

3.02-6

**DAYTON POLICE DEPARTMENT
GENERAL ORDER
TOWING MOTOR VEHICLES**



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POLICY STATEMENT

Removing motor vehicles obstructing roadways, involved in crimes, damaged in traffic accidents, or abandoned in the street, is a police function. Vehicles operated by individuals found violating driver's license law should preferably be towed to improve the safety of the general public.

I. WHEN TO TOW A VEHICLE (FOR TOWS INVOLVING PARKING VIOLATIONS REFER TO PARKING ENFORCEMENT POLICY, 3.02-3)

A. Driver/Owner Arrested or Driving Under Suspension: Vehicles operated by drivers without an operator's license, while under suspension, operating while under the influence or where the vehicle was used in the commission of a crime should preferably be towed from where they were stopped, including private property (see also General Order 3.02-2 Section III.F.) If an officer elects not to tow the vehicle and leave it legally parked, a Tow-In/Liability Waiver (Form F-472) must be completed by the operator/registered owner of the vehicle.

1. If the driver is the registered owner or the registered owner is on scene and gives permission to another properly licensed driver to drive their vehicle, the officer should release the vehicle rather than tow it. If the registered owner is not on scene, a reasonable effort should be made to contact him/her in order to retrieve the vehicle.
2. If during the stop, evidence and/or officer's observations indicate that the vehicle is being or has been used in the commission of a crime, the vehicle can be towed and held.
3. If the vehicle is towed, officers should make reasonable efforts to assure that the driver and other occupants are dropped off at a safe location until legal transportation can be obtained.
4. RCGO 76.08 describes circumstances, which allow a vehicle to be impounded due to an arrest. It states, in part, "*Members of the Police Department are authorized to remove or direct the removal of a vehicle under any of the following circumstances... (C) Arrest and detention of driver. Whenever the driver or person in charge of any vehicle is placed under arrest and taken into custody and detained by police under circumstances which leaves or will leave a vehicle unattended.*"

B. Vehicle Used in the Commission of a Crime or Containing Evidence:

1. Suspect vehicle used in criminal offense.
2. Hit and Run suspect vehicle parked on a City street or from private property or on a City street when involved in serious injury accident.

C. Safe Keeping: Vehicle towed from accident scene at owner's request or when owner is incapable of making decision, or to remove the vehicle from obstructing traffic.

- D. Vehicle parked on a City street with no license plates or with expired plates.

Personnel coming into contact with a parked vehicle with a registration that is expired will affix a warning sticker on the vehicle window. This sticker will indicate the expiration date of the vehicle's plates and give written warning that the vehicle will be towed either 30 days after the plate's expiration date or ten days from the sticker notice, whichever is later. This will give the owner ample time to correct the violation. A FIC/Warning tag will also be placed in MIS describing the vehicle and the expiration warning and date for tow.

(Example: Vehicle whose plates are expired by 10 days would get a warning to get plates renewed by 30th day. Vehicle whose plates are expired by 28 days would be given a ten day tow notice from the date of the warning, which would be a total of 38 days.)

- E. Traffic stop on vehicle with expired plates.

Personnel coming into contact with a moving vehicle with registration that is expired less than 30 days may conduct a traffic stop for the violation. The driver would then be given notice, written in person by the officer, that the vehicle will be towed either on the expiration date or ten days from the sticker notice, whichever is later. This will give the owner ample time to correct the violation. A FIC/Warning tag will also be placed in MIS describing the vehicle and the expiration warning and date for tow.

- F. Vehicles parked on public property that is on the Tow-in-List.

Vehicles with four (4) or more unpaid parking and/or ATCPS citations will appear on the tow-in list. Vehicles that are on the tow-in list for three (3) violations will have a warning sticker affixed to the window, warning of the parking and/or ATCPS citations. The sticker will be a specific reminder for the owner to pay the outstanding fines or risk having the vehicle towed and impounded. A FIC/Warning tag will also be placed in MIS describing the vehicle and the three (3) violations, impound warning. Vehicles with four (4) or more unpaid parking and/or ATCPS citations will appear on the tow-in list and may be towed when the officer comes into contact with the vehicle while parked on a public street. If towed, NO HOLD will be placed on the vehicle unless it had been used in a different crime, not related to the Tow-in-List.

