



New Boston Police Department

GENERAL ORDER NO. 607	DATE OF ISSUE: 01/01/2006	EFFECTIVE DATE: 01/21/2006	REVISED DATE: 06/29/2020
SUBJECT: TOWING VEHICLES			
ISSUING AUTHORITY: Chief James R. Brace	Page 1 of 3	_____ NEW <u> X </u> AMENDS _____ RESCINDS	

This written directive is for the internal governance of the New Boston 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.

DISTRIBUTION: ALL MEMBERS

Purpose

It is the purpose of this General Order to explain the guidelines for towing or removing vehicles from public areas (i.e. 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 people who are unable or unwilling to care for them due to illness, injury, arrest or other circumstances.

Policy

It is our policy to recognize that we have the authority and the responsibility to ensure the safe and efficient flow of traffic on our streets as well as the orderly and safe environment of its public areas (see RSA 262:32-40).

Procedures

I. Towing and Removing Vehicles

A. Reasons for Removal

1. An officer may cause the removal and storage of a vehicle pursuant to NH RSA 262:32 when there are reasonable grounds to believe one of the following conditions exists and the owner or person in charge of the vehicle cannot be located in a timely manner:
 - a. A vehicle has been left unattended on the paved portion of a toll road, turnpike, or interstate and defense highway for a period of greater than 4 hours.
 - b. A vehicle has been left unattended on any way or the right-of-way thereof for a period of greater than 24 hours.
 - c. 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, or is obstructing snow removal or highway maintenance operations.
 - d. 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.
 - e. A vehicle is reported stolen, or is apparently abandoned, or without proper registration, or apparently unsafe to be driven.
 - f. 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.
 - g. A vehicle has been left unattended within a state-owned park and ride facility for a period of greater than 21 days.

GENERAL ORDER NO. 607	SUBJECT: TOWING VEHICLES	Page 2 of 3
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B. Information for Documentation

1. Whenever an officer removes a vehicle pursuant to NH RSA 262:32, that is not related to an arrest or offense, Dispatch will be notified and a “Call for Service” number will be generated with the following information entered into the call:
 - a. The reason for the tow
 - b. The specific location
 - c. Vehicle information to include plate and VIN numbers
 - d. Owner information – if known
 - e. The towing company and vehicle storage location
 - f. A check of the vehicle to determine if it is wanted or stolen and the results of that check.
 - g. ALL efforts to locate and notify the owner

C. Hearing (RSA 262:33)

1. All reasonable costs associated with the removal and storage of a vehicle will be paid by the owner or person claiming the vehicle. The owner or person claiming the 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.

D. Rotating Wrecker List

1. The Department will maintain a rotating wrecker list to provide for the equal distribution of wrecker calls to companies on the list. The guidelines set forth in General Order 720 shall be followed.

E. Adherence to Wrecker List

1. Officers will only request wreckers on our wrecker list. Requests for a specific wrecker will only be made in special circumstance which will be documented in the Call For Service. The guidelines set forth in General Order 720, XIV, shall be followed.

F. Inadequate Service

1. The person requesting wrecker service is the one ultimately responsible to pay for the service. Poor service will not be tolerated. Officers will report to the Chief of Police in writing the name of any wrecker company that renders poor service or is incapable of providing quality service because of inadequate equipment or personnel.

G. Officer Presence required

1. The officer requesting the tow or service, or other New Boston Officer, shall remain with the vehicle until it has been removed. The Officer will document where the vehicle was taken to. If an arrest situation, the keys to the vehicle (only) will be made available to the tow truck driver.

II. Vehicles on Private Property

A. Removing Vehicles from Private Property

1. All requests for removal of a vehicle on private property must be made by the owner or person in lawful possession of said property.

GENERAL ORDER NO. 607	SUBJECT: TOWING VEHICLES	Page 3 of 3
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- a. Documentation of the vehicle will be consistent with Section I, paragraph B of this General Order.
- b. Every time this department receives a request to have a vehicle removed from private property, or receives notice of such a removal, the information will be completely documented in the Call For Service. Information shall include the private property owners name, address, date of birth, phone number, all pertinent information related to the vehicle towed, the towing company used, and the storage location.

III. Vehicles of Physically Arrested Persons

A. When a vehicle is towed pursuant to Section I, paragraph A, subsection 1 (f), of this General Order, the following guidelines shall be followed:

1. An inventory of the vehicle contents shall be completed pursuant to General Order 609 (Inventorying and Impounding of Motor Vehicles).
2. Requests for a specific wrecker will be honored only if arrangements can be made in a timely manner. The definition of “timely manner” shall follow the guidelines set forth in General Order 720, paragraph VII, subsection 01 and 03. If arrangements cannot be made in a timely manner, the officer will request the next available wrecker on the list.
3. All vehicles towed by request of the New Boston Police Department, whether the wrecker utilized is owner preference or from the rotating list, shall follow the guidelines set forth in General Order 609.

B. Release of Impounded Vehicles

1. Impounded vehicles should be released as soon as possible. It is the officer’s responsibility to ensure that the vehicle is released after all evidenciary requirements have been met.

Sources

Manchester Police Department
Goffstown Police Department
Nashua Police Department
Commission for Accreditation of Law Enforcement
NH RSA

Re-written By

James R. Brace

Reviewed

06/24/2020

Revised

10/8/2016
06/24/2020

Authorized By

James R. Brace
Chief of Police