



Department of State Police

General Order

Effective Date: July 22, 2022	Number: TRF-09
Subject: Towing	

Policy

Public safety is the Department's primary concern and shall guide the application of this policy. When authorized to remove vehicles, members shall remove such vehicles to a location which shall ensure the safety and well-being of the occupants, security of the vehicle, and allow for safe and efficient flow of traffic.

All members and approved Tow Service Providers (TSPs) shall adhere to and comply with the Department of State Police SP-357 Tow Service Agreement (for those Troops/Tow Zones operating under the legacy Agreement), and/or the Massachusetts State Police Tow Contract (for those Troops/Tow Zones which have transitioned to the new Tow Contract).

Category I services are defined as Towing/Recovery/Service of vehicles or combinations $\leq 10,000$ GVWR/GCWR, such as Passenger Automobiles, Light Trucks/Vans, Trailers, Motorcycles, Mopeds, or Motor Scooters.

Category II services are defined as Towing/Recovery/Service/HAZMAT of vehicles or combinations $>10,000$ GVWR/GCWR, such as Commercial Trucks, Truck Tractors, Tractor/Trailer Combinations, Trailers, Machinery, Campers/Motor Homes/Recreational Vehicles, and Buses.

Note: For those Troops under the legacy Tow Service Agreement providing for towing under Category II (Medium Duty) specifications, they shall abide by that Agreement.

Members assigned to Troop F shall adhere to Massport towing regulations.

Purpose

To establish and define guidelines for State Police members engaged in towing vehicles.

Causes for Removal

Members are authorized to remove (or cause to be removed) a vehicle found upon any way, or on private property without the consent of the property owner, when the vehicle is:

- Stolen or taken without the owner's consent;
- Disabled as to constitute an obstruction to traffic and/or is an obvious hazard;
- Improperly parked or standing in violation of a state or municipal law or regulation (i.e. within the limits of any State Highway for a period of time exceeding 24 consecutive hours);
- Not validly registered or insured in violation of law;
- In its current condition, is too hazardous or dangerous to be driven; and/or
- Impounded/towed pursuant to MGL or state or federal court order.

Additionally, members are authorized to remove (or cause to be removed) a vehicle found upon any way, or on private property without the consent of the property owner, when the operator is:

- Arrested;
 - Not properly licensed;
 - Impaired by the consumption of alcohol, drugs or any other substance, or by any medical condition;
 - Unable or otherwise unfit to safely operate the vehicle,
- AND**
- There is no alternative operator present who could assume lawful custody of the vehicle; and
 - After inquiry by the member, the owner or authorized driver cannot direct the member to dispose of the vehicle in some lawful and reasonable manner¹.

Additionally, members are authorized to remove (or cause to be removed) any vehicle found upon a road/state highway when adverse weather conditions or other emergency reasons necessitate the removal in the interest of public safety, or when requested by the Massachusetts Department of Transportation, or other agency having jurisdiction over maintenance of the roadway.

Any vehicles located on private property in situations not addressed above, including abandoned vehicles on private property, are a civil matter between the property owner and the vehicle owner, and shall be addressed as per MGL c.266 §120D.

Public safety is of paramount importance when considering the time, manner, and method of off-loading and/or towing a large vehicle. The key determinants are current and impending road, weather, and traffic conditions.

All crash/recovery scenes should be cleared as quickly as possible in order to return the highway to its normal traffic flow. If necessary, cargo may be pulled/pushed to adjacent shoulders/medians before the vehicle is towed.

¹ If the operator has refused a breathalyzer, the member must impound the vehicle for a minimum of 12 hours pursuant to M.G.L. c. 90, §24(1)(a)(4)(f)(iii).
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Causes for Removal,
continued

The off-loading and/or towing of large trucks involved in crashes and recoveries on high density/congested roadways should be avoided during peak commuter hours, as it may contribute to additional delays and/or secondary crashes.

