



Eric Hawkins  
Chief of Police

**ALBANY, NEW YORK**  
**POLICE DEPARTMENT**  
165 HENRY JOHNSON BOULEVARD  
ALBANY, NEW YORK 12210



1789

**VEHICLE TOWING PROCEDURES**  
**GENERAL ORDER NO: 3.4.30**

<b>Issue Date:</b> December 13, 2015	<b>Effective Date:</b> March 1998
<b>Revision Date:</b> January 2008	<b>CALEA:</b> 1.2.4, 61.4.3, 84.1.2
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<b>Issuing Authority:</b> Chief Eric Hawkins	<b>Page:</b> 1 of 11

**PURPOSE:** The purpose of this policy is to establish procedures that govern the removal, towing, impoundment, seizure, and recording of all vehicles removed, stored, or towed at the direction of an officer.

**POLICY:** It is the policy of the Albany Police Department to tow certain vehicles determined to be abandoned, disabled, damaged, seized for evidentiary purposes, recovered as stolen, or otherwise in need of being transported to a place of safekeeping, to correct a traffic hazard, or to eliminate a public nuisance. Towing of these vehicles shall be accomplished in accordance with department policies and procedures and through the use of a rotating call list for towing services authorized by the Albany Police Department.

**DEFINITIONS:** **Vehicle** – Vehicle means a “motor vehicle” as defined by the New York State Vehicle and Traffic Law.

## I. TOWING VEHICLES

- A. The Albany Police Department contracts with private tow companies for the purpose of towing/moving vehicles, when necessary. Only authorized contracted tow companies may tow/move a vehicle at the direction of the department. Other tow companies may be used only upon the private request of individual motorists.
- B. Vehicles may be towed from private or public property for the following reasons:
  1. Safekeeping, pursuant to a custodial arrest;
  2. Unlicensed operator;
  3. In these situations, the vehicle may be turned over to another owner-authorized driver, possessing a valid operator's license, when deemed appropriate and safe.
  4. Parking violations necessitating the moving/towing of a vehicle (e.g. blocked driveway, blocked fire hydrant, emergency no parking, accumulation of parking tickets/scofflaw, etc.);

- a. In situations where an officer responds to an Emergency No Parking (ENP) call, officers must first verify the ENP posting with Communications personnel (see subsection G on page 3 for further information in reference to scofflaw). Communications shall maintain a master list of ENP postings, as supplied by Traffic Engineering.
  - b. In situations where an officer encounters a vehicle that has an accumulation of parking tickets/scofflaw, a guideline for towing shall be \$200.00 or more.
- 4. Vehicles held for safekeeping/processing;
- 5. Snowbirds (apparent snowbound vehicles) blocking traffic or snow removal, as per current directives;
- 6. Abandoned/junk vehicles, as per Section 1224 of the NYS Vehicle and Traffic Law, and after a reasonable attempt has been made to contact the owner;
- 7. Unregistered vehicles beyond sixty (60) days of expiration; or
- 8. Other appropriate situations necessitating the towing of a vehicle(s).

C. Upon arrival on the scene of a vehicle in violation, the officer shall verify the vehicle's registration, or Vehicle Identification Number (VIN), to determine if the vehicle has been reported stolen.

- 1. If not stolen and the owner is local, an attempt to contact the owner shall be made.
  - a. If located, it shall be the responsibility of the vehicle's owner to move the vehicle within a reasonable amount of time.
  - b. If other circumstances dictate, the vehicle may be appropriately ticketed and, if necessary, towed.

