

		Policy & Procedures			No. 5.03	
		Subject: Towing and Abandoned Vehicles				
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CALEA STANDARDS

61.4.3

I. General Considerations

The Canton Police Department has the responsibility to ensure the safe and efficient flow of vehicular traffic. This may necessitate the towing of vehicles which are creating a traffic hazard or are operated in violation of Massachusetts Law, or vehicles which are abandoned or illegally parked.

II. Policy 61.4.3 B,C

It shall be the policy of the Canton Police Department that vehicles will be towed for legitimate law enforcement purposes from public or private land. Purposes include motor vehicle violations, crime scene processing, traffic hazards, investigations and civil forfeiture.

Vehicles may be towed from a public way if they are abandoned or recovered stolen, violating parking regulations or impeding the flow of traffic, both motor and pedestrian, in such a way that a hazard exists. **61.4.3 A**

Vehicles on private property that are abandoned must be handled by the property owner.

III. Reasons for Towing 61.4.3 B

1) Traffic Violations

When a vehicle should not be driven away from the scene and the vehicle would be left unattended in a location where it cannot be legally parked, the preferred action is to tow the vehicle.

When the operator is:

- Not properly licensed;
- Unfit to safely operate a vehicle;
- Not authorized by the owner to operate the vehicle.

When a vehicle is:

- Not properly registered;
- Not properly insured.

2) At the Scene of an Arrest

When a vehicle operator is arrested, the preferred response is to tow the involved vehicle.

- Another person may be allowed to move the vehicle if they are properly licensed and authorized by the owner to operate the vehicle.

3) Arrest for OUI

Officers shall tow a vehicle being driven by a motorist subsequent to an arrest for operating under the influence of drugs or alcohol.

The tow is automatic and shall not depend on:

- The type of vehicle;
- The owner of the vehicle; or
- The ability of another passenger to drive the vehicle.

The disposition of the vehicle will be determined at the completion of the booking process. If the operator refused to take a Breath Test or to consent to another form of chemical testing, or if the results of the test are higher than the allowed limits, the vehicle shall be impounded for a minimum of 12 hours.

4) Evidence of a Crime

Vehicles should be impounded if there is evidentiary value in a criminal case. If the vehicle:

- Was used in the commission of a crime; or
- May contain evidence of a crime and it cannot be processed at the scene.

5) Recovered Stolen

A recovered stolen vehicle will be towed including if it

- Must be taken to a secure area for crime scene processing, or
- Is on private property or parked illegally.

6) Traffic Accident

Vehicles involved in an accident may be towed if

- The vehicle is not safe to drive;
- The operator is incapacitated; or
- The operator is not legally licensed;
- Any vehicle involved in a fatal accident shall be towed to a secure area for crime scene processing.

7) Disabled Vehicle

A disabled vehicle shall be towed if it creates an obstruction to traffic or is in a location hazardous to traffic (both motor vehicle and pedestrian traffic).

A vehicle should be towed if it cannot be safely operated because it

- Is leaking gasoline or other fluid; or
- Has been on fire.

8) Parking Violations

Parking violations, including the overnight parking ban, shall be enforced.

Vehicles may be cited and or towed if they are

- Parked in violation of a posted prohibited sign;
- Parked in violation of the Town of Canton By-Law – No overnight parking;
- Parked in violation of snow removal;
- Obstructing snow removal;
- Blocking fire apparatus or other emergency equipment;

9) Other Reasons for Vehicle Tows

- Seizing vehicles for forfeiture proceedings
- Removing vehicles from streets or parking lots because of public safety concerns, a severe weather emergency or crises, e.g. flooding, sink hole, proximity to a structure fire, etc.

IV. Procedure

The towing company under contract with the Canton Police Department shall be utilized. For vehicles involved in accidents or otherwise disabled, the vehicle operator may request another tow company if no road hazard exists and their response time will not be excessive.

An officer will stand by to assist with traffic control and to ensure the vehicle is removed without incident.

Owners or operators, who are present, except in the event they are incapacitated or in custody, should be asked to remove all valuables from the vehicle prior to the tow. Items not removed shall be inventoried in accordance with Motor Vehicle Inventory Policy #5.01.

The following procedure is to be followed when vehicles are towed:

- Officer is to notify the dispatching officer to contact the on-call tow company and provide:
 - The location of the vehicle
 - The reason for the tow
 - Any unusual problem (flatbed truck needed, flat tires, etc.)
- Advise dispatching officer:
 - Registration number of the vehicle
 - Condition of the vehicle and any obvious damage
 - Destination – tow company lot, repair facility, owner's residence, police station, etc.
- If applicable,
 - Issue a Motor Vehicle Citation

- Issue a Parking Citation
- Determine if the plates must be seized (i.e. stolen plate, revoked registration, attached plate, etc.)
- Inventory the contents of the vehicle (Refer to Motor Vehicle Inventory Policy #5.05) **61.4.3 D**

V. Records 61.4.3 E

Every vehicle towed must be reflected in the records/log by one of the following:

- Incident Report (OF)
- Arrest Report (AR)
- Motor Vehicle Citation (Log Entry)
- General log entry

Records of towed vehicles shall be maintained in the Report Room (noted on inventory sheets) and by entering data into the computer records stored in IMC. Each time a vehicle is towed, the following information must be recorded.

- Registration number;
- Make and color of the vehicle;
- Date and time it was towed;
- Reason for the tow;
- Where it was towed from;
- Any damage noted; and

Dispatching officers shall include towing information into the IMC log, including the reason for the tow. The available options in the IMC dispatch program for “Tow Reasons” are:

- | | |
|------------------------|----------------------------|
| - Abandonment | - Motor Vehicle Violations |
| - Arrest | - Parking Violations |
| - Disabled MV | - Recovered Stolen |
| - Liquor Law Violation | - Road Hazard |
| - Motor Vehicle Stop | - Trespass |

Information about towed vehicles can be retrieved from the IMC “Vehicle Tow Log” by logging into IMC Dispatch. Click on ‘Reports’ then click on ‘Call Action and Response Time’.

VI. Abandoned Vehicle Procedure 61.4.3 A

If a vehicle is found without a plate displayed, but it is properly registered and insured, it should not be considered an abandoned vehicle. The owner may be contacted to determine the reason the plate is not being displayed.

If a vehicle is illegally parked and has not valid registration, it may be towed for the parking violation. There is no need to consider it an abandoned vehicle.

Officers taking notice of an apparent abandoned vehicle shall:

- Query motor vehicle records to determine the registration status and the identity of the owner.
- Ask the dispatching officer to check the IMC log to determine if there has been any recent mention of the vehicle.
- If the vehicle is not already listed, a log entry should be made in the IMC log.

If the vehicle is on a public way, it can be towed for not being properly registered, regardless if it is determined to be abandoned or not.

- A motor vehicle citation may be mailed to the owner of the vehicle.