POLICY AND PROCEDURE NO. 605

Towing, Inventory, Impoundment, and Abandoned Vehicles

Massachusetts Police Accreditation Standards:
61.4.3

Date Issued: November 5, 1991
Date Effective: November 6, 2026
Review Date: November 6, 2027 10 Pages

1. PURPOSE:

The purpose of this policy is to establish procedures for the towing, inventory, impoundment, and removal of motor vehicles by or at the direction of the Worcester Police Department, and for recording vehicles towed from private property or repossessed within the City, so that every such vehicle is tracked and its registered owner can locate it.

2. POLICY:

It is the policy of the Worcester Police Department that the towing, inventory, impoundment, and removal of motor vehicles be conducted lawfully, consistently, and with proper documentation. Every tow directed by Department personnel shall be recorded, inventoried where this policy requires, and tracked, and every private property tow and repossession reported to the Department shall be recorded, to protect the interests of vehicle owners, the Department, and the public.

3. SCOPE:

This policy applies to all sworn personnel who direct the towing, inventory, impoundment, or removal of motor vehicles, and to the Department members responsible for recording tows reported to the Department. It also states the Department's handling of private property tows under MGL c. 266, Section 120D and of repossession notifications under MGL c. 255B, Section 20C.

4. DEFINITIONS:

Police Tow: A tow performed by a Department-contracted tow company at the direction of an officer, where the vehicle is illegally parked in violation of a statute or City ordinance under which a tow is authorized and the violation warrants removal, is involved in a crash and inoperable, is disabled and obstructing traffic, or is a vehicle whose operator has been arrested or is otherwise unable to lawfully operate it and the officer reasonably concludes that no lawful and practical alternative to towing is available.

Private/Trespass Tow: A tow from private property ordered by the person in lawful control of that property and performed by a tow company under MGL c. 266, Section 120D. The Department records the tow and is not otherwise involved.

Snow and Winter Ban Tow: A tow performed by a Department-contracted tow company at the direction of the Department during a declared citywide snow emergency or winter parking ban operation.

Investigatory Tow: A tow performed by a Department-contracted tow company at the direction of the Department so that a vehicle may be examined or preserved for an investigation, including a vehicle held as evidence or examined for crash reconstruction.

Repossession Tow: A tow performed at the direction of a lienholder, or a repossession agent acting for the lienholder, to recover a vehicle in which the lienholder holds a security interest. The Department records the tow and is not otherwise involved.

Owner-Request Tow: A tow of a vehicle that is involved in a crash, disabled, or obstructing, performed by a tow company that the owner or operator selects and arranges. An Owner-Request Tow is not directed by the Department.

Section 22D Removal: The towing of a vehicle from a public way pursuant to MGL c. 40, Section 22D for a parking or standing violation in a designated tow-away zone, a snow emergency violation, a handicap parking violation, or another parking violation authorized by municipal ordinance.

Tow Inventory: A documented inventory of the contents and condition of a vehicle conducted prior to or at the time of towing, as provided in Subsection 5.C.

Towed Vehicle Management System: The Department's system of record for vehicles towed, removed, or impounded at the direction of Department personnel and for vehicles towed from private property or repossessed within the City. Entry generates notification to the registered owner.

Abandoned Vehicle: A motor vehicle left on a public way or public property that, by its condition or circumstances, reasonably appears to have been abandoned by its owner. See MGL c. 266, Section 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 a statutory administrative hold such as a Melanie's Law impoundment under MGL c. 90, Section 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 seizure incident to arrest, forfeiture proceedings, or court order.

Off-Road or Recreation Vehicle: A vehicle defined by MGL c. 90B, Section 20, including an all-terrain vehicle, off-highway motorcycle, dirt bike, recreation utility vehicle, or snow vehicle.

5. PROCEDURES:

A. General Provisions

A tow for a parking or standing violation under MGL c. 40, Section 22D shall be authorized only by the Chief of Police or an officer of the rank of Sergeant or higher designated by the Chief, and the authorizing supervisor's name and rank shall be documented. A tow for a

parking or standing violation, including a Snow and Winter Ban Tow, may be directed only on a way under the City's control, not on a private street; any other tow from a private street is governed by the private property rules in Subsection B. Snow and Winter Ban Tows conducted under a declared citywide operation do not require individual sergeant authorization and are governed by Subsection E. Other Department-directed tows may be directed by the officer at the scene, subject to the approval requirements in the applicable subsection.

Any vehicle towed for a parking or standing violation shall be issued a citation for the violation, whether or not the operator is present, so that the registered owner has a record of the violation and a means to appeal it.

