against the vehicle;
  - b. Park the vehicle in a legal location, secure it, keep the keys with the operator's property (if arrested), and document the actions taken on the CAD; or
  - c. Impound the vehicle.
2. Sworn personnel shall take any reasonable actions necessary to ensure the safety of any occupant(s) stranded due to a vehicle's impoundment. This may include providing a ride to a safe location, or standing by until a taxi cab or a friend of the occupant arrives.
3. Sworn personnel may be liable if they do not obtain the consent of the owner or operator before releasing a vehicle to another person. The consent to release the vehicle, to whom the vehicle was released, and the status of that person's driving privileges shall be documented in the appropriate form or report (such as an electronic Incident Report; Arrest Information, form U.10-100; or OH-1 Traffic Crash Report).
4. Sworn personnel may use discretion whether to release or impound a vehicle when a contracted wrecker is at the scene at the same time as the owner or operator.
5. Unless arrangements have been made by the owner or operator to move the vehicle in a timely manner, any disabled or abandoned vehicle creating a traffic hazard, or any vehicle on the freeway disabled from a traffic crash, shall be impounded as soon as practical. Sworn personnel shall remain with the vehicle until it is removed.
6. Sworn personnel may have vehicles moved to an unrestricted parking space only when there is an emergency situation or when exigent circumstances arise (such as a parked vehicle blocking personnel from

getting to an emergency scene). In these situations, sworn personnel should allow the owner or operator to move the vehicle in a timely manner before towing the vehicle.

#### D. Use of Contracted Wreckers

1. Only contracted wreckers may be used to tow vehicles for impoundment or to move vehicles to an unrestricted parking space.
2. When a contracted wrecker is called to respond but is cancelled, or responds and does not tow the vehicle, sworn personnel shall notify the **Emergency Communications Center (ECC)**. Communications personnel shall then contact the towing vendor and request the contracted wrecker be placed back at the top of the respective towing list.
3. All vehicles impounded by Division personnel shall be transported to the Police Impound Lot unless otherwise directed by investigative personnel for the purpose of evidence processing.
4. In order to maintain the chain of custody for vehicles being impounded as evidence of a felony crime or for evidence processing, sworn personnel shall maintain visual contact with the vehicle until it is released by the contracted wrecker at the appropriate storage facility. This does not apply to vehicles impounded only as a recovered stolen vehicle.

### III. Procedures

#### A. Impounding or Moving Motor Vehicles

1. Impounding Personnel
  - a. Run the vehicle's license plate number and VIN through LEADS.
  - b. Contact Communications personnel and request a contracted wrecker.
  - c. When able, remove any license plate not registered to the vehicle, and:
    - (1) Place the plate(s) into an OBMV mailing envelope, form BMV3613, and mail to the OBMV; or
    - (2) Submit the plate(s) to the Property Control Unit (PCU).
  - d. Conduct an inventory of the contents of all reasonably accessible areas and containers in the vehicle, and complete an Impounded Vehicle Inventory, form A-32.107.

Note: Do not use information from LEADS to complete the VIN field or other sections of the form. A visual inspection of the VIN plate/label must be conducted.

- (1) If the passenger compartment of the vehicle is inaccessible, conduct the inventory by looking through the windows.
- (2) ***If no license plates are located on the vehicle, or the plates have been removed because they are not registered to the vehicle, write "NONE" in the license number section of the form.***
- (3) If a VIN is not located, write "NO VIN" in the VIN section of the form.

- (4) List the inventoried property in the Property in Vehicle section of the form, and mark its disposition.
  - (5) Note the disposition of any license plate removed from the vehicle in the Property in Vehicle section.
  - (6) Mark existing damage to the vehicle on the vehicle diagram using one or more "X" marks. Broad descriptions such as "entire vehicle," placing "X" marks across the entire diagram, or circling the diagram to mark damage are not acceptable.
  - (7) When the vehicle is impounded solely because the operator was removed due to illness or injury, check the "Safekeeping" box.
- e. Retrieve the following property from the vehicle for submission to the PCU:
- (1) Contraband
  - (2) Weapons
  - (3) More than \$20 in currency bills
  - (4) Any other property of high value or subject to theft, unless it can be secured in a locking compartment or trunk, should be turned into the PCU.
- f. Allow the owner or operator to retrieve paperwork or property from the vehicle when appropriate.
- g. Leave the ignition key with the vehicle.
- h. As able, secure the vehicle against weather conditions.
- i. Leave the violator's copy of any parking ticket with the vehicle.
- j. Provide the completed Impounded Vehicle Inventory form to the contracted wrecker operator for review and signature. **Review the yellow copy to ensure all information is legible.** Make appropriate corrections as needed.
- (1) Give the yellow copy to the contracted wrecker operator.
  - (2) Make copies of the form as needed for investigative personnel or packets, and forward the copies as appropriate.
  - (3) Forward the white copy of the form to the Impounding Unit.
- k. Inform the contracted wrecker operator where to tow the vehicle.
- l. When the chain of custody of a vehicle must be maintained, follow the procedures in Section III,C,1,c; otherwise, remain with the vehicle until it is removed.
- B. Impounding Vehicles for Driving Under Suspension (DUS) or Operating a Vehicle Under the Influence (OVI)
1. Follow the impounding procedures outlined in Section III,A,1.
  2. Seize the vehicle when the vehicle is registered in the arrested person's name and the arrest involved any of the following charges:

