



# BRAINTREE POLICE DEPARTMENT

## Policy and Procedure

### TOWING OF MOTOR VEHICLES

2018-11

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Chief Paul Shastany

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. (Example: vehicle size too large for normal tow truck).

**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  
**61.3.4 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: **[61.3.4 b]**

- Interfering with snow removal
- On a sidewalk
- On a crosswalk
- Within an intersection
- Within 20 feet of an intersecting way
- Wrong direction one way street
- Blocking a public or private driveway
- Within 20 feet of an intersection
- Reported stolen or recovered
- Left unattended in an open lot or in a secluded public area due to a police action and there is reasonable concern for the theft of or from the vehicle; vandalism; or inconvenience to the 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, 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.

Motor Vehicle  
Accidents  
/Disabled  
Vehicles  
**61.3.4 b**

Towing from an accident scene shall be conducted according to the rotating 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. **[61.3.4 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.<sup>i</sup> (public way)

**Junk car-** A vehicle with no salvage value.

Officers shall be guided by MGL 90 s 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). Whenever possible, citations for abandonment of a motor vehicle should be issued. A CAD note entry will be made at the time of the tow. **[61.4.3 b, c]**

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 MGL 266 sec 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 address from which the motor vehicle is being removed;
- The address to which the motor vehicle will be moved;
- The registration number;
- The name of the person or tow company that will be towing the motor vehicle.

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.

The investigating Officer will complete the proper form.

Motor vehicles involved in an accident do not need an inventory sheet.

However, any observation of items of value shall be removed by the owner or secured until they can be retrieved. **[61.4.3]**

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<sup>i</sup> M.G.L. c. 90, s. 22C