



# TOWN OF MACEDON POLICE DEPARTMENT

<b>General Order:</b> 520	<b>Effective Date:</b> April 24, 2020
<b>Subject:</b> Towing & Impound	
<b>Reference Standards:</b> 47.5, 47.6, 47.8	
<b>Rescinds:</b>	
Page 1 of 4	<b>Attachments:</b> 1-Tracs Vehicle Impound & Inventory Record

## I. Policy

- A. Towing and impounding of vehicles will be governed by department policy and applicable legal statutes.
- B. Decisions to tow and/or impound vehicles will be based on the following criteria:
  - 1. Provisions of the New York State Vehicle and Traffic Law
  - 2. Provisions of the Town of Macedon Municipal Code
  - 3. Provisions of statutory forfeiture laws
  - 4. Whether the vehicle constitutes or contains evidence of a crime
  - 5. Whether the vehicle constitutes a threat to public safety
  - 6. As a community caretaking function
- C. Officers may use discretion regarding towing and/or impounding vehicles, however, the first priority is the legitimate interest of protecting the public, the police, and property. Nothing in this directive requires an officer to offer an alternative to the driver of a vehicle being impounded.

## II. Guidelines

- A. Abandoned vehicles as defined in the NYS Vehicle & Traffic Law may be towed.
- B. Disabled vehicles may be towed when deemed to be a traffic hazard and/or a public nuisance.

- C. Illegally parked vehicles that present a hazard may be towed. If possible, officers will attempt to notify the owner of an illegally parked vehicle to have it moved prior to towing.
- D. Recovered stolen vehicles may be towed and impounded for evidence processing or security of the vehicle.
- E. Vehicles that are used in a crime or are of evidentiary value at a crime scene may be towed and impounded for forensic processing. When the vehicle is evidence in a crime, the vehicle will be released only with approval from the Wayne County District Attorney's Office.
- F. Vehicles may be towed for being in violation of certain provisions of the Macedon Municipal Code.

### **III. Inventory and Impound Form**

When a vehicle is impounded for any purpose other than a motor vehicle accident which does not involve an arrest, the officer will properly and completely fill out the Tracs Vehicle Impound & Inventory Record. (Attachment #1)

- A. The Tracs Vehicle Inventory & Impound Record must be completed at the scene with as much known information as possible. If the vehicle owner is unknown, the officer will list the last known registered owner indicated by a DMV database search. For liability reasons, all pre-existing vehicle damage must be listed on the form prior to releasing the vehicle to the tow operator.
- B. Any restrictions affecting the release of the vehicle are to be noted on the Tracs Vehicle Inventory & Impound Record.
  - 1. The tow company should be notified of any holds or impounds on the vehicle.
  - 2. If the vehicle is being impounded, a copy of the Tracs Vehicle Inventory & Impound Record will be placed in the impound binder in the Police Clerk's office.
- C. When a teletype impound entry is required, the impounding officer will make the entry into the NYS police computer database system prior to filing. The impounding officer will note the teletype entry on the form. The teletype printout will be attached to the Tracs Vehicle Inventory & Impound Record in the impound binder. Before releasing the vehicle, a teletype cancellation must be made.

### **IV. Vehicle inventory**

- A. When a vehicle is towed for any reason, the officer will take an inventory of the vehicle's contents and record the information on the Tracs Vehicle Inventory & Impound Record. If the vehicle is unoccupied and locked the officer may attempt to unlock the vehicle to conduct an inventory search or complete a visual inspection through the windows. A visual inspection should be so noted on the form. The purpose of the inventory search is to:
  - 1. Protect the owner's property
  - 2. Protect the department against claims and disputes over stolen or lost valuables

3. Protect officers and the public from dangerous items or instrumentalities
  4. Assist in verifying the identity of the owner of property
- B. An inventory may extend to any lawfully seized personal property in which valuables or dangerous items might be located. This would encompass the interior of the vehicle including the glove compartment, storage compartments, the trunk, and items of personal property such as bags, purses, and packages. Impounded vehicle inventories will not be used as a purposeful and general means of discovering evidence of a crime.

## **V. Impoundment**

- A. Impounded vehicles that have no evidentiary value will be towed and secured by the responding tow company to a private impound lot which is approved by the Macedon Police Department.
- B. Impounded vehicles of evidentiary value will be towed and secured at the Macedon Police Department, Wayne County Sheriff's Office, or New York State Police Barracks until all applicable technical work has been completed by the appropriate agency.
- C. Vehicles that were initially towed to the Macedon Police Department, Wayne County Sheriff's Office, or New York State Police Barracks as evidence, but are subsequently deemed to no longer be of any evidentiary value and are cleared for release to the owner, may be transferred to an approved private impound lot. This transfer is to be noted on the original Tracs Vehicle Impound & Inventory Record with the date and time of the transfer. The owner must be notified of the approval for release, and the date and time of the notification must be noted on the original Tracs Vehicle Impound & Inventory Record by the authorizing officer or the Police Clerk.
- D. Impounded vehicles will be locked during storage when possible. The responding towing agency will retain the vehicle keys. If there are no keys, this will be noted on the impound form.

## **VI. Owner notification**

- A. The Property Clerk or his/her designee will make every effort to notify the owner and/or lien holder of vehicles that they have been impounded. Written notification will be sent by certified mail to the owner and or lien holder indicated by a DMV database search. The written notification will include instructions regarding the release procedures for the vehicle.
- B. Any unclaimed vehicles meeting the NYS DMV criteria for salvage may be disposed of pursuant to current DMV procedures.

## **VII. Release of impounded vehicles**

- A. Vehicles impounded at the Macedon Police Department:
  1. Employees will ensure the vehicle to be released meets all legal and departmental requirements for release. When all criteria are met, the employee will have the individual who is receiving the vehicle print his/her name, signature, date of birth, address and date on the back of the Tracs Vehicle Impound & Inventory Record. The employee will note

his/her name below this information.

B. Vehicles impounded at a private tow company:

1. The impounding officer or Wayne County District Attorney's Office will notify the Police Clerk when the vehicle can be released from impound.
2. The Police Clerk will notify the tow company of the vehicle's release.
3. The Police Clerk will note the release date and time on the Trac's Vehicle Inventory & Impound Record.

C. Following the release of an impounded vehicle, the Police Clerk will retain all towing and impound records. These records will be retained pursuant to the guidelines established by the Commissioner of the State Department of Education, Schedule MU-1 (9 NYCRR § 185.1)

By Order of the Chief of Police

*John P. Colella*

John P. Colella (Apr 24, 2020)

John P. Colella

Chief of Police

Dated this 24th day of April 2020