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| <b>NEW PALTZ POLICE DEPARTMENT</b>       |                                    |
| <b>Policy and Procedures</b>             |                                    |
| <i>Subject</i>                           |                                    |
| <b>47.8 Towing and Impoundment</b>       |                                    |
| <b>ISSUED: January 18, 2011</b>          | <b>EFFECTIVE: January 18, 2011</b> |
| <b>REVISED: February 22, 2019</b>        | <b>RESCINDED:</b>                  |
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| <b>Authority: Chief Joseph A. Snyder</b> |                                    |

### **Towing and Impoundment**

**PURPOSE**

The purpose of this policy is to establish guidelines for the towing of vehicles that require removal from public or private property.

**POLICY**

The New Paltz Police Department will maintain a procedure to identify the circumstances and methods for the removal of vehicles from public or private property.

**DISCUSSION**

- a. The department will maintain a written plan to provide guidance for officers in the removal of vehicles that are illegally parked, stopped on the roadway, abandoned, stolen, involved in criminal activity, unregistered, in the care or custody of the department, or on public or private property. The plan will comply with the applicable statutes and ordinances within the jurisdiction.
- b. The operational considerations of the plan will include—but will not be limited to—the degree of risk to public safety, weather and roadway conditions, snow removal operations, roadway maintenance, and emergency or parking bans. Officers will be instructed on the provisions of the plan, and on when and how to remove vehicles.
- c. Officers will take steps to notify the registered owner of the vehicle removed and will furnish the owner with sufficient information to retrieve the vehicle. The owner also will be apprised of the right to a formal hearing process to challenge the decision to order the removal of the vehicle.
- d. Whenever an officer orders the removal of a vehicle, a timely report will be filed as to the date, time, place, and reason for the removal. The details of the report will identify the name of the towing service and the location of the vehicle. The attempted or actual notification of the owner also will be kept as part of the record. An inventory of the contents and accessories of the vehicle, including the contents of any open or closed container therein, will be completed and recorded.

**PROCEDURE**

- a. Motor vehicles may be impounded when the following conditions exist:
  - 1. There is probable cause to believe that the vehicle has been involved in a crime.
  - 2. The vehicle is deemed unsafe to operate on the public highways.
  - 3. The vehicle is found to be unregistered, uninsured or suspended.
  - 4. The operator of the vehicle is not properly licensed to operate the vehicle.
  - 5. The operator of the vehicle is unable to operate the vehicle due to impairment or other physical conditions.
  - 6. The vehicle’s owner or operator has been arrested.



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- b. Before a vehicle is impounded the officer shall consult with the duty supervisor or OIC when practical. In certain situations, it may be more practical to leave the vehicle in question "parked and locked" at the curb.
  - 1. Do not leave the vehicle "parked and locked" if the vehicle might be operated again in violation of the law, or that leaving the vehicle would endanger the vehicle or its contents, or the vehicle cannot be safely parked in the area in which it is located.
- c. If the vehicle is to be impounded, a wrecker will be summoned from the "tow list" (see below) and the impounded vehicle will be taken to the wrecker company's garage. In some cases, where the vehicle is being held as evidence in a crime, it may be removed and stored in a secure facility.
- d. If a vehicle is directed to be impounded subsequent to an investigation, the investigating officer or another officer will be assigned to inventory the contents of the vehicle and complete an impound inventory form. When possible, perform this inventory with a second officer present. This inventory is conducted to protect the vehicle owner's property as well as to protect the New Paltz Police Department and its officers against false claims for loss or damage to such property.
  - 1. Vehicle Impoundment / Inventory Record
    - a. The New Paltz Police Department will use a standard form to document vehicles impounded by this agency.
  - 2. New Paltz Police Department Vehicle Impoundment/Inventory Records must be completed under the following circumstances:
    - a. In any circumstance in which a vehicle is towed by authority of this agency and it is not by the request of the registered owner.
    - b. All vehicles towed or impounded pursuant to an arrest, complaint or investigation.
    - c. All vehicles impounded to the New Paltz Police Department Impound Facility.
    - d. All vehicles impounded or towed as abandoned vehicles.
    - e. All recovered stolen vehicles towed or impounded.
    - f. All vehicles towed or impounded pursuant to the discretion of an officer, in compliance with a directive from a shift supervisor or under circumstances as listed in subdivision (a. 1-6) of the Procedure section of this policy.
- e. Inventory Procedure
  - 1. An Impound/Inventory form will be completed in its entirety whenever indicated by the provisions of this policy. The contents of the vehicle will be documented on this form.
  - 2. Photographs should be considered whenever performing an impound/inventory procedure.



