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| STRATFORD POLICE DEPARTMENT  | Type of Directive: Policy and Procedure | Updated: 10/13/2021 |
| | Title: Motor Vehicle Towing | No. 4.10 |
| | Issuing Authority: Chief Joseph McNeil | Issued: 03-18-2019 |
| | Reference: Rescinds 4.6.1 | |

PURPOSE:

To establish guidelines for police initiated transport of vehicles via a licensed tow truck operator.

POLICY:

It shall be the policy of the Stratford Police Department to provide guidelines when officer may have a vehicle towed during the performance of their law enforcement duties.

DEFINITIONS:

Motor Vehicle (Sec. 14-1 (a) (47), C.G.S.) - means any vehicle propelled or drawn by any non- muscular power, except aircraft, motor boats, road rollers, baggage trucks used about railroad stations or mass transit facilities, electric battery operated wheel chairs when operated by physically handicapped persons at speeds not exceeding fifteen miles per hour, golf carts operated solely for the purposes of crossing from one part of the golf course to another, gold cart type vehicles operated on roads or highways on the grounds of state institutions by state employees, agricultural tractors, farm implements, such vehicles as run only on rails or tracks, self propelled snow plows, snow blowers and lawn mowers, when used for the purposes for which they were designed and operated at speeds not exceeding four miles per hour, whether or not the operator rides on or walks behind such equipment, bicycles with helper motors as defined in Section 14-286, special mobile equipment as defined in subsection (i) of Section 14-165 and any other vehicle not suitable for operation on a highway.

Operator (Sec. 14-1 (a) (54), C.G.S.) - means any person who operates a motor vehicle or who steers or directs the course of a motor vehicle being towed by another motor vehicle and includes a driver as defined in subsection (20) of this section.

Owner (Sec. 14-1 (a) (56), C.G.S.) – means any person holding title to a motor vehicle, or having the legal right to register the same, including purchasers under conditional bills of sale.

Parked Vehicle (Sec. 14-1 (a) (57), C.G.S.) – means a motor vehicle in a stationary position within the limits of a public highway.

PROCEDURE:

All tow companies used for Police Department towing will be subject to the Town of Stratford ordinance 196 Tow Trucks.

Tow operators will be allowed a thirty (30) minute response time to arrive at the scene of a call. Exceptions to this are inclement weather, traffic conditions caused by the call they are responding to. Failure to arrive within 30 minutes after being dispatched will be deemed an unreasonable delay and another wrecker will be called. Tows violating this section shall be subject to disciplinary actions.

The tow operator responding to the scene of an accident will be responsible for the removal of glass and/or debris from the accident scene. In the event more than one tow operator is called each shall be responsible for cleanup.

Any vehicle towed under any section of this policy shall be subject to the provisions of the Motor Vehicle Inventory policy of this manual, unless otherwise specified.

Any member initiating or assisting in a towing procedure of any motor vehicle shall remain on-scene and protect such scene during the motor vehicle removal by a wrecker company.

Public Highway Hazard or Menace

Any sworn member of this department upon the discovery of any motor vehicle, whether situated within or without, any highway of the Town of Stratford, which is a menace to traffic or public health or safety, may take such motor vehicle into his custody and cause the same to be taken to and stored in a suitable place (C.G.S. 14-150(b)).

Crash Scene

Any motor vehicle involved in a crash, which is part of an investigation by this department, shall remain in the custody of this department until released to the owner(s) or his/her designee, or to the next licensed wrecker company in rotation with this department, by the investigating member(s).

Any motor vehicle involved in a crash, based on the training and experience of the investigating member(s), is no longer suitable for operation on a public highway it shall be towed from the crash scene by the next licensed wrecker company in rotation with this department.

Any motor vehicle involved in a crash, based on the training and experience of the investigating member(s), has been deemed suitable for operation and the operator is incapacitated, the next licensed wrecker company in rotation with this department shall tow such motor vehicle.

The exceptions shall be:

- The operator is not the owner, and the owner is present, and able, to operate the motor vehicle
- The operator is the owner and there is a co-owner present and able, to take custody of the motor vehicle, or provide permission for any properly licensed individual to operate such motor vehicle.