- a. Driving Under an OVI Suspension
  - b. Wrongful Entrustment
  - c. OVI with at least one prior conviction within six years of the current offense, or with any prior felony OVI conviction.
3. When seizing a vehicle, mark the “Yes” checkbox in the Vehicle Seized section on the Impounded Vehicle Inventory form and mark the appropriate box to indicate the reason for the seizure.
  4. Refer to the “Seizure/Forfeiture” directive for additional information regarding vehicles subject to forfeiture proceedings.
- C. Impounding Vehicles to be Held for Evidence/Evidence Processing
1. Impounding Personnel
    - a. Contact the appropriate investigative unit when the vehicle was used in a felony crime. Follow the directions of investigative personnel regarding impounding the vehicle for evidence. Determine if evidence processing is necessary.
    - b. Follow the applicable procedures in Section III,A,1, and:
      - (1) Mark the appropriate box on the Impounded Vehicle Inventory form to indicate “Hold for Evidence.”
      - (2) Complete the Investigator section of the Impounded Vehicle Inventory form as needed.
      - (3) Complete a Hold for Evidence Processing, form I-10.109, and place it on the vehicle’s dashboard as needed.
    - c. When a vehicle is impounded as evidence or for evidence processing:
      - (1) Maintain visual contact with the vehicle until it is released by the contracted wrecker at the appropriate storage location.
      - (2) Mark the “Chain of Custody Maintained” box on the Impounded Vehicle Inventory form and list the officer’s name, badge number, and assignment.
  2. Investigative Personnel
    - a. Direct sworn personnel regarding impoundment of the vehicle for evidence. Ensure that a Hold for Evidence Processing form is completed if the vehicle will be processed for evidence.
    - b. When the vehicle is to be processed for evidence, have the vehicle placed in the appropriate processing facility at the Police Impound Lot.
    - c. Release the vehicle when no longer needed as evidence.
      - (1) Release the vehicle by using the applicable computer program.
      - (2) Notify the registered owner or owner’s agent that the vehicle has been released and can be picked up at the Police Impound Lot.
- D. Impounding Vehicles Suspected Only of Being Stolen
1. Follow the impounding procedures outlined in Section III,A,1.
  2. Mark the Vehicle “Suspected of Being Stolen” box on the Impounded Vehicle Inventory form.

3. Complete an electronic Impounded Suspected Stolen Vehicle Report. On the Investigative Information **Tab** of the report, document all reasons the vehicle was suspected of being stolen and any investigative actions taken, **for example, any attempts to contact the owner.**
- E. Impounding Stolen Vehicles
1. Document the recovery
    - a. For unreported stolen vehicles:
      - (1) Have an electronic report completed for vehicles stolen in Columbus' jurisdiction, or
      - (2) Request the appropriate foreign agency complete a report for vehicles stolen outside of Columbus' jurisdiction.
    - b. For stolen vehicle reports entered by the Division, add an electronic report to the investigative folder.
    - c. For stolen vehicle reports entered by a foreign agency, complete an electronic Foreign Stolen Vehicle Recovery form.
  2. Collection of Evidence
    - a. Follow the procedures outlined in Section III,C when the vehicle was used in a separate felony crime. When impoundment is requested by investigative personnel, write "Stolen Recovered" in the Violation section of the Impounded Vehicle Inventory form.
    - b. Dust the vehicle for fingerprints when the vehicle was not used in a separate felony crime or impoundment is not requested by investigating personnel.
  3. Attempt to return the vehicle to the owner unless the vehicle is being impounded as evidence or for evidence processing. If unable to contact or return the vehicle to the owner, follow the procedures in Section III,A,1 to impound the vehicle and write "Stolen Recovered" in the Violation section of the Impounded Vehicle Inventory form.
  4. When returning a stolen vehicle to the owner, contact Communications personnel and request that the recovered stolen vehicle information be aired on all patrol radio channels before the owner drives away.
  5. When a stolen vehicle is impounded by a private towing company to a private storage facility, advise the owner to recover the vehicle from the private towing company. The vehicle owner will be responsible for the towing and storage fees.
- F. Impounding Vehicles Towing Trailers or Other Vehicles
1. Follow the impounding procedures outlined in Section III,A,1.
  2. Complete a separate Impounded Vehicle Inventory form for the towing vehicle, the trailer, and each vehicle on **or inside** the towing vehicle or trailer. Separate forms are required because the vehicles and trailers may be released at different times.

