


Policy & Procedures Manual	Ref: Accreditation Chapter 61 Ohio Revised Code (ORC) 4513.63 U.S. District Court Order (Humphrey v. CMHA)	
Effective Date: 01 Jan 11	Revised: January 19, 2018	
Pages: 6 with Appendix A & B	Review Date: Annually	

CHAPTER 3.13

TOWING VEHICLES

PURPOSE

To provide guidelines for towing vehicles on CMHA property.

POLICY

Members may tow a vehicle as a result of a law enforcement action, to abate a danger or hazard affecting citizens, or to remove junk vehicle abandoned on CMHA property.

DEFINITIONS

Law Enforcement Action is any action taken by a member that is engaged in the investigation and enforcement of established laws, statutes and ordinances.

Junk Vehicle is a vehicle that is abandoned on CMHA property for more than 48 hours without permission, is three (3) years old or older, is extensively damaged and apparently inoperable and has a fair market value of \$1,500 or less.

CMHA Property is property that is either owned, maintained, or controlled by the Cuyahoga Metropolitan Housing Authority.

PROCEDURE

- I. Arrests
 - A. Members shall tow a vehicle for safe keeping if the arrested person is unable to secure the vehicle.
 - B. Members may release a vehicle to a third party if the owner gives consent to release the vehicle and the vehicle does not pose a danger or hazard to citizens.
 1. Members shall consult with a supervisor and seek approval prior to releasing a vehicle to a third party.
 2. Supervisors shall announce and document an approval or denial to release the vehicle over the Radio Communications Center (RCC).
 3. RCC shall make a notation on the CAD incident report indicating the name of the Supervisor that authorized releasing the vehicle to a third party.
 - C. Members shall request a tow through the RCC and complete a *Vehicle Tow Authorization Form*.
 - D. The *Vehicle Tow Authorization Form* shall be completed in its entirety including vehicle identifiers, condition and the location where the vehicle is being towed to.
 - E. Members shall inform the arrested person where the vehicle will be towed to and provide them with a copy of the *Vehicle Tow Authorization Form*.

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- F. Members shall submit the *Vehicle Tow Authorization Form* to their supervisor who will review and forward it to the Logistics Unit.

II. Vehicles Towed as Evidence and Forfeitures

- A. Members shall obtain approval from a supervisor prior to towing a vehicle as evidence or pending forfeiture.
 - 1. Supervisors shall announce and document an approval or denial to tow the vehicle over the Radio Communications Center (RCC).
 - 2. Vehicles shall be towed to the designated secure spot located in the rear parking lot of Headquarters for safekeeping.
 - 3. Members shall follow and maintain surveillance of the seized vehicle ensuring the chain of custody is not broken.
 - 4. A copy of the Case Report shall be attached to the *Vehicle Tow Authorization Form*.
 - 5. The keys to the seized vehicle shall be delivered to the OIC of Property/Logistics Unit for processing.
 - 6. Members shall document the reason for the tow and the name of approving supervisor in the case report.
- B. Members assigned to the Property / Logistics Unit shall maintain records of vehicles towed by CMHA.

III. Junk Vehicles abandoned on CMHA Property

- A. Members assigned to field duties in Basic Patrol shall not tow a vehicle junk and abandoned.
- B. Towing of junk motor vehicles (as defined below) abandoned on CMHA property shall be coordinated by members assigned to the Property / Logistics Unit.
- C. Members working the field and who discover an abandoned junk vehicle shall complete a *Vehicle Tow Authorization Form* identifying the vehicle's location, description of the vehicle, owner information (if known), vehicle condition and identify any property observed inside the vehicle.
 - 1. The Vehicle Tow Authorization Form shall be forwarded to the OIC of the Property / Logistics Unit.
- D. A junk motor vehicle is a motor vehicle that meets **all** of the following requirements:
 - 1. Abandoned on a CMHA property for more than 48 hours without permission, on a public street traversing through a CMHA owned or controlled property, or other CMHA property open to the public for purpose of vehicular travel or parking; and
 - 2. Three (3) years old or older; and
 - 3. Extensively damaged, including, but not limited to any of the following conditions: missing wheels, tires, motor or transmission; and
 - 4. Apparently inoperable; and
 - 5. Has a fair market value of \$1,500 or less.

