



POLICY AND PROCEDURE NO. 605

Towing, Inventory, Impoundment, and Abandoned Vehicles

Massachusetts Police Accreditation Standards:
61.4.3

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7 Pages

1. PURPOSE:

The purpose of this policy is to establish procedures for the towing, impoundment, and removal of motor vehicles by or at the direction of the Worcester Police Department, including abandoned vehicles, vehicles towed from public and private property, vehicles impounded as evidence or for investigative purposes, and vehicles seized pursuant to legal authority. This policy also establishes documentation and inventory requirements for all tow actions directed by Department personnel.

2. POLICY:

It is the policy of the Worcester Police Department to ensure that the towing, impoundment, and removal of motor vehicles is conducted lawfully, consistently, and with proper documentation. All tow actions directed by Department personnel shall be recorded, inventoried, and tracked to protect the interests of vehicle owners, the Department, and the public. The Department shall maintain complete records of all vehicles removed, stored, or towed at the direction of an officer.

3. SCOPE:

This policy applies to all sworn personnel of the Worcester Police Department who direct the towing, impoundment, or removal of motor vehicles in the course of their duties.

4. DEFINITIONS:

Abandoned Vehicle: A motor vehicle that has been left on a public way or public property and that, by its condition or circumstances, reasonably appears to have been abandoned by its owner. The City of Worcester Department of Public Works operates the Abandoned Vehicle Removal Program and handles routine abandoned vehicle complaints through Worcester 311. The Department's role is limited to vehicles that present an immediate public safety hazard or a law enforcement concern. See MGL c. 266, § 120A.

Impounded Vehicle: A motor vehicle towed to and held at the Worcester Police Department or a designated facility for processing, safekeeping, or other administrative purposes, including statutory administrative holds such as a Melanie's Law impoundment under MGL c. 90, § 24(1)(f)(1). A vehicle held because it constitutes evidence of a crime is a Seized Vehicle.

Seized Vehicle: A motor vehicle confiscated pursuant to legal authority, including but not limited to seizure incident to arrest, forfeiture proceedings, or court order.

Section 22D Removal: The towing of a vehicle from a public way pursuant to MGL c. 40, § 22D for parking or standing violations in designated tow-away zones, snow emergency violations, handicap parking violations, or other parking violations authorized by municipal ordinance. Section 22D removals require authorization by the Chief of Police or a designated officer of the rank of sergeant or higher, as provided by statute.

Tow Inventory: A documented inventory of the contents and condition of a vehicle conducted prior to or at the time of towing. Where the directing officer is equipped with a body-worn camera, the recording serves as the inventory record; where the officer is not so equipped, the inventory is documented in the officer's incident report.

5. PROCEDURES:

A. Authority to Direct Towing

The authority to direct the towing of a motor vehicle depends on the legal basis for the tow. Officers shall identify the applicable authority before directing any tow and shall document that authority in the incident report.

Section 22D Removals: Pursuant to MGL c. 40, § 22D, the towing of any vehicle for parking or standing violations on a public way under municipal control—including tow-away zone violations, snow emergency violations, and handicap parking violations—shall be authorized only by the Chief of Police or an officer of the rank of Sergeant or higher designated by the Chief. A patrol officer who determines that a Section 22D removal is warranted shall contact the Sector Sergeant or on-duty patrol supervisor for authorization before directing the tow. The authorizing supervisor's name and rank shall be documented in the incident report. Snow tows and winter ban tows conducted under a declared citywide snow emergency or winter parking ban do not require individual sergeant authorization or an incident report and are governed by Subsection F.

Non-Section 22D Tows: The following tow categories do not require Sergeant authorization under MGL c. 40, § 22D and may be directed by the officer at the scene, subject to any additional approval requirements specified in this policy: crash tows where the operator is unable to remove the vehicle from the roadway; tows of stolen or recovered vehicles; tows incident to a lawful arrest where no other reasonably available means exist to safeguard the vehicle; impoundment for investigative or evidentiary purposes (supervisor approval required; see Section G); seizure pursuant to court order or statutory authority; and removal of vehicles creating an immediate public safety hazard. Officers directing non-Section 22D tows should notify the sector sergeant as a matter of operational practice.

