

GENERAL ORDER



DISTRICT OF COLUMBIA

Subject

Tow Crane

Operation and Enforcement

Topic	Series	Number
OPS	303	03

Effective Date

November 16, 2006

Rescinds

GO 303.3 (Tow Crane Operation and Enforcement)

SO-01-05 (Recovered Stolen Vehicles)

SO-03-14 (Implementation of Centralized Towing Program)

SO-05-04 (Criminal Enforcement of Towing Regulations)

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I. BACKGROUND

Title 16 DCMR Chapter 4 (Towing Service for Motor Vehicles) establishes the operational strategy for the towing of vehicles in the District of Columbia involving a number of DC agencies. In summary, the regulations:

- Make licensing requirements more stringent, specify standards that must be met to be licensed, define how public tows are to be performed, and provide for a system of enforcement to ensure compliance with the regulations.
- Establish a Centralized Towing System, operated by the Department of Public Works (DPW), which channels all government-ordered (public) towing requests through a central dispatch system designated as the Towing Control Center (TCC).
- Require a Towing Control Number (TCN) for all public tows that allows them to be tracked from beginning to end.
- Place responsibility on the District Government for notifying owners and other interested parties that their vehicles were towed. DPW will notify owners of all public tows. MPD will continue to notify owners and interested parties in cases of recovered stolen vehicles and MPD impounds.
- Establish public tow and storage fees.

II. POLICY

The policy of the Metropolitan Police Department is to accommodate the public safety needs of the District and the rights and conveniences of the public by ensuring that a fair and equitable system is maintained in the towing of vehicles by

public authorities. This policy includes procedures for handling towing complaints, and appropriate enforcement actions.

III. DEFINITIONS

When used in this directive, the following terms and phrases shall have the meanings ascribed:

1. Authorized Towing Service (ATS) — A rotational list of private tow crane companies that are licensed by DCRA and have agreed to perform public towing operations on terms and conditions set forth by DPW.
2. Basic Business License Endorsement for a Towing Business — The individual license endorsement required for the operation of a towing business in the District of Columbia.
3. Basic Business License Endorsement for a Towing Service Storage Lot — The individual license endorsement required for the maintenance of a towing service storage lot in the District of Columbia.
4. Basic Business License Endorsement for a Tow Truck — A tow truck that has been identified in the application (or amended application) for the Basic Business License Endorsement for a Towing Business, and for which the Director, DCRA, has inspected, approved, and authorized issuance of a DCRA unique alphanumeric identifier for such tow truck. All DC licensed tow trucks are required to have a valid DC registration.
5. Centralized Towing Program — The operating model for the towing of vehicles within the District of Columbia. It provides a single point of contact for agencies to obtain towing services and a single source of information for all public tows.
6. Civil Infraction — An offense identified by DCRA that may be enforced by the issuance of a Notice of Infraction (NOI) that requires the payment of a fine by the offender, or administrative adjudication pursuant to the D.C. Civil Infraction Act.
7. Crane Service — A form of towing service which involves moving vehicles by the use of a wheel-lift device, such as a lift, crane, hoist, winch, cradle, jack, automobile ambulance, tow dolly, or any other similar device.
8. Director — The Director of the Department of Consumer and Regulatory Affairs (DCRA) of the District of Columbia, or his/her designated agent.
9. DPW-Controlled Cranes — Owned, leased or contracted by the Department of Public Works.
10. Flat-bed Service — A form of towing service which involves moving vehicles by loading them onto a flat-bed or roll-back platform instead of using a crane or winch to tow a vehicle.