Responsibilities of the Member Towing a Vehicle

Prior to notifying the tow company, members shall inquire whether the owner or authorized driver can direct the member to dispose of the vehicle in some lawful and reasonable manner, unless the operator has refused a breathalyzer test, in which case the vehicle shall be impounded for a minimum of 12 hours. Members shall also inquire if there is a preference for a particular tow company or roadside service organization. Factors to be considered with regard to the reasonableness of the manner proposed include, but are not limited to:

- Weather conditions;
- Whether traffic conditions require immediate removal;
- Time of day;
- Whether the situation requires expediency; and
- Whether the removal of the vehicle as proposed by the owner or authorized driver would be unreasonably long in the opinion of the on-scene officer(s)' and safety dictates its removal.

When no request for preference is expressed, the member shall inform the Station Desk Member who will dispatch a TSP from the Station's Tow Company List that is approved to provide the required service. For troops/tow zones operating under the new Tow Contract, the next-in-line TSP for that zone will be dispatched.

In the case of an incident which overlaps multiple tow zones within one barrack's area, or multiple barracks' areas, selection and dispatch of a TSP will be made by the barracks entering the call in RAMS.

Depending upon time of day, weather, or other variables, the member shall remain with a disabled vehicle and its occupants until assistance arrives, or until the member is assigned to a higher priority call for service. The member may transport the occupants to a safer location to make their own arrangements, if it is agreeable to the occupants.

If the member at the scene makes an informed observation that a particular on-scene TSP is unable to safely remove a vehicle he/she may request the services of the next in line approved TSP. If there is no next in line, the closest available approved TSP capable of handling the job shall be contacted.

When applicable, members shall inventory the towed vehicle in accordance with TRF-10 Vehicle Inventory.

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**Responsibilities
of the Member
Towing a
Vehicle,
continued**

A towed motor vehicle shall only be placed on an investigative hold pursuant to:

- Melanie's Law (12 hour hold for Operating Under the Influence of Alcohol arrest with a breathalyzer refusal);
- Probable cause that the towed motor vehicle is a piece of evidence;
- Pending the application for and execution of a search warrant; or
- A directive from the District Attorney's Office, Attorney General's Office, or United States Attorney's Office.

A towed vehicle may not be held beyond ten (10) days, unless otherwise ordered in writing by a Court, the District Attorney's Office, the Attorney General's Office, or the United States Attorney's Office.

Any request for an investigative hold must be communicated to the TSP at the time of the tow. This notice will be documented on form SP-357C, with a copy maintained at the barracks of jurisdiction. The SP-357C shall be approved by a supervisor for all investigative holds, other than for Melanie's Law. In addition, the member must provide a copy of the approved written notice to the TSP prior to the end of his/her shift.

**Responsibilities
of the Station
Desk Member**

The Station Desk Member shall appropriately record the following via RAMS:

- The registration number and state;
- The location from which the vehicle was towed from including time and date;
- Make and description of the vehicle;
- The cause for removal;
- The name or identification number of the member or proper authority requesting such removal; and
- The towing company name, and the location to which the vehicle was moved.

Furthermore, the Station Desk Member shall properly classify tows/calls for service that are not provided by a contracted TSP, such as: owner request, motor clubs or help vans.

The member requesting the tow shall notify or cause to be notified, the owner of record as soon as possible, of the location of the vehicle and the reason for which it was towed.

**Responsibilities
of the Station
Commander**

The Station Commander shall ensure the effectiveness of the towing process by monitoring personnel and TSP resources operating under his/her command. The Station Commander shall:

- Establish separate lists for Category I and Category II operations;
- Establish a tow rotation within each tow zone having multiple TSP's;
- Rectify any substantiated claims of a missed or skipped call of a TSP;
- Request staging of tow trucks in specific areas for unusual demands for service;
- Assist TSP's with the administration of this policy and the associated towing contract(s);

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**Responsibilities
of the Station
Commander,**
continued

- Maintain records (SP-357C) of all vehicles held for investigative purposes;
- Ensure adequate log entries are made via RAMS; and
- Appoint a Station Tow Member to assist with the administration of this policy.

**Responsibilities
of the Station
Commander
in Troops/Tow
Zones operating
under the legacy
Tow Service
Agreement**

Station Commanders shall establish a Station Tow Company List based upon fair and equitable standards including, but not limited to: minimum response times, the maximum allowable number of tow companies, and the provisions of this policy.