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3. The entire contents of an impounded vehicle will be inventoried including the trunk, glove compartment and any containers found within the vehicle.
  - a. Locked or sealed compartments are to be opened only if it can be done without damage to the compartment or property and the contents inventoried. If the compartment cannot be opened without causing damage and the compartment appears to contain valuable property, perishable property or property which may cause physical danger to police or other persons, or damage to property, contact a supervisor.
    - i. **Supervisor:** Determine whether the compartment or container should be opened, despite the likelihood of damage, in order to protect the department from claims of loss, theft, or damage to property contained in the closed container, to protect the police or public from danger or to preserve perishable goods.
4. Items of similar nature, such as clothing, compact disks, etc., may be noted by category when completing the impound/inventory sheet.
5. Large sums of cash or items of substantial value will be evaluated for removal to the department evidence/property lockers for safekeeping and documented accordingly.
6. Contraband found during an impound/inventory will be photographed if possible and noted in detail on the form. All contraband will be submitted as evidence and documented accordingly according to evidence policy and procedures.
  
- f. A record of all towed and impounded vehicles will be maintained in the dispatch center until the vehicle has been released. Once released the impound sheet will be forwarded to the records division. Every effort shall be made to contact or inform the owner of a vehicle that said vehicle has been towed or impounded.
  
- g. When the officer has reason to believe that the registered owner is unaware, and the vehicle is being impounded, seized or towed for being abandoned by this department, or any vehicle that is reported to this department as being repossessed, shall be entered as such into the NYSPIN/eJusticeNY System.
- h. A copy of the completed Impound/Inventory form will be placed in the impound file in the communication center with a copy placed in the arrest file.

## 1. TOWING



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**RESCINDED:**

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- a. The towing policy is designed to address the specific circumstances or areas in which a tow service is to be used and how it will be utilized. In an emergency situation, officer in the field will be allowed to temporarily over-ride the appropriate tow list to ensure safety on the roadway.
- b. For the purposes of this policy tow requests/services are broken down into four (4) categories;
  1. *Abandoned Impounds* - These are vehicles which have been identified as being abandoned by definition of the Vehicle and Traffic Law of the State of New York. These abandoned vehicles are to include only those which the New Paltz Police Department have become involved in. Private removals not involving the Police are not included.
    - a. Officers will compile and complete the necessary reports, summons, and include a police impound form stating abandonment.
    - b. Attempts should be made to tow abandoned vehicles during regular business hours (only 0800-1700 Hours).
    - c. Officers will call for the next available wrecker, for an abandoned vehicle. The dispatcher will notify the “next up” tow service on the appropriate rotational list. Officers should provide the dispatcher with as much information about the vehicle, its condition, and location so that the pertinent information can be relayed to the towing service. In cases where time allows, the officer should remain with the vehicle until the vehicle is removed.
    - d. The dispatcher will use the wrecker response log - designated abandoned vehicle to summon the next available tow service. Communications personnel should solicit a response time from the tow service and relay it to the officer in the field. In cases where this response time is deemed to be excessive for various reasons (i.e., hazardous situation) the officer may request another tow service on the rotational list. If this occurs the original tow service will remain in place on the list.
    - e. In filing the necessary paperwork, officers will make every effort to contact the owner. A Teletype (File 25's) must also be sent in cases where notification fails.
    - f. Tow Services will respond from the rotational list. Upon being called they will give the Dispatcher a response time. This response time will be as prompt as possible. If they cannot provide the service, they are to tell the Dispatcher so that unnecessary delay in the removal of the vehicle is avoided.

