



TOWN OF SENECA FALLS POLICE DEPARTMENT

GENERAL ORDER



GENERAL ORDER #: 511	RESCINDS: 07/01/2013
SUBJECT: Towing, Impounding and Seizure of Motor Vehicles	NYS ACCREDITATION: 47.8
EFFECTIVE DATE: 03/21/2019	
BY ORDER OF: Stuart W. Peenstra, Chief of Police	

- I. **PURPOSE:** To establish policy and procedures for towing, impounding and seizure of motor vehicles.

- II. **POLICY:**
 - A. Officers may use discretion regarding towing and/or impounding vehicles but the first priority is the legitimate interests of protecting the property, the public, and the department. Nothing requires the officer to offer an alternative to the driver.
 - B. If the vehicle requires towing parking and securing IS NOT an alternative.
 - C. In no instance will a vehicle be towed for punitive reasons.
 - D. Parked vehicles may be towed:
 - i. When necessary to maintain the flow of traffic.
 - ii. To correct a hazardous condition (e.g. blocking).
 - iii. To provide access to a driveway after receipt of a citizen complaint.
 - iv. As illegally parked scofflaws.
 - v. To facilitate snow removal during a declared snow emergency.
 - vi. As an abandoned or junk vehicle pursuant to the NYS Vehicle & Traffic law, and/or Town municipal ordinances.
 - vii. From approved handicapped zones.
 - viii. When otherwise allowed by law (e.g. uninspected, uninsured, suspended registration, etc.).
 - ix. The vehicle is used in a crime or is a crime scene in and of itself. In these cases, the vehicle may be secured for evidence processing and later released to the owner with the approval of the District Attorney's Office or may be impounded as necessary.
 - x. The vehicle operator is physically or legally unable to operate the vehicle and no one in the vehicle is physically or legally able to do so.
 - E. Towing Vehicles Involved in a Motor Vehicle Crash:
 - i. If no emergency or hazardous condition exists, members may:
 1. Permit or assist the vehicle owner to call a tow company of their choice.
 2. Tow the vehicle if the owner is not capable of making a decision (due to an injury).

- III. **PROCEDURE:**
 - A. **TOW AGENCY SELECTION:**
 - i. Any request for a tow shall be made through the Seneca County 911 Center. The Seneca County 911 Center shall utilize a tow list scheduled set forth to ensure fair and equal usage.

- ii. The only approved towing agencies on the tow list are Eagle Auto Center and Stevers Garage
- iii. Any owner or operator may request another tow agency if they wish. The Seneca County 911 Center can facilitate that request. The officer shall document such request outside of the tow schedule in their incident report.
- iv. Any AAA request must be made by the person operating the vehicle, such a request cannot be made by the police department or Seneca County 911 Center.

B. INVENTORY:

- i. Unless a vehicle is to be processed for evidence, members will:
 - 1. Prior to towing, inspect all accessible areas of the vehicle and remove any loose articles of value or dangerous items.
 - 2. Open and inspect any unlocked and unsealed containers.
 - 3. Vehicle keys will remain with the vehicle.
 - 4. Inventory all articles removed and record the inventory on a Property Custody Report.
 - 5. Secure all articles within the Seneca Falls Police Department property room.
 - 6. **NOTE:* If a Property Custody Report is utilized, note this on the Towed Vehicle and on the Spillman / NYS Incident Report.

C. OWNER NOTIFICATION:

- i. Within a reasonable length of time, the officer responsible for towing will make an effort to notify the owner that the vehicle was towed and where it can be retrieved.

D. EVIDENCE PROCESSING FOR TOWED VEHICLES:

- i. Evidence vehicles are vehicles that are associated with a crime and which need to be processed for evidence. This may include recovered stolen autos if they were either used in the commission of a crime (e.g. used in a robbery) or were taken as part of a crime (e.g. taken in a burglary).
- ii. Evidence vehicles will be handled as follows:
 - 1. Prior to towing, the vehicle should be photographed (including the license plate) at the scene either by an Evidence Technician, supervisor or senior officer.
 - 2. When a vehicle requires evidence processing, members will determine the appropriate location for the vehicle to be towed to pursuant to current directives.
 - 3. The investigating member or an Evidence Technician will follow the vehicle as it is being towed to the processing location in order to maintain the chain of custody.
 - 4. The Evidence Technician will process the vehicle and its contents and document it on a Technician Report.
 - 5. Members will ensure that no items of criminality are left to remain in the towed vehicle.