A stolen-vehicle check shall be completed by a member with CJIS access for every vehicle towed at the direction of the Department and for every Private/Trespass Tow and Repossession Tow recorded by the Department, to the extent the vehicle bears identifying information. The check shall be completed before a Police Tow where practicable, and for a Snow and Winter Ban Tow at the time of tagging where practicable or otherwise after the operation concludes. Responsibility for the check rests with the unit that records a Private/Trespass Tow or Repossession Tow and, for a Snow and Winter Ban Tow, with the commander of the detail. Where a check returns a vehicle as stolen or wanted, the member who identifies the return shall ensure that appropriate recovery and investigative action is taken and documented.

Every vehicle towed at the direction of the Department, and every Private/Trespass Tow and Repossession Tow reported to the Department, shall be entered into the Towed Vehicle Management System. The officer who directs a Department tow is responsible for ensuring the tow is captured in the system; recording responsibility for Private/Trespass Tows and Repossession Tows is assigned in Subsections D and G. An Owner-Request Tow is not entered into the system.

B. Police Tows

An officer may direct a Police Tow from a public way or public property. Officers shall not direct a tow from private property except where independently authorized by law, including the tow of a vehicle that has come to rest on private property as a result of a stop or other police action, as provided below. A vehicle located in an area where a person has a reasonable expectation of privacy shall not be removed without a warrant, consent, or exigent circumstances. MPAC 61.4.3 [b]

A vehicle whose operator has been arrested or is otherwise unable to lawfully operate it may be towed for a legitimate purpose, including to protect the vehicle and its contents from theft or vandalism, to protect the public from dangerous items that may be in the vehicle, to remove a vehicle that, as parked, creates a dangerous condition, or to spare the owner of private property the burden of removing a vehicle left there without permission as a result of a stop or other police action.

Before directing such a tow, the officer should consider whether a lawful and practical alternative to towing is available, such as a person present who holds a valid license, has it in possession, is otherwise lawfully able to drive, and can promptly take custody of the vehicle. A vehicle that has come to rest in a lawful parking location as a result of a stop or other police action should be left in place unless the officer can articulate specific facts supporting one of the purposes listed above, such as a risk of theft or vandalism if the vehicle is left at the scene.

A vehicle the operator had lawfully parked before police involvement should not be towed because of the operator's arrest or inability to operate it. Where the officer knows that a passenger present holds a valid license, has it in possession, and is otherwise lawfully able to drive, the officer shall offer the operator the option of releasing the vehicle to that passenger before directing a tow. The officer shall honor an alternative the operator or owner requests where it is lawful and practical. An officer is not required to locate or contact the registered owner or any other person, or to wait for a person who is not present, to take custody of the vehicle. The alternatives and limits in this paragraph do not apply where the operator is arrested for operating under the influence of intoxicating liquor; the vehicle is then towed pending the chemical test as provided in Policy 635 Operating Under the Influence – Arrest and Processing Procedures. In every case, the officer shall articulate the justification for the tow, and any alternatives considered, in the incident report.

Where a vehicle has come to rest on private property as a result of a stop or other police action, and the operator has been arrested or cannot lawfully operate it and the officer reasonably concludes that no lawful and practical alternative is available, the officer should tow the vehicle rather than leave it to burden the owner of the property. A vehicle that was already lawfully parked in a location of the operator's choosing before police involvement is not towed on this basis, and may be towed only on another basis provided by this policy or by independent legal authority. The officer shall articulate in the incident report the facts establishing that the tow was reasonably necessary, including that the vehicle's location was dictated by police action rather than the operator's choice and that no lawful and practical alternative was available. A tow ordered by the person in lawful control of private property is not a Police Tow and is governed by Subsection D.

The directing officer shall document a Police Tow in an incident report that includes the tow inventory required by Subsection C. A tow incident to a motor vehicle crash requires no separate incident report or tow inventory unless the operator is arrested; the tow company shall be recorded on the Massachusetts motor vehicle crash report, and the directing officer shall relay the tow information so that the vehicle is entered into the Towed Vehicle Management System without awaiting submission of the crash report. Nothing in this paragraph limits an officer's authority to document any tow by incident report where a record of the vehicle's contents or condition is warranted, including where damage, valuables, or contraband are observed.

When a vehicle is towed following a crash and the operator is present and able to arrange removal, the operator should be afforded a reasonable opportunity to request a tow company of their choice, provided the selection does not unreasonably delay removal or endanger public safety; such a tow is an Owner-Request Tow under Subsection H. The officer at the scene determines whether a delay is unreasonable based on the circumstances.

