

Vehicle Towing

502.1 OFFICER RESPONSIBILITIES

Agency Content

Only an authorized tow service vendor shall tow vehicles for the Syracuse Police Department.

When a vehicle must be towed or impounded, officers shall request the next available authorized tow service vendor from the tow list maintained by E-911 Communications, via E911 channel #2. Members shall:

- (a) Inform channel 2 if a special service is needed, such as a flat bed truck or dolly.
- (b) Provide the license number, or vehicle identification number of the vehicle being towed.

Officers shall conduct or request that the E911 dispatcher conduct computer checks on all vehicles to verify that the vehicle information is valid and to identify if the vehicle or registered owner is wanted (i.e. wants, warrants, suspensions, revocations, scofflaw listing, etc.).

- (a) If the towing officer receives verification that the vehicle is wanted, he/she will indicate in the Incident Report and/or Vehicle Impound Report that the vehicle is not to be released, who ordered the hold and the reason why.
- (b) If the towing officer receives verification that the vehicle is a scofflaw, he/she will indicate in the Incident Report and/or Vehicle Impound Report that the vehicle is not to be released and the reason why. The scofflaw box will be checked on the Vehicle Impound Report to indicate that the vehicle is a scofflaw.

The towing officer will complete a Vehicle Impound Report (Form 2.4) whenever a vehicle is towed. The Vehicle Impound Report will be distributed as follows:

- (a) The white copy will be submitted to the Central Records Division.
- (b) The yellow copy will be given to the tow operator.
- (c) The pink copy will be given to the owner/operator.
- (d) The gold copy will be left in the vehicle or forwarded to the section of the police department responsible for continuing the investigation involving the towed vehicle.

The Vehicle Impound Report (form 2.4) will provide the towing service with the report DR number and owner information on towed vehicles, so they may contact the owner directly in order to inform them of the following:

- (a) The Syracuse Police Department has towed their vehicle.
- (b) Towing and storage fees for the vehicle.
- (c) The location of the towing service.
- (d) The hours and conditions under which the vehicle can be retrieved.
- (e) The need for the owner to obtain a written release from the Central Records Division.

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When a towed vehicle is to be held, the towing officer will mark the category "Hold" on the Vehicle Impound Report (form 2.4). If the vehicle may be released to the owner, the towing officer will mark the category, "Release" on the Vehicle Impound Report.

A vehicle may be held for the following reasons:

- (a) The vehicle is unregistered and/or uninsured.
- (b) The vehicle is mechanically unsafe to operate.
- (c) The vehicle is evidence.
- (d) The vehicle is subject to seizure pending asset/forfeiture proceedings.
- (e) The operator is being charged with felony DWI.
- (f) The vehicle was involved in a serious physical injury and/or fatal collision.
- (g) The vehicle is designated as a scofflaw.

When the investigation is completed or the vehicle is no longer required for evidentiary purposes:

- (a) The member conducting the investigation will submit a 10.1 (Inter Departmental Memo) to the Central Records Division stating that the vehicle may be released.
- (b) The Central Records Division will notify the owner.
- (c) If the vehicle is being held by the Criminal Investigation Division for investigative purposes, a supervisor from the Criminal Investigation Division shall complete and submit a Vehicle Hold/Release Form to the Central Records Division, allowing the Central Records Division to release the vehicle.
- (d) If the vehicle is being held by the Criminal Investigation Division for evidence processing by the Crime Scene Unit, a supervisor from the Crime Scene Unit shall complete and submit a Vehicle Hold/Release Form to the Central Records Division allowing the Central Records Division to release the vehicle.

Officers shall complete a Vehicle Impound Report and any other reports as required by established departmental procedures, (i.e. Incident Report, motor vehicle collision report, crime lab analysis request, etc.) and include all pertinent information in these reports whenever a vehicle is towed by the Syracuse Police Department.

502.2 TOWING PROCEDURES

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Motor Vehicle Crash – Officers shall tow a vehicle involved in a motor vehicle collision when the operator or an authorized driver is unable to drive due to injuries or the damage to the vehicle renders it inoperable or unsafe to drive. If the registered owner is present and requests a specific tow service vendor and his/her selection does not impede police operations, officers shall attempt to accommodate the request. If the registered owner's own tow service is utilized, a Vehicle Impound Report does not need to be completed. All other cases require the completion of a Vehicle Impound Report. An Incident Report is not required.

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Disabled Vehicle – When a vehicle is disabled and the operator is present, the operator may request a specific towing service as long as the request is reasonable and will not impede police operations. If the operator is not present and the vehicle poses a hazard or obstructs traffic, officers shall tow the vehicle using the next available authorized tow service vendor. If the registered owner's own tow service is utilized, a Vehicle Impound Report does not need to be completed. All other cases require the completion of a Vehicle Impound Report. An Incident Report is not required.

