





POLICIES AND PROCEDURES MANUAL

	TOWING	
	POLICY NUMBER: 61-5	ISSUING AUTHORITY 
	EFFECTIVE DATE: January 1, 2025	Christine A. Elow Police Commissioner

I. GENERAL CONSIDERATIONS AND GUIDELINES

On occasion, to maintain safe and efficient roadways, a police department is obligated to affect the removal or tow of a vehicle. Reasons for doing so include when the driver is incapacitated and there is no alternative driver available; the vehicle is not in proper working condition; there exists a public safety emergency such as fire, flood, or snow; the vehicle is abandoned; the driver is arrested and alternatives to towing have been considered; the vehicle and or its contents are evidence in a criminal investigation; the vehicle is obstructing handicapped access or street cleaning, or is parked in a tow zone; and when the vehicle is recovered after being stolen or taken without authority.

The department will only order the removal or tow of a vehicle after considering alternatives and with all due respect for the owner, operator, and passengers of the vehicle.

II. POLICY

It is the policy of the Cambridge Police Department to:

- A. remove or tow all vehicles from a public way that create a hazard to public safety or impede the efficient operation of city services;
- B. abide by all state and city laws and regulations regarding the towing or removal of vehicles from public and private property;
- C. attempt to notify the owners or agents of towed or removed vehicles, if possible; and
- D. maintain detailed and accurate records of such actions by the department.

III. DEFINITIONS

- A. *Abandoned Motor Vehicle*: The motor vehicle has been left standing for more than 72 hours on a public or private way or on any property without the permission of the property owner.

- B. *Melanie's Law*: Mandate of a 12-hour impoundment when any arrested motorist refuses the breathalyzer or blood test. [M.G.L c. 90, § 24(f)(iii)]

IV. PROCEDURES

A. 61.4.3 (M) Towing

1. Legal Authority to Tow Vehicles from Public Property

- a. M.G.L. c. 40, § 22D, handicap access violation.
- b. M.G.L. c. 90, § 20A ½, cities of Boston and Cambridge; parking violations; tags; appearance; failure to appear; adjudication by mail.
- c. M.G.L. c. 266, § 29, statement concerning theft; recovery of vehicles; restitution.
- d. M.G.L. c. 90, § 22C, removal of abandoned vehicles.
- e. M.G.L. c. 266, § 120D, trespassing on private property.
- f. M.G.L. c. 255B, § 20C, repossession.
- g. City of Cambridge traffic regulations 14.1 to 19.3.

2. Towing as a Result of a Parking Offense

- a. When an officer observes that a vehicle is left unattended upon a public way in violation of the provisions regulating stopping, standing, or parking and there exists a hazard or obstruction to the normal flow of traffic, officers will attach a parking ticket to the vehicle and should consider towing the vehicle. In the case of a blocked fire hydrant, the vehicle shall be towed.
- b. If the hazard created by the parked car does not present an immediate risk, and if time permits, the officer should attempt to locate the owner of the car and have it moved voluntarily.
- c. Prior to towing a vehicle, officers should conduct a registration check, obtain authorization from a sergeant or officer of higher rank, and if there is a parking violation, attach a parking ticket to the vehicle being towed. Officers who are sergeants or of higher rank need not obtain authorization prior to towing a vehicle.
- d. The officer should complete the Motor Vehicle Inventory as thoroughly as possible, including documenting all visible damage to the vehicle and all valuables inside and signing the form with their name and badge number.
- e. Once the tow has been completed, the officer should notify the Emergency Communications Department with the destination of the tow.
- f. Prior to the end of the shift, the officer completing the tow should submit the completed Motor Vehicle Inventory and parking ticket to the Records Unit.

3. Towing a Legally Parked Vehicle for Emergency Roadwork

- a. In cases of emergency roadwork, owners of legally parked vehicles are not responsible for the cost of the tow and the tow companies will release these vehicles at no cost to the owners. The tow companies should send a bill to the city agency or utility that has requested the tow. To eliminate any confusion for the vehicle owner or the tow company regarding who is responsible for the tow fee, the following procedure should be followed.
 - (1) Verify the work being done is of an emergency nature, such as a water main break, manhole explosion, fire scene, or some type of work where the vehicle must be towed for safe keeping, or to allow the emergency crews to access the cause of the emergency.
 - (2) Advise and request permission from a police supervisor for the tow and explain that the tow is of an emergency nature.
 - (3) Identify the city department/utility company personnel who are requesting the emergency tow and document this information on the Tow Inventory Form along with a contact phone number.
 - (4) Write the Computer Aided Dispatch number in the File or Incident Number box in the top left-hand corner of the Tow Inventory Form.
 - (5) Do not issue a parking ticket to the vehicle.
 - (6) Inventory the vehicle and document all visible pre-existing damage prior to the tow.
 - (7) The vehicle must be towed and not moved to another location.