11. Impoundment — The taking into custody by an agency of the District Government of a vehicle for reasons of penalty, safekeeping, forfeiture, evidence, etc.
12. MPD-Controlled Cranes — MPD-owned cranes or private cranes contracted by MPD to supplement MPD-owned cranes (sometimes referred to as “ROC cranes”).
13. Owner — The person or entity to whom a vehicle is registered, or to whom it is leased, if the terms of the lease require the lessee to maintain and repair the vehicle. The holder of a contract with a vehicle rental agency shall not be considered the owner of that vehicle.
14. Police Officer — A sworn or reserve officer of the Metropolitan Police Department or any other law enforcement agency with authority to make arrests within, and to enforce the laws of, the District of Columbia.
15. Private Tow — The towing of a vehicle at the request of the owner or the authorized agent of the owner.
16. Public Tow — The towing of a vehicle, other than a vehicle owned or controlled by a government entity, at the direction or arrangement of a government entity or, without the consent of the owner or operator of the vehicle, including relocations, repossessions and tows from private real property.
17. Relocation — The public tow of a vehicle because it is illegally parked, or for some exigent circumstance that necessitates its removal to a nearby location, but not to a towing service storage lot.
18. Towing Business — Any person or entity that provides, or offers to provide, towing services.
19. Towing Categories – Specific kinds of towing which MPD members are required to utilize when requesting tow services from the Unified Communications Center (UCC) for Public tows. (See list at Section IV.B)
20. Towing Coordinator (MPD) — The Crane Supervisor, Evidence Control Branch, or a designee.
21. Towing Control Center (TCC) — The Towing Control Center is operated by DPW and consists of an automated towing dispatch and tracking process built around a Computer Aided Dispatch (CAD). The TCC operates 24 hours, 7 days a week, and provides comprehensive tracking of all “public” tows, universal notification to vehicle owners, and real-time updates on vehicle locations. The TCC interfaces with the Unified Communications Center (UCC), and can access a variety of data bases within the District Government, including DMV, WALES and NCIC, to determine vehicle ownership and possible stolen or wanted status.

22. Towing Service Storage Lot — A property used to deposit and store vehicles that have been towed.
23. Towing Service — Any service that involves towing or otherwise moving motor vehicles by means of a tow truck.
24. Tow Truck — A motor vehicle equipped to provide either crane or flat-bed towing service.
25. Tow Truck License — The alphanumeric identifier issued by DCRA for each Tow Truck used or operated by a licensed towing business, and that is required to be posted in the bottom left corner on the licensed vehicle.
26. Towing Control Number (TCN) — All public towing in the District must be channeled through the Office of Unified Communications to the Towing Control Center (TCC) operated by the DPW, which will issue a unique TCN to identify and track a towed vehicle.
27. Unified Communications Center (UCC) — The facility operated by the Office of Unified Communications through which all MPD radio communications are channeled.

IV. PROCEDURAL GUIDELINES

A. General

1. The Centralized Towing Program applies only to Public Tows. Any tow that is identified as a Private Tow, e.g., the tow truck is responding to a direct call from the owner or operator and the tow truck is not in violation of 16 DCMR Chapter 4 (Towing Service for Motor Vehicles).
2. All towing in the District of Columbia that is performed at the request, direction or arrangement of a police officer or other authorized government official is a Public Tow and, as such, shall be channeled through the Centralized Towing Program operated by the Department of Public Works (DPW).
3. No public tow may occur within the District of Columbia without the issuance of a Towing Control Number (TCN) issued by the DPW Towing Control Center (TCC).
4. All requests for towing service made by a member of the Metropolitan Police Department shall be directed to the Unified Communications Center (UCC) with adequate information (including an appropriate **Tow Category** that will enable the PSCC to properly reference the call and to forward it to the DPW Towing Control Center when appropriate).
5. Tow trucks will be dispatched to the location where needed in accordance with criteria developed by the DPW Centralized Towing

Program, relying primarily upon the description by **specific tow categories** as provided by the requesting government official.

6. Enforcement of the regulations is accomplished through a number of methods: using the DCRA civil infraction process (NOIs), criminal penalties (PD-61Ds), licensing sanctions by DCRA, and possible removal from the ATS (rotating list) by DPW.

B. MPD Tow Categories

Members shall request towing service from the UCC according to the following 10 tow categories:

1. Rush Hour Tow
2. Relocation
3. Snow Emergency Route Relocation
4. Traffic Impoundment
5. Police Impoundment
6. Accident Vehicle
7. Disabled Vehicle
8. Recovered Stolen Vehicle
9. Courtesy Service Assistance
10. Disabled Police Vehicle

C. Description and Application of MPD Towing Categories

Following are additional descriptions of the Towing Categories referenced in Section IV.B (*above*) and appropriate procedures to be followed under the specified circumstances:

1. Rush Hour Tow
 - a. Rush hour tows are handled by DPW-controlled cranes. WALES entries will be made by the TCC.
 - b. During the periods between 0700 hours to 0930 hours and 1600 hours to 1830 hours members shall request crane service to remove vehicles that are parked so as to illegally interfere with the movement of traffic on arterial streets or in violation of posted rush hour parking restrictions.
 - c. If the vehicle is illegally parked the member shall:
 - (1) Issue the appropriately completed Notice of Infraction (NOI);
 - (2) Request, through the Unified Communications Center (UCC), a Rush Hour Tow; and
 - (3). Proceed with other traffic and law enforcement responsibilities.