D. The removal of abandoned/junk vehicles shall typically be the responsibility of the Neighborhood Engagement Unit (NEU) beat officer. When an NEU officer is unavailable, the officer dispatched to the call shall be responsible for handling the call:

- 1. When responding to an abandoned/junk vehicle and the vehicle's presence is an immediate danger/hazard to the public, the officer shall tow the vehicle, whether or not the vehicle is on public or private property.
- 2. Vehicles that are abandoned/junk on private property, and not an immediate danger to the public, shall be the responsibility of the property owner and should not be towed by the Police Department.
  - a. In these cases, officers shall run the vehicle's registration or VIN to determine if the vehicle has been reported stolen.
  - b. If not stolen, officers shall make a reasonable attempt to contact the owner of the vehicle in order to have the vehicle removed.
  - c. The responding officer shall also notify the applicable NEU beat officer for appropriate follow-up (e.g., placement of placard, notifying Codes, etc.).

**E.** If the vehicle in question has been reported stolen, an Albany Police Department Tow Report, shown on page 9 of this order, and a Supplemental Report shall be completed; listing all the pertinent information relating to the recovery.

1. If it is decided that a vehicle shall be held for processing by Forensic Investigation Unit (FIU) or for another agency, the tow truck operator shall be advised to bring the vehicle to the designated secure location for evidence vehicles;
2. The reporting officer shall notify the FIU Lieutenant by email as to the nature of the tow and the department incident number.
3. After the vehicle has been processed, it may be returned to the owner, after the seizing unit's supervisor, depending on the circumstances, has granted authorization/release of the vehicle.

**F.** When a private tow company tows a vehicle within the City of Albany, and not at the direction of the Police Department, the tow company will call the desk officer to inform him/her of the tow.

1. Desk personnel shall enter the towed vehicles information into CAD/RMS.
  - a. See Training Bulletin 15-10 - Entering Towed Vehicles into CAD/RMS for steps on how correctly enter private tows.
  - b. Personnel shall note that the Albany Police Department Private Tow Log shall no longer be utilized and that privately towed vehicles shall from here on out be entered and verified through CAD/RMS.
2. The desk officer shall run the vehicle's registration or VIN to determine if the vehicle is an active stolen vehicle.

**G.** Vehicles with excessive tickets, commonly known as "scofflaws", shall be handled according to the following:

1. Communications personnel shall run a scofflaw check on all vehicles towed by department members to determine if the vehicle has two-hundred dollars (\$200.00) or more of scofflaw.
  - a. Communications shall note the amount of any scofflaw in the comment section of the call ticket.
  - b. Personnel towing a vehicle with two-hundred dollars (\$200.00) or more of scofflaw shall make a notation, "Hold Scofflaw" and the amount owed in the remarks section (box 41) of the Albany Police Department Tow Report, shown on page 9 of this order.
    - i. The tow company will not release the vehicle until the register owner provides a receipt verifying that the scofflaw was paid.
    - ii. Parking ticket fines and fees can be paid at the City Hall Parking Violations Bureau, Monday-Friday, 9:00 am - 4:00 pm, as well as online at The City of Albany Payment

Website.

2. Upon notification by Parking Violations Bureau that there is a considerable amount of money due in unpaid tickets or fines against a vehicle, the vehicle will be placed on a list to be kept at Communications. This list should detail the following information:
  - a. License plate number and State of Registration;
  - b. The year and make of the vehicle;
  - c. The amount owed; and
  - d. If known, where the vehicle is usually parked.
3. Wheel Immobilizer:
  - a. On those vehicles with an amount greater than two-hundred dollars (\$200.00) of outstanding tickets, a wheel immobilizer, or "Boot", may be placed on the vehicle by Albany Parking Authority.
  - b. A vehicle does not have to be in current violation for the wheel immobilizer to be placed on a vehicle. Parking restrictions will be waved during the period in which this vehicle is immobilized.
  - c. The vehicle must be parked on public property to be subject to the wheel immobilizer.
  - d. Removal of the wheel immobilizer:
    - i. Immobilizers can be removed once all outstanding fines are paid and when a Traffic Safety Aide (TSA) is available for removal of the wheel immobilizer.