B. Abandoned Vehicles

The City of Worcester Department of Public Works (DPW) operates the Abandoned Vehicle Removal Program. Routine abandoned vehicle complaints are handled by DPW through Worcester 311, not by the Worcester Police Department. Officers who receive complaints about abandoned vehicles that do not involve a law enforcement concern or an immediate hazard shall direct the complainant to Worcester 311 for reporting and follow-up. **MPAC 61.4.3 [a]**

If an officer encounters or is dispatched to a vehicle on a public way that appears to be abandoned and is obstructing traffic or creating an immediate public safety hazard, the officer may direct the tow as the removal of a vehicle creating an immediate public safety hazard under Section A and should notify the Sector Sergeant as a matter of operational practice. The officer shall conduct a stolen check and VIN inquiry before directing the tow. If the inquiry reveals that the vehicle is stolen, wanted, or otherwise connected to criminal activity, the officer shall handle the matter accordingly and document the circumstances in the incident report.

If an officer encounters a potentially abandoned vehicle that is not creating an immediate hazard but presents a law enforcement concern—such as plates that return to a different vehicle, a vehicle matching a BOLO, or indicators of criminal activity—the officer shall investigate and take appropriate law enforcement action. If no law enforcement concern exists and the vehicle is not an immediate hazard, the officer shall report it through Worcester 311 or advise the complainant to do so.

Vehicles abandoned on private property are the responsibility of the property owner for removal pursuant to MGL c. 266, § 120D. Officers shall not direct the removal of vehicles from private property in abandoned vehicle situations. Property owners should be directed to contact a private towing company.

C. Towing from Public Property

Officers may direct the towing of a motor vehicle from a public way or public property when the vehicle is obstructing traffic, creating a hazard, is involved in a crash where the operator is unable to remove the vehicle, is subject to seizure or impoundment, or is otherwise required to be removed in the interest of public safety. Officers shall comply with the authorization requirements in Section A of this policy based on the legal basis for the tow. **MPAC 61.4.3 [b]**

When a vehicle is towed following a crash and the operator is present, the operator should be afforded a reasonable opportunity to request a tow service of their choice, provided that the selection does not unreasonably delay the removal of the vehicle or endanger public safety. The officer at the scene shall determine whether any delay is unreasonable given the circumstances. Generally, delays of longer than twenty (20) minutes from the time of request shall be considered unreasonable.

D. Towing from Private Property

The towing of vehicles from private property at the direction of Department personnel shall only occur when authorized by law, such as seizure incident to arrest, execution of a court order, or exigent circumstances requiring immediate removal. Officers shall not direct the towing of vehicles from private property solely at the request of a property owner; property owners seeking to have vehicles removed from their property should be directed to contact a private towing company and, if applicable, may pursue remedies under MGL c. 266, § 120D. **MPAC 61.4.3 [c]**

E. Tow Inventory

Prior to or at the time a vehicle is towed at the direction of Department personnel, the directing officer shall conduct and document an inventory of the vehicle's contents and condition. The purpose of the tow inventory is to protect the property of the vehicle's owner, to protect the

Department and tow contractor against claims of lost or stolen property, and to protect officers and tow personnel from potentially dangerous items. A tow inventory is not a search for evidence. Where the officer's purpose is investigative, the officer shall obtain a search warrant or establish an independent legal basis for the search. **MPAC 61.4.3 [d]**

The officer shall activate the body-worn camera prior to beginning the inventory. The BWC recording serves as the detailed record of the inventory. During the walkthrough, the officer should narrate observations covering: the exterior condition of the vehicle, including pre-existing damage; the contents of the passenger compartment, glove compartment, center console, and trunk (if accessible without destructive means); any valuables, weapons, or contraband observed; and whether the vehicle was locked or unlocked. Officers shall not use destructive means to access the vehicle, locked compartments, containers, or trunks during a tow inventory. See Policy 403 Body Worn Cameras for activation requirements. If the officer has not been issued a BWC, the officer may request the assistance of an officer equipped with a BWC or shall document the tow inventory in the incident report, including each of the elements listed above.

The officer's incident report shall document that a tow inventory was conducted and whether it was recorded by body-worn camera. The officer shall note in the incident report any items of significance observed during the inventory, including valuables, weapons, contraband, or major vehicle damage. If the inventory is recorded utilizing a BWC, the recording, not the incident report, serves as the comprehensive inventory record.

