

REFERRAL FOR INVESTIGATION

Vehicle Towing, Impoundment, and Parking-Debt Collection Practices City of Wilmington, Delaware

Submitted to:	Office of the Attorney General, State of Delaware
Submitted by:	Delaware State Representative Josué Ortega Wilmington City Council Member Shané N. Darby
Date:	August 17, 2026
Re:	Possible improper revenue-driven enforcement, recordkeeping irregularities, and uncollected statutory debt in the City of Wilmington's towing and parking-citation systems

Purpose and posture of this referral. This document is submitted to request that the appropriate oversight authority open an investigation. It identifies specific, documented anomalies in records the City of Wilmington produced through the Delaware Freedom of Information Act and explains the legal authorities each anomaly implicates. It does not purport to adjudicate wrongdoing. Several of the concerns below can be confirmed or dispelled only by records uniquely within the City's and its towing contractor's control; the difficulty obtaining those records is itself part of the basis for this request.

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I. Executive Summary

This referral presents an extensive analysis of records produced by the City of Wilmington concerning vehicles towed by the City, outstanding parking and red-light citation debt, and tow-release fee revenue. The analysis covers **19,083 impound records spanning calendar years 2020 through 2025**, the City's reported tow-release-fee revenue by fiscal year, two iterations of the City vendor's "Top 100 Violators" report, outstanding-debt extracts containing 5,000 records each, and a series of the City's own written responses to public-records requests concerning fees, releases, appeals, and debt waivers.

Taken together, these records raise several concerns that, in the view of the submitting party, warrant independent investigation:

1. **A near-universal absence of fee data in produced records.** Across all 19,083 impound records, the monetary fields ("Total" and "Balance Due") were populated in only 15 records — 0.08 percent. The City was unable or unwilling to produce the per-vehicle amounts charged to or owed by vehicle owners.
2. **A reported fee total that cannot account for required statutory debt collection — confirmed by the City's own responses.** The City may tow for collection only where an owner owes at least the threshold in citations, and that debt is to be collected at release. Across three differently-worded records requests, the City was unable to produce any record of ticket and late-fee money collected through towing — its Assistant City Solicitor stating the City "does not maintain records responsive to this request" — even as it readily produced records of flat release fees and of ticket debt waived on forfeiture.
3. **Forfeiture-and-scrap as the predominant outcome for collection tows, aligned with the contractor's financial incentive and a debt-waiver policy.** Across six years, approximately 29 percent of all towed vehicles were scrapped rather than returned; for the parking-collection category the rate was approximately 58 percent — a majority — clustering at the contractual disposal deadline. Under the operative arrangement, the towing contractor retains the full proceeds of a scrapped or resold vehicle, and the City waives the underlying ticket debt when the contractor takes title — so in the majority outcome the tow's debt-collection purpose is extinguished rather than fulfilled.
4. **Enforcement that reaches a negligible fraction of eligible vehicles while the largest debtors remain untouched.** More than a thousand vehicles carry debt above the tow threshold, yet only approximately 61 collection tows occurred in a representative month, and the highest-balance debtors remained unchanged across successive vendor reports.
5. **An appeal process that produced no recorded ruling in any vehicle owner's favor.** Against roughly 4,564 tows in an eighteen-month period, only 30 appeals were filed (~0.66 percent), and none is recorded as a disposition in the owner's favor. The hearings were conducted within the same Department of Finance that orders the tows and collects the debt, under rules titled for the collection of delinquent accounts.

6. **Enforcement volume that is a substantial outlier among Delaware municipalities.** Between 2020 and 2025, Wilmington towed 19,083 vehicles — more than the combined total from all other responding Delaware cities. On a per-capita basis, Wilmington's tow rate (44.9 per 1,000 residents per year) is roughly twice the average of comparable Delaware cities (21.4). Newark, a city of comparable size, uses vehicle immobilization rather than towing, keeping vehicles with their owners.
7. **Vehicles held for years in City-directed impound — and the contractor's own records do not corroborate the disposition the City described.** Across 2020–2025, 182 vehicles towed under the City's collection-related accounts were held more than 180 days; 58 show no recorded release or disposition at all, some held over five years. The City identified five of these vehicles' disposition pathway as Justice of the Peace Court garage-keeper lien actions filed by its contractor, but the contractor's own Towbook records for those same five vehicles contain no release, sale, or title-transfer entry for four of them, and show a \$0.00 balance on all five as of this filing — a discrepancy the City has not explained.

Individually, several of these items might be explained by recordkeeping limitations or resource constraints. **Collectively, they describe a system in which the stated legal purpose of enforcement — collecting lawfully owed debt — appears subordinate to fee generation and vehicle disposition, while the records necessary to test that concern are not being produced.** That combination is the basis for this request.

The City has been on written notice of these record-keeping failures since at least 2018. Between September 2018 and May 2019, AAA Mid-Atlantic conducted a public-records campaign concerning the City's parking ticketing, booting, and towing practices under the City's prior towing contractor, First State Towing, and published its findings in a June 3, 2019 report. In the course of that campaign, an Assistant City Solicitor stated in writing on November 27, 2018, as to records of vehicles sold at auction by the contractor, that "we do not have any materials responsive to your request. The City has never received this information from our vendor and moving forward we are working to ensure that we receive monthly submissions regarding vehicles sold at auction." A further written response of May 20, 2019 acknowledged that the City had "encountered considerable difficulty with the towing contractor" and that "due to the vendor's non-compliance a date to fulfill cannot be given." City data produced to AAA for December 2017 through February 2019 showed 3,671 vehicles towed, 468 notices to registered owners recorded, and 1,320 vehicles apparently never released — a retention pattern consistent with the 2020 figures alleged in the Shaheed litigation and with the 2020–2025 pattern documented in this referral, across two successive contractors operating under the same compensation structure. The deficiencies described in this referral are therefore not newly discovered conditions; they are the persistence, under a new contractor, of failures the City acknowledged in writing seven years ago and pledged to remediate. (AAA Mid-Atlantic, "Parking Tickets, Appeals, Booting, and Towing Issues in the City of Wilmington, Delaware," June 3, 2019; available to the Office on request.)