Abandoned Vehicle – Abandoned vehicles are defined in section 1224 of the New York State Vehicle and Traffic Law. When a vehicle is abandoned upon a public highway or public place, officers shall attempt to locate the owner of the vehicle, ticket and when necessary, tow the vehicle pursuant to the Vehicle and Traffic Law. A Vehicle Impound Report shall be completed. An Incident Report is not required.

Recovered Stolen – Recovered stolen vehicles are a potential source of physical evidence and should be processed pursuant to the department's policy governing stolen vehicles. After a recovered stolen vehicle has been processed for evidence, an officer may release the vehicle to the owner at the point of recovery when such release will not impede police operations. Recovered stolen vehicles that cannot be released without impeding police operations shall be towed and impounded. A Vehicle Impound Report and Incident Report shall be completed.

Impounded as Evidence - Vehicles may be towed and impounded due to evidentiary considerations arising from the vehicle's use in the commission of any offense when it is not practical to process it at its original location. The officer who is requesting the vehicle impound will call for an Evidence Technician. The vehicle will be turned over to the Evidence Technician upon his/her arrival at the scene.

- (a) Prior to towing the vehicle from its location the officer and/or evidence technician shall receive approval from a supervisor.
- (b) Upon approval, request a tow service from the tow list.
- (c) The officer responsible for the impound shall escort the vehicle being towed, to the Wallie Howard Center for Forensic Sciences located at 100 Elizabeth Blackwell St., where it will be placed in an available garage bay or to Patrol East. If the reporting officer is unable to do so, a supervisor will determine who will escort the vehicle.
- (d) The evidence technician shall process the vehicle for evidence.
- (e) The officer responsible for impounding the vehicle will complete an Incident Report and a Vehicle Impound Report. The evidence technician will complete all evidence related reports and will follow the procedures for handling specific types of evidence as stipulated in the department's appropriate policy on Evidence Preservation, Collection and Processing.
 1. When the vehicle belongs to a suspect, who is the target of an investigation, the request for processing must be accompanied by a signed consent to search document and/or search warrant.

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2. It shall be the responsibility of the original investigating officer, or assigned detective, to obtain the required “signed” consent to search, or search warrant.
- (f) Any evidence that is recovered from the processed vehicle will be turned in following procedures set forth in the appropriate policy on Evidence Preservation, Collection and Processing.
 - (g) When the vehicle has been processed, the E911, channel 2 dispatcher will contact the original private tow company who towed the vehicle to the Center for Forensic Sciences or Patrol East. That company will be requested to respond and tow the vehicle to their place of business, where it will be held until it has been authorized for release. If the original tow company is not available, the next available tow company on the list will be utilized. A supervisor from the Division handling the investigation shall approve authorization to release the vehicle by completing and submitting a Vehicle Hold/Release Form to the Central Records Division via the report writing system, allowing the Central Records Division to release the vehicle. The Central Records Division will notify the owner of the vehicle that he/she must retrieve the vehicle or encumber storage fees. In cases when the vehicle belongs to a victim of a crime the supervisor shall notify the Central Records Division to advise the private tow vendor to send the bill for its services to the Audit & Budget Control Division.
 - (h) In instances where a release from the Onondaga County District Attorney’s Office is required, the Central Records Division shall not issue a release until the proper authorization is obtained. Once the proper authorization from the District Attorney’s Office has been received, a supervisor from the Criminal Investigation Division Supervisor shall complete and submit a Vehicle Hold/Release Form to the Central Records Division via the report writing system allowing the Central Records Division to release the vehicle.
 - (i) Under no circumstances are impounded vehicles to be towed inside the Syracuse Police Garage without prior approval of the Commanding Officer of the Transportation Division.

Impounded as Evidence Pending Forfeiture Proceedings - Motor vehicles seized for which forfeiture proceedings shall be initiated shall be towed. Officers seizing vehicles during the course of an arrest, or investigation as the proceeds of a crime, or as a means of furthering a crime, or as a means of transporting or concealing illegal substances, or as illegally obtained, shall follow the procedures set forth in the appropriate policy governing “Forfeiture Proceedings for Seized Property”. A hold will be placed on such vehicles pending forfeiture proceedings. An Incident Report and a Vehicle Impound Report shall be completed.

Mechanically Unsafe to Operate - Motor vehicles that are deemed mechanically unsafe to operate upon a public highway may be towed. Officers must cite the operator of the vehicle for the particular equipment violation under the Vehicle and Traffic Law and note the unsafe condition in his/her Vehicle Impound Report. A CNYLEADS Incident Report does not need to be completed.