IV. Emergency Tows

- A. Emergency tows are authorized when a vehicle is:
 - 1. An immediate danger or hazard to the safety of citizens; or
 - 2. Blocking a driveway; or
 - 3. Obstructing the entrance or exit to a CMHA property; or
 - 4. Parked in a marked fire lane; or
 - 5. Left unattended on jacks or stands; or
 - 6. Leaking flammable fluids or showing significant damage that poses an imminent hazard to life, limb or property.
- B. Members shall issue the appropriate PIN or Uniform Traffic Ticket (UTT).
- C. Members shall request approval from a supervisor prior to towing a vehicle as an emergency.
- D. Members shall, if possible, photograph the circumstances for towing the vehicle and document it in a case report.
- E. Members may issue a *Notice to Violator (NTV)* if the vehicle belongs to a resident.

V. Traffic Enforcement

- A. Members may enforce traffic violations within CMHA property in accordance with established mutual aid agreements.
- B. Members may tow vehicles in connection with traffic violations such as, but not limited to:
 - 1. No valid licensed operator;
 - 2. Fictitious or expired registration;
 - 3. Motor vehicle crashes.
- C. Members may issue the appropriate UTT to the operator of the vehicle if necessary.
- D. Members shall complete a *Vehicle Tow Authorization Form* and arrange for a tow through the RCC.
- E. Members shall provide the operator a copy of the *Vehicle Tow Authorization Form* which indicates where the vehicle is being towed to.
- F. Members shall submit the *Vehicle Tow Authorization Form* to their supervisor who will review and forward it to the Logistics Unit.

VI. Suspected Stolen Vehicles

- A. Members may tow a vehicle that is suspected to be stolen under the following criteria:
 - 1. The vehicle is parked on CMHA property; and
 - 2. The vehicle's registered owner is NOT a CMHA resident; and
 - 3. The property manager is consulted in an attempt to identify the registered owner; and
 - 4. The vehicle appears that it has not been moved for a period of time.

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- B. Members shall initiate the following action once the vehicle has been thoroughly investigated and it is deemed to be a suspected stolen:
 - 1. Use a grease pencil to clearly mark the vehicle on the drivers' side window as "suspected stolen".
 - 2. Inform RCC that the vehicle is marked for "48 hours" and subject to a tow.
 - 3. Photograph the front, sides and rear of the vehicle giving attention to the marked designation of "suspected stolen".
 - 4. After observing the vehicle in the same condition and location for 48 hours, complete a Vehicle Tow Authorization Form and arrange for a tow through RCC.
 - 5. Submit the Vehicle Tow Authorization Form to their supervisor who will review and forward it to the Logistics Unit.
 - 6. Generate a report documenting the reasons for towing the vehicle as a suspected stolen.

VII. Vehicle Inventories and Searches

- A. Members shall conduct a thorough inventory prior to towing a vehicle. Give attention to document items, valuables and any damage to the interior and exterior of the vehicle.
- B. Members shall familiarize themselves with court rulings that address vehicle searches.
 - 1. *Arizona vs. Gant* allows an officer to search the passenger compartment when the arrestee is within reaching distance at the time of the search and there is a reason to believe the vehicle contains evidence of the offense of the arrest.
 - 2. The *Carroll Exception* permits an officer to search a vehicle if probable cause exists (i.e., canine alerting, plain view, etc.) to believe that contraband is present in an automobile.
 - 3. *Michigan v. Long* permits an officer to search a vehicle if there are multiple occupants and a reason to believe one might be dangerous and have access to a weapon.
- C. Members may search a vehicle after obtaining consent from the registered owner.
- D. Vehicle searches may be limited by certain circumstances (evidence and locked containers) that may require obtaining a search warrant in order to examine contents observed in vehicle.

VIII. Entering Towed Vehicles into LEADS

- A. Vehicles that are towed by members of the Department shall be entered into LEADS.
 - 1. Members shall complete the *Towed Vehicle Information Form*, attach it to the Case Report and forward the form to their Supervisor for review.
 - 2. Supervisors shall ensure that information from the *Towed Vehicle Information Form* is entered into LEADS by a Communications Officer.
- B. The OIC of the Property / Logistics Unit shall be responsible for coordinating and entering dispositions into LEADS when a vehicle is released to an owner.

IX. Responsibilities of the Property / Logistics Unit

- A. Members assigned to the Property / Logistics Unit shall initiate the following steps before removing a vehicle as junk and abandoned on CMHA property:
 - 1. Conduct a vehicle registration check by license plate or VIN to determine the owner of the vehicle.
 - 2. Confirm whether the vehicle's owner is a CMHA resident or not.

