



BRAINTREE POLICE DEPARTMENT

Policy and Procedure

TOWING OF MOTOR VEHICLES

2018-11

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Issuing Authority:

Chief Mark Dubois

Certification Standards:

Accreditation Standards: **61.4.3 a-c**

Optional Accreditation Standards:

Purpose

- The purpose of this policy is to establish rules and guidelines for the towing of vehicles and related procedures.
- The towing of a vehicle must satisfy a necessary and legitimate police purpose. Towing situations should be evaluated on an individual basis before requesting a tow truck.
- Under no circumstances will occupants of a vehicle that is towed by this Department be left standing by the side of the road without being offered a ride to the station to make arrangements.

Tow Companies: Tows will be conducted only by the “Weekly Wreckers” authorized by the Chief of Police unless otherwise necessary due to extenuating circumstances. In cases where a tow requires equipment beyond the weekly wreckers’ inventory, they are to notify the Department that assistance is required. The Department will contact another tow company that has been authorized by the Chief of Police for assistance. Tow companies authorized to provide assistance will be utilized on a rotating basis and shall not create any unnecessary delay in the completion of the tow.

Tow Company List: The names of authorized tow companies will be maintained in a tow list and utilized on a rotating basis. Only when the

list has been exhausted and all companies listed are unable to respond will an outside company be contacted unless otherwise permitted under another section of this policy.

Tow Log: The Shift Commander will ensure the following is recorded in “CAD” whenever a motor vehicle is towed: date and time of tow; name of tow company; location; name and address of registered owner; make, model, year and color of vehicle; registration number and state.

Reasons/
Guidelines for
Tow
61.4.3 b

Towing under police direction may occur for the following reasons, and when appropriate, a parking tag or citation will be issued prior to such tow;

When a vehicle is: **[61.4.3 b]**

- Interfering with snow removal.
- Parked on a sidewalk.
- Parked on a crosswalk.
- Wrong direction one way street.
- Blocking a public or private driveway.
- Parked blocking an intersection.
- Parked within 20 feet of an intersection.
- Reported stolen or recovered.
- Left unattended in a public area as the result of police action and a reasonable concern exists about the risk of vandalism, theft, or break-in based upon the frequency of those crimes in that area or an inconvenience or burden to the private property owner.
- Involved in a motor vehicle accident and cannot be safely operated.
- Evidence of a crime.
- A hazard to the public in any way not already covered.
- MV violations which do not allow the MV to be driven on a public way.
- Towing related arrests where the operator/owner has been placed into custody. **Note:** The vehicle should be allowed to be driven/removed by a licensed operator designated by the owner.

Note: Officers have the discretion with permission of the Shift Commander or Supervisor, to tow vehicles parked in Fire lanes, Handicap parking violations, blocking a handicap curb cut, parked within 10 feet of a hydrant, fire station entrance, bus stop, restricted area, overtime parking, double parking, right wheel more than 12 inches from the curb, on a bridge, and overnight parking.

Towing of Vehicles for OUI Alcohol or OUI Drugs:

-In the case of an arrest for OUI Alcohol: The vehicle shall be towed from the scene and not released for a period of 12 hours, regardless of whether or not the operator consents to a breath test at the booking desk, consistent with Melanie’s Law and Town of Braintree By-Law 9.300.010.

-In the case of an arrest of OUI Drugs: The vehicle shall also be towed and held for 12 hours in compliance with Town of Braintree By-Law 9.300.010

Town of Braintree By-Laws Section 9.300.010: *Impoundment for operating under the influence of certain substances. No motor vehicle impounded pursuant to an arrest under M.G.L 90 Section 21, for operating under the influence of intoxicating liquor, marijuana, or narcotic drugs or depressant or stimulant substances, all as defined in MGL c.94C Section 1 or under the influence of vapors of glue, or other substances set forth in said MGL c. 90 Section 21 may be released prior to the passing of 12 hours following arrest.*

Motor Vehicle
Accidents
/Disabled
Vehicles
61.4.3 b

Towing from an accident scene shall be conducted according to the rotating tow company list as described above.
Motor Vehicle Crashes/Disabled Vehicles- If an officer determines that a tow is required, the owners/operators request shall be honored; unless the requested service cannot respond to the scene in a timely manner and if it does not delay the removal of the vehicle from the accident scene. Should the occasion arise that the clearing of an accident scene may be expedited by using a tow company out of rotation, the Shift Supervisor or Commanding Officer may authorize the use of a company out of rotation. **[61.4.3 b]**

Abandoned
Vehicles
61.4.3 a-c

The following definitions shall apply: **[61.4.3]**

Abandonment: A vehicle left parked and unattended for 72 hours or more and reasonably deemed to be abandoned.ⁱ (public way)

Junk car: A vehicle with no salvage value.

Officers shall be guided by M.G.L. c. 90 § 22c when a motor vehicle has been apparently abandoned by its owner and left standing for more than 72 hours on a public or private way, or on any property without the permission of the property owner or lessee. All vehicles towed will be documented. Any inventory shall be done in accordance with the departmental policy on **Motor Vehicle Inventories**. The following procedure shall be followed during an investigation for an Abandoned Motor Vehicles.**[61.4.3 a]**

Initial Investigation:(public way)

- Officer will be dispatched (if called in by citizen).
- Officer will attempt to contact owner of vehicle.
- If successful in contacting owner, Officer will advise same to have vehicle removed within 72 hours, or be charged with abandonment.
- The investigating Officer will transmit the registration number or VIN number, make, model, description, condition and location to the dispatcher. The Dispatcher will enter the information into CAD.

If a follow-up investigation is necessary, the Officer assigned will request a case number and document the tow in an offense report. The report will include an inventory of the vehicle's contents and damage (if any). Since there is no current Town By-Law for civil enforcement, officers are to initiate a criminal complaint application with a citation. A CAD note entry will be made at the time of the tow.
[61.4.3 b, c]

Inventory
61.4.3 c

Officers shall follow the department's **Motor Vehicle Inventory Policy** when a vehicle is to be towed. The interests of this Police Department shall be best served by adherence to the Department vehicle inventory policy.

All vehicles towed under the direction of this department shall be inventoried prior to removal to another location whenever possible except:

-When the operator is arrested and proposes that the vehicle be turned over to an identified person who is not under arrest or otherwise incapacitated and who agrees to take charge of the vehicle. The officers shall allow such arrangement as an alternative to police tow provided the officer can verify that the proposed operator is properly licensed. If the officer does not permit this arrangement, it must be articulated in their incident report.

-The vehicle is disabled, either by mechanical failure or as a result of damage resulting from a motor vehicle accident, where the owner/operator is present at the time the car is towed.

-Motor vehicles involved in an accident.

The officer who conducted the inventory will complete the inventory form.

Private
Property Tow
61.4.3 b c

Towing from private property shall be by order of and through the arrangement by the person in control of the property and shall be consistent with M.G.L. c. 266 § 120D. A CAD entry shall be made on private tow notifications.

Before a vehicle can be towed from private property for abandonment, the tow company must provide the following information in writing.

[61.4.3 b c]

- The name of the person or tow company towing the vehicle.
- The registration number.
- The address from which the motor vehicle is being removed;
- The address to which the motor vehicle will be moved to.

(i M.G.L c.90, s.22C)