



# YARMOUTH POLICE DEPARTMENT POLICY AND PROCEDURE

## TOWING OF MOTOR VEHICLES 2018-10

Date of Issue: 5/15/2018

Review Date:

Revised:

Issuing Authority:

Chief Frank G. Frederickson

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.

### Towing Guidelines

Pursuant to Massachusetts General Laws (M.G.L.) and the Town of Yarmouth By-Laws, the towing of vehicles will occur within the following guidelines:

Authorization to tow-The removal and towing of motor vehicles will be under the direction of the Commanding Officer/Shift Supervisor.

Tow Companies-Tows will be conducted only by those contractors 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 log and utilized on a rotating basis. For routine tows, when time allows, 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 Commanding Officer/ Shift Supervisor will ensure the following is recorded in a "tow log" whenever 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. The daily log will be used as the tow log.

Reason for  
Tow

Towing under police direction may be for the following reasons. When a vehicle is:

1. Upon any way in such a manner to impede the removal or plowing of snow or ice.
2. Upon any sidewalk.
3. Upon any crosswalk.
4. Upon any way within 20 feet of an intersecting way.
5. On the roadway side of any vehicle stopped or parked on the edge or curb of the way
6. Blocking a public or private driveway.
7. Upon any way where the parking of a vehicle will not leave a unobstructed lane at least 10 feet wide for passing traffic.
8. Reported stolen and recovered in the Town of Yarmouth.
9. 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.
10. Involved in a motor vehicle accident and cannot be safely operated.
11. Evidence of a crime.
12. A hazard to the public in any way not already covered.
13. In a private lot, *as the result of a police action*, when a person in control of the property states that they want the vehicle removed
14. Arrest is made for OUI alcohol under Melanie's Law

Note-Officers have the discretion with permission by the Shift Commander or Supervisor to tow vehicles parked in fire lanes and handicap spaces when appropriate.

Tow Limitations The officer's ability to tow a motor vehicle will be limited when

1. There is an alternative driver who is:
  - On scene
  - Has a valid driver's license
  - Has the owner's permission
2. It is lawfully parked outside of police action

Note: Melanie's Law mandates that a motor vehicle driven during an arrest for OUI-alcohol be impounded for 12 hours for refusal of the breath test. Therefore; all vehicles driven during an OUI-alcohol arrest shall be towed from the scene.

Towing from an accident scene shall be conducted according to the rotating list as described above. However, a motorist may request a specific company 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.

If any owner/operator, or authorized person, requests a vehicle service such as AAA, reasonable efforts should be made to allow for this. If the vehicle is a hazard requiring police assistance, and there is potential for a significant delay, the owner/operator, or authorized person, should be advised that the duty wrecker will be utilized and they should seek re-imbursement from their vehicle service. In no case, unless an emergency exists, should a Yarmouth Police Officer be tied up for an extended period of time awaiting a tow. A reasonable period of time shall generally be no longer than twenty (20) minutes.

Once a duty wrecker has been called to tow a vehicle, they should not be canceled unless the vehicle becomes operable. If the owner/operator, or authorized person, has a vehicle service, they should be directed to seek re-imbursement and the duty wrecker shall tow the vehicle.

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)

1. Officer will be dispatched (if called in by citizen).
2. Officer will attempt to contact owner of vehicle.
3. If successful in contacting owner, Officer will advise same to have vehicle removed within 72 hours, or be charged with abandonment.
4. 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 the daily log.

If a follow-up investigation is necessary, the Officer assigned will request a case number and document the tow on an offense or arrest report and tow log. 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 daily log 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 daily log 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]

1. The address from which the motor vehicle is being removed;
2. The address to which the motor vehicle will be moved;
3. The registration number;
4. 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, unless a crime is involved, do not need an inventory sheet if the operator or owner is present. 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