

**NIAGARA FALLS POLICE DEPARTMENT**  
**GENERAL ORDER**

EFFECTIVE DATE: 09/25/2013	SUBJECT: <b>TOWING AND IMPOUNDING</b>	Number 324.00 (NYSLEAP O-47-8)
RESCINDS: 04/15/2013		Number of pages 4

**I. Policy:**

A. It is a policy of the Niagara Falls Police Department to have an orderly, safe and expeditious system for removal of disabled vehicles from the roadways of the City of Niagara Falls and unauthorized vehicles that are on public and private properties

**II. Procedure:**

A. The Niagara Falls Police Department may direct the removal of vehicles in the following circumstances:

1. Flood, snow storm, fire or other public emergency on public roadways.
2. Unattended vehicles on public roadways that obstruct traffic.
3. Where stopping, standing or parking is prohibited on public roadways.
4. Disabled vehicles at the scene of an accident upon a public roadway.
5. When parked on private property without consent of owner of such property. In this case, the lot must be legally posted pursuant to City Ordinances.
6. When the driver of such vehicle has been arrested and taken into custody and the vehicle must be removed from public roadways or from private property or to ensure the safety of the vehicle and its contents.
7. The vehicle was reported stolen.

B. Tow List:

1. The NFPD uses a rotating list of local tow companies to accomplish police tows.
2. This list is maintained and updated periodically by the Traffic Division Commander.
3. Any local company meeting prerequisites set forth by the Superintendent of Police and applicable City Ordinances may apply to be placed on this list.

C. Procedures for Towing:

1. After a determination is made that a tow is required, the officer directing the tow shall notify the police dispatcher to send a tow truck to his/her location. If the owner of the vehicle is present and makes a request for a specific tow company, the request should be honored, provided that:
  - a. The vehicle is not being towed pursuant to an arrest or a violation of law or statute or for police investigation.
  - b. The towing service contracted responds within a reasonable period of time as per the officer in charge of the scene, considering traffic conditions and the safety of those affected by the situation.
  - c. Under no circumstances shall the investigating officer recommend or suggest the use of a specific tow company.

D. Tows from Private Property:

1. Officers shall assist owners of private property with removal of unauthorized vehicles from their property, whenever possible.
2. If the lot is posted pursuant to City Ordinance, unauthorized vehicles may be tagged.
3. It is the responsibility of the property owner to arrange for the towing of any vehicles.
  - a. If the private property is a driveway, officers may direct the towing of illegally parked vehicles (e.g. blocking driveway entrance or blocking sidewalk) but cannot direct the towing of a vehicle from on the driveway if no other circumstances exist.

**E. NFPD Tow Log:**

1. All tows shall be documented on the NFPD Tow Log unless the following circumstances exist: The owner of the vehicle requests a particular tow company and it can be provided; or,
  - a. the tow is an owner's request for AAA; or,
  - b. the tow is from a privately owned parking area and arrangements for the tow were made by the owner of the property or designee; or,
  - c. the tow takes place as a result of a repossession; or,
  - d. the tow is ordered by another city agency pursuant to the City "Junkbuster" Ordinance.
2. Each of the above tows shall be documented in the NFPD Secondary Tow Log.
  - a. The secondary Tow Log consists of AAA tows, owner's requests, and evidentiary tows.
3. Unless a vehicle requires further technical processing or needs to be inventoried, towed vehicles shall be taken to a previously approved secured area under the control of the company providing the tow.
  - a. The tow company must agree to be available to release the vehicle to the owner once financial arrangements are met, unless further investigation is required by the NFPD.
  - b. If the investigating officer requests that a hold be placed on the vehicle for further investigation, this shall be communicated to the tow company, and a notation made in the tow log. The investigating officer shall submit NFPD Form 931, "Request for hold on Motor Vehicle Report".
  - c. Once the hold is released, the investigating officer shall notify the desk lieutenant and a notation shall be made in the tow log. The tow company shall be notified by the desk that the vehicle is cleared for release.

**F. Notification:**

1. The desk lieutenant shall be responsible for notifying the registered owner of a towed vehicle as to its recovery and condition.

2. This can be accomplished through the complaint report technician or police dispatcher regardless of the time of day.
3. If contact cannot be made before the end of the shift the desk lieutenant should make arrangements with his/her relief from the following shift to make contact with the registered owner.

G. Seized Vehicles:

1. Vehicles confiscated by the NFPD for the purpose of federal or state forfeiture shall be temporarily stored at police headquarters until arrangements for permanent storage can be made. Vehicles stored at police headquarters should be disabled to prevent theft.