Immobilized Vehicles - Motor vehicles that have been immobilized by the Syracuse Police Department for scofflaw and the owner or person entitled to possession of such vehicle has failed to secure its release within 24 hours of the immobilization may be towed and impounded. A hold

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will be placed on such vehicle pending a release from the Parking Violations Bureau. Personnel will document the 24 hour period in his/her Vehicle Impound Report. No Incident Report is required.

Scofflaw – Any unattended motor vehicle that has been designated as a scofflaw and is found parked on a street within the City of Syracuse or on any City of Syracuse owned property or property under the jurisdiction or control of the City may be towed and impounded. A hold will be placed on such vehicle pending a release from the Parking Violations Bureau. A Vehicle Impound Report shall be completed. No Incident Report is required.

Violation of the Vehicle and Traffic Law - Officers may, when appropriate, tow vehicles that are in violation of certain sections of the New York State Vehicle and Traffic Law. Generally, towing vehicles is appropriate when the condition of the operator or vehicle, or restrictions regarding the operator render continued operation of the vehicle unsafe or unlawful. Such violations may include, but are not limited to, driving while intoxicated or impaired, unlicensed or aggravated-unlicensed operation, unregistered or suspended registration and improper plates.

- (a) Officers towing vehicles for violations of the V&T law must issue the operator the appropriate traffic citation and note the section of law violated in his/her CNYLEADS Incident Report and/or Vehicle Impound Report. Officers will complete an arrest report for Vehicle and Traffic Law violations, when appropriate.
- (b) If the registration plates displayed on the vehicle are improper, suspended, revoked, and/or expired, they are to be confiscated and submitted to the Central Records Division.
 1. If the registration plates are suspended and/or revoked, the motorist, if present, will be issued a Report of Lost, Stolen or Confiscated Motor Vehicles Items (DMV Form MV-78B). The issuance of this receipt and seizure of the registration plates shall be documented in the Vehicle Impound Report.
- (c) If the motorist's New York State Driver's License is suspended and/or revoked, the actual driver's license, if present, shall be confiscated and destroyed. The motorist will be issued a Report of Lost, Stolen or Confiscated Motor Vehicles Items (DMV Form MV-78B). The issuance of this receipt and the seizure of the driver's license shall be documented in the Vehicle Impound Report.
 1. Suspended/Revoked Out of state driver's licenses will not be confiscated.
- (d) A CNYLEADS Incident Report and Vehicle Impound Report shall be completed for vehicles towed due to an impaired driving arrest.
- (e) For all other violations of the Vehicle and Traffic Law, only a Vehicle Impound Report will be completed.

Felony Driving While Intoxicated- Officers will tow and impound a vehicle when making an arrest for felony driving while intoxicated, when committed in their presence.

Aggravated Unlicensed Operation in the First or Second Degree – Officer will tow and impound a vehicle when making an arrest for aggravated unlicensed operation in the first or second degree when committed in their presence under the following conditions:

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- (a) The operator is the registered owner of the vehicle.
- (b) The vehicle is not properly registered.
- (c) Proof of financial security is not produced.
- (d) When a person other than the operator is the registered owner and such person or another person who is properly licensed and authorized to possess and operate the vehicle is not present.

A hold shall be placed on vehicles pending a release from the Onondaga County District Attorney's Office when they are towed for Felony Driving While Intoxicated or Aggravated Unlicensed Operation in the first or second degree.

Arrest of Operator - Officers have a duty to protect a defendant's property, including his/her motor vehicle. Officers will utilize the following procedure and will have the vehicle towed and secured at the tow vendor's place of business under the following circumstances:

- (a) The operator is the registered owner of the vehicle.
- (b) When a person other than the operator is the registered owner and the registered owner is not present.
- (c) A Vehicle Impound Report will be completed.
- (d) A CNYLEADS Incident Report is required except in instances where the operator is being arrested for a warrant and the warrant is the only reason the operator is being taken into custody.

Parking and Snow Removal - Vehicles may be towed for violations of parking regulations when the vehicle interferes with vehicular and/or pedestrian traffic, presents a hazard, or obstructs snow removal operations. Vehicles must be issued the appropriate parking citation and officers shall note the section of law violated in his/her Vehicle Impound Report. No Incident Report is required.

Vehicles Abandoned on Private Property in Violation of City Ordinance – Abandoned vehicles parked on private property are governed pursuant to Article 15, Chapter 16, of the Revised General Ordinances of the City of Syracuse.

- (a) Upon receiving a complaint from a citizen regarding an abandoned or junk vehicle on private property, the responding officer shall:
 - 1. Notify the Ordinance Enforcement Section, if vehicle is not stolen and cannot be towed for any other Vehicle and Traffic laws, or
 - 2. If personnel are unavailable, inform the citizen to contact the Syracuse Police Department Ordinance Enforcement Section by telephone.
- (b) Ordinance Enforcement Section personnel, upon receiving a complaint shall:
 - 1. Respond to the location of the complaint and conduct a visual inspection of the vehicle.
 - 2. Obtain the incident location address and the vehicle identification number.
 - 3. Verify that the vehicle is in violation of the City Ordinances.