Municipal legislative oversight has been pursued and remains unmet. On April 18, 2024, the Wilmington City Council adopted Resolution 24-022 (Darby) by an 11–2 vote. The resolution requested that the administration and City Auditor conduct "a comprehensive audit of parking tickets, towing, and

the booting processes of the City before December 31, 2024.” The administration publicly declined to conduct the requested audit, with the Deputy Chief of Staff stating in April 2024 that “there will be no audit because there is no need for an audit.” Councilmember James Spadola stated on the record before the vote, “I think we know the audit isn’t going to get done, and our support for it is just symbolic.” In July 2024, roughly three months after declining the audit, the administration announced that it was studying parking needs citywide; as of the date of this referral, no findings from that study appear to have been publicly disclosed. As of this filing, more than eighteen months past the deadline set by Resolution 24-022, no comprehensive audit of the ticketing, towing, and booting processes as requested by the resolution has been publicly disclosed. The sponsor of Resolution 24-022, Council Member Shané N. Darby, is a submitting party to this referral. This referral is submitted in recognition that the municipal legislative tools available to Council have been exhausted without producing the review that Council has requested by public resolution.

Direct engagement with the City has likewise been pursued and remains unmet. A member of Wilmington City Council met with City officials on July 28, 2026, and asked whether the City intended to conduct the audit requested by Resolution 24-022 or otherwise account for the anomalies described in this referral, requesting a response by August 14, 2026. The City did not respond.

II. Legal Framework Governing City Towing

The City's authority to tow non-consensually is not general; it is a set of specific, bounded grants. The concerns in this referral arise where the City's practices appear to operate outside, or without regard to, the limits of those grants.

A. State enabling authority (Title 21, Delaware Code)

- **21 Del. C. § 4181A(e)** — authorizes towing and levy for unpaid parking citations only after default judgment, and ties the tow to recovery of the unpaid citation amount plus towing charges.
- **21 Del. C. § 4179** — authorizes removal of vehicles obstructing traffic or unlawfully standing.
- **21 Del. C. ch. 44 and ch. 69** — govern abandoned, disabled, and accident- or arrest-scene vehicles, with notice requirements and a statutory lien for services rendered.
- **21 Del. C. § 4178** — establishes that parking violations are civil penalties only. Collection towing is therefore a debt-collection mechanism, not criminal enforcement, and is subject to the procedural and proportionality constraints that attach to government debt collection.

B. City authority and limits (Wilmington City Code, ch. 37)

- **City Code § 37-125** — establishes a tiered escalation, not a single tow threshold. A vehicle's plate is referred to Finance and a warning issued at \$150 in unpaid fines or five or more citations; the vehicle may be immobilized (booted) once unpaid fines exceed \$300; and a booted vehicle that remains immobilized and unredeemed for up to 36 hours is then towed and impounded. (A separate \$500 figure in the ordinance refers to unpaid boot fees as one of several conditions permitting a faster-than-36-hour tow, not to a citation-debt tow threshold.) Debt is calculated across the owner's current and previously owned vehicles, excluding amounts waived under § 37-66. The current thresholds date to Ordinance 24-023(sub 1), effective June 20, 2024, which raised the immobilization threshold from \$200 to \$300 and the parking-debt towing threshold from \$500 to \$600; events described in this referral that predate June 20, 2024 are evaluated against the lower thresholds then in effect.
- **City Code § 37-125(c)** — provides that towing occurs “only at the specific direction of the authorized towing contractor,” which itself verifies the vehicle by plate or VIN — placing the party that profits from forfeiture in control of the tow trigger.
- **City Code § 37-130** — requires that “the police department and the department of finance shall keep records of all vehicles impounded or immobilized” under the article — a mandatory recordkeeping duty directly relevant to the records the City says it does not maintain (Finding 2).
- **City Code § 37-131** — conditions release on payment or discharge of all outstanding citations plus towing and storage, with a protest-and-escrow mechanism and a designated Finance hearing officer; § 37-131(b) limits that hearing to whether the vehicle was “properly subject to immobilization or towing,” while any challenge to the underlying citation is heard separately by the Justice of the Peace Court under 21 Del. C. § 4181A.

- **City Charter § 8-200(1)** — requires the towing contract to be competitively bid and awarded to the lowest responsible bidder — the provision underlying the contractor-compensation structure examined in prior litigation.

C. Relevant litigation

Shaheed v. City of Wilmington challenged the City's towing-and-forfeiture structure and settled in December 2024, eliminating a FOIA exemption the City had previously invoked. The factual concerns in that matter — including difficulty reconciling how a vehicle owner's balance reached the tow threshold — recur in the data described below.

D. The City's towing contract with City Towing Services, LLC

The tow-and-impound operation described in this referral is governed by a contract between the City of Wilmington and City Towing Services, LLC. The current contract, 26038DF (effective on or about July 1, 2026), is substantially similar to its predecessor, 25037DF, and to earlier one-year contracts between the parties. The contract sets a detailed recordkeeping regime that materially bears on the records-gap and duration concerns identified in Findings 2 and 7.

Central obligations include:

- **Certified-mail notice within 72 hours (§ 34).** Within 72 hours of removal, the contractor must send certified notice to registered owners and lien holders and “shall provide the City with a copy of the foregoing notice, including all attachments, at the time of mailing.” The contractor must also notify the Chief of Police within 48 hours if a certified letter is returned undelivered.
- **Twenty-four-month record retention (§ 42).** The Impounded Vehicle Notice Form and the authorized release form “shall be filed in an appropriate filing place where they shall be retained for a period of at least twenty-four (24) months. All such forms shall be easily retrievable and provided to any City representative upon request.”
- **Contractor's written record (§ 43).** The contractor must maintain records including “all documentation about when and how vehicle owners and lien holders were notified” (§ 43(f)); “record of sale or other disposal of vehicle (including date and method of sale or another disposal)” (§ 43(g)); and “a record of all storage, towing, and miscellaneous charges (with an explanation of such charges) assessed to each vehicle owner and/or lien holder” (§ 43(e)). These records “shall be accessible to, and provided to, the Chief, Director, or an authorized representative of the City of Wilmington upon demand.”
- **Monthly reporting (§ 44).** The contractor must submit monthly reports to Finance and Police that include charges assessed, the current status of every held vehicle, and, for vehicles retained by the contractor, “the date upon which title to the vehicle was obtained by the contractor” and the current status (“retained by the contractor, sold, auctioned or salvaged”).
- **City's audit right (§ 58).** “Upon written request, the City may audit all records and other documents of the contractor which pertain to this contract or previous contracts between the City and the contractor (including its predecessor or successor in interest).”

