



POLICY AND PROCEDURE NO. 692

Towed Vehicles Generally

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4 Pages

PURPOSE:

The Worcester Police Department, for the purposes of facilitating the flow of vehicular and pedestrian traffic, to lessen the congestion on the public ways, and to further protect the safety of the public, may remove or cause to be removed to police headquarters or other convenient place, any motor vehicle which has become abandoned, disabled, has been recovered by police after its theft or for other permissible reason as delineated in the Ordinances of the City of Worcester and the General Laws of the Commonwealth of Massachusetts. Moreover, in the course of criminal investigations conducted by this department, it is also periodically necessary to remove or cause to be removed a motor vehicle to police headquarters or other convenient place where that investigation may be furthered.

It is the policy of the Worcester Police Department to execute these vehicular removals in such a way to preserve public safety, preserve the property of the vehicle owner, expedite the safe and orderly flow of traffic and protect the department and our officers from allegations or perceptions of impropriety as the tow procedures are executed.

Pursuant to a periodic competitive bidding process, the City of Worcester contracts with several tow service providers to serve as "Area Tows". Pursuant to these towing contracts, these Area Tow providers must conform to certain standards of performance and accordingly, are best situated to promptly respond and facilitate safe and expeditious removal of the vehicles.

Tow Types:

1. Involuntary Police-Tow: situations where police tow a vehicle for:
 - a. towable parking violations,
 - b. for investigatory purposes, i.e. DB, Vice or Crash Reconstruction follow-up,
 - c. on a public way where the operator is under arrest and there is no duly licensed operator on scene,
 - d. in the aftermath of crashes where the vehicle is disabled in the roadway,
 - e. where the vehicle, due to mechanical malfunction, is disabled in the roadway and is obstructing traffic or is illegally parked,
 - f. where the vehicle must be towed to further protect public safety and facilitate the safe and orderly flow of traffic; i.e. disabled vehicles,
 - g. where due to fluid or fuel leakage the vehicle is the source of a potential fire or environmental hazard.

The Area Tow contractor must be used in these instances.

2. Motorist No-Preference Tows: in situations where a motorist requires that their vehicle be towed but has no preference as to tow provider.

The Area Tow contractor must be used in these instances.

3. Motorist Preference Tow: in situations where a vehicle must be towed or requires road servicing but the motorist has a preference as to what towing/road service provider they use, police officers may assist them in this endeavor PROVIDED none of the provisions of paragraph #1 (Involuntary Police-Tows) apply AND where the motorist can safely remove the vehicle from the roadway or properly park it in such a way as to not obstruct the flow of traffic or create a public safety threat. Instances such as this include AAA tows, tow providers connected with vehicle warranties or where the motorist in control of the vehicle identifies a specific local tow provider. Officers are to encourage the motorist, once off the roadway or properly parked, to make these arrangements themselves as conveying personal motor club membership information over the open police radio subjects it to interception and needlessly ties up radio channels. Unless a motorist or public safety situation dictates otherwise, the officer need not remain with that motorist to await their tow or road service provider.

PROCEDURE:

A. Sergeant Approval

All towed vehicles, except a vehicle involved in an accident or for a motorist preference tow as described in paragraph 3 above (Motorist Preference Tow) may only be towed with the approval of a Sergeant or other higher police official.

In cases of a Motorist Preference Tow, the officer shall notify the dispatcher via radio as to the motorist's request for a tow provider other than the area tow and the reason thereof. The police official may, at his discretion, override that request for requested tow provider and instead assign the tow to the area tow.

B. Area Tow

Several tow company vendors have, by competitive bidding process, bid for, paid for and have been awarded the privilege of servicing our city as "Area Tow" providers. Accordingly, in all situations where the vehicle is involuntarily towed by police, it is these area tow providers that must be used. The respective Area Tow providers are also to be used for investigatory tows to the station as according to their designated zone.

C. Departmental Vehicle Contracted Tow

One or more tow companies have, by competitive bidding process, bid for, paid for and have been awarded the privilege of towing and/or road-servicing departmental vehicles. Accordingly, in all instances where a department-owned vehicle requires road service or towing, that designated tow provider(s) is to be used.

D. Recovered Stolen Vehicles

When a stolen vehicle is recovered, the owner of the vehicle will be called before the vehicle is towed. The owner will be allowed to retrieve his vehicle (if operable) only if he or she can

go to the location where it was recovered within one half-hour. If the owner cannot get to the location promptly or where the owner cannot be contacted, the area tow will be requested.

Where the owner can be contacted, that owner of the stolen/recovered vehicle may arrange to have his own tow take the vehicle. This will be allowed as long as the tow company can get to that location where the vehicle was recovered within one half-hour.

In making the Recovery Report, the officer will indicate that the owner was notified and has taken possession of the vehicle, or that notification could not be made.

E. Area Tow Inability to Supply Services

In the event that an Area Tow vendor is unable to satisfactorily provide towing service, a police official may order that an adjacent Area Tow provider be called to perform towing services. In these cases, that police official must prepare and submit an IDC explaining the Area Tow's deficiencies and his reasons for ordering the alternative tow.

F. Communications Department Notification and Recording

The Communications Department shall be notified on ALL towed vehicles, including accident tows, snow tows, 2" ban tows and stolen/recovered vehicles. Notification may be made by telephone or radio, depending on the workload of the dispatchers.

ALL such tows are to be entered into the automated Towed Vehicle tracking system which shall record the vehicle registration number, vehicle description, location of tow, tow company, reasons for the tow and other pertinent information.

G. Reporting

An offense report is to be prepared and submitted to the Police Server Record Management System (RMS) for all towed vehicles under all towing circumstances except:

1. Snow Tows (those vehicles that impede the plowing or removal of snow)
2. 2" Ban (vehicles in violation of the permanent or declared 2" Winter Ban)
3. Accident Tows (vehicles involved in vehicular crashes)

An offense report is not required on an accident tow, but the identity of the tow company shall be listed on the crash report.

H. Vehicle Holds

Occasionally, it is prudent for the towing officer to request that the area tow provider implement a temporary "hold" on the vehicle for investigatory or public safety purposes; i.e. operator arrested for OUI, etc. As a consequence, the vehicle owner is sometimes subjected to exorbitant storage fees where the officer places an open-ended "hold" on the towed vehicle. In no case may an officer request that a hold be implemented for a period in excess of 12 hours. In cases where an extended hold is warranted, i.e. where a search warrant is being sought, where a vehicle needs to be examined, or other good faith investigatory reason, etc., an official with an investigative unit may order such an extended hold in connection with an ongoing investigation.

I. Reminder

The rules and regulations of the Worcester Police Department and the ethics laws of the Commonwealth of Massachusetts prohibit police personnel from recommending any private service provider, including but not limited to tow companies, in the course of their official duties. While officers may offer objective information about service providers to citizens when citizens initiate such an inquiry, officers may not offer information which would recommend one over another or information which would tend to dissuade a citizen from selecting a certain service vendor.

Per:

Gary J. Gemme
Chief of Police

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