

12.265 WRECKER AND TOWING

References:

Procedure 12.200, Snow Emergencies and Hazardous Road Conditions
 Procedure 12.270, Impounding, Moving, and Release of Vehicles
 Procedure 12.275, Removal of Abandoned Junk Motor Vehicles (Public or Private Property) and Overtime Parked Vehicles
 Procedure 12.420, Reporting Vehicle Thefts and Related Offenses
 United States Supreme Court Decision: Colorado v. Bertine, 55 LW 4105.
 Ohio Revised Code 4511.74, Placing Injurious Material on Highway
 Ohio Revised Code 3734.83, Registration of Transporters

Purpose:

To specify the type of wrecker used and towing destination for each situation requiring the use of a wrecker.

To ensure inventory searches of vehicles are conducted within the guidelines of all applicable laws so that citizens' 4th Amendment rights are protected.

To ensure the proper handling and protection of property found within towed vehicles.

Policy:

Department personnel will conduct a thorough inventory search of all vehicles taken into custody per Cincinnati Municipal Code 513-1, Impoundment of Motor Vehicles.

All requests to tow a vehicle, Signal 38, must be completed through the Emergency Communications Center (ECC) Channel 16 operator. Signal 38 requests are not necessary when private wreckers tow vehicles involved in a crash.

An exception to this procedure is snow emergencies. During a snow emergency, follow Procedure 12.200, Snow Emergencies and Hazardous Road Conditions.

Procedure:

- A. Use of Wreckers
 1. A private contract wrecker is available through the Impound Unit during their normal operating hours (Monday – Friday, 0630-1900; Saturday and Sunday 0930-1700) and personnel will use it to:
 - a. Move and spot vehicles at the Impound Unit.
 - b. Tow vehicles from the Impound Unit to the Coroner's Office, court, etc.
 - c. Tow vehicles from district storage.
 2. Officers will use rotation wreckers for all other tows or moves. Officers may also use rotation wreckers for the following:
 - a. To remain with a police officer at major events such as parades, or for keeping traffic routes clear.

- 1) Payment for rotation wreckers comes from the Department budget. Wreckers remaining with a police officer will receive payment for each vehicle towed or the pre-established hourly fee, whichever is greater.
 - b. To remain with a police officer to move several vehicles from a snow emergency route, or under other circumstances where several vehicles must be moved.
 - c. To haul heavy objects, such as a safe.
3. Police personnel needing a wrecker for a City vehicle will contact Fleet Services at the Municipal Garage. Fleet Services will contact the Channel 16 operator who will dispatch a wrecker from the Department wrecker rotation list. The Tows/OT Recovery Module (Tow Mod) in Records Management System (RMS) does not need to be completed.
- B. Request for Wrecker Service
1. Officers will initiate Signal 38 requests for wrecker service through Channel 16.
 2. The Channel 16 operator will determine the type of wrecker and equipment to dispatch, based on the following information provided by the officer:
 - a. Location, make, model and vehicle license number, or VIN if there is no license plate
 - b. Reason for request
 - c. Conditions that will affect wrecker type and equipment needed:
 - 1) Tires: up, flat, or missing
 - 2) Wheels: straight, turned in, etc.
 - 3) Is vehicle overturned, off roadway, over embankment, etc.
 - 4) Size and type of vehicle such as: pick-up truck, semi, 2-ton, motorcycle, vehicle with fiberglass body, vehicle with accessories hanging below bumper, 4 wheel drive, etc.
 - 5) In parking garage with low ceiling
 - 6) Pick-up containing more than 10 unsecured scrap tires
- C. Impoundment of Semi-trailers
1. The Channel 16 operator will attempt to locate a qualified CDL driver to drive the semi-trailer to the Impound Unit. If a qualified CDL driver is not available, a heavy-duty wrecker will tow the semi-trailer to the Impound Unit.
 2. Any impound involving an oversized vehicle or the use of a heavy-duty wrecker requires Impound Unit personnel be recalled.

D. Improper Use of Wreckers

1. Officers will issue a citation to operators of private wreckers in violation of the following Cincinnati Municipal Code (CMC) Sections:
 - a. CMC 506-13, Following Emergency Vehicles
 - b. CMC 506-14, Following Emergency or Public Safety Vehicles
 - c. CMC 506-15, Gathering at Scene of Accident
 - 1) The citing officer will forward a legible copy of the Form 314, Notice to Appear, and/or Ohio Multi-Count Uniform Traffic Ticket (MUTT) to the Impound Unit.
2. Ohio Revised Code (ORC) 4511.74 requires wrecker operators to remove glass or other injurious substance left on a roadway by the wrecked or damaged vehicle they are authorized to remove.
 - a. If a wrecker operator refuses to remove injurious substance from the roadway, the officer will issue a citation for this violation on a MUTT.
3. When a rotation wrecker is not in compliance with the City Manager's Wrecker and Towing Rules and Regulations, the officer will advise a supervisor. The supervisor will prepare a Form 17 to the Police Chief giving full details; this includes:
 - a. Slow or no response.
 - b. Improper or lack of equipment.
 - c. Failure to display Police Rotation (PR) sticker when towing off the police rotation list.
 - d. Any other noncompliance with the rules and regulations. The rules and regulations are on file at the Impound Unit.
 - 1) Failure to comply with these rules and regulations can result in suspension or removal from the rotation-towing list.