1. Officers may **NOT** stop a moving vehicle for merely being on the tow list and then tow for that reason only. If a vehicle on the tow list is stopped for a moving violation for which a citation is warranted and issued, then that vehicle may also be towed.
 2. If the officer comes into contact with an operator and they have a reason to tow for other than the tow-in list (i.e. "No operator's license) then they may tow the vehicle per current policy. (See 3.02-2 section XXI and 3.02-5 section II)
 3. Officers may still provide the owner with the opportunity to have someone pay the unpaid citations at the Clerk of Courts Office and return to the scene in a reasonable amount of time prior to towing the vehicle.
 4. Owners wishing to pay their unpaid parking/civil citations will be permitted to do so, provided they can get to the Clerk of Courts Office and back with the receipt in a timely manner.
- G. Recovered GTA's or Foreign GTA: Recovered GTA's will either be released to the owner on the scene or towed. Recovered GTA's are not be left on the scene. If the owner cannot be contacted, or respond within 30 minutes, the vehicle will be towed and the owner or foreign jurisdiction notified of where the vehicle was towed. Recovered GTAs and Foreign GTAs are not to be held unless used in a crime different than the original GTA.
- H. Suspected Stolen: Suspected GTA vehicles may be towed with approval of a supervisor.
- I. Parking in Restricted Area or Tow Zone: Vehicles parked in marked No Parking areas.
- J. Vehicle parked at the scene of a fire or other emergency that is impeding safety forces, or may become damaged.
- K. Vehicle is impounded by direction of the County Coroner's Investigator when the owner is deceased.
- L. Vehicle is abandoned as defined in RCGO Section 76.01 (Section VI). (Crew 426 only)

II. REQUESTING TOW TRUCKS

Make request for tow truck to the Radio Information Officer (RIO). The requesting officer will then send a completed Tow Screen via the MDC. Officers without a MDC will provide needed information via radio to the RIO.

- A. Officers will enter any D.I.B.R.S. report numbers associated with the vehicle they are towing in the remarks section of the Tow Screen.
- B. Officers will no longer use owner's request as a reason for towing a vehicle. When completing a tow screen for a tow that would have been an owner's request previously, officers are to use code # 17 "Safe keeping/OR".

III. PLACING "HOLDS" ON TOWED VEHICLES

"Holds" are only placed on vehicles that have been used in the commission of a Crime, to include Hit and Run. We no longer hold towed vehicles for any other Tow Category. Grand Theft Auto (GTA) is taken in a crime, not used in a crime. Unless there is a separate crime in which the stolen vehicle was used, do not place a hold on the GTA.

When towing and holding any vehicle, HOLD "Y" will be indicated on the MIS, TOW SCREEN. Officers without an MDC will advise the RIO of the hold and the reason. For all "Holds", list the date, location of offense, type of crime and DIBRS number in the narrative section of the TOW SCREEN. The Location of Offense information is in addition to tow location as the two may be different. The officer requesting the hold will also send an e-mail to the appropriate unit advising of the "Hold" and include any details and a DIBRS number. Felony offenses can be changed to Forfeiture Holds at a later date, at the discretion of the Case Detective.