2. Relocation

a. Posted Public Space (Emergency No-Parking)

- (1) When parking space has been restricted, pursuant to General Order 303.06 (Erection of Temporary No Parking Signs, etc.) by the valid posting of emergency signs indicating the date and time when parking is prohibited, vehicles in violation of the posted notices may be towed at the request of a citizen having an interest in the purpose or occasion for issuance of the notice or at the initiative of a member of the Department.
- (2) In such circumstances, officers shall Issue the appropriately completed Notice of Infraction (NOI).
- (3) Request, through the UCC, a tow crane for Relocation.

b. Security/Safety Precautions

(Presidential escorts, disaster scenes, hostage situations, industrial accidents, hazardous waste sites, etc.)

- (1) When identified by appropriate official pronouncements or when an identifiable police security purpose exists, vehicles within specified parameters may be towed to another location.
- (2) In such circumstances, officers shall request, through the UCC, a tow crane for Relocation.

c. Blocking Access

- (1) Whenever access to property or facilities are blocked by a vehicle on public property so that official government operations are affected, public safety is at risk, or access to private property is blocked, the vehicle may be towed at the request of a government official or at the initiative of a member of the Department.
- (2) In such circumstances, officers shall Issue an appropriately completed Notice of Infraction (NOI).
- (3) Officers shall request, through the UCC, a tow crane for Relocation.

d. Relocation – Standard Procedures

In all vehicle relocation situations, the member shall:

- (1) Ensure, if possible, the safekeeping of the citizen's property.
- (2) Ensure that, if possible, the windows of the vehicle are rolled up and the trunk and doors of the vehicle are locked,
- (3) Assist/advise the crane operator in moving the vehicle to a legal parking location on a public street as close to the original location as possible, consistent with prevailing traffic conditions, and
- (4) During normal business hours, UCC will forward the request to TCC who will dispatch a DPW-controlled crane. Outside of normal business hours, UCC will dispatch an MPD-controlled crane.
- (5) Notify the Teletype Unit as to the new location of the vehicle.

3. Snow Emergency Route Relocation

When the Director, DPW, in response to the issuance of a severe weather forecast from the United States Weather Bureau, orders the activation of the Snow Emergency Plan, declaring a parking ban on Snow Emergency Routes, members shall:

- a. Coordinate with the Department of Public Works in clearing stalled and illegally parked vehicles from those streets designated as Snow Emergency Routes;
- b. Familiarize themselves with the listing of streets designated as Snow Emergency Routes and other responsibilities published in General Order OPS-803.02 (Snow Emergency) as well as pertinent regulations at DCMR Title 18 regarding "Severe Weather Traffic Controls" and "Snow Emergency Parking Regulations.
- c. In such circumstances, the member shall:
 - (1) Issue the appropriately completed Notice of Infraction (NOI);
 - (2) Request, through the Unified Communications Center (UCC), a Snow Emergency Route Relocation Tow.
- d. WALES entries will be made by the TCC.

4. Traffic Impoundment

All traffic impounds initiated by members of the Department shall be handled in the following manner:

- a. Generally, impoundments for parking and other traffic-related offenses are performed by the Department of Public Works (DPW).
- b. Members will not impound a vehicle as a Traffic Impoundment except in the following situations:
 - (1) Unregistered vehicles, which include automobiles, mopeds, motorcycles, and all-terrain vehicles (ATVs).
 - (2) Vehicles deemed unsafe to be operated in the District of Columbia (require towing to a Vehicle Inspection Station).
- c. DWI, DUI, No Permit, and other traffic arrests are not to be handled as Traffic Impoundments, but are categorized as a Police Impoundment (Prisoner Property).
- d. For cases outlined in IV.C.4-b.(1) and b.(2) *above*, the member shall request a Traffic Impoundment tow from the UCC.
- e. During business hours, 0700-1800 hours, Monday through Friday, a DPW tow crane will be dispatched to the scene to handle the traffic impoundment tow. The vehicle will be towed to the DPW impoundment lot at Blue Plains.
- f. During non-business hours, 1800-0700 hours, Monday through Friday, and weekends, a MPD or contract tow crane will be dispatched to the scene to handle the traffic impoundment tow. The vehicle will be towed to and impounded at the recovering member's district/ROC impoundment lot, for temporary storage.
- g. Traffic impoundment vehicles temporarily stored at district/ROC impoundment lots shall be transferred to the DPW impoundment lot in accordance with MPD Evidence Control Branch procedures.
- h. The member shall complete the following forms and records as appropriate:
 - (1) Prepare a Notice of Infraction (NOI) and a PD Form 81 (Property Record) for the traffic-impounded vehicle;
 - (2) Classify the vehicle as "Impounded" on the PD Form 81;
 - (3) Record the vehicle's information in the PD Form 82 (Property Book).

