



CONCORD POLICE DEPARTMENT STANDARD OPERATING PROCEDURE

WRECKER ROTATION

GENERAL ORDER: 07.05

CREATED: March 17, 2003

ISSUE DATE: September 25, 2019

ACTION: Renames and amends general order

EFFECTIVE DATE: October 1, 2019

07.05.0 **PURPOSE**

The purpose of this general order is to establish procedures for towing, inventory, and storage of vehicles and owner notification.

07.05.1 **POLICY**

The Concord Police Department shall work to maintain an equitable and efficient system of allocating requests for service among wrecker operators who qualify for inclusion on the rotation wrecker list. Adherence to this policy shall promote public safety at the scene of any incident and protect the community from damage or loss by ensuring the safety of property, and preserve a safe and unobstructed flow of traffic within the City of Concord.

07.05.2 **DEFINITIONS**

A. ROTATION WRECKER ADMINISTRATOR

A coworker of the Concord Police Department designated by the Chief of Police to manage the department's rotation wrecker list. The rotation wrecker administrator shall ensure that all wrecker services on the department's rotation wrecker list adhere to all policies and procedures required by the department to maintain a good standing and remain on the list.

B. ROTATION WRECKER LIST

A list of privately owned wrecker services that shall respond when contacted by the Concord Police Department for assistance with vehicle towing or other vehicle related situations.

C. ROTATION WRECKER SERVICE

A privately owned wrecker service that has met the necessary requirements and included on the rotation wrecker list of the Concord Police Department.

07.05.3 **ADMINISTRATION**

A. The rotation wrecker administrator shall be appointed by the Chief of Police.

- B. The rotation wrecker administrator shall be responsible for:
1. Administration of the rotation wrecker list;
 2. Thoroughly investigate complaints against rotation services by coworkers and citizens;
 3. The rotation wrecker administrator shall manage the number of services allowed on the rotation list and determines if additional or replacement services are needed to meet the city's needs.
 4. Ensuring that all rotation services are compliant to all rules and regulations within this general order, as well as state and federal law conducting inspections of equipment, facilities and operator license status.

NOTE: All rotation services shall be inspected at least once each calendar year.

- C. Upon locating violations, the rotation wrecker administrator shall provide the rotation service owner a written warning stating the violation and notice that the rotation service has been suspended from the wrecker rotation list until violations have been addressed.
- D. The rotation service shall have ten calendar days from the date of receipt of the hand delivered written notice to correct the violation(s). Failure to correct all violations within the ten day period shall result in permanent removal from the rotation list.

07.05.4 ROTATION APPLICATION

- A. The rotation wrecker administrator shall determine if the applying wrecker service meets all requirements for inclusion on the rotation wrecker list
- B. If a wrecker service fails to satisfy one or more of these requirements, the rotation wrecker administrator shall notify the wrecker service owner in writing of the specific failure.
- C. If a failed requirement is corrected within 30 days of the date of the notification the rotation service owner may contact the rotation wrecker administrator for re-inspection. Upon determination that all requirements are met, the applying wrecker service shall be added to the rotation wrecker list.

In the event the specific failure is not corrected within the 30-day correction period, the wrecker service must reapply for admission to the rotation wrecker list.

- D. Any wrecker service that is denied inclusion on the Rotation Wrecker List, may appeal to the Chief of Police, in writing, within twenty (20) calendar days of the date of the written denial.

07.05.5 ROTATION REQUIREMENTS**A. CHARGES AND FEES**

1. The Chief of Police shall issue an approved fee list containing the highest amounts that may be charged for particular services. All rotation services shall adhere to the approved list for all rotation calls. The Chief of Police may revise the Approved Fee List at his/her discretion. Simple miscalculation errors shall not be considered a violation of this prohibition unless a pattern of such "errors" is detected. These fees shall be evaluated every 12 months.
2. Upon arrival at an incident, a rotation service may secure assistance from another rotation service when necessary to complete the services requested. Only one bill is to be presented to the owner or operator of the vehicle for the work performed.
3. A rotation call by the Concord Police Department does not create a contract with or obligation on the part of Concord Police Department personnel to pay any fee or other charge except when towing a vehicle owned by the Concord Police Department, a vehicle towed and secured as evidence, or a vehicle that is later forfeited to the Concord Police Department.