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- (c) If the vehicle is found to be in violation, and the removal of the vehicle cannot be resolved immediately, the investigating officer shall:
 - 1. Issue and affix a red tag notice to the vehicle.
 - 2. Identify the owner of the property and vehicle.
 - 3. Notify the owner(s) of any violation.
 - 4. If the vehicle is not removed within the allotted time, initiate procedures for the removal of the vehicle, pursuant to the General Ordinances of the City of Syracuse. If the vehicle is towed by the Syracuse Police Department, a Vehicle Impound Report shall be completed. A CNYLEADS Incident Report is not required.
- (d) Ordinance Enforcement Section personnel shall notify the Central Records Division when towing an abandoned motor vehicle from private property.

502.3 CENTRAL RECORDS DIVISION RESPONSIBILITIES

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All vehicles towed by the department shall be released in accordance with current law and departmental procedures.

A Vehicle Impound Report (form 2.4) will serve to inform the towing service whether or not the vehicle can be released, without the need for the owner to obtain a written release from the Central Records Division.

When a vehicle is towed and placed on "HOLD", the registered owner must report in person to the Central Records Division and provide a valid registration, insurance for the vehicle and operator's license, or be accompanied by another person who possesses such license, before a release is issued.

- (a) If the vehicle is not properly registered, the owner will be required to produce, the vehicle title, in addition to valid picture identification.
- (b) If the impounded vehicle is unregistered, uninspected, or still in any violation of the Vehicle and Traffic Law, the vehicle must be towed from the impound lot at the owner/operator's expense.
 - 1. The condition shall be noted on a "tow only" release and the tow operator shall be notified by the Records Division, via telephone, of this requirement.

If circumstances exist where the owner is unable to report in person (i.e.: hospitalized, in jail, out of town, etc.) and such circumstance can be verified, then another person may retrieve the vehicle by producing identification, valid registration, proof of insurance and a notarized letter from the owner authorizing the release of the vehicle. This person must also produce a valid operator's license or be accompanied by another person who possesses a valid operator's license. When a vehicle is released under these circumstances, all aspects of the release will be documented on a supplemental report.

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In instances where a release from the Onondaga County District Attorney's Office or Parking Violations Bureau is required, the Central Records Division shall not issue a vehicle release until the proper authorization is received.

In instances where a release from the Onondaga County District Attorney's Office is required regarding a criminal investigation, the Central Records Division Shall not issue a vehicle release until proper authorization from the District Attorney's Office has been received, and a supervisor from the Criminal Investigation Division completes and submits a Vehicle Hold/Release Form to the Central Records Division via the NETDelivery report writing system, allowing the Central Records Division to release the vehicle.

502.4 VEHICLE INVENTORY SEARCHES

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Members of the department shall conduct and document vehicle inventory searches on all towed, impounded or recovered vehicles. A vehicle inventory search shall be conducted for towed vehicles including, but not limited to, the following situations:

- (a) Abandoned on public or private property.
- (b) Recovered stolen.
- (c) In violation of New York State V&T Laws.
- (d) Mechanically unsafe.
- (e) Arrest of the operator.
- (f) Seized as evidence.

Inventory searches shall be conducted for the purpose of:

- (a) Protecting personal property.
- (b) Protecting the department from false claims of property missing from the vehicle or damage sustained.
- (c) Protecting the personal safety of members of the department from potentially hazardous property left in vehicles.

As part of the inventory process, prior to being towed, the towing officer will briefly describe any observable damage on the vehicle in the Vehicle Impound Report (form 2.4).

All accessible areas of any impounded or recovered vehicle must be searched for property left in the vehicle. If the vehicle keys are available, any locked areas of the vehicle are to be searched as well.

Any container (i.e. briefcase, suitcase, box, carton, package, etc.), found inside any impounded or recovered vehicle, must be opened if it is necessary to determine the contents. Opening a container and inventorying the contents shall be performed in order to protect the owner against loss of valuables from the vehicle and to protect the City of Syracuse and the investigating officer(s) against civil suits arising from claims of loss or damage.

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Any property found in a vehicle during the inventory search shall be itemized and listed in the Vehicle Impound Report (form 2.4). A reasonable itemization is required for this property, i.e., one set of golf clubs, one toolbox containing assorted tools, etc.

Inaccessible areas of a vehicle (i.e. locked trunk or glovebox) not inventoried will be noted in the Vehicle Impound Report.

Any items of exceptional value found in an impounded or recovered vehicle are to be turned in to the Property Division for safekeeping. A CNYLEADS Incident Report will be completed in these instances. These items shall be listed in the report.