- (4) Record the Tow Control Number (TCN), DPW crane number and operator's name on the PD Form 81 and PD Form 82 when a DPW tow crane handles the tow.
- (5) Submit the completed PD Form 81 and a reproduced NOI to their district property officer.
- (6) Ensure that the "pink" copy of the NOI is given to the DPW tow crane operator on the scene or ensure that the NOI is affixed to the vehicle's windshield when the vehicle is taken to a district/ROC impoundment lot.

5. Police Impoundment

MPD members may direct the impoundment of vehicles (**no impoundment fees are charged**), to be towed by MPD-controlled tow cranes to an MPD facility as a Police Impoundment under the following circumstances and as specifically conditioned herein:

a. Seizures for Forfeiture

These are seizures for offenses that provide by law for the possible forfeiture of a vehicle because of its relationship or involvement in a crime. These laws pertain to offenses such as drug dealing, illegal dumping, or weapons and require specific findings before they can be employed.

b. Seizures as Evidence or Traffic Fatalities

These seizures take place upon determination that the vehicle is needed for evidentiary purposes in a criminal proceeding or when a serious traffic matter is involved.

c. Prisoner Property

When a person is arrested for a crime while in custody of a vehicle that is not needed as evidence, the vehicle shall be handled as follows:

- (1) With the operator's permission, the vehicle involved in such a situation may be left legally parked on the streets or turned over to a licensed operator.
- (2) If the foregoing options (1) are not available and when requested by the operator, these vehicles can be handled as a Police Impoundment (Prisoner's Property) and towed to a police facility by an MPD-controlled crane.

- (3) A notation shall be made as to any agreed-upon disposition of the prisoner property vehicle in the Form PD 163 (Prosecution Report), in the officer's notebook, and in any other related police forms.
 - (4) Vehicles involved in DUI and DWI cases are subject to Police Impoundment but may be released to a qualified person pursuant to exceptions specified in DC Official Code 50-2201 (c-1).
- d. Safekeeping
- (1) Statutory Safekeeping

MPD is required by statute to impound for safekeeping any vehicle that is part of the estate of a deceased person or an alleged mentally ill person when it appears that the vehicle is unprotected and there is no authorized person to assert custody.
 - (2) Protective Safekeeping

MPD may take custody of a vehicle for safekeeping in situations where an officer believes it is necessary to safeguard the property of the owner. In such situations members shall strictly adhere to the procedures outlined in General Order 601.01 (Handling and Disposition of Property Coming into the Custody of the Department).
 - (3) Suspected/Unconfirmed Stolen Safekeeping

When the condition, location, or other circumstances of a vehicle provides an officer with reason to believe that the vehicle has been stolen, the vehicle may be impounded subject to verification of its status.
- e. MPD Responsibilities When a Vehicle Is Impounded
- (1) If a vehicle is not towed by an MPD-controlled tow crane to space on an MPD facility or to the MPD Blue Plains Lot, it is not a Police Impoundment.
 - (2) All MPD-impounded vehicles shall be inventoried in accordance with General Order 602.01 (Automobile Searches and Seizures) and General Order 601.01 (Recording, Handling and Disposition of Property).
 - (3) All MPD-impounded vehicles require the use of a PD Form 81 (Property Record) and appropriate entries into the Property Book and PEICS.

- (4) All MPD-impounded vehicles require that a Towing Control Number be obtained from the Towing Control Center by the tow crane operator in accordance with TCC procedural guidelines.
- (5) Notify the Teletype Unit as to the new location of the vehicle.

