

Vehicle Towing

502.1 PURPOSE AND SCOPE

Best Practice

This policy provides guidance related to vehicle towing. Nothing in this policy shall require a member of this department to tow a vehicle.

502.1.1 DEFINITIONS

Agency Content

Impound – A vehicle towed to, and held in police custody due to: evidentiary considerations, no owner/operator on the scene (i.e. is in custody, personal injury, etc.), a violation of the Vehicle and Traffic Law, disablement, abandonment, or immobilization.

Hold – A vehicle towed at the direction of a police officer to an authorized tow service vendor that specifically requires authorization from the police department, Parking Violations Bureau and/or the Onondaga County District Attorney's Office in order to be released.

Owner's Request -The owner/operator (who is not in custody) requests a tow and is physically present while the vehicle is being towed.

Scofflaw – A vehicle that has received 3 or more separate unpaid or unsatisfied parking violation notices

Immobilized – The use of a wheel-clamp device or mechanism by the Syracuse Police Department on a vehicle to prevent its operation.

502.2 POLICY

Best Practice MODIFIED NYSLEAP- 8.7 - 47.8

The Syracuse Police Department will tow, impound and when appropriate, seize vehicles pending forfeiture proceedings when appropriate and in accordance with the law. Only a towing service that is licensed and authorized by the City of Syracuse shall be utilized for this purpose, unless otherwise specified.

502.3 REMOVAL OF VEHICLES DUE TO HAZARD

State NYSLEAP- 8.7 - 47.6, 47.8

When a vehicle should be towed because it presents a hazard, the owner or operator should arrange for the towing. Department members may assist by communicating requests through Onondaga County 911 Center to expedite the process.

If the owner or operator is unable to arrange for towing and the vehicle presents a hazard, the vehicle may be towed at the direction of the department member (Vehicle and Traffic Law § 1204).

Vehicles that are not the property of the City should not be driven by department members unless it is necessary to move the vehicle a short distance to eliminate a hazard, prevent the obstruction of a fire hydrant or comply with posted signs.

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502.4 ARREST SCENES

State NYSLEAP- 8.7 - 47.5 (E), 47.8

Whenever the owner or operator of a vehicle is arrested, the arresting officer should provide reasonable safekeeping by leaving the vehicle secured and lawfully parked at the scene or, when appropriate, by having the vehicle towed, such as when the vehicle presents a traffic hazard or the vehicle would be in jeopardy of theft or damage if left at the scene.

Officers are not required to investigate whether alternatives to towing a vehicle exist after an arrest. However, a vehicle should not be towed if reasonable alternatives exist. When considering whether to leave a vehicle at the scene, officers should take into consideration public safety as well as the reasonable safety of the vehicle and its contents.

The following are examples of situations where a vehicle should not be towed:

- The vehicle can be legally parked, left in a reasonably secure and safe location and is not needed as evidence.
- The vehicle is parked on private property, on which the arrestee or owner is legally residing, or the property owner does not object to the vehicle being parked at that location.
- The arrestee or owner of the vehicle requests that it be released to a person who is present, willing and able to legally take control of the vehicle.
- The vehicle is legally parked and the arrestee or owner requests that it be left at the scene. In such cases the requester should be informed that the Department will not be responsible for theft or damages.

502.5 VEHICLES RELATED TO CRIMINAL INVESTIGATIONS

Best Practice NYSLEAP- 8.7 - 47.8

Officers should tow vehicles that are needed for the furtherance of an investigation or prosecution of a case, or that are otherwise appropriate for seizure as evidence. Officers should make reasonable efforts to return a recovered stolen vehicle to its owner rather than have it towed, so long as the vehicle is not needed for evidence.

502.6 OFFICER RESPONSIBILITIES

Agency Content

[See procedure for OFFICER RESPONSIBILITIES](#)

502.7 TOWING PROCEDURES

Agency Content

[See procedure for TOWING](#)

502.8 RECORDS

State MODIFIED NY_CALEA6.13 - 61.4.3 (c) NYSLEAP- 8.7 - 47.8

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Records Division members shall ensure that pertinent data regarding a towed vehicle is promptly entered into the appropriate database.

A vehicle towed after an arrest or upon the issuance of a summons or an appearance ticket for the crime of aggravated unlicensed operation of a motor vehicle shall be entered into the New York Statewide Police Information Network (NYSPIN) (Vehicle and Traffic Law § 511-b).

[See procedure for CENTRAL RECORDS DIVISION RESPONSIBILITIES](#)

502.8.1 VEHICLE TOW REPORT

Best Practice MODIFIED NYSLEAP- 8.7 - 47.8

Department members towing a vehicle shall complete a vehicle tow report. The report should be submitted to the Records Division as soon as practicable after the vehicle is towed.