Commission of a Crime

Any motor vehicle after having been used in the commission of a crime within the Town of Stratford that is to be towed and stored as evidence, regardless of the storage location, shall be approved by a supervisor and subject to the provisions of the Motor Vehicle Inventory Policy of this manual.

If the primary reason for the tow is evidence collection, not withstanding any search and seizure requirements, the supervisor responsible for the decision to tow will consider the feasibility of having the motor vehicle processed for evidence at the scene.

In the event processing the motor vehicle at the scene for evidence is not feasible, or the motor vehicle is to be retained as evidence, or a search warrant requirement must be met, the next licensed wrecker company in rotation with this department may tow the motor vehicle to headquarters to be secured.

The following procedure shall be used with any motor vehicle known to have been used in the commission of a crime outside of the Town of Stratford, or listed in an NCIC message as wanted or stolen, that is being sought by another agency:

- Dispatch (communications) shall contact the agency seeking such motor vehicle via telephone and determine if they will come to the scene with their own wrecker operator and take custody of the vehicle. The H-114 form shall be completed by the agency taking custody of such vehicle.
- A supervisor from this department will determine the maximum amount of time the responding agency will be allotted based on the call volume, or other circumstances, of that particular shift, before the next licensed wrecker company in rotation with this department shall tow such motor vehicle.
- If the agency seeking such motor vehicle is unable to respond but wishes to have such motor vehicle taken into custody, such motor vehicle shall be subject to the provisions of the Motor Vehicle Inventory Policy of this manual and the next licensed wrecker company in rotation with this department shall tow such motor vehicle.
- The Location for storage of such motor vehicle shall be determined by a supervisor based on the nature of the crime, and the evidence to be preserved.

Abandoned Motor Vehicle

Any motor vehicle to be towed after the provisions of the abandoned Motor Vehicle policy of this manual have been fulfilled and the decision to tow such motor vehicle has been approved by the traffic division commander or other supervising member of this department, the provisions of the motor vehicle inventory policy of this manual shall apply.

The member initiating the tow will stand by with the motor vehicle until such wrecker removes the vehicle.

Blocked Driveway or Public Sidewalk

Any member of this department investigating any parked vehicle blocking a private driveway, or public sidewalk, shall attempt to contact the owner. If unsuccessful, and upon the approval of a supervisor, such parked vehicle may be towed. The appropriate enforcement action may be taken whether the vehicle was towed or not.

Severe Weather Conditions

In cases of severe weather resulting in downed electrical conductors, downed trees, flooding, natural disaster, etc., motor vehicles may be towed upon a supervisor's approval. If practicable, efforts should be made to first contact the owner.

Snow Removal

During a town-parking ban for snow removal any motor vehicle may be towed from a public highway when in violation of the parking ban instructions and upon approval of a supervisor.

Motor Vehicle Arrest

During a motor vehicle stop which results in an arrest of the operator the arresting member of this department shall apply the following procedure in the order specified below to determine if the motor vehicle is to be towed, notwithstanding any evidentiary purpose for seizing such motor vehicle:

- When such motor vehicle is currently standing on private property that the owner of such motor vehicle has a legal right to occupy, and the operator is also the owner of such motor vehicle, regardless of whether the vehicle is registered or not, such vehicle shall not be towed.
- When such motor vehicle is currently standing on private property, regardless of whether or not the operator is the owner of such motor vehicle, regardless of whether or not the vehicle is registered, such motor vehicle shall not be left on private property when the owner, or his/her agent, of such property is not readily available to grant permission to such arrestee.
- When such motor vehicle is currently standing on a public highway the provisions of the Public Highway or Menace section of this policy shall apply.
- When such motor vehicle is currently standing on a public highway and legally parked, regardless of whether or not it is properly registered, such vehicle shall not be towed. If such vehicle is not properly registered the provisions of the Abandoned Vehicle policy of this manual shall be followed.

Disabled Motorist

Refer to the provisions of the Disabled Motorist policy of this manual.

Record Keeping

A record of all motor vehicles towed by this department shall be maintained in the computerized wrecker log.