B. ELIGIBILITY

In order for a wrecker/towing service to be added and remain on the rotation service list, each must meet the following requirements.

1. The wrecker service office and the storage area must be located within one mile of the corporate city limits of the City of Concord.
2. The storage area must be sufficiently lighted and secured by a minimum six-foot-high chain link fence, or a fence of similar strength, or other barrier sufficient to deter trespassing or vandalism. All entrances and exits shall be secured.
3. Storage facilities located on the property of another business must be separated by a minimum six-foot-high chain linked fence, or a fence of similar strength, or other barrier sufficient to deter trespassing or vandalism and be utilized solely for the wrecker service business. The lot shall be of sufficient size to accommodate all vehicles towed by the wrecker service for the Concord Police Department. Storage facilities may not be shared by two or more wrecker services unless approved by the Chief of Police or his designee.
4. The rotations service shall be contactable either with a manned office at the storage lot or a sign stating the name of the business and a twenty-four-hour telephone number shall be posted at the entrance to the lot. A member of the service shall respond to a call to the lot, in a timely manner, to give assistance.
5. Prior to being placed on the rotation list, the perspective wrecker/towing service shall complete and submit a Rotation Wrecker Service Application ([Form RW-1](#)) to the program administrator for approval.

C. EQUIPMENT REQUIREMENTS

1. Each rotation service shall maintain one small wrecker and one (1) car carrier (roll back) in good working order for inclusion on the rotation list.
2. Each rotation service vehicle shall be marked on each side with the name in at least three-inch letters and the telephone number to the business. No magnetic or stick-on signs shall be used. Decals are permissible. The Operator shall provide a business card to the investigating officer or person in apparent control of the vehicle before leaving the scene.
3. Each Rotation Wrecker Service must be equipped with all legally required lighting and other safety equipment to protect the public, and such equipment must be in good working order.

D. INSURANCE

1. Hook and/or cargo insurance policy issued by a company authorized to do business within North Carolina in the amount of \$75,000 for each small wrecker and \$150,000 for each large wrecker.
2. Garage Keeper insurance policy from an insurance company authorized to do business within North Carolina covering all towed vehicles in the amount of \$150,000.00 for large wreckers and \$100,000 for small wreckers.
3. A certificate of insurance showing that the insurance requirements have been met must be kept on file at the Concord Police Department. It shall be the responsibility of the owner of the rotation service to provide a current and valid copy of the certificate of insurance or before the expiration of previous policy.

Note: All Certificates of Insurance shall require thirty days written notice by the insurer or contractor's agent in the event of cancellation, reduction or other modifications of coverage. In addition to the notice requirement above, Contractor shall provide the department with immediate written notice of cancellation, reduction, or other modification of coverage of insurance. Upon failure of the rotation service to provide such notice, the rotation service shall assume sole responsibility for all losses incurred by the City of Concord for which insurance would have provided coverage.

E. PERSONNEL REQUIREMENTS

1. A rotation service shall only employ wrecker operators who demonstrate the ability and desire to perform required services in a safe, timely, efficient, and courteous manner.
2. All rotation service employees shall not be abusive, disrespectful or use profane language when dealing with the public or any coworker of the Concord Police Department.