C. Tow Inventory

Prior to or at the time a vehicle is towed at the direction of the Department, 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, tow personnel, and the public 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 inventory shall cover the passenger compartment, glove compartment, center console, and trunk, if accessible without destructive means. Closed but unlocked containers shall be opened and their contents inventoried. A locked container shall not be opened and is inventoried as a single item. Officers shall not use destructive means to access the vehicle, a locked compartment, or a container during a tow inventory.

The officer shall activate the body-worn camera before beginning the inventory; the recording serves as the detailed record of the inventory. See Policy 403 Body Worn Cameras for activation requirements. During the walkthrough, the officer should narrate observations covering the exterior condition of the vehicle, including pre-existing damage; the contents of each area and container inventoried; any valuables, weapons, or contraband observed; and whether the vehicle was locked or unlocked. An officer not equipped with a body-worn camera may request the assistance of an officer who is, or shall document each of these elements in the incident report.

The incident report shall state that a tow inventory was conducted and whether it was recorded by body-worn camera, and shall note any items of significance observed, including valuables, weapons, contraband, or major vehicle damage. Where the inventory is recorded by body-worn camera, the recording, not the incident report, is 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. Where the inventory develops probable cause, any further search is governed by Policy 481 Search and Seizure.

The tow inventory requirement applies to Police Tows and Investigatory Tows. It does not apply to a tow incident to a motor vehicle crash in which the operator is not arrested (Subsection B), to Snow and Winter Ban Tows (Subsection E), or to tows performed by others: Private/Trespass Tows, Repossession Tows, and Owner-Request Tows.

D. Private/Trespass Tows

Authority and Policy

MGL c. 266, Section 120D governs the removal of improperly parked vehicles from private property and requires notice to the Chief of Police or designee before removal, in the form the Chief specifies. It is the policy of the Department to permit such trespass tows where fairness to both the property owner and the vehicle owner is preserved and where a person whose vehicle is towed can readily locate and retrieve it. A trespass tow is not directed or performed by Department personnel; it is ordered by the person in lawful control of the private property and performed by a tow company licensed by the Department of Public Utilities. The Department does not take custody of, or assume responsibility for, a vehicle removed by trespass tow. A tow directed by an officer from private property under independent legal authority, including the tow of a vehicle that has come to rest there as a result of a stop or other police action, is not a trespass tow and is governed by Subsection B. MPAC 61.4.3 [c]

Posting and Authorization

A vehicle may be removed from private property without the vehicle owner's consent only where the operator has been forbidden to park or stand on the property, either directly or by a notice prominently posted at each entrance such that a reasonable person would understand that unauthorized parking will result in towing.

Notification to the Department

The person in lawful control of the property, or the tow company acting for that person, including under a standing agreement, shall notify the Department before each vehicle is removed. The notification shall identify the address from which the vehicle is removed, the address to which it is removed, the registration plate, the name of the person in lawful control of the property, and the name of the person or company removing the vehicle. The notification shall be in writing unless the Chief of Police specifies another form; the Chief of Police may direct the form and method by which trespass-tow notifications are submitted.

Recording

A Private/Trespass Tow reported to the Department shall be recorded in the Towed Vehicle Management System, capturing the information in the notification. During the hours the Records Division is open, a Records Division member shall enter the tow; at other times, the Service Division shall enter it.

Fees

The registered owner of the towed vehicle is liable for the towing, transportation, and storage charges, and the company holding the vehicle may hold it until those charges are paid. The maximum towing, transportation, and storage charges are those established by the Department of Public Utilities under MGL c. 159B, Section 6B. No other fees may be applied.

Incomplete Tows

Under MGL c. 266, Section 120D, if the owner appears to remove the vehicle before the towing is completed, the tow operator may, at the operator's discretion, release it for one-half of the fee usually charged for the tow; the fee is a matter between the owner and the tow operator. An officer called to a trespass tow that is interrupted or contested should keep the peace and take appropriate enforcement action for any criminal offense that arises, whoever commits it. Where the tow plainly does not comply with MGL c. 266, Section 120D, the officer may direct the tow operator to release the vehicle without charge, as the statute requires. The officer shall document the call in an incident report, including whether the vehicle was released.

Storage Location

A vehicle removed by trespass tow shall be stored in a convenient location that is secure from damage and theft, and shall not be towed or stored outside the limits of the City. The Chief of Police may, by written authorization and on a case-by-case basis, permit an out-of-town tow company to perform or store a trespass tow.

Non-Compliance

A tow operator who removes or holds a vehicle without full compliance with MGL c. 266, Section 120D shall release the vehicle to its owner without assessing any charge for removal

or storage. Non-compliance is also subject to the penalty provided in MGL c. 266, Section 120D. A person aggrieved by a trespass tow may file a complaint with the Department of Public Utilities, which licenses tow companies and establishes the applicable rates.