## G. Impounding or Removing Vehicles Involved in Traffic Crashes

### 1. ***When a vehicle needs to be towed from the scene of a traffic crash, complete one of the following actions:***

a. ***If the owner or operator of the vehicle is present at the scene, allow him or her to make arrangements with a private towing company or notify the Communications channel a contracted wrecker is needed on behalf of the owner.***

(1) ***If the owner or operator is unable to make arrangements, contact the Communications channel and request a contracted wrecker to tow the vehicle to the tow company's private lot on behalf of the owner/operator.***

(2) ***Advise the owner or operator that he or she is responsible for all towing and storage fees and determining the tow location.***

(3) Only allow a private towing company that is not a contracted wrecker to tow a motor vehicle from a traffic crash scene when the following apply:

(a) The towing company has been authorized to do so by the owner or operator.

(b) There is no legal requirement or need to impound the vehicle.

(c) The private towing company can respond without causing unnecessary delay or a safety concern does not exist.

b. Request a contracted wrecker and impound the vehicle when the owner or operator is ***incapacitated.***

(1) ***Follow the procedures outlined in Section III,A,1.***

(2) When the operator is charged with an offense, write the charge in the Violation section of the Impounded Vehicle Inventory form.

(3) When the operator is not charged with an offense, check the "Safekeeping" box on the Impounded Vehicle Inventory form.

(4) When possible, advise the owner or operator that the vehicle was towed, and that they are responsible for the towing fees and any storage fees, even when impounded for safekeeping.

***Note: The preferred course of action when a vehicle is involved in a traffic crash and there is no legal requirement or need to impound the vehicle is to have it towed to a contracted wrecker's private lot.***

2. Ensure the contracted wrecker or private towing company sweeps and cleans the roadway of any debris before leaving the traffic crash scene.

## H. Abandoned Vehicles

1. Impound any abandoned vehicle found to be in violation of a parking code.

2. When an abandoned vehicle is on a freeway in a non-hazardous location:
  - a. Complete an Abandoned Vehicle on Freeway Notice, form U-22.100, and in large lettering write an “A” or a “P” to indicate whether the vehicle was initially inspected in the AM or PM hours.
  - b. Affix the notice sticker to the rear window of the vehicle, or place the notice under a front windshield wiper when weather conditions dictate.
  - c. Impound abandoned vehicles left in the same location for three or more hours after the initial inspection.
- I. Junk Vehicles
  1. Sworn Personnel
    - a. A vehicle must meet the following criteria in order to take action:
      - (1) Three years or older
      - (2) Extensively damaged
      - (3) Apparently inoperable
      - (4) Has a fair market value of \$1500 or less
    - b. If the above criteria are met, take one of the following actions:
      - (1) Impound any vehicle found in violation of a parking code other than 2151.22 CCC.
      - (2) For junk vehicles legally parked on a roadway, right of way, or public property, complete a Junk Vehicle Report, form A-32.119; forward it to the Impounding Unit; and leave the vehicle at its location.
      - (3) For junk vehicles on private property or private property open to the public, contact the 311 Call Center and report the vehicle.
  2. Impounding Unit

Follow established unit guidelines for investigating reported junk vehicles.
- J. Impounding Watercraft
  1. Impounding Personnel
    - a. Watercraft seized on the waterway:
      - (1) Complete an Impounded Vehicle Inventory form.
      - (2) Secure the watercraft at a police dock.
      - (3) **Deliver the yellow copy of the Impounded Vehicle Inventory form to the Police Impound Lot Control Tower or give it to the contracted wrecker operator for entry in the City’s Vehicle Impound Management System.**
      - (4) Forward the white copy of the Impounded Vehicle Inventory form to the Impound Lot.
      - (5) Inform the owner to respond to the **Division of Parking Services** to pay impound fees and secure a release.
      - (6) Release the watercraft after the owner presents a release from the **Division of Parking Services.**



K. Releasing Impounded Vehicles and Watercraft

Advise the owner of an impounded vehicle or watercraft to contact the **Division of Parking Services** to arrange for its release.

L. Releasing Vehicles Without Payment of Fees

1. Requesting Personnel

- a. Complete a Release of Impounded Vehicle Without Charges form.
- b. Attach the form to an email or mail a printed copy through the chain of command to the Property Management Lieutenant.
- c. Inform the owner of the decision when notified that the form has been received and whether it was approved or denied.

2. Property Management Section Lieutenant

- a. Determine whether to approve the request and notify the requestor as soon as practical. The Impounding Unit Sergeant, another section supervisor, or the Support Operations Bureau Commander may make this determination when the Property Management Lieutenant is not available.
- b. Return disapproved requests to the requestor and indicate the reasons for denial.
- c. For approved requests:
  - (1) Make a copy of the form and approval to keep on file.
  - (2) Forward the original form to the **Division of Parking Services** Administrator for processing.