The contract, in short, obligates the contractor to maintain and produce to the City — every month, for every vehicle — precisely the categories of information the City has repeatedly stated it does not possess. For vehicles impounded in 2022, 2023, and 2024, the pre-sale notice records the City has stated “no longer exist” fall within the contractor’s own 24-month retention window; and the City’s contractual copies (required at the time of mailing under ¶ 34) should be present regardless of what the contractor retained. The consistent unavailability of these records to public-records requests — where the contract itself provides the City audit authority to obtain them from the contractor — is a subject appropriate for independent examination.

III. Documented Anomalies

Finding 1 — Data-integrity concerns: absent monetary records and an inflated holding-time metric

In response to a FOIA request for all towing data including “tow release fee paid” and “any and all additional money paid for fines, fees, or any other charges,” the City produced 19,083 impound records. The monetary fields were blank or zero in **19,068 of 19,083 records (99.92 percent)**. The “Invoice #” field was empty in every record.

Why this matters: The fee an owner pays and the citation debt collected are central to whether the City is enforcing its own legal predicate. Their near-total absence from the City's records prevents the public — and, to date, the requester — from confirming that towed vehicles met the statutory threshold or that owed debt was actually collected. A records system that does not retain, or will not produce, this information is itself a matter for inquiry.

A related measurement concern. The “Days Held” field in the produced records does not measure elapsed time in custody. Across every released record examined, the field equals the inclusive count of calendar days touched — so that a vehicle held roughly sixteen hours overnight is recorded as “three days held.” The effect is systematic overstatement: the average recorded holding time is roughly three times the actual elapsed time for redeemed vehicles. Because daily storage charges accrue on time held and are paid to the towing contractor, a metric that inflates holding time inflates the contractor's storage billing. The dollar impact cannot be quantified from the records as produced, precisely because the monetary fields described above were withheld — which is an additional reason the underlying fee data should be obtained and examined.

A recurring pattern across responses. Beyond this single production, the City's written responses to records requests display a consistent shape: precise operational counts are produced (vehicles towed, releases issued, appeals filed, violations waived), while the financial records that would prove lawful debt collection are repeatedly reported as not maintained or are simply omitted from the answer. The City also recurrently answered for date ranges different from those requested (for example, supplying January 2024–June 2025 figures in response to requests specifying July 2024–June 2025), and reported the same fiscal-year fee total as both \$92,962.32 and \$92,692.32 in separate productions. Individually minor, these inconsistencies compound the difficulty of auditing the system from the records the City provides.

Finding 2 — The City does not track the citation debt that justifies its tows

The legal predicate for a collection tow is owed citation debt, to be collected at the release window. When asked directly for the money collected through towing for tickets and late fees, the City's Assistant City Solicitor responded: *“There are no records responsive to this request. The City does not maintain records responsive to this request.”* (Ref. R002023-090425.)

This was not an isolated response. Across three differently-worded requests handled by two different officials, the same asymmetry appears: the City produces what it collects in flat fees and what it waives

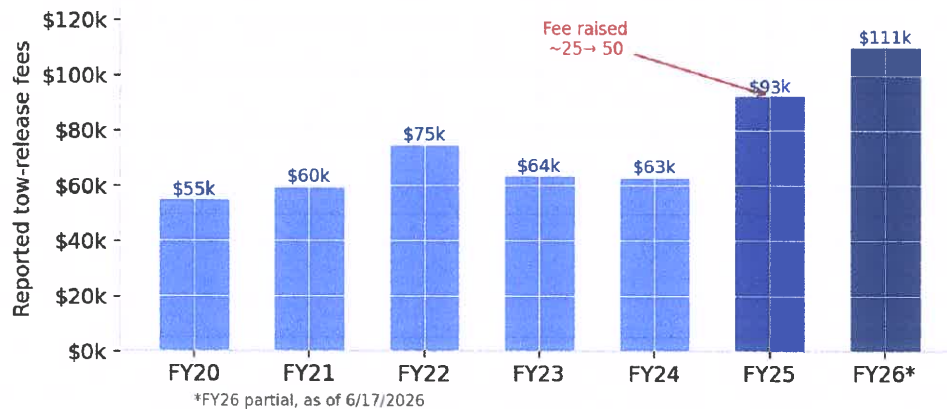
on forfeiture, but cannot produce what it collects in citation debt through towing. This is notable because City Code § 37-130 requires that the police department and the department of finance “keep records of all vehicles impounded or immobilized” under the article, and § 37-125 conditions release on the citation debt being discharged — so the records the City says it does not maintain are records the ordinance appears to require.

What was requested	What the City provided
Money collected through towing for tickets/late fees (R002023)	“No records... the City does not maintain records”
Release fees AND associated tickets/late fees (R001672)	Release fees only; ticket/late-fee portion absent
Tickets waived when contractor takes title (R001671)	Full monthly count produced (1,196 waived)

The reported tow-release-fee revenue is consistent with collecting only the flat release fee:

Fiscal Year	Reported Fees	Note
FY2020	\$55,141.50	Includes ½ of CY2020
FY2021	\$59,847.36	
FY2022	\$75,089.67	
FY2023	\$63,749.39	
FY2024	\$63,363.49	
FY2025	\$92,692.32	Also reported as \$92,962.32
FY2026	\$110,723.80	As of 6/17/2026

Reported Tow-Release-Fee Revenue by Fiscal Year



The City confirmed it collects only a flat release fee — \$25 historically, raised to approximately \$50 — with towing and storage paid separately to the contractor. An independent City count of 2,075 tow releases in calendar 2025, multiplied by the \$50 fee, yields approximately \$103,750 — closely matching the reported revenue and corroborating the flat-fee model. **In short, the reported revenue is fully explained by the release fee alone; the citation debt that § 37-125 requires to justify each collection tow appears nowhere in the City's financial records.**