**H.** On occasion, emergencies occur where vehicles must be moved from their current location.

1. In these cases, an officer shall be dispatched to the scene and request, via Communications, the response of a tow truck(s).
2. Officers shall complete a separate tow slip for each vehicle moved, noting the current/moved location of the vehicle. Officers shall immediately forward the tow slip to the applicable patrol station.
3. In these cases, the vehicle owner will not be charged.

I. All vehicle tow reports and records shall be maintained in accordance with the NYS Records Retention and Disposition Schedule MU-1.

**II. PROCEDURES FOR REQUESTING A TOW TRUCK**

**A.** All requests for tow trucks shall be handled by Communications. Officers shall request a tow truck via police radio channel. The dispatcher will notify the appropriate tow service, which has approximately thirty (30) minutes to respond to the call, according to contract agreements.

1. If the vehicle's owner/operator should show up while the vehicle is hooked up for tow, the following shall apply:

- a. From 7:00 am until 6:00 pm, the vehicle must be dropped at no cost to the owner.
  - b. From 6:00 pm until 7:00 am, the vehicle must be dropped; however, the tow company is entitled to a service charge not to exceed \$20.00 U.S.C.
- i. If that charge cannot be paid, the vehicle may be towed, as per GCO 353-65 - Operation of Towing Companies.

B. When contacting a tow company for a department authorized tow, Communications personnel shall log the towed vehicle by entering the vehicle's information into the "Towed Vehicle" section of CAD/RMS.

C. The requesting officer shall complete an Albany Police Department Tow Report for each vehicle towed.

- 1. The Tow Report, which comes in four carbon copy (4) parts, will be used for all police department tows.
- 2. Upon arrival of the tow truck, the tow truck operator may inspect the vehicle and verify any damage with the officer.
- 3. The tow operator must then sign for receipt of the vehicle by signing the tow report.
- 4. All Tow Report information shall be clearly printed, and the top two (2) copies of the report shall be given to the tow operator.

D. Any complaints in reference to towing should be referred to a supervisor of the patrol station where it occurred.

### **III. VEHICLE INVENTORY**

A. Vehicles towed by this department shall be inventoried based upon the following:

- 1. To protect the owner's or occupant's property while it is in custody of the police department, towing, or impound agency;
- 2. To protect the police, towing, or impound agency from false claim(s) of lost, stolen, or vandalized property; and
- 3. To guard the police, towing, or impound agency from danger.

B. When a vehicle is being towed by a member of this department and the vehicle is locked:

- 1. The officer shall visually inspect the vehicle and complete a Tow Report;
- 2. If any items are plainly visible in the passenger compartment, the officer shall note the items on an Albany Police Department Vehicle Inventory Report, APD Form # [REDACTED] shown on page 11 of this order. A complete inventory of the vehicle will not be required in instances where the vehicle is secured, but shall be completed for items that are clearly visible;
- 3. The top two (2) pages of the Tow Report shall be turned over to the tow truck operator; and
- 4. The original Vehicle Inventory Report(s) shall be attached to the remaining copies of the Tow Report and submitted to the respective patrol station.

C. When a vehicle is being towed by a member of this department and the vehicle is unlocked:

1. The officer shall visually inspect the vehicle and complete a Tow Report;
2. The officer shall perform a complete inventory of the vehicle on an Albany Police Department Vehicle Inventory Report, APD Form # [REDACTED] shown on page 11 of this order;
3. The top two (2) pages of the Tow Report shall be turned over to the tow truck operator; and
4. The original Vehicle Inventory Report(s) shall be attached to the remaining copies of the Tow Report and submitted to the respective patrol station.