3. Any intentional deception used by a rotation service employee toward any citizen, business or City of Concord coworker shall be grounds for immediate suspension and/or permanent removal from the rotation list.
4. The rotation service owner shall certify that all wrecker operators have a valid driver's license and license class necessary to operate service vehicles. A wrecker service employee with a limited driving privilege shall not be allowed to respond to any rotation request from the Concord Police Department.
5. All employees of rotation services shall provide criminal background checks for Cabarrus County, and adjoining counties, by January 15th of each year. New employees of any rotation service shall provide a criminal background check for Cabarrus County, and adjoining counties, prior to responding to any rotation request.
6. Rotation service owners shall ensure that neither they, nor any other employee, has been convicted of, pled guilty to, and received a prayer for judgment continued (PJC) or pled to a lesser charge in lieu of the original charge:
 - a. Within the past five years of:
 - i. A first offense under N.C.G.S. 20-138, impaired driving, 20-138.2, impaired driving in commercial motor vehicle, 20-138.2A, operating commercial motor vehicle after consuming alcohol, 20-138.2B, operating a school bus, school activity bus or child care vehicle after consuming alcohol, or 20-138.3, driving by a person less than 21 years of age after consuming alcohol or drugs.
 - ii. Any misdemeanor involving an assault, an affray, disorderly conduct, being drunk and disruptive, larceny or fraud.
 - iii. Misdemeanor Speeding to Elude Arrest; or
 - iv. A violation of N.C.G.S. 14-223; Resist, Obstruct, and Delay.
 - b. Within the last ten years of:
 - i. Two or more offenses in violation of N.C.G.S. 20-138.1, impaired driving, 20-138.2, impaired driving in commercial motor vehicle, NCGS 20- 138.2A, operating commercial motor vehicle after consuming alcohol, N.C.G.S. 20-138.2B, operating a school bus, school activity bus or child care vehicle after consuming alcohol, or N.C.G.S. 20-138.3, driving by a person less than 21 year of age after consuming alcohol or drugs.
 - c. Any felony conviction.
7. If any rotation service personnel is convicted of, enters a plea of guilty or no contest to, receives a prayer for judgment continued (PJC), or pleads to a lesser charge in lieu of the original charge for any of the above crimes at any time after the wrecker service is placed on the rotation list, it shall the responsibility of the owner to notify the administrator immediately. This notification shall occur within 12 hours of the charge.

8. For an employee charged with a misdemeanor or felony offense not listed above, the seriousness of the offense shall be considered as to whether the rotation service or employee shall be suspended permanently or indefinitely.
9. Reflective safety vest, jacket, shirt or jumpsuit shall be worn while out of the truck when arriving at a rotation call.

F. RESPONSE TO CALLS FOR SERVICE

1. Rotation services be available for rotation service on a 24-hour basis and consistently respond, under normal conditions, in a timely manner, not to exceed thirty (30) minutes. The rotation service shall notify the communications center when unable to respond in a timely manner.
2. All requests for service by phone must be answered. Requests shall not be made via voicemail, pager, or answering machine.
3. A rotation wrecker service shall respond to a minimum of seventy-five (75%) percent of the rotation wrecker calls per month while on the rotation list.
4. No rotation wrecker service shall refer a call to another wrecker company or substitute for each other.
5. Refusals or failures to respond to a rotation shall result in being placed at the bottom of the Rotation Wrecker List. Repeated failures to respond to calls for service may result in violations and possible suspension or removal from rotation wrecker list.
6. Rotation services shall only respond to incidents upon request from the communications center or upon an owner's request. Any rotation service that arrives at an incident without being requested shall be placed at the bottom of the rotation list. Subsequent violations may result in suspension from the rotation list.
7. Rotation services shall not refuse to tow a vehicle after arriving at the scene of a rotation request.
8. If a rotation service is contacted by the communications center for a rotation call and is subsequently cancelled due to the discovery that the incident involves a DWI Vehicle Seizure, then that service shall not continue to respond to the scene. The cancelled rotation service shall be placed back at the top of the rotation list.

G. USE OF ALCOHOL

1. Any rotation service employee responding to a rotation call and found with an odor of alcoholic beverage on their person shall be prohibited from responding to calls for service for one calendar year from the date of the offense.
2. Any rotation service employee responding to a rotation call for service with an odor of alcoholic beverage on their person and refuses to submit to any requested roadside field sobriety tests, including the Personal Breath Test (PBT), the operator shall immediately be prohibited from responding for rotation requests for a period of five years.

3. In the event the rotation service owner responds to a rotation call with the odor of alcoholic beverage on their person, the wrecker service shall be removed from the rotation list for a period of five years.

07.05.6 ROTATION RESPONSIBILITIES

- A. The responding rotation service shall cleanup and remove any broken glass, all vehicle parts, any contents of a disabled vehicle, or other debris before leaving the scene of the incident. In the event multiple rotation services are contacted to remove vehicles, all shall remain on the scene until the roadway as adequately is clear of debris.

NOTE: Rotation services are not required to clean up any type of hazardous materials. Properly equipped and trained personnel shall be requested.

- B. The responding rotation service shall be responsible for the personal property within any vehicle in which is towed as a rotation request.
- C. Personal property within a vehicle towed as a rotation request shall be returned to the rightful owner without fee, excluding the vehicle itself.