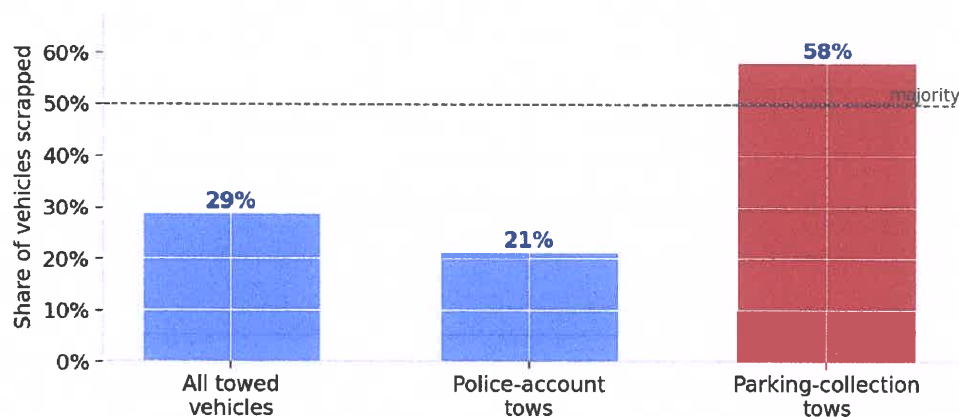
The resulting question for investigation: Either substantial citation debt is being collected at the tow window and the City fails to record it (a serious fiscal-control failure for public money), or it is not being collected — in which case the tow's stated legal justification is not being fulfilled, or the threshold is not being verified before vehicles are towed. The City's responses do not resolve which; they establish only that the City cannot demonstrate the debt-collection purpose of its tows is being achieved.

The City has produced transaction-level records of this kind before. In an earlier production, the City provided its 2020 fee-accounting journal — 1,976 dated line items, each an “admin fee” transaction tied to a specific plate or vehicle. The overwhelming majority were the flat \$25 admin fee (1,947 of 1,976), and the journal's total of approximately \$55,528 closely matches the \$55,141.50 the City separately reported as FY2020 tow-release fees — independently confirming that the reported fee totals capture only the flat release fee. Notably, the same journal also contained discrete entries the City itself labeled “TICKETS” and “ETIM TICKETS” (ranging from roughly \$100 to \$1,445), showing that citation-debt collections were, at least in 2020, recorded in the City's financial system alongside the admin fees. That the City produced such transaction-level fee-and-ticket data in 2020, yet by 2025 asserted it does not maintain records of ticket money collected through towing, is a contrast that should be examined directly rather than assumed to be either contradiction or benign change in systems.

Finding 3 — Forfeiture and scrapping as the predominant outcome

Analysis of disposition across 19,083 records:

Vehicle Scrap Rate by Tow Category, 2020-2025



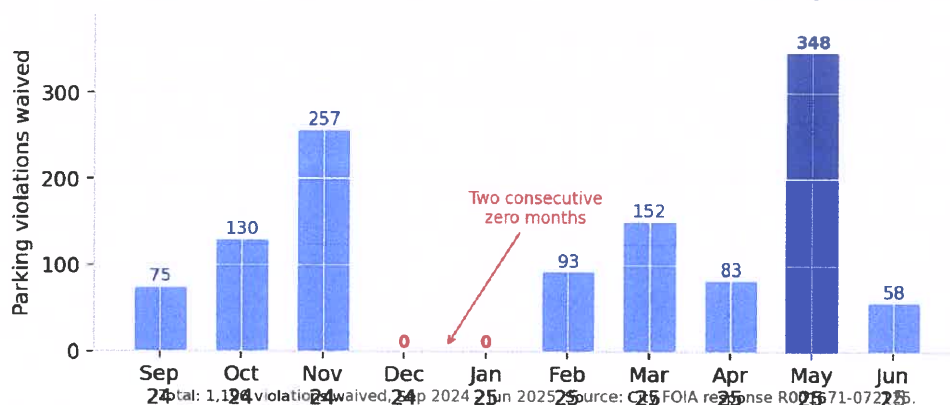
Category	6-Year Scrap Rate	Significance
All towed vehicles	~29%	Nearly 3 in 10 never returned
Parking-collection tows	~58%	Majority forfeited, not redeemed
Police-account tows	~21%	

Scrapped vehicles were disproportionately older, lower-value vehicles, and disposal timing clustered at the contractual disposal deadline (with roughly a third of scrapped vehicles disposed within a few days of the eligibility window). **For the collection category — vehicles towed to collect civil debt — permanent forfeiture was the modal outcome, not payment.** This pattern is consistent with a system whose economics favor disposition over the debt recovery that is its stated purpose, and it bears directly on the proportionality concerns at issue in prior litigation.

The incentive structure warrants particular scrutiny. Based on the operative arrangement — which the investigating body should confirm against the towing contract — once the City has collected its release fee and any outstanding citation debt at the release window, the towing contractor retains the entire proceeds of a scrapped or resold vehicle, with no offset returned to the City or the vehicle owner. Under that structure, an unredeemed vehicle that reaches the disposal deadline is worth more to the contractor than one reclaimed early: the contractor receives storage charges plus the full salvage or resale value, rather than storage alone. The contractor is also positioned to influence both how long a vehicle is held and whether it is released or disposed of — indeed, § 37-125(c) provides that towing occurs “only at the specific direction of the authorized towing contractor.” **In other words, the party that controls the holding and disposition of vehicles has a direct financial interest in non-redemption — and the data show disposals clustering precisely at the point where disposition becomes permissible.** The alignment of that incentive with the observed forfeiture pattern is a central reason this matter warrants independent examination.

A debt-waiver policy completes the incentive picture. Under a reform the City announced in October 2022 and implemented in fall 2024, when the towing company takes title to a vehicle after the hold period, the City waives all parking-ticket fines the owner owed. The City produced monthly figures showing **1,196 violations waived between September 2024 and June 2025** (Ref. R001671-072125). The combined effect is that, in the majority forfeiture outcome, the contractor keeps the entire vehicle value while the City extinguishes — rather than collects — the citation debt that was the legal basis for the tow. Every institutional incentive aligns toward forfeiture: the contractor gains the vehicle, the City clears the delinquent account without collection effort, and only the owner's interest in keeping the car runs the other way. Notably, the City maintains detailed records of debt waived on forfeiture but, as set out in Finding 2, no records of debt collected through towing.