B. If the verified owner is **NOT a CMHA resident**:

1. Use a grease pencil to mark the date, time and member's badge number, on the drivers' side front window of the vehicle.
2. Take a photograph(s) of the vehicle ensuring that the above information is properly recorded.
3. Inform RCC that the vehicle is marked for "48 hours" and subject to a tow.
4. Monitor the vehicle for 48 hours.
5. Complete a *Vehicle Tow Authorization Form* and forward it to the OIC of the Property / Logistics Unit.

C. Compliance with U.S. District Court Order in re: Humphrey v. CMHA, 1990 where the verified owner is a CMHA resident

1. The above captioned Court Order requires CMHA to initiate specific steps if the owner of a vehicle is a CMHA resident.
2. The resident must be served with a "*Notice of Proposed Towing Form*" (Appendix B) and a *Notice to Violator (NTV)*. Service may be accomplished by one of the following methods:
 - a. Personal delivery to the owner; or
 - b. Personal delivery to an adult member of the owner's family residing in the dwelling unit; or
 - c. First-Class mail delivery that is appropriately addressed to the owner.
3. A copy of the "*Notice of Proposed Towing Form*" shall be forwarded to the OIC of the Property / Logistics Unit.
4. A resident owner may contest the proposed towing of a vehicle by filing a grievance with the Property Manager within five (5) days of receiving a *Notice for Proposed Towing* and pursuant to the procedures outlined in the CMHA Conventional Dwelling Lease Agreement.
5. Members shall delay the proposed towing until a decision regarding the grievance is determined.
6. Members may prepare a *Vehicle Tow Authorization Form* and request a tow if five (5) days have elapsed and the owner has not grieved the proposed tow.
7. The OIC of the Property / Logistics Unit shall maintain and make ready for inspection all records of vehicles towed pursuant to this Court Order.

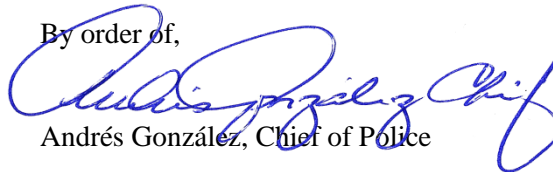
X. Abandoned Vehicles on City of Cleveland Streets

- A. Members may tow a suspected abandoned vehicle from a city street that is traversing through a CMHA property in accordance with established mutual aid agreement.
- B. Members shall be familiar with City of Cleveland Codified Ordinance (CCO) 451.25 - Abandoned Vehicles.
- C. Members shall perform the following steps with a suspected abandoned vehicle:
 1. Use a grease pencil to mark the date and time on the vehicle.
 2. Inform RCC that the vehicle is being marked for "48 hours" and subject to a tow.
 3. Monitor the vehicle for 48 hours.
 4. Request a tow after observing the vehicle in the same condition and location for 48 hours.
 5. Complete a *Vehicle Tow Authorization Form* and arrange for towing and storage.
 6. Issue a *Parking Infraction Notice* for violating CCO 451.25 if applicable.

XI. Release and Disposal of Towed Vehicles

- A. The OIC of the Property / Logistics Unit shall maintain records of all *Tow Authorization Forms*.
- B. Members assigned to the Property / Logistics Unit shall:
 - 1. Create a separate folder for each *Tow Authorization Form*.
 - 2. Obtain a LEADS printout and conduct a title search on the first business day following the tow.
 - 3. Contact the towing agency after three (3) days to determine the status of the towed vehicle.
 - 4. Retrieve copies of the appropriate paperwork from the towing agency to include:
 - a. Processing form;
 - b. Receipt of payment;
 - c. Release forms.
 - 5. Initiate the appropriate correspondence to the owner of the vehicle. Correspondence shall:
 - a. Be mailed on Wednesday of each week to the registered owner or lien holder.
 - b. Include registration information and how to retrieve the vehicle.
 - c. Identify a deadline for retrieving the vehicle.
 - 6. Costs associated with mailing correspondence shall be incurred by CMHA.
- C. Members assigned to the Property / Logistics Unit shall initiate the following steps if the vehicle remains in the tow agency's lot beyond twenty-one (21) days:
 - 1. Verify that all paperwork has been completed.
 - 2. Complete the appropriate affidavit for vehicles towed pursuant to ORC 4513.63 and initiate correspondence to the Bureau of Motor Vehicles (BMV). Copies of the affidavit shall be delivered to the tow agency and retained in unit files.
 - 3. Retain paperwork associated with the affidavit for two (2) years.

By order of,

A handwritten signature in blue ink, appearing to read "Andrés González", is written over the printed name and title.

