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**Section: THREE  
Chapter: TEN**

**SUBJECT:** Towing and Impounding Vehicles  
**ISSUE DATE:** 03-10-16  
**REFERENCE:** NYSA 47.8

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**I. GENERAL**

- A. Towing and impounding of vehicles will be governed by Department policy and applicable statutes.
- B. Decisions to tow and/or impound vehicles will be based on the following criteria:
  - 1. Provisions of the Vehicle and Traffic Law of the State of New York (V&T).
  - 2. Provisions of the Village of Palmyra Municipal Codes.
  - 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 care-taking function.
- C. 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 police. Nothing requires the officer to offer an alternative to the driver.
- D. Guidelines
  - 1. Abandoned vehicles may be towed.
  - 2. Disabled vehicles may be towed.
  - 3. Illegally parked vehicles are not normally towed as such. If these vehicles present a hazard (e.g., block traffic, obstruct vision, etc.) they may be towed and impounded.

**NOTE: Officers will attempt to identify the vehicle owner/driver and have same moved prior to towing, if possible.**

- 4. Stolen vehicles recovered by Department personnel may be secured for evidence processing. The vehicle may be towed for processing and released to the owner or impounded, as deemed necessary.
- 5. Vehicles used in a crime or that constitute a crime scene will be secured for evidence processing. The vehicle will be towed for processing and may be released to the owner with approval of District Attorney's office or impounded, as necessary.
- 6. Vehicles that are to be removed from the highway either because of accident damage, mechanical failure or because the operator was taken into custody and no other occupant is a licensed operator will not be left in public or private parking lots.

**II. IMPOUND FORM**

- A. When a vehicle is impounded for any purpose, the officer will properly and completely fill out the **Palmyra Police Department, Vehicle Impounded by Police Order Form**.

1. The "Vehicle Impounded by Police Order" form will be properly completed at the scene of the incident by the officer impounding the vehicle.
- B. Any restrictions affecting the release of the vehicle are to be noted in the "Additional Comments" section. The tow operator will be advised of any release conditions.
- C. Once completed, the Impound Form will be submitted to the Police Clerk for filing and storage. Impound Forms will be filed and stored in accordance with current directives governing official records.

### III. VEHICLE INVENTORY

- A. When a vehicle is impounded for any purpose, the officer will take an inventory of the vehicle's contents and record the information on the impound form.
- B. The purposes of the inventory search are for the protection of:
  1. The owner's property.
  2. The police from claims and disputes over stolen or lost valuables.
  3. The public and police from dangerous items or instrumentalities.
  4. To assist in verifying the identity of the property owner.
- C. An inventory will extend to any lawfully seized personal property in which valuables or dangerous items might be located. All vehicle compartments and all closed containers therein will be opened and searched to the extent possible to do so without damage to the vehicle. This would encompass the interior of the vehicle including the glove compartments, trunks, etc., as well as other personal property (purses, luggage, packages, etc.).
- D. Inventory searches will not be used as a purposeful and general means of discovering evidence of crime.

### IV. IMPOUND

- A. Impounded vehicles that have **NO EVIDENTIARY VALUE** will be towed and secured by the appropriate tow company to the tow company's private impound area.
- B. Impounded vehicles of **EVIDENTIARY VALUE** will be towed and secured at a designated area after all applicable technical work has been completed.
- C. Vehicles that were initially towed to the Palmyra Police Department or designated facility as evidence and are deemed to no longer be of any evidentiary value may be transferred to the private impound lot. This transfer is to be noted on the original impound form with the date and time of the transfer.
- D. Impounded vehicles will be locked when possible. The Private Impound Operator will retain the vehicle keys. If there are no keys, this will be noted on the impound form.
- E. ALL impounded vehicles MUST be entered into E-Justice by police personnel; this should be completed by the impounding officer as soon as possible. When the vehicle is authorized for release by Palmyra Police personnel, the impound entry will canceled in E-Justice as soon as possible.
- F. In accordance with the NYS VTL, license plates may be confiscated pursuant to a suspension or revocation order. The VTL requires that the seizing officer issue the

motorist a "lost or stolen plate" form (MV-78B, attached). Additionally, the license plates must be handled in accordance with the Non-Agency Property procedures, and a Property Custody Report completed.