Parking Violations Waived on Vehicle Forfeiture, by Month

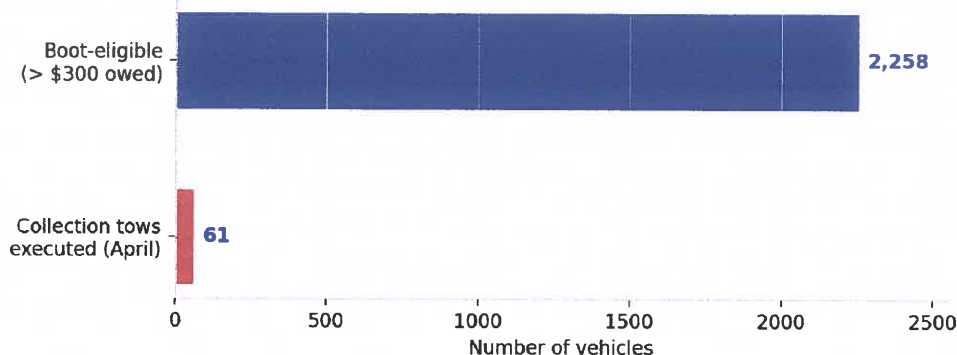


The monthly pattern is irregular — two consecutive zero months (December 2024 and January 2025, around the time of the *Shaheed* settlement) followed by a sharp spike to 348 in May 2025 — consistent with dispositions and waivers being processed in batches tied to the contractor taking title, rather than as a steady flow. The relationship between the count of waived violations and the count of scrapped vehicles over the same period is a direct, testable question for examination. The mechanism by which the contractor obtains title, in turn, has since been identified by the City as the Justice of the Peace Court garage-keeper lien process; the records that would show what proceeds are realized in those actions, and to whom they flow, reside in JP Court files and are not held by the City.

Finding 4 — Negligible enforcement against a large eligible pool; largest debtors untouched

A City outstanding-debt extract (capped at 5,000 records, each owing \$200 or more) showed **2,258 vehicles owing more than the \$300 immobilization threshold, carrying approximately \$1.25 million in debt**, and roughly \$1.95 million outstanding across the full capped list. In a representative month (April 2026), the City executed only **61 parking-collection tows — approximately 2.7 percent of the boot-eligible pool**. At that rate, cycling through even the current eligible backlog would take several years, even as it continually refills.

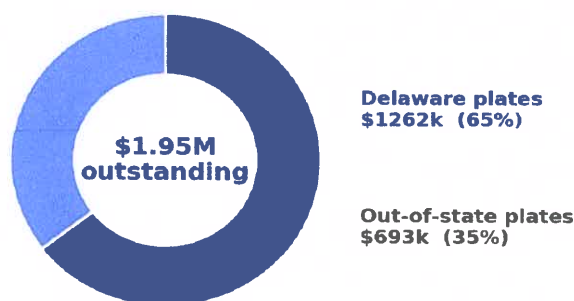
Eligible Pool vs. Enforcement: ~2.7% of Boot-Eligible Vehicles Towed in a Representative Month



Meanwhile, successive runs of the vendor's "Top 100 Violators" report (April 6 and June 8, 2026) showed the highest-balance debtors essentially unchanged — the top three identical in both, led by a plate owing \$6,700 across 53 citations. **The vehicles owing the most were not the vehicles being towed.**

Why this matters: When a large pool is lawfully eligible but only a tiny, non-prioritized fraction is acted upon, the selection of which vehicles are towed carries substantial discretionary weight and raises questions of arbitrary or non-uniform enforcement. Approximately 35 percent of outstanding debt was owed by out-of-state plates beyond the reach of registration holds, making towing the principal available remedy against that debt — a remedy the data shows is barely used.

Outstanding Parking Debt by Plate Origin (capped 5,000-record extract)



Out-of-state debt (~35%) is largely beyond the reach of DMV registration holds — towing is the principal remaining remedy.

The City's own categorized counts corroborate this scale. For the eighteen-month period it reported (Ref. R001643-071525), the City recorded 3,406 Wilmington Police Department tows, 485 "booted-then-towed" vehicles, and 673 Parking Enforcement tows — placing the collection-tow universe (booted-then-towed plus Parking Enforcement) at roughly 1,158, or approximately 77 per month, consistent with the monthly figure above. The great majority of all tows are police-account tows, whose legal basis

(accident, arrest, evidence, abandonment) is distinct from debt collection and cannot be assessed from the categories the City maintains.

Finding 5 — An appeal process with no recorded ruling in any owner's favor

Against the roughly 4,564 tows the City reported for the period (3,406 police + 485 booted-then-towed + 673 Parking Enforcement), only **30 towing appeals were filed — about 0.66 percent, or one appeal per 152 tows**. The reported dispositions were: 2024 — 12 upheld, 4 dismissed; 2025 — 14 upheld, 4 dismissed, 1 withdrawn.

No disposition is recorded as a ruling in a vehicle owner's favor. Under § 37-131(b), the City hearing officer decides only whether the vehicle was “properly subject to immobilization or towing”; any challenge to the underlying citation is heard separately by the Justice of the Peace Court. A “dismissed” disposition in this forum therefore reflects a tow-propriety appeal that did not succeed — not a citation dismissed in the owner's favor, which would not be decided here at all. On the narrow question the City does adjudicate — was the tow proper — no appeal across two years and thousands of tows is recorded as resolved for the owner, and the response records no fee refund or tow reversal. Because fines paid under protest are held in escrow and released to the owner only on a favorable ruling (§ 37-131(b)), a zero-success record implies the escrow mechanism has returned nothing.

The adjudication sits inside the collecting department. With one exception, all towing appeals were heard by a single Department of Finance hearing officer, and the hearings are conducted under the Department of Finance's “Rules for Collection of Delinquent Accounts.” The body deciding whether a tow was proper thus sits within the same department that orders the tow and collects the debt, applying a rule set framed as debt collection rather than neutral adjudication. Whether a 0.66 percent appeal rate with no recorded owner success reflects that the tows were sound, or that the appeal process is not a meaningful remedy — given that storage fees accrue and scrap eligibility approaches while an appeal is pending, often making the process economically irrational for the owner of a low-value vehicle — is a question appropriate for independent review.

Finding 6 — Wilmington's enforcement volume is a substantial outlier among Delaware municipalities

What the records show. Public-records responses from municipalities across Delaware, obtained by the submitting party in 2026, establish that Wilmington's tow operation is a substantial outlier in scale — both in absolute numbers and per resident — compared to other Delaware cities that engage in parking-related towing. Between calendar years 2020 and 2025, Wilmington towed 19,083 vehicles.

Over the same six-year period, seven other responding Delaware municipalities reported the following tow volumes: Dover, 5,483 tow slips generated by the Dover Police Department; Newark, 3,608 police tows plus fewer than 125 additional Parking Division tows; Milford, 2,128 vehicles towed; Smyrna, 1,368 vehicles towed; Newport, 897 vehicles towed; Elsmere, 631 vehicles towed; Georgetown, zero vehicles towed. Rehoboth Beach reported no towing operation and, across 2023–2025, immobilized a total of nine vehicles.