502.8.2 NOTICE OF TOW

Best Practice MODIFIED NY_CALEA6.13 - 61.4.3 (a) NYSLEAP- 8.7 - 47.8

Upon the towing of any vehicle for any reason, it shall be the responsibility of the officer to ensure a tow report is delivered to the person from whom the vehicle is impounded and any registered owners or lienholders. The notice should contain:

- (a) The name, address and telephone number of the Syracuse Police Department.
- (b) The location where the vehicle is stored.
- (c) A description of the vehicle, including:
 1. Color.
 2. Manufacturer year.
 3. Make and model.
 4. License plate number and/or Vehicle Identification Number (VIN).
 5. Mileage.
- (d) The authority and purpose for the removal of the vehicle.
- (e) An explanation of the procedure for release of the vehicle and for obtaining a vehicle tow hearing.
- (f) In the case of a stolen vehicle, the location of the theft and location of the recovery.

502.8.3 REPORT OF VEHICLES TO NYSPIN

State NY_CALEA6.13 - 61.4.3 (c) NYSLEAP- 8.7 - 47.8

If the vehicle has been reported stolen, the officer ordering the tow shall ensure the theft, recovery or impound is reported to NYSPIN. The report shall, if possible, include (Vehicle and Traffic Law § 424):

- (a) The VIN.

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- (b) The date of theft, recovery and impound of the vehicle.
- (c) The license plate number.
- (d) The name, address and telephone number of the location where the vehicle is being stored.
- (e) The location of the theft and location of the recovery.

502.9 TOWING SERVICES

Best Practice NYSLEAP- 8.7 - 47.8

Members shall not show preference among towing services that have been authorized for use by the Department. A rotation or other system established by the Department for tow services should be followed.

502.10 VEHICLE INVENTORY

Best Practice MODIFIED NYSLEAP- 8.7 - 47.8

The contents of all vehicles towed at the request of department members shall be inventoried and listed on the inventory report. When reasonably practicable, photographs may be taken to assist in the inventory.

- (a) An inventory of personal property and the contents of open containers will be conducted throughout the passenger and engine compartments of the vehicle including, but not limited to, any unlocked glove box, other accessible areas under or within the dashboard area, any pockets in the doors or in the back of the front seat, in any console between the seats, under any floor mats and under the seats.
- (b) In addition to the passenger and engine compartments as described above, an inventory of personal property and the contents of open containers will also be conducted in any other type of unlocked compartments that are a part of the vehicle, including unlocked vehicle trunks and unlocked car top containers.
- (c) Any locked compartments including, but not limited to, locked glove compartments, locked vehicle trunks, locked hatchbacks and locked car-top containers should be inventoried, provided the keys are available and released with the vehicle to the third-party towing company or an unlocking mechanism for such compartment is available within the vehicle.
- (d) Closed containers located either within the vehicle or any of the vehicle's compartments will be opened for inventory purposes if the container can be opened without damaging it.

Members should ask the occupants whether the vehicle contains any valuables or hazardous materials. Responses should be noted in the inventory report.

When practicable and appropriate, cash, jewelry or other small valuables located during the inventory process should be removed from the vehicle and given to the owner, or booked into property for safekeeping, in accordance with the Property Division Policy. A copy of the Property

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Division property receipt should be given to the person in control of the vehicle or, if that person is not present, left in the vehicle.

A copy of the vehicle inventory will be given to the tow truck operator.

These inventory procedures are for the purpose of protecting the vehicle owner's property, providing for the safety of department members and protecting the Department against fraudulent claims of lost, stolen or damaged property.

Towing a vehicle in order to perform an inventory should not be used as a pretext for an evidence search. Nothing in this policy prevents the towing of a vehicle that would occur for reasons independent of any suspicion that the vehicle may contain evidence if it is otherwise justified by law or this policy.

[See procedure for VEHICLE INVENTORY SEARCHES](#)

502.11 SECURITY OF VEHICLES AND RETRIEVAL OF PROPERTY

Best Practice **MODIFIED** **NYSLEAP- 8.7 - 47.8**

If the search of a vehicle leaves the vehicle or any property contained therein vulnerable to unauthorized entry, theft or damage, the department member conducting the search shall take such steps as are reasonably necessary to secure or protect the vehicle or property from such hazards.

Unless it would cause an unreasonable delay in towing the vehicle or create an issue of officer safety, reasonable accommodations should be made to permit the owner, operator or occupant to retrieve small items of value or personal need (e.g., cash, jewelry, cell phone, prescriptions) that are not considered evidence or contraband.

Members who become aware that a vehicle may have been towed by the Department in error should promptly advise a supervisor. Supervisors should approve, when appropriate, the release of the vehicle.