Andrés González, Chief of Police

CMHA POLICE DEPARTMENT - VEHICLE TOW AUTHORIZATION

Date: _____ Time: _____ Estate: _____ COMPLAINT NO.:

Officer Requesting Tow _____ Badge No.: _____ Car No.: _____

Was Owner notified by Officer requesting tow. Yes ☐ No ☐ Name of person notified: _____

V.I.N. _____ Computer Check: _____

License: _____ Validation Sticker: _____ Name and Badge No. _____ State: _____

Make: _____ Model: _____ Year: _____ Color(s): _____ / _____

Vehicle Location: _____ Zone: _____

Owner's Name: _____ Telephone: _____

Owner's Address: _____ City: _____ Zip: _____

Operator's Name: _____ Telephone: _____

Operator's Address: _____ City: _____ Zip: _____

	YES	NO	VEHICLE PARTS	YES	NO	WHEELS & TIRES	YES	NO	VEHICLE LOCKED
Driveable			Battery			Left Front			YES <input type="checkbox"/> NO <input type="checkbox"/>
Damaged			Radiator			Right Front			TRUNK LOCKED
Burned			Radio			Left Rear			YES <input type="checkbox"/> NO <input type="checkbox"/>
Stripped			Tape Player			Right Rear			GLOVE BOX LOCKED
Dolly Req'd.			Engine			Spare			YES <input type="checkbox"/> NO <input type="checkbox"/>
Needs Wheels			Transmission						
Flat Bed Req'd.			Air Conditioner			Number of Wheelcovers:			
Link Disconnect			Keys						

VEHICLE DAMAGE AT TIME OF TOW: (DESCRIBE)

FRONT: _____

REAR: _____

LEFT SIDE: _____

RIGHT SIDE: _____

LEFT SIDE WINDOWS: _____

RIGHT SIDE WINDOWS: _____

WINDSHIELD: _____

REAR WINDOW: _____

INTERIOR DAMAGE: _____

PROPERTY INVENTORY:

PASSENGER COMPARTMENT: _____

TRUNK: _____

GLOVE BOX: _____

ENTERED IN PROPERTY BOOK: YES ☐ NO ☐

REASON FOR TOW:

Parking		Junk **	
Accident		Improper Registration	
Hit Skip		Stolen	
Arrest		Suspected Stolen	
Process *		Hold as Evidence	

PARKING OR MOVING VIOLATION INFORMATION:

Ticket No.: _____

Violation and No.: _____

(*Vehicle Processing Request Form must be completed.)

(**Must meet requirements of O.R.C. Section 4513.63)

Tow Agency: _____ Address: _____

Lot No.: _____ Address: _____ Phone No.: _____ Tow Truck No.: _____

CERTIFICATION:

I hereby certify that the information contained in this form has been diligently reviewed and that this information accurately reflects the identification and condition of the motor vehicle listed above and that the receipt of this vehicle and the above listed property is hereby acknowledged.

Tow Truck Driver: _____ Date: _____ Time: _____

SPEC OPS COPY - WHITE

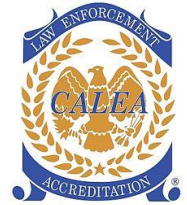
TOW AGENCY COPY - CANARY

OWNER'S COPY - PINK



CMHA
CUYAHOGA METROPOLITAN HOUSING AUTHORITY
POLICE DEPARTMENT

NOTICE OF PROPOSED TOWING OF YOUR VEHICLE
AND OPPORTUNITY FOR A PRE-TOWING GRIEVANCE



Tenant's Name _____ Date: _____

Address: _____

We are planning to TOW the following vehicle:

Make and Model of Vehicle: _____

License Plate: _____ Located at _____
Name of CMHA Property

For this reason:

According to our records, you are the owner of this vehicle. **IF YOU WANT TO CHALLENGE THE PROPOSED TOWING, YOU MUST COME TO THE MANAGEMENT OFFICE AT:**

_____ BY _____
(Address) (5 Days after service of this notice)

AND REQUEST A PRE-TOWING GRIEVANCE. IF YOU **DO NOT** REQUEST THE GRIEVANCE, WE WILL HAVE YOUR VEHICLE TOWED BY: _____
(Date)

Grievance verification through management completed by: _____
(Name of CMHA Employee)
on this date: _____.

Notice of proposed towing delivered by: ☐ Personal Service to Owner
☐ Personal Service to Resident Adult
☐ Mail

You are entitled to legal representation in this matter. Residents unable to afford legal representation may call the Legal Aid Society.