Wilmington's tow volume exceeds the combined total of all other responding Delaware cities.

Excluding Wilmington, the seven other responding cities reported approximately 15,343 tows collectively (including all Newark police-department tows). Wilmington alone towed 19,083 vehicles — more than the combined total from every other responding Delaware city that produced records.

On a per-capita basis, Wilmington tows at roughly twice the rate of comparable Delaware cities.

Calculated as total tows divided by population (2020 U.S. Census) divided by six years, multiplied by 1,000 residents, Wilmington's rate is 44.9 tows per 1,000 residents per year. The comparable-city average — Milford, Dover, Newark, Smyrna, and Elsmere — is 21.4. Milford, the next-highest per-capita city, is 29.3. Georgetown's rate is zero.

Newark, of comparable size, deploys a fundamentally different enforcement mix. Newark's Parking Division towed fewer than 125 vehicles across the six-year period while immobilizing (booting) 3,984 vehicles — an inverse enforcement ratio. Immobilization is a temporary restraint that returns the vehicle to its owner upon debt resolution; towing, under the operative arrangement documented in Finding 3, predominantly produces forfeiture. Newark's enforcement mix demonstrates that the debt-collection function can be pursued in Delaware without predominantly producing owner loss, and that a tow-heavy enforcement architecture is a policy choice rather than a necessity.

Why this matters. The scale of Wilmington's tow operation is not explained by geography, city size, or state law — all of which are shared with the comparison cities. It reflects a policy choice: to lead with towing rather than immobilization, and to tow at volumes that exceed those of every other responding Delaware municipality combined. That policy choice is a lawful one on its face. But it is also the choice that produces the outcomes documented in Findings 1 through 5: absent per-vehicle debt records at the point of release, majority forfeiture rather than collection, an appeal process with no recorded owner success, and a pool of high-balance debtors that remains untouched while enforcement is applied elsewhere at scale. The statewide comparison establishes that these outcomes flow from an enforcement architecture that is not compelled by Delaware law and that comparable Delaware cities have not chosen for themselves.

***Note on comparability.** Reporting categories vary among Delaware municipalities. Dover reports police tow slips; Newark separates police tows from Parking Division tows; some cities report only aggregate figures. The comparisons above are order-of-magnitude and are drawn from responses each city provided under the Delaware Freedom of Information Act. The point of the comparison is not precise reconciliation but the difference in order of magnitude, which is unambiguous. Underlying FOIA responses from each responding city are retained by the submitting party.*

Finding 7 — Vehicles held for years under City-directed impound accounts with no recorded disposition

What the records show. The City's impound reports record a substantial set of vehicles impounded under collection-related accounts — Parking Enforcement and the PayLock (booted-then-towed) account — that were held far beyond any period contemplated by state law or by the City's own towing contract, in several cases more than four to five years after impound. The City's impound data does not record a reason for each tow within these accounts, so this population includes both unpaid-citation

tows and abandoned-vehicle tows; the common thread is duration and the absence of a recorded disposition, not the basis for the tow.

Twelve specific vehicles held more than 1,300 days. Twelve vehicles drawn from the produced impound reports were, as of report generation, held between 1,326 and 2,301 days (approximately 3.6 to 6.3 years) with no recorded release or disposition in the City's data:

Stock #	Vehicle	Account	Impounded	Days held	Status
5613209	2008 BMW 5 Series	PayLock	2/24/2020	2,301	No release recorded
7045206	2006 Hummer H3	Parking Enf.	12/4/2020	2,017	No release recorded
8281479	2010 Nissan Altima	Parking Enf.	6/10/2021	1,829	No release recorded
8331021	2006 Chevrolet Silverado 2500	Parking Enf.	6/17/2021	1,822	No release recorded
9297410	2013 Audi allroad	Parking Enf.	10/20/2021	1,697	No release recorded
9305982	2016 Chevrolet Silverado 1500	Parking Enf.	10/21/2021	1,696	No release recorded
9681101	2016 Hyundai Sonata	PayLock	12/6/2021	1,650	No release recorded
10143325	2011 Jeep Grand Cherokee	Parking Enf.	2/3/2022	1,591	No release recorded
10667277	1989 Ford F-250	Parking Enf.	3/31/2022	1,535	No release recorded
11807585	2007 Chevrolet Avalanche	PayLock	8/10/2022	1,403	No release recorded
12423608	2012 Acura TSX	Parking Enf.	10/14/2022	1,338	No release recorded
12537795	1990 Lotus Esprit	Parking Enf.	10/26/2022	1,326	No release recorded

The broader pattern. Across 2020–2025, 182 vehicles towed under the City's collection-related accounts were held more than 180 days. Of these, 88 were ultimately scrapped (a median of 448 days after impound), 36 were redeemed, and 58 show no recorded release or disposition at all — some impounded more than five years before the City's report was generated.

The disposition pathway, as the City has since described it. In response to a records request concerning five of these extreme-duration vehicles (R001296-062326, July 2026), the City stated that four had been disposed of by the towing contractor through Justice of the Peace Court garage-keeper lien actions, and one remained in impound. The City further stated:

- It “does not maintain records reflecting amounts owed to the City’s contractor for towing and storage.”
- Pre-sale notice records for older vehicles “no longer exist,” except in the one still-impounded case, for which the contractor was able to retrieve archived materials from its own storage.
- The City is not the custodian of the sale and proceeds records, which reside in Justice of the Peace Court files under the plaintiff/lienholder name City Towing Services, LLC.
- Even the civil action numbers and case captions are being withheld from public-records production as, in the City’s characterization, “confidential Personally Identifiable Information.”

Contract requirements bear directly on this record gap. As Section II.D of this referral describes, the towing contract obligates the contractor to send certified notice within 72 hours and provide the City a copy at the time of mailing (§ 34); to retain impound and release records for a minimum of 24 months in an “easily retrievable” form (§ 42); to maintain records of notifications, charges, and dispositions (§ 43); and to submit monthly reports to Finance and Police that include title-transfer dates and current status of every vehicle (§ 44). The contract also grants the City audit authority over the contractor’s records (§ 58). Notice records for vehicles impounded in 2022, 2023, and 2024 fall within the 24-month retention window; the contractor’s demonstrated ability, in the still-impounded case, to retrieve older archived materials on request indicates that older records are not, in fact, uniformly gone.