IV. PROPERTY INVENTORY OF A TOWED MOTOR VEHICLE

- A. Prior to towing any motor vehicle (excluding Abandoned Vehicles), conduct an inventory of the vehicle's contents and note the information on the MDC screen or complete a Tow-In/Liability Waiver Card F-472. A property inventory is an administrative, caretaking function, which itemizes and secures property in a seized or impounded vehicle. The United States Supreme Court has ruled that an inventory of a lawfully seized motor vehicle conducted to safeguard property and not merely as a pretext to search without a warrant is reasonable and does not violate Fourth Amendment Rights against illegal searches.
- B. Inventory of a Towed Vehicle -- Arrest Situation
 1. Inventory property inside the vehicle's passenger compartment, glove box, console, and trunk prior to towing. Secure all property inside the trunk, except **money or valuable items**. Place money and valuable items in the Property Room. Place vehicle trunk key (if separate) with the driver's personal effects, and leave ignition key with the vehicle. In cases where vehicle forfeiture will be sought, the officer will make every attempt to release all vehicle contents to the owner or the owner's designee.
 2. If perishable items are among the property, have them picked up by or delivered to a person designated by the prisoner, the department does not accept any perishable items. The inventory should reflect disposition of perishables.
 3. Seize contraband or criminal evidence discovered during an inventory.
 4. If there is reasonable cause to believe that contraband or criminal evidence is in the vehicle in areas not covered by the inventory, place a "**HOLD**" on the vehicle so a search warrant can be obtained.
 5. Inventory the contents of closed containers (boxes, bags, and unlocked suitcases), prior to locking them in the trunk. Do not open locked containers but list them on the vehicle inventory. Any container taken to the Property Room must be opened and inventoried for safety purposes.
 6. Valuable items and money must be inventoried in the presence of a supervisor (See [General Order 1.06-1 Evidence and Impounded Property](#)).

C. Inventory of a Towed Vehicle -- Parking Violation

When a vehicle is impounded due to a parking violation follow the same procedure as above. However, if the car is locked, note the visible property on the Tow Screen as "visible in car..."

D. Inventory of a Towed Vehicle -- Non-Arrest Situation (i.e., Accidents, Car Trouble)

The owner, if able, may remove personal property from the vehicle prior to towing. Property left in the vehicle is inventoried and secured the same as in the parking violation tow section above.

V. STOLEN VEHICLE TOW-INA. Recovered Stolen Vehicles

When possible, a Crime Scene Investigator (CSI) will process a recovered vehicle at the point of recovery. When the CSI cannot process the vehicle at the scene, it will be towed to the appropriate tow yard. Once the CSI has processed the vehicle, the CSI will notify the RIO that the processing has been completed. The RIO will then log that information on the tow screen and the CSI/ fingerprint log.

B. Releasing a Vehicle Where Recovered

Vehicles recovered and processed for physical evidence where recovered, are not towed to storage until every possible effort has been made to release the vehicle to its owner at the scene, within the guidelines of R.C.G.O. 76.13 (Owner must have the title, registration and a valid driver's license)

1. The officer recovering the vehicle will request that the RIO notify the owner of the vehicle location.
 - a. Telephone - The RIO will call the owner by phone (if local), regardless of the hour. Tell the owner where the vehicle is, the condition of the vehicle, and ask if they can respond within 30 minutes. If the owner cannot respond within 30 minutes then the vehicle will be towed.
 - b. Police Crew, NAO, Parking Enforcement Aide - If the owner has no phone, but lives in the City limits, the officer will request the Dispatcher to send an officer or NAO to the owner's home. If the owner has no transportation to the scene, the crew will transport him/her.
2. If the owner appears at the scene after the tow truck has arrived but before it has left, they may retrieve the vehicle if they pay the "dead run" fee.

C. Stolen Vehicles Recovered From a Foreign Jurisdiction

1. When a stolen vehicle from a local foreign jurisdiction is recovered in the City of Dayton, notify the police agency charged with the investigation of the recovery and advise them that they have 30 minutes to respond before we will have the vehicle towed.
2. The originating agency will process the vehicle for evidence. If the other department is unable to process the vehicle, the recovering officer will decide whether to have this Department's CSI process the vehicle prior to being towed to storage.
3. The originating agency may request our CSI process the vehicle if it was involved in a serious crime. In that case, the recovering officer will have the vehicle processed prior to being towed.

F. If the originating agency contacts the owner, the same 30-minute limit applies.

G. If the officer tows the vehicle at the request of the originating agency, officers will list DIBRS number, and the originating agency in the narrative section of the TOW SCREEN.