E. Snow and Winter Ban Tows

Snow and Winter Ban Tows are conducted under a declared citywide snow emergency or winter parking ban, in volume and under inclement conditions, rather than at the direction of an individual officer at a specific scene. Individual sergeant authorization, incident reports, and tow inventories are not required. The officer who directs a vehicle for removal shall record its registration plate. The commander of the snow or winter ban detail shall ensure that each removed vehicle is entered into the Towed Vehicle Management System.

F. Investigatory Tows and Impoundment

The officer requesting an investigatory tow or impoundment shall articulate the specific justification in the incident or investigative report. Legitimate purposes include protecting the vehicle and its contents, removing a hazard, addressing a forfeiture or other statutory need, and facilitating an investigation when the vehicle itself constitutes evidence.

A vehicle impounded at the Worcester Police Department or towed for investigative purposes requires the approval of the on-duty patrol supervisor or the Official in Charge. The requesting officer shall complete the Department Impound Form (WPD Form 10), leaving one copy on the dash of the vehicle and forwarding one copy to the division requesting the impoundment or, where the vehicle is seized as evidence, pursuant to forfeiture proceedings, or by court order, to the designated evidence custodian. The authorizing supervisor is responsible for follow-up and for the removal of an impounded vehicle from Department premises once it has been processed. The designated evidence custodian shall log all seized-vehicle information until final disposition by legal authority and is responsible for the custody and inventory of all seized vehicles. A seized vehicle in excess of contractual storage limits shall be addressed by the supervising officer or evidence custodian by arranging release through legal authority or securing alternative storage.

The Department has no authority to hold a vehicle that is not evidence, subject to a court order, subject to a statutory impoundment, or held pending a chemical test under Policy 635 Operating Under the Influence – Arrest and Processing Procedures. An officer who needs a vehicle preserved for investigation shall promptly seek a warrant or establish the vehicle as evidence rather than towing the vehicle and attempting to restrict its release after the fact. An officer who believes that towing a vehicle prior to a lawful search is preferable shall consult a Police Official before the tow.

Melanie's Law Impoundment

The twelve-hour hold under MGL c. 90, Section 24(1)(f)(1) following a chemical test refusal is placed and documented as provided in Policy 635 Operating Under the Influence – Arrest and Processing Procedures. It is a statutory administrative hold, not an evidence seizure: the vehicle is held at the contracted tow facility, is not routed through the evidence custodian, and shall be released only on the authorization of the on-duty patrol supervisor or the Official in Charge, who shall verify that the statutory hold period has been satisfied. The release shall be documented in the original incident report.

G. Repossession Tows

Under MGL c. 255B, Section 20C, and MGL c. 255, Section 13J for a consumer credit transaction, a creditor that takes possession of a motor vehicle must notify the police department of the city or town where the repossession occurred within one hour and describe the vehicle. On receiving a repossession notification, a Records Division member during the hours the Records Division is open, or otherwise the Service Division, shall record the repossession in the Towed Vehicle Management System.

H. Owner-Request Tows

An Owner-Request Tow requires no incident report, tow inventory, or entry into the Towed Vehicle Management System. Where the tow is related to a motor vehicle crash, the selected tow company shall be recorded on the Massachusetts motor vehicle crash report. The officer at the scene shall ensure that the owner's selection does not unreasonably delay removal or endanger public safety, applying the standard in Subsection B.

I. Abandoned Vehicles

The City of Worcester Department of Public Works (DPW) operates the Abandoned Vehicle Removal Program, and routine abandoned vehicle complaints are handled by DPW through Worcester 311, not by the 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. MPAC 61.4.3 [a]

Where an officer encounters or is dispatched to a vehicle on a public way that appears abandoned and is obstructing traffic or creating an immediate public safety hazard, the officer shall direct a Police Tow under Subsection B. 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.

Where a potentially abandoned vehicle is not 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 action. Where 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 under MGL c. 266, Section 120D. Officers shall not direct the removal of a vehicle from private property in an abandoned vehicle situation; the property owner should be directed to contact a private towing company.

J. Off-Road and Recreation Vehicles

On a public way, an off-road or recreation vehicle, such as an all-terrain vehicle or dirt bike, is treated as a motor vehicle and may be towed under this policy like any other vehicle.

Off a public way, an officer may tow or seize an off-road or recreation vehicle only when its operator has been arrested or cannot lawfully operate it, under the rules in Subsection B; when the vehicle is evidence or subject to forfeiture; or when it is an immediate hazard to public safety. The officer shall state the reason in the incident report.

