



# POLICE SCIENCE

## Auto-Related Procedures



DIRECTED ACCIDENT RESPONSE PROGRAM- D.A.R.P.

This program authorizes private towing companies, on a strict rotation basis, to remove vehicles involved in collisions, *other than collisions occurring on bridges, arterial highways or in tunnels. Only Franchise Tow (Authorized Highway Tow) can tow off highways.* The NYPD's Communications Section is responsible for maintaining a list of towing companies participating in each zone and for notifying such companies in strict rotation order when towing services are required at the scene of a collision.

Note: *Tow trucks are not permitted to respond to collision scenes unless called.*

When requesting a DARP tow truck via radio, notify the dispatcher of the *COLOR, BODY TYPE AND LICENSE PLATE NUMBER, (ex: BLUE / SEDAN / 123 Adam Boy Charlie NEW YORK).* *DO NOT TRANSMIT the make, model or year of the disabled vehicle involved in the collision.*

Cases When a Tow Truck, Other Than DARP, May Remove a Vehicle Involved In a Collision:

1. Vehicle gross weight must be 15,000 lbs. or more;
2. Arrest evidence vehicles (Police Department Tow);
3. A vehicle held as investigatory evidence (Police Department Tow);
4. Vehicles subject to Rotation-Tow for stolen/abandoned vehicles (explained later);
5. Government vehicles.

Any tow truck licensed by the Department of Consumer Affairs bears a white metal plate medallion with dark orange lettering, 4 inches wide by 6¼ inches high, affixed to the driver's side of the vehicle. Each tow truck has been issued a tow truck "Identification Card" which includes the VIN, DMV plate, and Department of Consumer Affairs medallion assigned to the truck as well as an indication of which program, if any, the truck is permitted to participate in. The original (not photocopy) must be carried in the vehicle and presented upon request.

The medallion number must also be recorded on each side (driver and passenger) of the tow truck in numbers at least 12 inches in height (6 inches on a flatbed). All other lettering and numbering must be recorded in letters and numbers at least one and one half inches high. The medallion must be fixed to the driver's side and



# POLICE SCIENCE

## Auto-Related Procedures



the medallion number must be painted on the driver and passenger side. The rates and DCA telephone number for complaints must also be included.

The Department of Motor Vehicles requires the name and address of the company to be permanently affixed on both sides in lettering at least (3) three inches high in contrasting colors to the colors of all commercial vehicles.

### FINAL DISPOSITIONS FOR VEHICLE COLLISIONS

If the assigned tow company is *not on the scene within 30 minutes* of being assigned by the Communications Section, the uniformed member will request the Communications Section to cancel the initial requested tow company and assign the next tow company in the rotation. The uniformed member will prepare a **REPORT OF VIOLATION** for the tow company that was cancelled and advise the dispatcher when resuming patrol.

Inform the motorist(s) involved of the name of tow company responding. Supply the motorist(s) involved with the telephone number of the Directed Accident Response Program operator and instruct the motorist(s) to call after thirty minutes if the tow truck has not arrived. Instruct the motorist to be prepared to give the Directed Accident Response Program operator both the vehicle plate number and the location of the collision.

*Note:* Enter tow company information on **Police Accident Report** only when the vehicle is towed and the tow company is known.

Uniformed members advising the radio dispatcher of an interim or final disposition from the scene of a collision **must** utilize one of the following disposition codes as it pertains to that particular collision situation:

#### Interim Status

- 10-81N Request for Authorized Tow
- 10-81A Authorized Tow Arrived

#### Final Dispositions

- 10-99T4 Vehicle Collision (No Tow Required)
- 10-99T5 Vehicle Collision (DARP Tow Service)
- 10-99T6 Vehicle Collision (Other Tow Service)
- 10-99T7 Vehicle Collision (DARP and Other Tow Service)
- 10-99T8 Vehicle Collision (Highway- Authorized Tow Service)
- 10-99T9 Vehicle Collision (DARP requested, waited 30 minutes, made 2<sup>nd</sup> request, resumed patrol)



# POLICE SCIENCE

## Auto-Related Procedures



Uniformed members of the service must refrain from using any other final disposition code when a vehicle collision is involved **except** when, upon arrival, the vehicle(s) is not at the scene and there is no information available concerning how it was removed. In this instance, disposition code 10-90Z (gone on arrival) will be utilized.

### PROCESSING VEHICLES IN POLICE CUSTODY

There are several other instances where a patrol officer will come in contact with automobiles that require a tow truck to remove the vehicle from the scene. Unlike DARP, where the vehicle is removed to a private location, most vehicles removed by the Department must be invoiced and secured by Department personnel at police facilities.