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- g. Release of abandoned vehicles will be through the Department. This includes the issuance of the appropriate summons, payment of the towing and storage bill, and cancellation of the Teletype File 25.
- 2. *Snow Removal Impounds* The removal and impounding of vehicles for snow removal will occur when the local ordinances are in effect. This removal of vehicles will be at the direction of either the Town Highway Department or the Village Division of Public Works. It will be their responsibility to give the location, description, plate number, and any other information (such as any condition that exists that may impede removal) that can be useful in the identification and removal of the violating vehicle.
  - a. If time or conditions allow, efforts will be made to contact or locate the owner/operator of the vehicle for its immediate removal.
  - b. Officers will make every effort possible to see that every vehicle subject to being impounded is, in fact, in violation of the ordinance and if such, is ticketed. Efforts to remain on the scene until after the vehicle is removed will be made.
  - c. Tow Services will respond on a rotational basis from the Wrecker Response Log - **IMPOUNDED: SNOW REMOVAL**. Tow Services will be appraised of all pertinent information and give a response time to the Dispatcher. This information will be relayed to either the Highway Superintendent or the officer on the scene. If the response time is too lengthy the officer may request the next available wrecker. In those cases, the original tow service will go back to the next available position on the rotational list.
  - d. Officers will notify Communications of every vehicle towed under the snow removal ordinance and which tow company removed which vehicle. They will provide the Dispatcher with information necessary for entering the information into the department's records management system.
  - e. Release of these vehicles will be through the tow service. Upon release of a snow impound the tow service will notify Communications so that the call for service may be updated.
  - f. Highway Superintendents planning snow removal operations may give the tow services advanced notice so that the removal of vehicles and snow can be expedited. The Highway Superintendent will make every effort to coordinate this operation with the department by contacting the Shift Supervisor.



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3. *Impounding vehicles for arrest/hazard.* Officers will complete all necessary paperwork including an impound form. They will summon the next available wrecker and remain on the scene until after the vehicle has been impounded. Officers will follow the guidelines described in subdivisions d. & e. of the Procedure Section of this policy pertaining to Impound/Inventory.
  1. Communications will notify the next available tow service from the Wrecker Response Log Designated- IMPOUND ARREST/HAZARD. This is a rotational list. Dispatchers will give the necessary information to the tow operator and obtain a response time from the operator, which will be relayed to the officer in the field. In cases where the response time is extreme, or conditions present an impending hazard, the officer may elect the next wrecker from the list.
  - b. Release of said vehicle will be cleared through the Department.
4. *Accidents/Disabled Vehicles.* Tow services needed at the scenes of accidents will occur in the following manner:
  - a. Unless the owner or operator of the vehicle requests a specific wrecker, officers will notify Communications of the need for the next available wrecker. The dispatcher will notify the next available wrecker by using the Wrecker Response Log Designated – ACCIDENTS/DISABLED. This is a rotational log maintained for this purpose. Dispatchers will provide the tow company with as much information as possible. Tow Services will provide the dispatcher with a response time, which will be relayed to the officer on the scene.
  - b. In cases where the owner/operator requests a specific tow service and that tow service is on the list but not next in rotation, the rotational order will not change. This request shall also be recorded in the wrecker book as “Customer Request.”
  - c. Officers will be charged with the responsibility of deciding whether or not time or conditions for outside tow services or list response time is too excessive and will act appropriately.
  - d. In situations where there is more than one vehicle in need of removal, the number of wreckers called will be in proportion to the number of tows needed. The first tow service on the rotational list will have choice over the vehicles in need of towing, unless existing conditions present a traffic or safety concern. If this is the case the officer on the scene will dictate which vehicle is to be moved first.



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5. *Parking Complaints.* When a complaint is received for a parking violation, officers will ask the complainant if they wish to have the vehicle in question ticketed and/or towed. If they wish to have the vehicle towed and the New York State Vehicle and Traffic Law permits its removal, the vehicle in question will be towed. In addition, the vehicle will be ticketed and an impound form will be completed. An attempt will be made to advise the owner of the vehicle that it has been removed. As there is no rotational list for towing said vehicles, it shall depend on the type of ticket issued. It would either be the “abandoned” or “hazard” rotational list.

6. *Impound Release Procedures.* Dispatchers and Officers will follow the department’s criteria when releasing a towed vehicle. These criteria are kept in the communication’s center. Every impound release, for any reason; requires documentation in the department’s in-house computer system in the following manner;

1. Dispatchers will go to the original CAD call in which the vehicle was impounded. They will highlight the call, right click and select “Add Narrative”.
2. The narrative will contain all impound release information including; who it was released to, the notification to the tow company that the vehicle can be released and any accompanying paperwork such as a notarized letter authorizing a third-party release.