
	ITHACA POLICE DEPARTMENT	Distribution ALL PERSONNEL	General Order Number 5.20
	POLICY AND PROCEDURE GENERAL ORDER	Original Issue Date 04/20/2020	Reissue/Effective Date 04/20/2020
Order Title: TOWING MOTOR VEHICLES	Accreditation Standard: NY 7.1; 8.1; 47.5; 47.7; 47.8; 55.1	Section 5	
	Section Title PATROL FUNCTIONS		
Rescinds: General Order 511 Vehicle Towing and Impound policy issued by Chief Barber 12/15/15	 Dennis Naylor, Chief of Police		

This General Order is for departmental use only and does not apply in any criminal or civil proceeding. This General Order should not be construed as creation of a higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this General Order will only form the basis for departmental administrative sanctions. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting.

I. PURPOSE

The purpose of this policy is to provide guidelines and procedures to the Ithaca Police Department (“Department”) for the towing of motor vehicles.

II. POLICY

Ithaca Police Officers shall tow motor vehicles from highways, roadways, or other areas when such vehicles are determined to be abandoned or inoperable based upon its condition or the status of the operator.

III. PROCEDURE

A. Accident Scenes

1. Under normal circumstances, the operators of the involved vehicles may request any Ithaca wrecker that can respond within a reasonable time. A reasonable time shall be that time as determined by the officer on scene accounting for such factors as:
 - a. Time of day
 - b. Road/weather conditions
 - c. Effect on area traffic
 - d. Presence of additional hazards; etc.
2. The wrecker rotation system will be followed when the operator has no other specific request.

3. If the wrecker does not respond within a reasonable time, the next rotation wrecker on the list will be requested.
4. All vehicles involved in fatal or serious accidents will be towed by the next wrecker on the list and impounded for evidentiary and inspection purposes.

B. Recovered Stolen/Wanted Vehicles

1. Where a stolen or wanted vehicle used in connection with a criminal offense is recovered, the investigating officer will:
 - a. If determined to be necessary and feasible, arrange for the vehicle to be processed at the scene for evidence.
 - b. If the vehicle cannot be processed at the scene or must be retained as evidence, it may be towed to the police department or other secure location as determined by the Chief of Police or his designee.
2. Normally, towing shall be performed by rotation wrecker service.

C. Snow Tows

1. Vehicles may be towed pursuant to the Ithaca City Ordinance Section 317-6 and New York State Vehicle and Traffic Law §1602 (c) as it relates to vehicle remaining stationary overnight within the limits of any public highway so as to create a nuisance or hazard during the time of falling snow, sleet or freezing rain, or to obstruct or interfere with snow removal and/or sanding.
2. The removal of said vehicles shall be made only after:
 - a. A request has been made by the Ithaca Department of Public Works to have the vehicles removed for actual snow removal or sanding operations, or
 - b. In effect during a declared parking ban established by the Department of Public Works.
3. Officers will make an attempt to contact the owner to have the vehicle removed prior to towing.
4. All vehicles towed for snow-ban violations shall be ticketed.

D. Emergency/Hazardous Situations

1. In cases of major storms or incidents resulting in downed wires, trees, etc., or other hazardous situations, vehicles may be towed if the owner is unavailable and circumstances dictate immediate removal.

E. Illegally Parked Vehicle

1. If a vehicle is blocking a private driveway or school access, the officer will attempt to make contact with the owner to move vehicle within reasonable time.
2. If unsuccessful, the vehicle may be towed or impounded utilizing the wrecker rotation system.
3. All vehicles towed for illegal parking violations shall be ticketed.
4. Vehicles parked in fire lanes will not normally be towed unless creating an immediate hazard.
5. Officers receiving a report of an improperly parked vehicle on private property will investigate to determine if the vehicle is stolen or imposes a hazardous condition. If the vehicle is not stolen, creating a hazardous condition, or involved in a criminal matter the officer will advise the complainant that they need to call their own wrecker to have the vehicle removed from the property. The officer, however, may issue a ticket.