The location to which a vehicle is towed or driven and what type of tow vehicle will be required depend on how the vehicle is categorized. In some cases, the location where the vehicle was found must be considered when deciding which "type" of tow is to be used. Four types of tow vehicles are affected by the procedures contained in this chapter:

1. Police Department Tow;
2. Department of Sanitation Tow;
3. Rotation Tow (Ro-Tow);
4. Franchise Tow (Authorized Highway Tow).

The procedures outlined have been established to afford the Department a workable system to:

- Remove and protect unoccupied recovered stolen and abandoned vehicles from public thoroughfares before they are stripped or seriously damaged;
- Provide a means to dispose of unoccupied recovered stolen and abandoned vehicles found in such a dilapidated condition as to be of no apparent value (derelict vehicles);
- Process vehicles which are evidence or have investigative value to the police;
- Provide a system to take vehicles into custody for "safekeeping" when the operator is arrested or incapacitated due to illness or injury;



# POLICE SCIENCE

## Auto-Related Procedures



- Take an unoccupied vehicle into custody when you are unable to determine the vehicle's true ownership due to lack of proper vehicle documentation and there is insufficient cause for an arrest.

### POLICE DEPARTMENT TOW

NYPD tow trucks are used in the following situations:

#### 1. Investigation or Required as Evidence

Vehicles must be seized and invoiced as investigatory evidence when criminal investigation is required and no arrest has been made. Certain vehicles **may be seized** and classified as **investigatory** when:

- a. Crime Scene Unit examination of the vehicle is requested;
- b. Highway Unit **MUST** conduct an investigation at the scene of a vehicle collision where someone has died, seriously injured and likely to die or has sustained a critical injury;
- c. Investigation of a vehicle by any unit other than the Property Clerk is required.

**Note:** When you are involved in any of these situations, you must remain at the scene to safeguard the auto until Department Tow is on the scene. Whenever possible, the above investigation will be conducted at the command concerned.

#### 2. Safeguarding

When necessary to store a vehicle in police custody at the command:

- a. The uniformed member of the service will prepare a Property Clerk Invoice Worksheet to be entered into the PETS system.
- b. Attach form Warning Notice – Vehicle In Police Custody (PD571-211) to outside of windshield. The vehicle will be parked in a secure location near command.

**Note:** A vehicle may be safeguarded at the command for forty-eight hours when not required as evidence or not the subject of forfeiture proceedings. A vehicle not released to the owner or his/her representative within forty-eight hours will be removed to the appropriate Property Clerk storage facility.



# POLICE SCIENCE

## Auto-Related Procedures



### 3. Forfeiture Proceedings

To retain custody of vehicles seized during the course of an arrest or investigation as the proceeds of crime when the vehicle involved has been:

- a. Used as a means of furthering a crime;
- b. Used as a means of transporting or concealing illegal substances;
  - i. Where the vehicle has been used in the unlawful transportation of controlled substances/marihuana or gambling devices and/or records; or
  - ii. Where the vehicle has been used as a means of facilitating the sale or possession of controlled substances/marihuana, furthering illegal gambling, committing any other criminal activity;
- c. Unlawfully obtained or stolen and the true owner cannot be identified.

Department Tow can also be utilized to:

- Tow a disabled Department vehicle, such as an RMP that has stalled and cannot operate under its own power;
- Assist Emergency Services Unit;
- To lift heavy articles (safe, boat, etc.);
- Tow vehicles in path of parades, gatherings or emergencies. The tow trucks are normally assigned to a parade route to remove vehicles prior to the start of the parade;
- Move vehicles in the event of a demonstration or an emergency.

### VEHICLE SEIZURE AT TIME OF ARREST

Whenever a vehicle is taken into custody where the vehicle operator was arrested for a crime, members of the service will:

1. Prepare a Property Clerk Invoice utilizing the Property and Evidence Tracking System.



# POLICE SCIENCE

## Auto-Related Procedures



2. Print and complete the **VEHICLE SEIZURE FORM**, utilizing the Property and Evidence Tracking System.
3. Insert precinct vehicle seizure number obtained from the **COMMAND VEHICLE SEIZURE INDEX** on the Vehicle Seizure Form in the caption indicated.
4. Sign Vehicle Seizure Form and issue a copy to defendant/operator.
5. The defendant/operator must sign Vehicle Seizure Form to acknowledge receipt. If defendant/operator refuses to sign, refusal must be noted on form.
6. Fax completed Property Clerk Invoice along with Vehicle Seizure Form to Vehicle Seizure Unit, Legal Bureau, and document in Telephone Record.
7. Provide Assistant District Attorney with a copy of completed Vehicle Seizure Form.
8. Forward the following in the next day's A.M. Department mail to the Legal Bureau:
  - Original copy of Vehicle Seizure Form,
  - Copy of Property Clerk Invoice,
  - Copy of signed Criminal Court Complaint,
  - Copy of Police Accident Report, if applicable.

