



# CONCORD POLICE DEPARTMENT

## STANDARD OPERATING PROCEDURE

### WRECKER ROTATION

**GENERAL ORDER:** 09.09

**CREATED:** March 17, 2003

**ISSUE DATE:** June 12, 2023

**CALEA STANDARD:**

**EFFECTIVE DATE:** June 19, 2023

**ACTION:** Amends general order dated October 1, 2022.

#### **09.09.0**      **PURPOSE**

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

#### **09.09.1**      **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.

#### **09.09.2**      **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 rotation 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.

#### **09.09.3**      **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 wrecker services by coworkers and citizens;
3. The rotation wrecker administrator shall manage the number of services allowed on the rotation wrecker list and determines if additional or replacement rotation wrecker services are needed to meet the city's needs;
4. Ensuring that all rotation wrecker 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 wrecker services shall be inspected at least once each calendar year by completing the Rotation Wrecker Inspection form (Form RW-3).**

- C. Upon locating violations, the rotation wrecker administrator shall provide the rotation wrecker service owner a written warning stating the violation and notice that the rotation wrecker service has been suspended from the rotation wrecker list until violations have been addressed.
- D. The rotation wrecker 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 wrecker list.

#### **09.09.4 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 wrecker 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 shall 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.

**09.09.5      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 wrecker 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 wrecker service may secure assistance from another rotation wrecker 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 officers 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 service to be added and remain on the rotation wrecker list, each shall meet the following requirements:

1.    The wrecker service office and the storage area shall be located within five miles of the corporate city limits of the City of Concord.
2.    The rotation wrecker service shall be able to meet the response requirements as listed in this general order.
3.    The storage area shall 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.
4.    Storage facilities located on the property of another business shall be separated by a minimum six-foot-high chain link 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 designee.
5.    The rotation wrecker service shall have a manned office at the storage lot or a sign stating the name of the business and a twenty-four-hour telephone number posted at the entrance to the lot. A member of the rotation wrecker service shall respond to a call to the lot, in a timely manner, to give assistance.
6.    Prior to being placed on the rotation list, the prospective wrecker service shall complete and submit a Rotation Wrecker Service Application (Form RW-1) to the rotation wrecker administrator for approval.

### C. EQUIPMENT REQUIREMENTS

1. Each rotation wrecker service shall maintain one small wrecker and one car carrier (roll back) in good working order for inclusion on the rotation list.
2. Each rotation wrecker 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 shall be equipped with all legally required lighting and other safety equipment to protect the public, and such equipment shall 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 shall be kept on file at the Concord Police Department in RMS, and entered by the rotation wrecker administrator. It shall be the responsibility of the owner of the rotation wrecker service to provide a current and valid copy of the certificate of insurance on or before the expiration of the 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, the 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 wrecker 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 wrecker 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 wrecker 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 wrecker service employee toward any citizen, business or City of Concord coworker shall be grounds for immediate suspension and/or permanent removal from the rotation wrecker list.

4. The rotation wrecker service owner shall certify that all wrecker employees have a valid driver's license and license class necessary to operate service vehicles. A rotation wrecker service employee with a limited driving privilege shall not be allowed to respond to any rotation request from the Concord Police Department.
5. The rotation wrecker service owner shall submit a Rotation Wrecker Employee Information form (Form RW-3) on all rotation wrecker service employees annually by January 15<sup>th</sup>. The rotation wrecker administrator shall complete background checks on each employee to ensure eligibility. The rotation wrecker administrator shall provide the rotation wrecker service owner with documented confirmation of each employee's eligibility.
6. Form RW-3 shall be completed and submitted for each employee hired after the annual forms are submitted.
7. Rotation wrecker 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 a 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 offense involving an assault, disorderly conduct, larceny or fraud.
  - b. Within the last ten years of:
    - i. Two or more offenses in violation of any impaired driving offense.
    - ii. Two or more offenses in violation of any alcohol related offense.
    - iii. Two or more offenses in violation of any violent misdemeanor.
  - c. Any felony conviction.
8. If any rotation wrecker service employee 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 be the responsibility of the owner to notify the rotation wrecker administrator immediately. This notification shall occur as soon as practicable but within 72 hours of the charge.
9. 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 wrecker service or employee shall be suspended permanently or indefinitely.
10. 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 wrecker services shall 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 wrecker service shall notify the communications center when unable to respond in a timely manner.
2. All requests for rotation wrecker service by phone shall be answered. Requests shall not be made via voicemail, pager, answering machine, text, email etc.
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 the rotation wrecker list.
6. Rotation wrecker services shall only respond to incidents upon request from the Communications Center or upon an owner's request. Any rotation wrecker 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 wrecker list.
7. Rotation wrecker services shall not refuse to tow a vehicle after arriving at the scene of a rotation request.
8. If a rotation wrecker service is contacted by the Communications Center for a rotation call and is subsequently canceled due to the discovery that the incident involves a DWI Vehicle Seizure, then that service shall not continue to respond to the scene. The canceled rotation wrecker 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 incident.
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 rotation wrecker service shall be removed from the rotation wrecker list for a period of five years.

**09.09.6**     **ROTATION RESPONSIBILITIES**

- A. The responding rotation service shall clean up 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 is clear of debris.

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

- B. The responding rotation wrecker service shall be responsible for the personal property within any vehicle 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 wrecker service is not required to release any property that is not freely removable without the assistance of any type of tool. 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 wrecker service owner (e.g. DWI Interlock Devices).**

- D. Each rotation wrecker 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 wrecker service shall adhere to all federal, state laws, local ordinances and regulations related to the registration and operation of the rotation wrecker service vehicles to include insurance. Each rotation wrecker service vehicle shall be properly registered with the Division of Motor Vehicles in the name of the wrecker service.

**09.09.7**     **USE OF ROTATION WRECKER SERVICES**

- A. Wrecker services placed on the department's rotation wrecker 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 rotation wrecker service shall be placed at the bottom of the rotation wrecker list. If the service is canceled 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, a police supervisor may request the closest immediately available rotation wrecker service in lieu the next available rotation wrecker service.

**09.09.8**     **VIOLATIONS**

- A. The following penalties are progressive and cumulative, unless otherwise stated in a written notice from the Chief of Police or rotation wrecker 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 this general order as determined by the Chief of Police or rotation wrecker 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 wrecker service be removed from the rotation list for violations, the rotation wrecker administrator shall hand deliver written notification to the owner of the company, not less than seven calendar 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 wrecker service may appeal to the Chief of Police in writing stating any specific disagreement with the decision for removal, within ten calendar days from the date of removal notice.



4. The Chief of Police shall issue a written statement of his/her decision including the specific facts and circumstances supporting the decision.

C. REINSTATEMENT

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



GARY J. GACEK  
CHIEF OF POLICE