Every off-road or recreation vehicle towed or seized at Department direction shall be documented in the incident report and entered into the Towed Vehicle Management System, and the officer shall check ownership using any registration or vehicle identification number the vehicle carries. A tow facility may require proof of ownership before releasing the vehicle, and officers shall not tell an owner it will be released without that proof.

K. Owner Notification

When a vehicle is towed at the direction of the Department and the owner or operator is not present, the directing officer shall make reasonable efforts to notify the owner of the tow, the reason for it, and the location where the vehicle may be recovered, and shall ensure the tow is recorded in the Towed Vehicle Management System so that the location of the vehicle is available to the owner. Individual notification is not required for Snow and Winter Ban Tows; for those vehicles, entry into the system under Subsection E, which generates notification to the registered owner, serves as owner notification. Owner notification for Private/Trespass Tows and Repossession Tows rests with the tow company or lienholder under the applicable statute, and none is required for an Owner-Request Tow.

L. Tow Records

The Department shall maintain complete records of all vehicles towed, removed, stored, or impounded at the direction of Department personnel, and of all Private/Trespass Tows and Repossession Tows reported to the Department. 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 or reported; the identity and rank of the authorizing officer or supervisor for a Department-directed tow; 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 in the incident report, where applicable; and the disposition of the vehicle, including the date and circumstances of release. MPAC 61.4.3 [e]

M. Tow Contractor Requirements

Contractor obligations for vehicles towed at Department direction, including secured storage, records of removal and release, reporting of each removal to the Department for entry into the Towed Vehicle Management System, and compliance with the maximum rates established by the Department of Public Utilities under 220 CMR 272.00, are established by the tow contract. The Department restricts the release only of a vehicle seized as evidence, held under a statutory impoundment including Melanie's Law, held by court order, or held pending a chemical test under Policy 635 Operating Under the Influence – Arrest and Processing Procedures, and a release hold on such a vehicle is placed and lifted only with Department authorization as provided in Subsection F. Every other vehicle towed at Department direction is released by the contractor to the owner upon payment of applicable charges under the contractor's lien under MGL c. 255, Section 39A.

6. LEGAL REFERENCES:

MGL c. 40, Section 22D (removal of vehicles parked in violation of law); MGL c. 266, Section 120A (abandoned motor vehicles on public ways); MGL c. 266, Section 120D (removal of vehicles from private property); MGL c. 90, Section 11 (operator to carry license); MGL c. 90, Section 24(1)(f)(1) (Melanie's Law; impoundment upon chemical test refusal); MGL c. 159B,

Section 6B (towing charges); MGL c. 255, Section 39A (tow company lien); MGL c. 255B, Section 20C and MGL c. 255, Section 13J (repossession; notice to police); 220 CMR 272.00 (rates for the towing of motor vehicles); MGL c. 90B, Sections 20 and 26C (off-road and recreation vehicles; forfeiture); Commonwealth v. Garcia, 409 Mass. 675 (1991) (inventory of closed containers); Commonwealth v. Ellerbe, 430 Mass. 769 (2000) (towing from private property following arrest); Commonwealth v. Eddington, 459 Mass. 102 (2011) (impoundment where the location of the vehicle was dictated by the stop); Commonwealth v. Oliveira, 474 Mass. 10 (2016) (impoundment justification); Commonwealth v. Goncalves-Mendez, 484 Mass. 80 (2020) (offer of vehicle custody to a licensed passenger); Commonwealth v. Torres, 85 Mass. App. Ct. 51 (2014) (inventory documentation).

Per:

Paul B. Saucier
Chief of Police

Revisions:

November 6, 2026–

Added six defined tow categories and rules for off-road and recreation vehicles. Added the Towed Vehicle Management System, a stolen-vehicle check for every recorded tow, and a citation for every parking tow. Replaced the arrest tow with a Police Tow limited to legitimate purposes, and expanded the rules for tows from private property. Added a mandatory inventory scope. Replaced the post-inventory warrant rule with a cross-reference to Policy 481 Search and Seizure, and the tow contractor requirements with a cross-reference to the tow contract. Removed the twenty-minute limit on an owner's choice of tow company.

June 12, 2026–

Added the provisions of Policy 680 Impounded Vehicles Towed to Police Department, Policy 690 Motor Vehicle Inventory, Policy 692 Towed Vehicles Generally, and Policy 693 Towed Vehicles from Private Property, which are retired. Added sergeant authorization for parking tows and Melanie's Law holds. Replaced the inventory form with body-worn camera recording and abandoned vehicle follow-up with referral to Worcester 311.

Original Issue Date: November 5, 1991