### SANITATION TOW

The Department of Sanitation removes all automobiles deemed derelict by police officers. (Note: Derelict vehicles were also discussed in the "Summonses" chapter.) Derelict vehicles will be taken into custody by this Department (NYPD) only when required as evidence.

### FRANCHISE/AUTHORIZED TOW

Certain tow companies, known as **Franchise Tows** or **Authorized Tows**, are licensed by the Department of Consumer Affairs and hold contracts with the City to cover various arterial highways, expressways, parkways, tunnels and bridges to remove vehicles left on the side of the road. *Only these companies may respond to remove vehicles from various parts of the highways.* Unless disabled motorists hire their own private tows, they must allow Franchise Tow to remove the automobile from high-speed highways. They cannot leave the vehicle on the side of the highway, it must be removed.





# POLICE SCIENCE

## Auto-Related Procedures



### ROTATION TOW PROGRAM

The Rotation Tow “Ro–Tow” Program enables you to remove certain *unoccupied* vehicles from public streets utilizing privately operated tow companies. These companies provide tow trucks and a safe location for vehicles to be stored until they are returned to their owners or sold at a public auction.

Several participating tow companies are available to handle Ro-Tow qualified vehicles within the confines of each command. A list of the participating companies covering a command is kept at the precinct desk. This list is normally attached to the **ROTATION TOW LOG** that is maintained by the desk officer. Tow companies are placed on this list in the order that they enter the program.

- Companies provide towing & storage for vehicles until the vehicle is returned to the owner or sold at auction;
- Tow companies are on a rotating list maintained by each command;
- Franchise Tow has exclusive rights to certain limited access highways and may be Ro-Tow participants. If the services of a Franchise Tow company are required, they will not lose their place on the rotation list;
- When a Ro-Tow company refuses a job:
  1. If company states they have no storage space, the next company on the list is called;
  2. If company refuses after knowing identification of vehicle, prepare a **REPORT OF VIOLATION**.

The following *unoccupied* vehicles qualify for Rotation Tow:

- Vehicles with auto alarm ringing and unable to disconnect;
- Recovered stolen vehicles;
- Apparently abandoned vehicles;
- Vehicle with missing or illegible VIN;
- Vehicle with an expired NYS registration over 60 days or registration sticker missing;
- Vehicle that is blocking a driveway.

The following autos *do not* qualify and are not handled by Ro-Tow procedures:

- Derelict autos - *Department of Sanitation*, unless required as evidence;
- Owner on scene recovers vehicle prior to arrival of NYPD;



# POLICE SCIENCE

## Auto-Related Procedures



- Large truck or limited use motorcycle - *Special Tow* required;
- Vehicle is held for an investigation - *Department Tow*;
- Vehicle is held for forfeiture proceedings - *Department Tow*;
- Vehicle was used in the commission of a crime - *Department Tow*;
- Vehicle is on a highway (high speed), bridge, or tunnel - *Franchise Tow*;
- Vehicle seized in an arrest - *Department Tow*;
- Vehicle is held for safeguarding (48 hours) - *Department Tow*;
- Vehicle is evidence - *Department Tow*;
- Vehicle is held to determine true owner (occupied vehicle) - *Department Tow*.

If a vehicle's VIN is missing; illegible; or not on record, enter the following statement in the Remarks section of the Property Clerk Invoice: "Deliver to Auto Pound within 48 hours for confidential VIN check."

### ROTATION TOW – OWNER NOTIFICATION

Prepare **ROTATION TOW IDENTIFICATION STICKER** and affix to window or windshield. In addition, a **ROTATION TOW—OWNER NOTIFICATION** will be prepared. The registered owner will be notified as soon as possible after the vehicle is in storage facility.

### SUMMARY OF TOWS

To recap, you will come into contact with five different tow programs when you leave the Academy. There are:

Police Department Tow	Used for evidence vehicles and seized vehicles
Sanitation Tow	Used for derelict vehicles
Rotation Tow	Operated by private contractors that contract with the city for towing and storage of certain vehicles. The lists of these contractors are kept in precincts and are called by the desk officer in list order.
Franchise Tow aka (Authorized Highway Tow)	Has the exclusive right to tow on limited access roads (such as parkways and expressways) and on bridges and tunnels. These companies may also be in the Rotation Tow program.
DARP Tow	Handles all collisions on public roads (other than high-speed roads, bridges, and tunnels.)





# POLICE SCIENCE

## Auto-Related Procedures



---

### IN SUMMARY

---

In this chapter, we have covered those facets of policing that directly involve you on patrol. One of your primary responsibilities with regard to traffic collisions is to facilitate the safe and efficient movement of traffic with a maximum amount of safety to you and the public. Another important responsibility is to investigate collisions to determine the causes for the accident so that enforcement action can be taken against the violator and to minimize the loss of lives and property. And finally, we also devoted considerable time on how to tow a vehicle and when to use a specific type of tow for *your* situation that you encounter while on patrol.