Contraband, evidence of a crime, or dangerous items discovered in plain view during a lawful tow inventory may be seized without a warrant. The officer shall complete the inventory per normal procedures, document the seized items in the incident report, and process them in accordance with Policy 410 Handling Evidence and Property. A search warrant is required only if the officer seeks to search beyond the scope of the standardized inventory procedures based on probable cause developed during the inventory.

F. Documentation Exceptions: Snow Tows, Winter Ban Tows, and Accident Tows

The tow inventory and incident report requirements of Subsection E do not apply to the following categories of tows:

Snow Tows: vehicles removed because they impede the plowing or removal of snow.

Winter Ban (2") Tows: vehicles removed for violation of the City of Worcester's permanent or declared two-inch (2") winter parking ban.

Accident Tows: vehicles removed because they were involved in a motor vehicle crash.

Snow tows and winter ban tows are conducted under a declared citywide snow emergency or winter parking ban, rather than at the direction of an individual officer at a specific scene. They do not require individual sergeant authorization or an incident report, and are recorded through the snow-tow operation. For an accident tow, the directing officer is not required to complete a separate incident report or tow inventory; the towing company shall instead be recorded on the Massachusetts motor vehicle crash report.

Nothing in this subsection limits an officer's authority to document any tow by incident report when the officer determines that a record of the vehicle's contents or condition is warranted, including where damage, valuables, or contraband are observed.

G. Impounded Vehicles

A vehicle may be impounded—towed and held for a legitimate, articulable purpose rather than released—when authorized by this policy. Consistent with *Commonwealth v. Oliveira*, 474 Mass. 10 (2016), legitimate purposes for impoundment include: protecting the vehicle and its contents from theft or vandalism; removing a hazard to other drivers or pedestrians; and addressing a forfeiture or other statutory need. The officer directing the impoundment shall articulate the specific justification in the incident report. A vehicle shall be towed to and held at the Worcester Police Department only when it must be processed at Department facilities; impoundments for other legitimate purposes shall be directed to a contracted tow facility. Where a vehicle is held because it constitutes evidence of a crime, it shall be seized and processed under Section H rather than under this section.

Any vehicle impounded at the Worcester Police Department shall be impounded only with the approval of the on-duty patrol supervisor or the official in charge at the scene. The requesting officer shall complete the Department Impound Form (WPD Form 10). One copy of Form 10 shall be left on the dash of the impounded vehicle and one copy shall be forwarded to the division requesting the impoundment. The authorizing supervisor shall be responsible for any follow-up and the removal of the vehicle from Department premises once it has been processed.

The Department does not have authority to hold personal property that is not evidence, subject to a court order, or subject to a statutory impoundment. A vehicle towed to a contracted tow facility that has not been seized as evidence, impounded pursuant to statutory authority, or held by court order is free to be released to the owner. Officers who believe a vehicle contains evidence of a crime should pursue the appropriate legal authority—including the motor vehicle exception, seizure as evidence, or a search warrant—before or at the time of the tow if reasonable, rather than towing the vehicle and attempting to restrict release after the fact. If an Officer believes that towing a vehicle prior to a lawful search is preferable, the Officer shall consult with a Police Official prior to the tow.

Melanie's Law Impoundment: When a vehicle is impounded pursuant to MGL c. 90, § 24(1)(f)(1) following a refusal to submit to a chemical test upon arrest for operating under the influence, the arresting officer shall ensure the impoundment is documented in the incident report with the specific statutory authority cited. A Melanie's Law impoundment is a statutory administrative hold, not an evidence seizure; the vehicle shall not be routed through the evidence custodian. The vehicle shall be held at the contracted tow facility for the statutory impoundment period. Release of vehicles impounded under Melanie's Law shall be authorized by the on-duty patrol supervisor or officer in charge, who shall verify that the statutory hold period has been satisfied before authorizing release. The release shall be documented in the original incident report.

H. Seized Vehicles

Any vehicle seized pursuant to legal authority—including seizure as evidence of a crime, forfeiture proceedings, or court order—shall be towed to the designated area tow facility or to Department premises as appropriate. Any officer requesting that a vehicle be seized shall complete the Department Impound Form (WPD Form 10). One copy of Form 10 shall be left on the dash and one copy shall be submitted to the designated evidence custodian.

The designated evidence custodian shall log and store all vehicle information until final disposition by legal authority. The designated custodian shall be responsible for the custody and inventory of all seized vehicles for the Department. Any seized vehicles in excess of contractual storage limits shall be addressed by the supervising officer or evidence custodian, either by arranging release through legal authority or securing alternative storage.