Fair and equitable standards shall include, but not be limited to, the following:

- A consideration of the financial and administrative burden of maintaining and administering the Station Tow Company Lists;
- The public interest and necessity for the prompt removal of wrecked, crashed, and disabled vehicles from the roadway;
- The maximum number of tow companies on a Station Tow List shall not exceed ten companies unless authorized by the Troop Commander; and
- Any additional factors that a Station Commander deems reasonably necessary.

Station Commanders shall appoint a Station Tow Member to assist with the administration of this policy and to maintain records of all tow agreements and associated documents.

Station Commanders, in conjunction the Division of Administrative Services, will direct an investigation be conducted related to any SP-358 received alleging violations of the Tow Service Agreement SP-357.

Station Commanders shall be responsible for the oversight of station tow companies in their station areas and may suspend, terminate, and/or place on probation any station tow company consistent with the requirements of the State Police Tow Service Agreement SP-357.

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Responsibilities of the Troop Commander

The Troop Commander shall ensure the effectiveness of the towing process by monitoring personnel and TSP resources operating under his/her command. The Troop Commander shall:

- Order an immediate indefinite suspension without advance notice for an event where a TSP's actions have resulted in a threat to public safety or resulted in criminal action being sought against the company or any of its representatives;
- Notify the Division of Administrative Services of any suspensions ordered via the SP-358 process; and
- May establish amended Tow Zones for special events, natural or man-made disasters, states of emergency, weather events, or other unforeseen events in order to maximize public safety and reduce response times.

Complaints

All complaints, or allegations of violations of the Tow Service Agreement or Massachusetts State Police Tow Contract generated by members of the Department, the public, or a Tow Service Provider shall be immediately documented via an SP-358.

Complainants may obtain and submit a SP-358 by the following means:

- Accessing the State Police Tow Portal at <https://www.mass.gov/state-police-towing>
- Mail or hand-deliver to: Division of Administrative Services, 470 Worcester Rd., Framingham, MA 01702;
- Via email to towingresponsereports@pol.state.ma.us;
- By calling the Division of Administrative Services at (508) 988-7018; or
- Via fax to (508) 820-2359.

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Responsibilities of the Division of Administrative Services

The Division of Administrative Services (DAS) will provide administrative and fiscal oversight of all tow issues related to Troops/Tow Zones which have transitioned to the Massachusetts State Police Tow Service Contract. DAS shall:

- Establish and validate Tow Zones based upon input from Station Commanders relative to the number of crashes, requests for service, traffic volume, high-demand events or venues, and other measurable demands for service. Tow Zones shall remain fixed for the duration of the Tow Service Contract period. Tow Zones shall either be assigned to one specific approved TSP or to several TSPs based upon the contract award. If multiple companies are awarded a single zone, each shall be assigned on a per-incident rotation schedule;
- Recieve requests for inclusion in the Tow Contract;
- Evaluate new applications for Tow Contracts;
- Conduct independent, random audits of tow bills submitted by TSPs;
- Conduct initial and annual announced inspections of TSPs and prospective TSP's financial, insurance and employee records, as well as equipment and facility compliance;
- Conduct random unannounced inspections of TSP's financial, insurance and employee records, as well as equipment and facility compliance; and
- Investigate all complaints forwarded via SP-358 regarding TSPs and this policy, determine violations of the Tow Contract, and take appropriate corrective action, if warranted.

Responsibilities of Tow Service Providers

TSPs must follow all applicable federal, state and local laws, and remain in compliance with the Tow Service Agreement (SP-357) and/or Massachusetts State Police Tow Contract at all times. Failure to maintain these standards may result in the immediate removal from all Department tow lists without advance notice.

References: TRF-10 Vehicle Inventory;
SP-357 Tow Service Agreement;
SP-358 Tow Complaint;
Massachusetts State Police Tow Contract;
MGL c.90 §22B;
MGL c.90 §22C;
MGL c.159B §6B;
MGL c.266 §120D;
220 CMR 272;
720 CMR 9.04;
MPAC: 61.4.3;
Chapter 122 of the Acts of 2005.

Promulgated By: **Christopher S. Mason, Colonel/Superintendent**