D. Vehicle inventory searches shall be completed according to the following:

1. A complete inventory search of a vehicle and its contents shall be conducted in order to ensure the protection of the vehicle owner's or occupant's property.
2. The officer conducting the inventory shall search the interior passenger compartment, glove compartment, console, trunk, engine compartment, and any container within the vehicle.
  - a. If any of the above items are locked, an officer should make an attempt to obtain a key from the owner, operator, or occupant. Locked containers etc. should not be forced open if to do so would cause more than minimal damage, unless:
    - i. The officer reasonably suspects that the item contains weapons, explosives, hazardous materials, etc; or
    - ii. The contents are in plain view (e.g., transparent); or
    - iii. The contents of the container may be inferred from its outward appearance, such as containers designed to hold a particular type of contraband or evidence (e.g., a gun case, a tool box containing burglar's tools); or
    - iv. The officer has the consent of the owner to break open the locked item, which shall be documented on Albany Police Department Search by Consent Form, APD Form # [REDACTED] shown on page 10 of this order.
  1. All contents observed or discovered during the search shall be itemized, describing the property therein, on an Albany Police Department Vehicle Inventory Report, APD Form # [REDACTED] shown on page 11.
  2. In the event that evidence is discovered during the search, the evidence shall be seized, barcoded, and placed into evidence at South Station, as per current directives.
    - a. Any evidence seized from a vehicle shall also be listed on the Vehicle Inventory Report, and its placement into evidence shall be referenced on the Vehicle Inventory Report by denoting "seized" in the "Description of Property" line-section.
    - b. The arresting officer shall ensure that a photocopy of the Tow

Report and Vehicle Inventory Report(s) are included with any arrest paperwork submitted to the District Attorney and Court.

#### IV. VEHICLES TOWED AS EVIDENCE

A. Vehicles towed as evidence are vehicles that are associated with a crime and which need to be processed for evidence. This may include vehicles used in the commission of a crime (e.g., used in a robbery), or taken as part of a crime (e.g., stolen in a burglary), or a recovered unoccupied stolen vehicle, etc.

1. Vehicles towed as evidence shall be processed according to the following:
  - a. The officer shall notify their supervisor and request that the supervisor respond to the scene.
  - b. The supervisor shall notify a detective supervisor of the vehicle's recovery.
  - c. The detective supervisor will determine if FIU needs to respond the scene where the vehicle is located, or if the vehicle should be towed and processed at a later time.
  - d. The officer's supervisor and the detective supervisor shall confer and determine if the vehicle will be seized as evidence.
    - i. If the vehicle is to be seized, the detective supervisor will be responsible for overseeing the issuance of a search warrant; or when appropriate may obtain consent from the vehicle's; allowing FIU to search the vehicle for evidence.
    - ii. After securing a search warrant; or obtaining consent to search, the detective supervisor shall authorize a "Hold" on the vehicle, which shall be noted on the Tow Report.
  - e. The officer shall be responsible for completing the following:
    - i. Request a tow truck through Communications;
    - ii. Complete the Tow Report and Property Report, establishing a chain of command, for the vehicle;
    - iii. Follow the tow truck and evidence vehicle to the secure location to maintain the chain of custody;
    - iv. Indicate on the Tow Report, in the "Remarks" section, that there is a "Hold" on the vehicle and who authorized the hold;
    - v. Indicate on the Property Report, in the "Chain of Custody" section, that the vehicle has been secured at the designated secure location;
    - vi. Provide the tow truck operator with the top two (2) copies of the Tow Report;
    - vii. Ensure that no contamination of the vehicle's evidentiary value occurs; and
    - viii. Send a department email to the FIU lieutenant detailing the nature of the tow, the location of the evidence vehicle, and the incident number.
  - f. Once the vehicle is secured, the officer shall give the applicable patrol station desk officer the Tow Report and Property Report, and

inform the desk officer of the circumstances regarding the towed vehicle.

g. The officer shall complete any other reports, as deemed appropriate by the patrol supervisor (e.g., SIR, Supplemental Report, Investigation Report, MV104-A), and shall provide a photocopy of the report(s) to the patrol station desk officer.

i. The desk officer shall attach these photocopies to the Property Report.

h. The FIU detective shall conduct a complete inventory of the vehicle while processing the vehicle for evidence.

i. Listing all property inside the vehicle on a Vehicle Inventory Report, APD Form # [REDACTED] shown on page 11 of this order

ii. The original Vehicle Inventory Report shall be attached to the remaining original copies of the Tow Report to be filled with the patrol station.

iii. A copy of the Vehicle Inventory Report shall also be kept in the FIU case file.

i. Once the vehicle has been processed, the detective supervisor shall then be responsible for releasing the "Hold" on the vehicle.