F. Motor Vehicle Stops

1. Certain offenses prohibit violators from legally driving their cars from the scene. These offenses include, but are not limited to:
 - a. DWI
 - b. Operating under license/registration suspension, revocation
 - c. Misuse of plates
 - d. Unregistered MV
 - e. Operating without a license
 - f. Canceled registration due to insurance lapse
 - g. Equipment violations constituting reckless driving.
2. A vehicle will be towed during a motor vehicle stop if:
 - a. The operator is taken into custody and no licensed person is on scene who has direct/indirect permission of owner to operate the vehicle.

- b. The vehicle is illegally parked or in hazardous location and cannot be moved by an operator on scene.
- c. The vehicle cannot be legally moved, e.g. registration canceled, suspended, etc. In this case, the plates should be removed seized and entered into the evidence module of Spillman RMS. Additionally, the wrecker company shall be advised of any holds on towed vehicles.

G. Abandoned Vehicles

1. Shall be handled in accordance with the provisions of Section 1224 of the New York State Vehicle and Traffic Law.

H. Private Property

1. Vehicles on private property may be removed/towed by a towing service upon request of the property owner or their representative. If necessary, the names and phone numbers of several towing agencies shall be supplied to the property owner or representative for resolution of the problem. The responsibility for calling a wrecker service will remain with the property owner.
2. This section does not apply to a vehicle on private property which is:
 - a. Involved in a criminal act, is or contains evidence, or is subject to seizure;
 - b. Is in violation of any law, rule, regulation or ordinance pertaining to motor vehicles, which would authorize removal;
 - c. Its operator has been taken into custody;

I. Repossessed Vehicles

1. When the Department is notified of a vehicle repossession agent, the following shall be completed:
 - a. A Spillman Incident report with all pertinent information, repossession agency, victim (bank or Loan Company.)
 - b. If the tow truck operator or repossession representative has not notified the vehicle owner of the repossession, attempts will be made to make notification to them. If they cannot be notified, an impound entry will be made into e-Justice and further follow up made at a later time to notify the vehicle owner.

J. Safety Considerations

1. Officers should remain with a disabled or hazardous vehicle until assistance has arrived and the vehicle has been towed.
2. The officer shall offer to assist the operator and/or occupant(s) in securing transportation to a reasonably safe location. Officers may transport the occupants after notifying the Shift Supervisor. Officers shall note the disposition of the operator/occupants in the Spillman CAD record.
3. Officers will not provide mechanical assistance to a motorist such as changing tires unless the activity is cleared with the supervisor.

K. Reporting

1. The towing officer will provide dispatch with the registration number and state, Vehicle Identification Number, year, make and model of the vehicle being towed.
2. Dispatch personnel will enter the information into Spillman.
3. Dispatch personnel will make an entry into the Criminal Justice Information System (CJIS) Tow File located in the eJusticeNY Integrated Justice Portal (eJustice) of all vehicles towed by the department where notification to the owner is not made.
4. The towing officer will provide dispatch with information they deem pertinent to the towing of the vehicle (i.e. need for a flatbed, specialized equipment, how best to access the scene, etc.)
5. Dispatch will arrange and coordinate with the tow company for the proper response to the location. Dispatch will ascertain a tow company's response time in those instances when a non-police authorized tow company is being used to conduct the tow. Dispatch will update the towing officer if there is a delay or other circumstances dictate.
6. The towing officer is responsible for notifying dispatch of the requisite information needed for the Tow/Abandoned Vehicle record log; I.E. location, plate number and state, description of vehicle to include vehicle color, make, and model.
7. The towing officer will assure that notification is made to other affected law enforcement agencies that have primary jurisdiction over the location where the vehicle was towed from if the owner/ operator or person having control of the vehicle has not been informed of the towing.