


WEARE POLICE DEPARTMENT 144 North Stark Highway, Weare, New Hampshire 03281		OPR-20-002	
	Law Enforcement Authority	Prescribed Date	07/08/2020
	Operational General Order	Review Date	Annual
	OPR-20-002:Towing and Recovery		
This written directive is for the internal governance of the Weare Police Department, and as provided by RSA 516:36, is not intended and should not be interpreted to establish a higher standard of care in any civil or criminal action than would otherwise be applicable under existing law.		<i>Christopher D. Moore</i> Christopher D. Moore Chief of Police	

Purpose

It is the purpose of this Operational Order to explain guidelines regarding the towing or removal of vehicles from public areas (e.g., streets, highways, sidewalks, parks or other publicly maintained land) and private property for legitimate reasons. These reasons may include vehicles in violation of parking ordinances or laws, stolen or abandoned vehicles, and those vehicles of persons who are unable or unwilling to care for them due to illness, injury, arrest, or other circumstances.

Policy

It is the policy of the Weare Police Department to recognize that it has the authority and the responsibility to ensure the safe and efficient flow of vehicular traffic on its streets as well as the orderly and safe environment of its public areas. All members shall become familiar with RSA 262:32-40.

Supersedes

1. POL-014-013 Law Enforcement Authority: Search & Seizure, Motor Vehicle Inventories & Towing (Reviewed 11/15/15)

Order Contents

- I. Definitions
- II. Towing Vehicles/ Removing Vehicles
- III. Vehicles on Private Property
- IV. Vehicles of Physically Arrested Persons
- V. Stolen Vehicles
- VI. Rotating Wrecker List
- VII. Fee Schedule
- VIII. Attachment 1 (Contractor Agreement)
- IX. Attachment 2 (Suggested Fee Schedule)

Procedures

I. DEFINITIONS

- A) Owner- Person who is lawfully entitled to the possession of the vehicle.

II. TOWING VEHICLES/REMOVING VEHICLES:

A) An officer who finds a vehicle left unattended and/or in violation of laws regarding parking, standing, or stopping, which is a hazard or impedes the normal flow of traffic should do the following:

- 1) Attempt to locate the registered owner or other person in charge of the vehicle and arrange for its removal.
- 2) Request that Communications check to determine if the vehicle has been reported stolen or is wanted.
- 3) Request that a wrecker on the department's rotating list be contacted for removal, if the owner or person in charge of the vehicle cannot be located.

B) Under RSA 262:32 an officer may cause the removal and storage of a vehicle if they have reasonable grounds to believe one of the following situations exists, and the owner or person in charge of the vehicle cannot be located in a timely manner:

- 1) A vehicle has been left unattended on any way or right of way for a period of greater than 24 hours.
- 2) A vehicle is obstructing any way or the access thereto, or access to a public building, or is or will be a menace to traffic if allowed to remain.
- 3) The vehicle is obstructing snow removal or highway maintenance operations.
- 4) The owner or legal occupant of private property has complained that a vehicle is obstructing the passage of vehicles from a public street or highway onto the driveway of such private property.
- 5) The vehicle is reported stolen, or is apparently abandoned, or without proper registration, or apparently unsafe to be driven.
- 6) The owner or custodian of the vehicle is under arrest or otherwise incapacitated, and the vehicle will be a menace to traffic if permitted to remain.

C) Whenever a vehicle is towed or removed at the direction of an officer, Communications will be advised of the following information:

- 1) Description of the vehicle, to include plate number.
- 2) Location and time of removal
- 3) Reason for removal
- 4) If the next tow company on the list is needed or the owner requests a particular towing company.

D) The officer will request communications check to see if the vehicle is stolen or wanted through SPOTS. The officer will be notified of the name and other information concerning the registered owner.

E) The officer will complete a CALL FOR SERVICE card detailing all information concerning the removal of the vehicle. The report will contain all information relative to attempts to locate and notify the registered owner of the disposition of the vehicle.

- 1) If notification cannot be made during the officer's tour of duty the oncoming shift will be provided with a copy of the report to continue attempts to notify the owner.

F) All reasonable costs incurred as a result of removal and storage of a vehicle will be paid by the owner or person claiming said vehicle. The owner or person claiming said vehicle can request a hearing to challenge whether there were sufficient grounds for towing. This hearing will be conducted in conformance with procedures set forth in RSA 262:33.