6. Accident Vehicle

- a. When a police officer arrives at the scene of an accident and it is apparent that the services of a tow crane are needed for removing disabled vehicles from the intersection, roadway, or other location to provide for the safe movement of traffic, a radio call shall be placed to the UCC requesting the service of one or more tow cranes for Accident Vehicle and providing the information required by this directive.
- b. Where an accident vehicle is a recovered stolen vehicle, involved in a fatal accident, needed for evidence, or subject to seizure, the vehicle shall be handled according to the appropriate tow category.
- c. The officer will direct the tow crane operator to remove the disabled vehicle to his/her storage facility unless the owner or operator is available and directs the removal of the vehicle to a different location.
- d. The owner or operator shall sign the statement acknowledging the removal of the vehicle and will be responsible for payment of the fee charged by the towing firm. If the owner or operator is unable or refuses to sign the statement, the officer may sign the statement and order the removal of the disabled vehicle. A copy of the statement shall be delivered to the owner or operator. In such instances the signing of such a statement by the police officer does not constitute an agreement on the part of the District of Columbia Government or the owner or operator to pay the charges proposed to be collected by the towing firm.
- e. Any citizen whose vehicle is involved in an accident that renders the vehicle inoperable and that positions the vehicle on a public roadway in a manner that poses a safety hazard to the citizen or others shall be serviced through the Authorized Towing Service (ATS) program administered by DPW and shall not be allowed to use any crane service other than that arranged by the Towing Control Center. The citizen may, however, direct the removal of the vehicle to a destination of

his/her choice. Additional mileage charges may be assessed by the tow crane for towing beyond the District line.

7. Disabled Vehicle

- a. When a police officer arrives at the scene of a disabled vehicle (not involved in an accident) and it is apparent that the services of a tow crane are needed for removing the vehicle from the intersection, roadway, or other location to provide for the safe movement of traffic, a radio call shall be placed to the UCC requesting a Disabled Vehicle tow and providing all information required by this directive.
- b. If the vehicle does not pose an immediate safety hazard and the owner/operator is at the scene, the situation requires only such courtesy attention as may be requested by the owner/operator and will be classified as a Courtesy Service Assistance (see Category 9, *below*).
- c. When the owner/operator or other responsible person is not at the scene and the vehicle is not obstructing traffic or creating a safety hazard, but is in violation of a parking regulation, the officer shall issue an appropriate NOI only.

8. Recovered Stolen Vehicle

Any recovered stolen vehicle shall be properly and fully identified before engaging in the recovery process. This includes confirmation of the stolen vehicle's license plate (if any) and vehicle identification number (VIN). If the vehicle cannot be released to the owner or responsible agent, it will be towed pursuant to the ATS program.

a. Notification and Processing by Recovering Member

Members recovering vehicles that are classified as "Recovered Stolen Auto" shall proceed as follows:

- (1) After the vehicle has been processed and examined for contraband and any owner's records, attempt to contact the owner through the radio dispatcher. If the vehicle is operational and the owner is able to respond promptly to the scene and take possession of the vehicle, the officer shall, upon obtaining adequate proof of ownership, return the vehicle to the owner or a designated agent of the owner after executing a PD Form 81-A (Property Return).

- (2) When all efforts to secure the release of the vehicle from the field have been exhausted, or when it has been determined to be impractical for the member to remain out of service for an extended period in order to await the arrival of the owner, the member shall contact the radio dispatcher and request a Recovered Stolen Vehicle tow.
- (3) Towing of recovered stolen vehicles shall be at no cost to the Metropolitan Police Department; applicable towing or storage fees will be charged to the vehicle owner/operator and/or insurance company.
- (4) The recovering member shall inventory the vehicle as required by General Order 602.01 (Automobile Searches and Inventories) prior to releasing the vehicle to the responding tow crane.
 - (a) Any property in the passenger compartment with a value in excess of \$100 shall be removed for safekeeping.
 - (b) Any property removed from the vehicle shall be listed on a separate PD Form 81 and handled in accordance with the procedures outlined in General Order 601.01 (Handling Property Coming Into the Custody of the Department).
 - (c) The tow crane operator shall be provided with a properly completed PD Form 82-A (Property Receipt) to document the removal of the property from the vehicle.
 - (d) The inventory shall be performed in the presence of the tow crane operator.
- (5) If not released to the owner, recovered stolen vehicles (even those that are in such material condition as to be considered "worthless") shall be towed to the storage lot of the responding tow crane to await appropriate disposition by the owner or insurance company.
- (6) The recovering member shall prepare the appropriate police reports required by the recovery, to include all appropriate notifications as required by this order and as outlined in General Order 601.01.
- (7) The recovering member, regardless of assignment, is responsible for preparation of relevant reports, even in instances when a vehicle is impounded at a facility other

than the recovering member's assigned organizational element.