NOTE: The rotation service is not required to release any property that is not freely removable without the assistance of any type of tools. License plates or items belonging to the State of North Carolina or a sub-company for the State of North Carolina shall be released at the discretion of the rotation service owner (e.g. DWI Interlock Devices).

- D. Each rotation service shall be required to maintain accurate and legible records of all vehicles towed, and/or stored on behalf of the Concord Police Department for a minimum of one year from the date of towing and/or storing.
- E. Each rotation service shall adhere to all federal, state laws, local ordinances and regulations related to the registration and operation of the wrecker service vehicles to include insurance. Each rotation wrecker service vehicle must be properly registered with the Division of Motor Vehicles in the name of the wrecker service.

07.05.7 USE OF ROTATION WRECKER/SERVICES

- A. Wrecker/Towing services placed on the department's rotation list are not guaranteed a particular number of calls, nor does it guarantee an equivalent number of calls to other wrecker services on the rotation wrecker list.
- B. Upon the completion of a call for service, the wrecker service shall be placed at the bottom of the rotation wrecker list. If the service is cancelled or not used upon arriving on scene, it shall be placed back at the top of the rotation wrecker list.
- C. In dangerous or hazardous conditions exist, a police supervisor may request the closest immediately available rotation wrecker service in lieu the next available service.

07.05.8 VIOLATIONS

- A. The following penalties are progressive and cumulative, unless otherwise stated in a written notice from the Chief of Police or program administrator. Each violation shall be considered an independent offense and shall carry a separate penalty.
1. Failure to respond to seventy-five (75%) of monthly calls for service during a calendar month:
 - a. First Offense: 30-day removal from the list;
 - b. Second Offense: 45-day removal from the list;
 - c. Third Offense: 90-day removal from the list;
 - d. Fourth Offense: Permanent removal from the list.
 2. Failure to meet the thirty (30) minute response time during any calendar month:
 - a. First Offense: Warning Letter;
 - b. Second Offense: 30-day removal from the list;
 - c. Third Offense: 45-day removal from the list;
 - d. Fourth Offense: 90-day removal from the list;
 - e. Fifth Offense: 180-day removal from the list;
 - f. Sixth Offense: 5-year removal from the list.
 3. Failure to adequately clear the roadway during any calendar month:
 - a. First Offense: Warning Letter;
 - b. Second Offense: 30-day removal;
 - c. Third Offense: 45-day removal;
 - d. Fourth Offense: 90-day removal;
 - e. Fifth Offense: 180-day removal;
 - f. Sixth Offense: (Chief of Police or designee's discretion).
 4. The use of deception, dishonesty, unprofessional or abusive behavior or failure to follow approved fee schedule for service charges during any calendar month:
 1. First Offense: 45-day removal from the list;
 2. Second Offense: 90-day removal from the list;
 3. Third Offense: Permanent removal from the list.
 5. Any other violations of these Rules and Regulations as determined by the Chief of Police or program administrator:
 1. First Offense: Warning Letter;
 2. Second Offense: 30-day removal from the list;
 3. Third Offense: 60-day removal from the list;
 4. Fourth Offense: Permanent Removal from the list.
- B. NOTICE OF REMOVAL
1. Should a rotation service be removed from the rotation list for violations, the program administrator shall hand deliver written notification to the owner of the company, not less than seven days prior to removal.

2. Notification shall include the specific violation(s) that resulted in the removal. Notice shall not be required in situations where public safety is at risk (e.g. alcohol use by an operator, missing or defective safety equipment).
3. A removed rotation service may appeal to the Chief of Police in writing stating any specific disagreement with the decision for removal, within ten days from the date of removal notice.
4. The Chief of Police shall issue a written statement of his decision including the specific facts and circumstances supporting his decision.

C. REINSTATEMENT

1. Rotation Wrecker Service that has been permanently removed may apply for reinstatement one calendar year from date of being removed. Prior to reapplying the wrecker service must correct the violation(s) for which it was removed.
2. Reinstatement prior to the expiration of any period of temporary removal shall be in the sole discretion of the Chief of Police or his/her designee.
3. A rotation wrecker service, which is removed from the List, does not become eligible for reinstatement merely because ownership has been transferred.



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