G) Notice of Removal: Under RSA 262:34, Whenever an authorized official or the owner or person in lawful possession of private property directs the removal and storage of a vehicle as permitted in this subdivision, he shall, if he knows or is able to ascertain from the registration records of the division the name and address of record of the registered owner of the vehicle, attempt to give or have given by the most practicable means, notice of the fact of such removal and the place to which said vehicle has been removed. If the authorized official does not know and is not able to ascertain the name of the owner, or for any other reason is unable to give notice to the owner as provided in this section, such notice shall be filed with the director, which notice shall be placed on file by said director and open to public inspection.

III. VEHICLES ON PRIVATE PROPERTY:

A) Any requests for removal of a vehicle or for the issuance of a parking violation citation on PRIVATE property must be made by the owner or person in lawful possession of said property.

- 1) All information concerning the vehicle will be obtained in accordance with Section I, paragraph C of this Operational Order.
- 2) The officer will request communications check to see if the vehicle is stolen or wanted through SPOTS. The officer will be notified of the name and other

information concerning the registered owner and attempt to notify the same.

3) If the vehicle has not already been towed, at no time will Communications advise the complainant that the vehicle WILL be towed away. This will be done only at the officer's discretion.

4) Every time this Department receives a request to have a vehicle removed from private property or receives notice of such a removal, a call for service card will be drawn to document the civil process.

IV. VEHICLES OF PHYSICALLY ARRESTED PERSONS:

A) If a person is arrested involving an offense with the vehicle they were operating, the vehicle will be removed thereof by a person of the arrestee's choice, or a wrecker from the rotating list.

1) The officer should inquire from the person arrested whom they wish to remove the vehicle. If this can be arranged in a timely manner, it should be allowed.

2) If arrangements cannot be made in a timely manner the officer should request the next available wrecker on the Weare Police Department's tow list, through Communications.

3) If the vehicle is towed, the procedures outlined in section I., will be followed.

B) If the vehicle is to be impounded for evidence, the officer will do the following:

1) Notify a supervisor and explain the reasons for the request for impound.

2) Request that Communications make an entry into the "impound log" of all information concerning the vehicle as outlined in section I., paragraph C of this Operational Order.

3) Complete an Inventory of the contents of the vehicle in accordance with procedures outlined in SOP-014-008 Law Enforcement Authority; Search & Seizure, with and without a warrant.

4) A report will be generated outlining the reasons for the impound and the steps taken.

C) Impounded vehicles should be released as soon as practical. It is the Supervisor's responsibility to ensure that the vehicle is released, after all evidence requirements have been made.

V. STOLEN VEHICLES:

A) Whenever an officer recovers a stolen vehicle from this or another jurisdiction, the vehicle will be towed according to procedures outlined in this General Order. A wrecker from the

rotating list will be used. No vehicle containing potential evidence of a crime will be towed outside of this jurisdiction until all evidence requirements have been met.

If applicable, a stolen vehicle will be processed at the scene where it was recovered and the owner will be contacted to pick up the vehicle.

VI. ROTATING WRECKER LIST:

A) The Department will maintain a wrecker list to provide for the equal distribution of assignment for calls to the wrecker companies on the list. The Chief or designee will maintain a list of active wrecker companies who fit the proper criteria. A Memorandum of Understanding (MOU) will be required for all Wrecker/Towing companies selected who will have to meet all of the qualifications and Specifications of this MOU in order to be placed on the department's Wrecker/Tow List. The Chief or designee will review all agreements and updated services and fees yearly. (See attached Weare Police Department Towing Memorandum Agreement.)

B) Whenever a highway user requires a wrecker, roadside service or repair, the officer shall first inquire from the persons requesting the service who they desire to respond. All attempts to contact the company so named should be made, if feasible. If the person requesting the service has no preference, the officer shall request that Communications contact the next available wrecker on the rotating list.

C) Officers, who request a wrecker on their own authority, will not request a wrecker, which is not on the rotating list, or direct that a specific wrecker service be called out of order unless they know that the particular service required is only available through the wrecker company they specified.

D) It needs to be recognized that the citizen requesting the service is the one who is ultimately responsible to pay for these services. Poor quality service will not be tolerated. Officers will report to their supervisors, in writing, the name of any wrecker company who renders poor service or is incapable of providing quality service because of inadequate equipment or personnel.