One specific coherence question warrants particular scrutiny. Among the five vehicles for which the City provided detail, Stock #5613209 (2008 BMW 5 Series) was booted and towed on February 24, 2020 on the basis of unpaid parking citations. The contractor’s Towbook billing record for the vehicle itemizes three parking fines issued between February 2018 and January 2020 totaling \$250, plus a \$100 boot fee — together the \$350 figure the City’s narrative response characterized as citation debt — while a further \$500 “lost boot” fee appears in the same billing record as a struck-through, voided entry. For clarity of the applicable standard: this boot predates Ordinance 24-023(sub 1) (effective June 20, 2024), which raised the immobilization threshold from \$200 to the current \$300, so the \$250 in accumulated citations exceeded the \$200 threshold then in effect under § 37-125. The coherence question is therefore not whether the threshold was met, but how it was met: the same record indicates the vehicle “appeared to have been stolen and displaying a fictitious plate at time vehicle was towed.” How citation debt accumulated over two years was attributed, for § 37-125 purposes, to a vehicle the City itself describes as stolen and bearing a fictitious plate — and to whom the underlying obligation was in fact owed — is not explained in the record. Whether the citation-to-vehicle attribution process reliably identifies the owner actually responsible for the underlying violations is a question the AG’s office is well-positioned to examine.

The contractor’s own operational records do not corroborate the disposition the City described. The submitting party has since obtained, through the same FOIA request, the underlying Towbook impound-detail records the towing contractor maintains for these five vehicles — the system of record the current contract requires the contractor to keep (§§ 42–44). Those records do not show what the City’s narrative response described:

- For the four vehicles the City identified as disposed of through Justice of the Peace Court garage-keeper lien actions (Stock #s 10667277, 12537795, 7045206, and 9305982), the Impound History field in each vehicle's Towbook record contains no release, no disposition, no lien-sale, and no title-transfer entry of any kind. The 1990 Lotus Esprit (#12537795) shows exactly one entry in its entire history — intake on October 26, 2022 — with no subsequent activity of any description as of the July 20, 2026 report date, 1,364 days later.
- The 1989 Ford F-250 (#10667277) shows a release entered on May 23, 2022, followed the next day by an entry titled "Vehicle unreleased (previous release action un-done)." The record does not show why the release was reversed or what became of the vehicle afterward.
- All five vehicles' Impound Total fields read \$0.00 as of July 20, 2026, with an empty Charges table. A garage-keeper lien sale is predicated on an unpaid debt for towing and storage; the contractor's own billing record for these vehicles shows no such debt ever accrued.
- The 2016 Chevrolet Silverado (#9305982) was towed as "Unregistered," with a handwritten note on the towing form stating the plate "belongs to a different Silverado" — indicating an owner-identification error was flagged on the vehicle's own intake paperwork, not merely alleged after the fact.

If four of these vehicles were in fact sold through JP Court lien actions, the contractor's system of record was never updated to reflect it — itself a violation of the monthly-reporting and disposition-recordkeeping obligations in ¶¶ 43–44 of the current contract. If they were not sold through that process, the City's description of the disposition pathway does not match the only operational record available to test it. Either possibility is a matter for the AG's office to resolve by compelling the underlying JP Court case files and reconciling them against the contractor's Towbook records.

The stated basis for the Lotus tow also warrants a brief note. The vehicle was towed as an "Abandoned Vehicle," but the same production's photographs show it parked at two different locations on Wilmington streets on September 21 and October 20, 2022 — six weeks and six days, respectively, before the October 26 tow. That pattern is not addressed in the record and is offered here only as a detail the City may wish to explain.

Why this matters. The City orders the tow, sets the debt threshold that justifies it, and — in a substantial number of extreme-duration cases — has no visibility into whether the vehicle was ever released to its owner, sold, scrapped, or otherwise disposed of. When the vehicle is disposed of, that occurs in a civil court proceeding to which the City is not a party, from which it does not receive the sale proceeds, and whose records it declines to identify. The Council-adjudicated appeal process operates within a 45-day window (Ch. 37, § 37-131 and the Rules for Collection of Delinquent Accounts); a vehicle held for 1,326 to 2,301 days is far outside any owner's practical remedy through that process, and the record produced to date does not resolve what happened to those vehicles or their owners. That combination — City-ordered tows, prolonged holds, contractual records the City states are unavailable, and dispositions in court proceedings whose files the City will not identify — is a subject appropriate for independent investigation.

IV. Legal Authorities Implicated

The submitting party does not assert legal conclusions. The following authorities frame why the documented anomalies merit investigation:

- **Statutory predicate for towing (21 Del. C. § 4181A; City Code § 37-125).** If vehicles are towed without verified threshold debt, or if required post-judgment process is not observed, tows may exceed the authority on which they rest.
- **Government debt-collection and due-process limits.** Because parking penalties are civil (§ 4178), collection by seizure and forfeiture implicates due-process and proportionality constraints, particularly where vehicle value is exceeded by accruing fees and the vehicle is then scrapped. The appeal data — a 0.66 percent appeal rate with no recorded owner success, adjudicated within the collecting department under rules titled for the collection of delinquent accounts — bears directly on whether a meaningful and independent remedy exists.
- **Public recordkeeping and FOIA (29 Del. C. ch. 100).** Repeated production of incomplete records, omission of enumerated request categories without cited exemptions, recurring date-range mismatches, and an inability to produce records of debt collected through towing implicate the City's obligations under the Freedom of Information Act and sound public-records management.
- **Fiscal accountability for collected, uncollected, and waived funds.** The City reports collecting only a flat release fee, maintains no record of citation debt collected through towing, and systematically waives delinquent ticket debt precisely when a contractor takes title to the vehicle. Whether this trade-off — foregone public debt on one side, retained vehicle value to a private contractor on the other — was ever quantified or authorized is a question appropriate for audit.
- **Competitive-bidding and contractor oversight (Charter § 8-200(1)).** If the towing contractor's effective compensation includes the retained value of forfeited vehicles — potentially the largest revenue stream in the system — a stated contract price that omits that value may not reflect the true economics of the award, raising questions of consistency with competitive-bidding requirements and the City's fiduciary interest. The arrangement warrants review on that basis.

V. Requested Action

The submitting party respectfully requests that the appropriate authority:

1. Open an inquiry into the City of Wilmington's towing, impoundment, and parking-debt collection practices for the period 2020–2026.
2. Compel or obtain production of the per-vehicle monetary records absent from prior productions, including release fees, citation debt collected at release, towing and storage charges, and salvage/scrap proceeds.
3. Obtain and forensically examine the underlying citation and enforcement data systems supporting the City's parking and towing operations.