VI. TOWING ABANDONED VEHICLES (ABV)

- A. The Abandoned Vehicle Unit is responsible for towing all abandoned vehicles.
- B. Applicable RCGO 76.01 Definitions
1. An "**Abandoned Motor Vehicle**" is a motor vehicle left on private property more than 72 hours without permission of the property owner, or on public property for 48 hours or longer without permission of the Chief of Police of the City of Dayton.
 2. A "**Junk Motor Vehicle**" is any motor vehicle, three years old or older, and extensively damaged or inoperative due to missing parts.
 3. **RCGO 76.02 - Leaving Junk or Abandoned Motor Vehicles on Public or Private Property** states "no person shall....
 - (1) Leave an abandoned motor vehicle or junked motor vehicle on private property; or
 - (2) Leave an abandoned motor vehicle or junked motor vehicle on public property.
- C. Determining the Status of Abandoned Vehicles:
1. The Abandoned Vehicle Coordinator can determine the status of an ABV complaint.
 2. Police Officers - Parking Enforcement Aides - NAOs

If an abandoned vehicle is found during routine patrol, the police officer, Parking Enforcement Aide, or NAO will first determine whether the vehicle is **abandoned** or a parking violation. If the vehicle is abandoned by RCGO definition, obtain the vehicle identification number and the license number and attempt to establish ownership through the RIO or MDC.

- a. If the owner is contacted, advise him/her of the violation and issue a Warning. Record this tactic on the Vehicle Card, F-633, for Abandoned Vehicles, giving the date and time notification was issued. Forward the card to the ABV Unit, who will use the time noted as the beginning of the required **48-hour** waiting period. (If the owner cannot be contacted, submit a Warning and Vehicle Card to the ABV Unit regardless.)
- b. If the vehicle is blocking a street, determine whether the vehicle can be safely moved in order to commence the 48-hour waiting period. Otherwise, tow the vehicle immediately. However, if the vehicle is towed immediately, it cannot be classified as abandoned. The Tow-In/ Liability Waiver Card (F-472) and a Tow Screen should indicate the violation for which the vehicle was towed.
- c. When locating a potential abandoned vehicle, remember:
 - (1) **Private Property** – Housing Inspectors are notified of abandoned vehicles on Private Property. The housing Inspectors will notify the vehicle owner via certified mail of the nature of the violation and the law pertaining to abandoned motor vehicles. They will give the owner of the vehicle **10** days to repair or remove the vehicle. If the owner fails to comply with the order, the ABV coordinator will be given a tow order to have that vehicle removed.
 - (2) **Public Property** - If the vehicle is in the same condition as when originally marked, it should be towed. The vehicle **may not** be towed to private property, as this is also a violation.
- d. Property inside a vehicle to be towed

A vehicle owner may remove any property that has no evidentiary value from inside the vehicle prior to being towed. The owner may not remove anything that is attached to the interior of the vehicle (i.e. stereo, speakers, etc.), from the exterior of the vehicle or under the hood.

- e. The City's contract with the towing company does not provide for a "dead run" charge on inoperable abandoned vehicles. The abandoned vehicle will be towed, unless it has been repaired and can be driven to storage.

VII. AUTO RECOVERY – VEHICLE RELEASES

Vehicles towed by the City of Dayton Police Department will not be released until the requirements of R.C.G.O. 76.13 (Release of Motor Vehicles) are satisfied. This is done to remove liability exposure to the City of Dayton. The Auto Recovery Unit and the Counter Position will document the release of motor vehicles.

- A. In releasing a motor vehicle in which the City is responsible for the tow charges, either a Courtesy Release or a Paid Vehicle Release, authorization must be obtained from the Chief of Police, or their designee.

Courtesy Release is a “free” tow intended to be used by true victims of crimes or those citizens of Dayton which having to pay for a tow would be an extreme financial hardship.

Paid Vehicle Release, (Moral Obligation) is provided when a vehicle is towed on accident, wrong car, or the reason for tow was outside this established policy.