I. Tow Records

Except for tows documented under Subsection F (snow tows, winter ban tows, and accident tows), which are recorded through the snow-tow operation or on the Massachusetts motor vehicle crash report, the Department shall maintain complete records of all vehicles towed, removed, stored, or impounded at the direction of Department personnel. Records shall include: the date, time, and location of the tow; the reason for the tow and the legal authority under which it was directed; the identity and rank of the authorizing officer or supervisor; vehicle identification information including year, make, model, color, registration plate, and Vehicle Identification Number; the tow company used and destination; the completed tow inventory as documented by body-worn camera recording or in the incident report; and the disposition of the vehicle, including the date and circumstances of release. MPAC 61.4.3 [e]

J. Tow Contractor Requirements

Tow contractors operating under contract with the Department or the City of Worcester shall maintain full and complete records of all vehicles removed at the direction of the Worcester Police Department. Vehicles shall be stored in a secured area until released to an owner or disposed of pursuant to the existing contract. For vehicles that have been formally seized as evidence, are subject to a statutory impoundment (including Melanie's Law), or are held pursuant to a court order, the tow contractor shall not release the vehicle without express authorization from the Department. For all other vehicles towed at Department direction, the tow contractor may release the vehicle to the owner upon payment of applicable charges in accordance with their independent statutory lien under MGL c. 255, § 39A. Tow contractors shall maintain records of all vehicles released, indicating: to whom the vehicle was released (including name, address, and telephone number), the date and time of release, and what fees or charges were paid.

All tow rates and storage charges for involuntary tows directed by the Department shall comply with the maximum rates established by the Department of Public Utilities under 220 CMR 272.00. Tow contractors shall conspicuously post the maximum tow rates and Department contact information at their facilities as required by regulation.

K. Owner Notification

When a vehicle is towed at the direction of Department personnel and the owner or operator is not present at the scene, the directing officer shall make reasonable efforts to notify the owner of the tow, including the reason for the tow and the location where the vehicle may be recovered. If the owner cannot be contacted at the scene, the tow shall be documented in the incident report and the information shall be available to the owner through the Department's records system.

6. LEGAL REFERENCES:

MGL c. 40, § 22D (Vehicles parked in violation of law; removal); MGL c. 266, § 120A (Abandoned motor vehicles on public ways); MGL c. 266, § 120D (Unauthorized parking on private property); MGL c. 90, § 24(1)(f)(1) (Melanie's Law; vehicle impoundment upon chemical test refusal following OUI arrest); MGL c. 159B, § 6B (Towing charges); MGL c. 255, § 39A (Tow company lien); 220 CMR 272.00 (Rates for the Towing of Motor Vehicles); Commonwealth v. Oliveira, 474 Mass. 10 (2016) (impoundment justification); Commonwealth v. Torres, 85 Mass. App. Ct. 51 (2014) (inventory documentation).

Per:

Paul B. Saucier
Chief of Police

Revisions:**June 12, 2026–**

Consolidated Policy 605 Abandoned Vehicles, Policy 680 Impounded Vehicles Towed to Police Department, Policy 690 Motor Vehicle Inventory, Policy 692 Towed Vehicles General, and Policy 693 Towed Vehicles from Private Property into this policy; Policies 680, 690, 692, and 693 retired. Added a tow authorization framework distinguishing MGL c. 40, § 22D removals, which require a sergeant or higher, from other tow categories. Replaced the standalone inventory form with body-worn camera recording supplemented by the incident report. Added the Commonwealth v. Oliveira requirement that the justification for an impoundment be articulated in the incident report. Added a statement that the Department has no authority to hold a vehicle that is not evidence, subject to a court order, or subject to a statutory impoundment. Replaced the tow contractor release restriction with one limited to vehicles seized as evidence, under statutory impoundment, or held by court order; all other vehicles are released on payment under MGL c. 255, § 39A. Added 220 CMR 272.00 rate compliance for tow contractors. Added Melanie's Law impoundment provisions, with release authorized by the patrol supervisor or officer in charge. Added owner notification requirements. Replaced abandoned vehicle follow-up procedures with referral to the Department of Public Works Abandoned Vehicle Removal Program through Worcester 311; retired the Abandoned or Derelict Motor Vehicle Report. Added a documentation exception for snow tows, winter ban tows, and accident tows.

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