## V. OWNER NOTIFICATION

- A. The operator will be informed of **Release Procedures** at the time of impound.
- B. If the vehicle is unoccupied at the time of impound, the Police Officer will make every effort to notify owners, as listed on the Impound Form, of vehicles that they have been impounded and explain how to obtain the release of same.

## VI. RELEASE OF IMPOUNDED VEHICLES

- A. No impounded vehicle will be released unless authorized by the Palmyra Police Department; owner(s)/operator(s) will be directed to report to the PPD with acceptable forms before the vehicle will be released.
- B. Where an arrest is made for AUO 1<sup>st</sup> or 2<sup>nd</sup>, and the arrested driver is also the registered owner, the vehicle **MUST** be impounded, and the vehicle **CANNOT** be released until the case is adjudicated by the COURT.
- C. Vehicles stored at a private impound lot:
  - 1. Unless otherwise noted on the Impound Form, owners of vehicles being stored at a private impound lot will be directed to respond to the impound lot to acquire their vehicle.
  - 2. Employees will ensure that the vehicle to be released meets all legal and departmental requirements for release.
- D. Vehicles being held at the Palmyra Police Department impound facility:
  - 1. Employees will ensure that the vehicle to be released meets all legal and departmental requirements for release.
  - 2. Where applicable, the vehicle owner will contact the appropriate tow company and satisfy any payment due for services rendered prior to release of the vehicle. The owner will be required to furnish proof of payment to the Palmyra Police Department before the vehicle is released.
  - 3. Vehicles used in a crime or that constitute a crime scene may be released to the owner **ONLY** with approval of District Attorney's Office.

By the Order of:

David B. Smith  
Chief of Police



## Clyde Police Department Vehicle Impound Search

CR # \_\_\_\_\_

**Make** \_\_\_\_\_ **Model** \_\_\_\_\_ **Color** \_\_\_\_\_ **Cylinders** \_\_\_\_\_

**Year** \_\_\_\_\_ **Mileage** \_\_\_\_\_ **Licence # @ State** \_\_\_\_\_ **Vin #** \_\_\_\_\_

Type of Vehicle  
 Passenger \_\_\_\_\_ Ambulance \_\_\_\_\_ Truck \_\_\_\_\_ Motorcycle \_\_\_\_\_  
 RV \_\_\_\_\_ Bus \_\_\_\_\_ Tractor&Trailer \_\_\_\_\_

Body Style  
 2 DOOR \_\_\_\_\_ 4DOOR \_\_\_\_\_ Station Wagon \_\_\_\_\_ SUV \_\_\_\_\_ Pickup \_\_\_\_\_ Convertible \_\_\_\_\_  
 OTHER \_\_\_\_\_

Vehicle Operator ( Address, Street, City, State ) \_\_\_\_\_ Phone #: \_\_\_\_\_

Registered Owner ( Address, Street, City, State ) \_\_\_\_\_ Phone #: \_\_\_\_\_

Name & Address of Lein Holder \_\_\_\_\_ Phone #: \_\_\_\_\_

**Reason for Impound**

Accident \_\_\_ Stolen \_\_\_ Abandoned \_\_\_ No opr Lic. \_\_\_ Burned \_\_\_ DWI / DUI \_\_\_  
 Other \_\_\_\_\_

Name of Arrested Person: \_\_\_\_\_ Injured \_\_\_\_\_

Exact location of Impound : \_\_\_\_\_

Tow Service Requested by: \_\_\_\_\_ Name of Tow Service : \_\_\_\_\_

**Date of Impound** \_\_\_\_\_ **Time** \_\_\_\_\_ **Tow Driver** \_\_\_\_\_ **Officer** \_\_\_\_\_

**Inventory of vehicle search and vehicle condition**

Doors and Trunk locked \_\_\_\_\_ unlocked keys in vehicle \_\_\_\_\_ Other \_\_\_\_\_  
 Condition of vehicle body \_\_\_\_\_  
 Area search : Trunk \_\_\_\_\_ Glove Box: \_\_\_\_\_  
 console : \_\_\_\_\_ Seats and Floor: \_\_\_\_\_  
 Description of any property taken : \_\_\_\_\_  
 Property left in car: \_\_\_\_\_  
 Officer making report : \_\_\_\_\_ Vehicle released to: \_\_\_\_\_  
 Date: \_\_\_\_\_ Date: \_\_\_\_\_