E. Reporting Towed or Moved Vehicles

1. In all cases where officers use a commercial wrecker for impoundment or move-only purposes, they must complete the Tow Mod in RMS. The officer will remain with the vehicle and furnish the wrecker driver with both copies of the Form 369A, Towing Receipt. The towing officer will immediately notify Channel 16 for every towed or moved vehicle.
 - a. If a wrecker moves a vehicle to a location other than the Impound Unit, such as a district or the Coroner's Office, and the vehicle is subsequently moved to the Impound Unit, the Tow Mod must be completed in RMS.
 - 1) Subsequent tows will be entered in the Tow Mod in the secondary tow field using the original RMS number.

- 2) A Form 369A will be completed and both copies given to the wrecker operator each time the vehicle is towed.
 - b. Officers will report vehicles towed for violation of signs erected to expedite traffic during morning and evening peak travel hours in the Tow Mod.
 2. Officers will record vehicles involved in crashes and towed by private wreckers on a Form OH-1, State of Ohio Traffic Crash Report. It is not necessary to complete the Tow Mod or to notify Channel 16 of the tow.
 3. All reports regarding the removal of vehicles (moved or impounded) will include, in addition to the requested information:
 - a. A specific list of damages on the vehicle in the Tow Mod under the Vehicle tab in the Damage Assessment fields and on the Form 369A.
 - b. Additional information in the Narrative tab of the 303 for auto theft recoveries. Entries such as "poor," "fair," etc., are not acceptable.
 - c. Property remaining in the vehicle and its location.
 - d. The exact reason for towing or impounding the vehicle. If applicable, state the type of offense, offense numbers, etc. Officers will also include a copy of the Notice of Civil Offense citation for a violation of CMC 759 when impounding a vehicle.
- F. Property Contained in Vehicles Towed or Moved
1. The officer ordering the tow will complete the inventory search. The inventory search will include the opening of closed containers and the listing of their contents.
 - a. The purpose of the inventory search is not to locate evidence of criminal activity, but to protect the owner's property, protect the Department from subsequent claims of loss or stolen property, and to protect Department personnel from dangerous items. If there is any doubt, obtain a search warrant or contact the Prosecutor's Office for advice.
 2. Most property in vehicles removed to private storage areas will be left in the vehicle and under the custodial care of the rotation wrecker operator. An exception to this is visible contraband, evidence, and valuable property.
 - a. Officers will remove from the vehicle all contraband, confiscated property, valuable property, and property held for court. Process all items at the district.
 - 1) Scrap tires transported to the Impound Unit in a motor vehicle for a violation of ORC 3734.83 **will not** be removed from the transporting vehicle. The transporting vehicle, with the tires, will be stored at the Impound Unit until released by court order.

- b. For purposes of this procedure, valuable property is any one item or group of items having a value of \$500.00 or more.
 - c. Items that are in a secured non-visible area of the vehicle, such as the trunk or a lockable storage bin, may remain in this secured area if they do not exceed \$500.00 in total value.
 - 1) If not in a secured area, property up to \$500.00 may be secured in a lockable trunk, if accessible.
 - d. The spare tire, vehicle jack, and lug wrench are considered part of the vehicle and will remain in the vehicle, in the trunk or out of sight if possible. List these in the Tow Mod under the Vehicle tab in the Inventory fields.
 - e. The occasional flashlight, screwdriver, jumper cables, quart(s) of oil, or clothes may remain in the vehicle.
3. The towing officer will call to the attention of the wrecker operator all visible property left in the vehicle being towed.
 4. Officers will identify and tag all property removed from vehicles and not held for court or confiscated as "Found Property."
 - a. The Form 330, Property Receipt, should list descriptive data of the vehicle from which the property came.
 5. When a vehicle is towed to the district, the towing officer may leave the property in the vehicle until the vehicle has arrived at the district. The officer will then process the property through the district property room or locker.
 6. Property will remain in the vehicle towed to the Impound Unit for violation of peak hour restrictions.
 - a. Officers will record in the Tow Mod under the Vehicle tab in the Inventory fields a description of the property remaining in the vehicle and inform the wrecker operator of any such property.
 - b. Receiving officers at the Impound Unit will be responsible for approved property left in the vehicle in conformance with this procedure and will process such property in accordance with the Impound Unit Standard Operating Procedure (SOP).
 7. When Impound Unit personnel find property that should have been processed by the towing officer, they will contact the officer to respond to the Impound Unit to process the property.
 - a. If the towing officer is unavailable to respond, the officer's unit supervisor will be contacted.
 - 1) The towing officer's unit supervisor will have someone respond to process the property.