4. Examine the criteria by which vehicles are selected for collection towing, to assess uniformity and non-arbitrariness of enforcement.
 5. Review the towing contract and the contractor's full compensation, including the retained proceeds of scrapped and resold vehicles, to determine the true economics of the award and its consistency with the City Charter and the City's fiscal interest.
 6. Trace the disposition of vehicles recorded as scrapped. For the approximately 5,500 vehicles marked scrapped during 2020–2025, obtain the Vehicle Identification Numbers and cross-reference them against Delaware (and, where applicable, other states') Division of Motor Vehicles title and registration records to determine whether each vehicle was in fact junked and its title cancelled, or was instead re-titled, resold, or re-registered. Identify the purchasers or recipients of disposed vehicles and any salvage or resale proceeds, and determine whether any such recipients are affiliated with the City's towing contractor. The City has previously produced VIN-level data for retained vehicles — including a 2020 “vehicles kept” list of roughly 1,400 forfeited vehicles with unredacted VINs — confirming that the records necessary for this trace exist and are producible.
 7. Quantify the public ticket debt waived under the title-transfer waiver policy, determine whether the resulting fiscal trade-off was authorized, and reconcile the count of waived violations against the count of scrapped or forfeited vehicles over the same period.
 8. Examine the towing-appeal process — its independence from the collecting department, the meaning of each disposition category, the economic barriers to its use, and the reasons no appeal is recorded as resolved in a vehicle owner's favor.
 9. Assess whether citation debt that forms the legal predicate for collection tows is in fact being assessed, verified, and collected.
 10. For the five vehicles addressed in the City's July 2026 response (Stock #s 10667277, 12537795, 5613209, 7045206, and 9305982), obtain the underlying Justice of the Peace Court case files and reconcile the debt sworn to support any lien action against the \$0.00 balance recorded in the contractor's own Towbook system, and determine why the contractor's operational records do not reflect disposition for the four vehicles the City described as resolved by lien sale.
 11. **Pursue the remedies the findings warrant.** Should the investigation substantiate violations of law, pursue the remedies appropriate to those findings — criminal charges where the evidence supports them, civil enforcement or recovery of public funds where it does not, and referral to any authority with jurisdiction over matters outside this Office's purview, including the State Auditor of Accounts, the Public Integrity Commission, or federal authorities.
 12. **Provide a written disposition of this referral.** Advise the submitting parties in writing whether an inquiry is opened and, upon its conclusion, of the findings and actions taken, so that the matter is resolved by determination rather than by document collection alone.
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VI. Records Relied Upon

The following records, produced by the City of Wilmington or its vendor and retained by the submitting party, are available to support this referral:

- Annual towed-vehicle impound reports, CY2020–CY2025 (19,083 records total).
- April 2026 impound report (299 records).
- Reported tow-release-fee revenue by fiscal year, FY2020–FY2026.
- “Top 100 Violators by Amount Due” reports, run dates April 6, 2026 and June 8, 2026.
- Outstanding parking-debt extract (by plate) and scofflaw detail extract (by person), 5,000 records each.
- City FOIA response R001021-052226: impound records and fiscal-year tow-release-fee totals.
- City FOIA response R000303-021326 (Finance): 2,075 tow releases issued in calendar 2025.
- City FOIA response R002023-090425 (Asst. City Solicitor): “no records” of ticket/late-fee money collected through towing; release-fee totals.
- City FOIA response R001643-071525 (Finance): categorized tow counts, releases, appeal counts and dispositions, hearing officers, and the “Rules for Collection of Delinquent Accounts.”
- City FOIA response R001671-072125 (Finance): monthly count of violations waived on vehicle forfeiture (1,196 total).
- City FOIA response R001672-072125 (Finance): release-fee totals; ticket/late-fee component not provided.
- Earlier City productions: 2020 “vehicles kept by City Towing” list (with unredacted VINs) and the 2020 fee-accounting journal of admin-fee and ticket transactions.
- Wilmington City Council Resolution 24-022 (Darby), adopted April 18, 2024 (11–2), requesting a comprehensive audit of ticketing, towing, and booting practices before December 31, 2024.
- FOIA responses obtained by the submitting party from seven Delaware municipalities regarding towed and booted vehicle volumes, calendar years 2020–2025: City of Milford (2,128 tows); City of Rehoboth Beach (9 boots, no tow operation); City of Newark (3,608 police tows, fewer than 125 Parking Division tows, 3,984 immobilizations); Town of Newport (897 tows); Town of Georgetown (0 tows, 0 boots); Town of Elsmere (631 tows); Town of Smyrna (1,368 tows); City of Dover (5,483 police tow slips, 0 boots).
- Contemporaneous public statements and reporting on Resolution 24-022, including the reported comment of the Deputy Chief of Staff, John Rago, and the on-the-record statement of Councilmember James Spadola.
- City of Wilmington Contract 26038DF, Towing and Impounding of Vehicles, effective on or about July 1, 2026, with predecessor Contract 25037DF.
- “Exhibit: Extreme-Duration Impound Holds” compiled from City of Wilmington impound records, documenting 182 vehicles held more than 180 days between 2020 and 2025 (88 scrapped, 36

- redeemed, 58 with no recorded release or disposition), including twelve specific vehicles held between 1,326 and 2,301 days as of report generation.
- City FOIA response R001296-062326 (Asst. City Solicitor, July 2026): five-vehicle detail identifying the Justice of the Peace Court garage-keeper lien process as the disposition pathway; City statement that it “does not maintain records reflecting amounts owed to the City’s contractor for towing and storage”; City statement that pre-sale notice records for older vehicles “no longer exist” except in one instance where the contractor retrieved archived materials.
 - Towbook impound-detail records (printed July 20, 2026) for the five vehicles addressed in FOIA response R001296-062326: Stock #10667277 (1989 Ford F-250), #12537795 (1990 Lotus Esprit), #5613209 (2008 BMW 5 Series), #7045206 (2006 Hummer H3), and #9305982 (2016 Chevrolet Silverado 1500) — each showing the complete Impound History, Charges table, and associated intake photographs and towing forms maintained in the towing contractor’s own system of record.

Respectfully submitted for consideration,



Josué Ortega
Delaware State Representative



Shané N. Darby
Wilmington City Council Member