E. VEHICLE IMPOUND/HOLD:

- i. Any vehicle that is towed and has EVIDENTIARY VALUE will be initially towed to the Seneca County Sheriff's Office in Romulus. The vehicle will be held in a secure area until such time that an evidence technician completes all processing.
- ii. **NOTE:* A vehicle involved in a motor vehicle accident that requires further investigation by a member of the Seneca Falls Police Department may be towed to the tow company's impound lot and "held" at the direction of the officer.

- iii. At the completion of evidence processing, a vehicle may be towed to the impound lot of the tow company which initially towed the vehicle. Depending on the circumstances, this decision will be made by a Command Officer or the District Attorney's Office.
- iv. The impound vehicle must be inside the tow companies facility or a fenced in area with surveillance cameras on the vehicle.
- v. Vehicles determined to be held for an extended period of time will be entered into portal e-Justice as an impounded motor vehicle.
- vi. Any vehicle towed that has NO EVIDENTIARY VALUE will be towed to the tow company's impound lot. A "hold" may be placed on the vehicle while at the tow the Towed Vehicle Report the reason the vehicle is being "held" and how or when such vehicle can be released.

F. MOTOR VEHICLE SEIZURES/FORFEITURES:

- i. Members of the Seneca Falls Police Department will tow vehicles incident to any FELONY arrest under Article 220 of the New York State Penal Law if:
 - 1. The vehicle is to be used for evidentiary purposes; or
 - 2. There is reasonable cause to believe that the driver or owner of the vehicle knew that:
 - a. The person being arrested was in possession of a controlled substance; or
 - b. The vehicle was being used to transport a controlled substance.
- ii. When seizing vehicles pursuant to the above policy, members will:
 - 1. Ensure that vehicles are towed to the tow companies secured impound lot.
 - 2. Complete a Towed Vehicle Report, checking "HOLD" and explaining that the vehicle must be held until released by the Chief of Police or Supervisor;
 - 3. Complete and forward a Seized Vehicle Report to the District Attorneys Office.
- iii. The Chief of Police will:
 - 1. Insure that the District Attorney's Office files a claim in contemplation of forfeiture proceedings for such aforementioned vehicles that are deemed by the Chief of Police to be appropriate for forfeiture;
 - 2. The arresting office will handle all required follow-up investigation of seized vehicles, processing, coordination with and delivery of paperwork to other agencies and departments as required by law and current directives. The arresting officer will hand-carry all pertinent paperwork on these cases to the District Attorney's Office at the beginning of the next business day after any drug-related vehicle seizure;
 - 3. Be responsible for review of financial circumstances relative to such seized vehicles;
 - 4. Ensure that a designated maintenance facility inspects such vehicles for mechanical problems, structural defects, etc.;
 - 5. The Chief of Police will recommend the appropriateness of keeping a vehicle.

G. VEHICLE IMPOUND AND INVENTORY RECORD (TraCS):

- i. FORM USEAGE:
 - 1. The Vehicle Impound and Inventory Record located in TraCS shall be used to record information relative to any vehicle that is towed due to the criteria set forth in the above policy.
 - 2. THIS FORM IS NOT REQUIRED when a vehicle is towed due to being involved in a motor vehicle accident unless such circumstances meet the criteria set forth in Section F-3 (Motor Vehicle Seizures/Forfeitures).

H. DISTRIBUTION:

3. 1 copy will be forwarded to the Records Unit after supervisory approval.
4. A second copy will be left with the tow operator or secured in the vehicle if the patrol leaves prior to arrival of the tow truck.