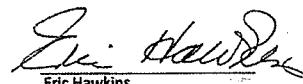
i. The patrol station desk officer shall note the final disposition of the vehicle on both the Property Report and the Tow Report.

## **V. VEHICLES INVOLVED IN A COLLISION**

**A.** When a vehicle is involved in a collision and the damage is to the extent that towing is required, and no emergency or hazardous condition exists, the officer investigating the crash shall:

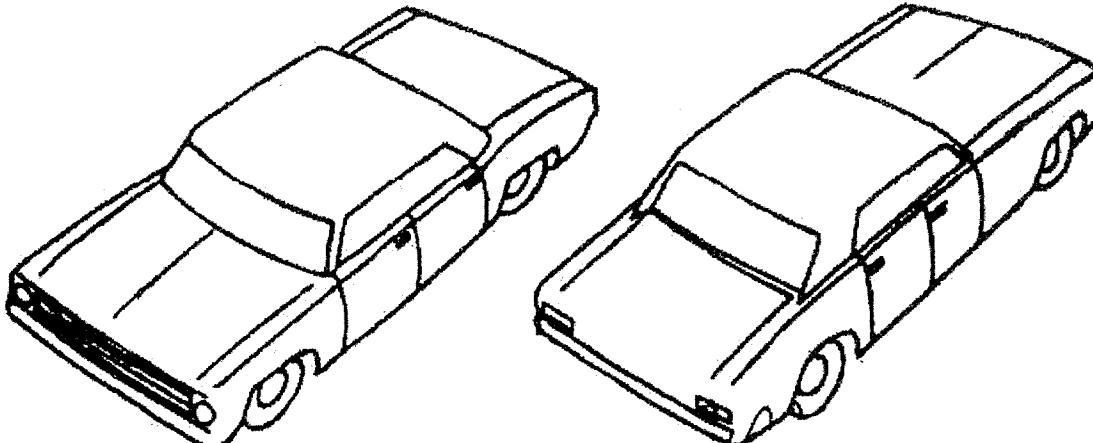
1. Permit the vehicle owner/operator to call a tow company of their choice, as long as there are no time constraints. In these instances, neither a Tow Report nor a Vehicle Inventory Report is required.
2. If the vehicle owner/operator has no preferred tow company, the officer shall request a tow truck through Communications and a Vehicle Inventory Report and Tow Report search shall be completed, as outlined in this policy.

**B.** Whenever a vehicle collision involves serious injury or death, the patrol supervisor shall confer with the detective supervisor to determine if the vehicle(s) shall be seized for processing, and if applicable shall place a "Hold" on the vehicle. The vehicle shall be processed as evidence, as outlined in this policy.



Eric Hawkins  
Chief of Police

ALBANY POLICE DEPT.