4. Recovery of a Stolen Vehicle

- a. Recovered stolen vehicles will be towed unless the registered owner or agent is present at the scene of the recovery.
- b. When it is confirmed that the vehicle being towed has been reported stolen by another department, the ECD dispatcher will notify that department of the vehicle's recovery as soon as possible.
- c. Dispatch will notify the registered owner by telephone of the recovery and the current location of the vehicle.

5. Removal of Abandoned Vehicles

- a. According to M.G.L. c. 90, § 22C, if the Superintendent of Streets (Traffic & Parking) or other officer having charge of the public ways of the City reasonably deems that any motor vehicle apparently is abandoned by its owner and standing for more than 72 hours upon a public or private way without the permission of the owner or lessee of said property, the vehicle may be towed.

- b. In the City of Cambridge, officers will assist the Traffic, Parking, and Transportation Department in removing abandoned vehicles upon the request of the Director of Traffic, Parking and Transportation or designee.
6. Removal of Vehicles Trespassing on Private Property
- a. When the owner of private property wants a vehicle removed from their land, M.G.L. c. 266, § 120D governs the procedures for the tow. The Cambridge Police Department will not tow vehicles that are trespassing on private land unless there is a hazard to public safety or the vehicle has been confirmed as stolen.
 - (1) Posted and Direct Notice
 - (i) No person shall remove a vehicle which is parked or standing on a private way or property unless the operator of such vehicle has been forbidden to park or stand, either directly or by posted notice, by the person who has lawful control of such way or property.
 - (2) Written consent of Vehicle Owner or Police Notification Prior to Removal
 - (i) No vehicle shall be removed unless the vehicle's owner consents or the person with lawful control of the way or property notifies the police before any vehicle is removed and notification shall be in writing unless otherwise specified by police regulations.
 - (ii) This requirement is satisfied when Immediate notification is provided to ECD by the tow companies of a vehicle being towed from private property.
 - b. If the owner appears before the towing is completed, they may be charged ½ of the usual tow charge. This applies to private property only.
7. Towing Subsequent to Arrest
- a. When the operator of a vehicle is arrested and the vehicle cannot safely be left at the scene, the arresting officer will determine if the operator can verify ownership of the vehicle.
 - b. If the operator is not incapacitated, the arresting officer will advise the operator/arrestee that the vehicle will be towed from the scene unless he/she desires to dispose of the vehicle in a manner that is reasonable and lawful.
 - c. If the operator/arrestee requests to dispose of the vehicle, the following standards will apply.
 - (1) If the operator desires to leave the vehicle at the scene, the location of the vehicle must not impede the flow of traffic nor be illegally parked at the time of arrest or at any time in the near future.
 - (2) If the vehicle is left at the scene, the officer should check that all doors of the vehicle are locked prior to leaving the scene.

- (3) If a vehicle is stopped on private property and an arrest results from the stop, the vehicle may be towed from the private property.
8. Tow as a Result of Incapacitation Due to Alcohol
 - a. Melanie's Law mandates a 12-hour impoundment when any arrested motorist refuses the breathalyzer or blood test.
 - b. Since officers do not know at the time of arrest whether the defendant will refuse a test, they must always tow the vehicle pending that post-arrest decision, even if the vehicle is lawfully parked or there is someone at the scene who would normally qualify as an alternative operator.
9. Release of Vehicles When the Owner or Agent Arrives on Scene
 - a. If the vehicle is properly registered, and if the owner or owner's agent, who is properly licensed, arrives at the scene of a tow on a public way while the tow is in progress, the vehicle will be dropped immediately, and no request for payment or service charge shall be made to the owner or owner's agent by the tow company. The parking ticket, when required, will remain with the vehicle.
 - b. However, according to agreements with the City, tow companies may charge the full contracted fee when the towed vehicle sits completely on a flat-bed tow truck or completely secured to another type of tow vehicle.
10. Repossession of Vehicles
 - a. Pursuant to M.G.L. c. 255B, § 20C, creditors are required to notify the police department of the city or town in which the repossession occurred within an hour after the removal of the vehicle.
 - b. When the creditor notifies the police of such repossession, that notice will be directed to the ECD.
 - c. The ECD will enter the vehicle information into the tow log.
11. Maintaining Records of All Vehicles Removed, Stored, or Towed
 - a. The department shall maintain a written record of each tow to include the:
 - (1) time;
 - (2) date;
 - (3) location;
 - (4) involved personnel;
 - (5) reason for removal or tow;
 - (6) tow company;
 - (7) location of the vehicle; and

(8) notification or attempted notification of the registered owner.