The Authorization to Release Impounded Motor Vehicle form will be obtained from the Auto Recovery Unit and must be completed by the initiating officer. A Special Report must also be completed containing the circumstances involved that would justify the City paying the tow. This form must be signed by the following:

- Initiating officer,
- The supervisor of the initiating officer,
- The Division Commander of the initiating officer,
- The Chief of Police, or their designee.

Once the authorization form has been signed by the Chief of Police, or their designee, it will be returned to the Auto Recovery Unit. The Auto Recovery unit will contact the titled owner to get the car from the tow company. After the car has been released, the tow company must fax or mail the invoice requesting payment. The packet is then sent to the Tow Administrator with an attached letter for approval of payment by the Fiscal Management office.

- B. The Auto Recovery Unit will obtain “innocent owner” affidavits from owners of vehicles that were seized for forfeiture but subsequently released because of an “innocent owner” defense.
- C. Personnel assigned to the Auto Recovery Unit are the **only** personnel authorized to contact the towing company for the purpose of releasing a vehicle or discussing payment or other arrangements.
- D. Citizens will be advised that they will have to comply with R.C.G.O. 76.13 before their vehicles are released.

R.C.G.O. 76.13 – Release of Motor Vehicles (requirements):

1. For titled owner or the titled owner’s representative:
 - a. Title to the vehicle properly issued in the name of the titled owner; such title shall not be a “jumped” title or “signed over” title.
 - b. If the person claiming the vehicle is not the titled owner and does not have a secured interest in the impounded vehicle, They must present their picture id, the title for the vehicle and one of the following: notarized statement from the titled owner giving authorization for the designee, or a legal Power of Attorney, or a City of Dayton Law Department power of attorney form.
 - c. Personal identification with a photograph, a valid driver’s license, or other identification issued by the state.
2. For a party having a secured interest in the impounded vehicle:
 - a. Proof of secured interest in the vehicle, such as a title with the interest noted thereon.
 - b. A signed release on a City of Dayton Law Department Secured Creditor Hold Harmless form holding the City of Dayton, etc. free from liability.

3. If the person driving the vehicle from the tow company cannot satisfy all applicable federal, state and local laws for operating the vehicle, it must be removed from impound by an insured towing service.
4. Auto Recovery will retain copies of all the above mentioned documents.
- E. Personnel assigned to the Auto Recovery Unit are the **only** personnel authorized to contact the towing company for the purpose of releasing a vehicle or discussing payment or other arrangements.

VIII. DPD STORAGE AND DPD WAREHOUSE

- A. For officer safety and security of towed vehicles, officers are reminded not to use the terms [REDACTED] or [REDACTED] on tow invoices, arrest reports, D.I.B.R.S., etc. The terms "DPD storage" [REDACTED] and "DPD warehouse" [REDACTED] will be used.
- B. Officers are to direct towed vehicles to storage at either facility only with authorization from Narcotics Bureau personnel. Telephone or radio authorization is sufficient. Whenever Narcotics Bureau authorization is not available, the vehicle should be towed to the appropriate Tow Company's yard and a hold should be placed on the vehicle for used in crimes.
- C. Generally, the DPD storage and the DPD warehouse (as directed above) will be used whenever a vehicle is to be held for forfeiture or follow up investigation. These facilities will not be used for general storage, as space is very limited.
- D. Tow truck drivers are to be reminded by officers not to use [REDACTED] or [REDACTED] for invoices. This information should not be given to the general public.

IX. VEHICLES HELD FOR CRIME SCENE INVESTIGATORS

For vehicles involved in crimes that require processing by CSI, the officer ordering the tow truck will instruct the tow company to remove the vehicle to the EPOD North parking lot for the processing to be completed. An officer will follow the tow truck to the EPOD North parking lot to maintain the chain of custody and document that fact in the DIBRS report. Once the CSI has completed their investigation, they will notify the RIO that the investigation has been completed and to dispatch a tow truck to the EPOD North parking lot to remove the vehicle to their tow yard. The RIO will order the tow truck, log the return tow on the tow screen and then log the information on the CSI/fingerprint log.