			1. DAY-DATE-TIME OF CALL		2. INC #							
			3. UNIT/ASSIGNED		4. DIVISION							
6. DAY-DATE-TIME OF INCIDENT			7. LOCATION OF INCIDENT			8. CT	9. BU					
10. TYPE OF INCIDENT			11.									
12. CHECK APPROPRIATE BOX		ABANDON	ARREST	EVIDENCE	SAFEKEEPING	OTHER (SPECIFY)						
13. OWNER'S NAME (LAST, FIRST, MIDDLE)			14. OPERATOR'S NAME (LAST, FIRST, MIDDLE)									
15. OWNER'S ADDRESS			16. OPERATOR'S ADDRESS									
17. CITY		18. STATE		19. CITY		20. STATE						
21. LICENSE #	22. STATE	23. YEAR	24. MAKE	25. MODEL	26. STYLE	27. COLOR	28. VIN					
29. DOORS	<input type="checkbox"/> LOCKED <input type="checkbox"/> UNLOCKED	30. TRUNK	<input type="checkbox"/> LOCKED <input type="checkbox"/> UNLOCKED	31. WINDOWS	<input type="checkbox"/> OPEN <input type="checkbox"/> CLOSED	32. GLOVE BOX	<input type="checkbox"/> LOCKED <input type="checkbox"/> UNLOCKED					
33. AM-FM RADIO PRESENT	<input type="checkbox"/> YES <input type="checkbox"/> NO	34. C.D. PLAYER	<input type="checkbox"/> YES <input type="checkbox"/> NO	35. GPS PRESENT	<input type="checkbox"/> YES <input type="checkbox"/> NO	36. CELLULAR PHONE PRESENT	37.	38.	39. HUBCAPS #	40. WHEELS #	41. ANTONNAS	
39. CONDITION OF VEHICLE			<input type="checkbox"/> NO MAJOR DAMAGE <input type="checkbox"/> ADDITIONAL DAMAGE IS NOTED AS INDICATED BELOW IN REMARKS SECTION									
												
40. DIAGRAM SYMBOLS B-BENT / BR-BROKEN / CH-CHIPPED / D-DENTED / M-MISSING / S-SCRATCHED / C-CRACKED												
41. REMARKS												
42. REPORTING OFFICER'S SHIELD NO.		43. TOW OPERATOR		44. TT #		45. DISPOSITION OF KEYS						
46. DATE-TIME OF FINAL DISPOSITION			47. OFFICER RELEASING			48. AUTHORIZATION						
49. DISPOSITION OF VEHICLE <input type="checkbox"/> AUCTIONED <input type="checkbox"/> DESTROYED <input type="checkbox"/> RETURNED TO OWNER <input type="checkbox"/> OTHER (SPECIFY) _____												
50. PAGE _____ OF _____	51. SIGNATURE OF PERSON RECEIVING					52. DATE	53. TIME					

TO REORDER-Cat's Control Data Products, Inc. (518) 462-4602 (ph) (518) 462-5161 (fx)



## ALBANY, NEW YORK

POLICE DEPARTMENT  
165 HENRY JOHNSON BOULEVARD  
ALBANY, NEW YORK 12210



1789

## CONSENT TO SEARCH

State of New York )  
County of Albany )  
City/Town/Village of \_\_\_\_\_ )

Date \_\_\_\_\_  
Incident # \_\_\_\_\_

I, (Print Name) \_\_\_\_\_, hereby authorize  
member(s) of the Albany Police  
Department to conduct a complete search of my residence and/or other property listed below.

Residence Address \_\_\_\_\_  
 Outbuildings \_\_\_\_\_  
 Vehicle(s) \_\_\_\_\_  
 Other Property \_\_\_\_\_

I understand that I do not have to consent to this search. I understand that if I do not consent, that a search warrant may be required. I have the right to refuse consent and to revoke my consent at any time. I may limit this consent to specific areas of my home or area to be searched.

The limitations of the search are;  None  Listed as follows

\_\_\_\_\_  
\_\_\_\_\_

I further give my consent and permission to above Officer(s) to seize and to take into possession any and all evidence relating to any crime found by him/her (them) resulting from this search. This written permission is given by me to the above named Officer(s) voluntarily and without threats or promises of any kind.

Signed \_\_\_\_\_

Witnesses

\_\_\_\_\_  
\_\_\_\_\_

Sworn to before me this \_\_\_\_\_ day of  
\_\_\_\_\_  
20 \_\_\_\_\_

Notary Public/Commissioner of Deeds



# Albany Police Department

## Vehicle Inventory Report



Officer Conducting Inventory \_\_\_\_\_  
VIN # \_\_\_\_\_  
Tow Company \_\_\_\_\_

Incident#: \_\_\_\_\_  
Date: \_\_\_\_\_