- (8) The vehicle shall be recorded on the element's Property Book (PD Form 82) and a copy of the tow ticket attached to the right-hand page. Any additional information indicating the location of the vehicle (e.g., towing company storage lot, address, telephone number, and TCN number) should also be entered on the right-hand page. The completion of PD Form 81 and entries on the Property Book shall be made as soon as practicable, but in all instances prior to the completion of the recovering member's tour of duty.
 - (9) The owner/insurance company will be advised by mail by the TCC of the vehicle's location, including the name, address and telephone number of the towing company that has custody of the vehicle and the company's towing fees and daily storage charges for which the owner will be responsible.
 - (10) Members shall make appropriate contact with officials in any other police district in which the owner is known to work or reside so that all possible assistance can be given in notifying or locating the owner of the recovered vehicle.
 - (11) Recovering members shall ensure that all appropriate notifications are made to the MPD Teletype Unit, documenting the date, time and persons notified. In addition, if the auto is not driveable, is stripped of any parts (doors, wheels, engine, trans-mission, air bags), or is missing its vehicle identification number, this information shall be made known to the Teletype Unit as well as documenting these findings in the PD Form 251/252.
 - (12) In the event that a vehicle has had its vehicle identification number altered, destroyed or removed, the member shall promptly notify the SDD Auto Theft Unit and record the information in the PD Form 251/252.
- b. Notification After Recovering Member Has Checked Off
- (1) The recovering member shall be responsible for personally contacting the owner. If the recovering member is unable to contact the owner prior to the end of the tour of duty, he/she shall be governed by the provisions set forth in General Order 601.01, turning

over the PD Form 81 to the oncoming station clerk who shall then be responsible for notifying the owner and completing all appropriate documentation of notification efforts as follows:

- (a) All documented notifications shall include: person notified, member making notification, method of notification, and date and time of notification.
 - (b) If station clerks are unable to notify the owner or reporting person, all efforts shall be documented and the PD 81 turned over to the element property officer. The fact that the notification was not made and is pending shall be brought to the attention of the element property officer and the District Commander.
 - (i) The element property officer will then be responsible for making the notification and completing all documentation.
 - (ii) If unable to make notification within 48 hours, element property officers shall forward a notification letter (see sample attached) to the owner by certified mail, return receipt requested.
 - (iii) Element property officers shall ensure that copies of all letters and mail receipts are maintained in a file with the element's copy of the PD 81.
 - (iv) Element property officers shall review the Property Book on a daily basis to ensure that a PD 81 is received for each recovered stolen vehicle and the required owner notification has been made.
- (2) All Lieutenants and above who review and approve PD Form 81s for recovered stolen vehicles shall ensure that the required notifications are properly documented on all police reports and, if notification was not made, that all efforts are documented and that a station clerk is assigned responsibility for the notification.
- (3) District Commanders shall ensure that members of their command comply with the above notification requirements and those in General Order 601.01 and that direct notification is made or a certified notification letter forwarded for each stolen auto recovered and listed on their element Property Book.

c. Notification Form Letter To Be Sent

A sample notification form letter may be found at Attachment C of this directive. Addressed envelopes containing completed notification letters may be posted at the Police Mail Room, where postage and certified mail receipts will be provided.

d. Insurance Company Information

Members shall attempt to determine the owner/operator's insurance company for each recovered stolen vehicle.

- (1) The recovering officer shall query the owner or examine the interior during the vehicle inventory to determine the name and, if available, the address and telephone number of the insurance carrier.
- (2) The information shall be entered in the narrative section of all police reports prepared to document the recovery, particularly the PD Form 81 (Property Record).
- (3) The recovering officer shall query any available insurance company program (e.g., NICB) designed to coordinate stolen vehicle insurance files. The NICB database may be accessed through the MPD Teletype Unit, or the SDD Auto Theft Unit.
- (4) In the event that a questioned vehicle is destroyed by fire or has had its vehicle identification number altered, destroyed or removed and the member is unable to establish the vehicle's true identity by any other reasonable means, then the member shall notify the SDD Auto Theft Unit and record the information in the PD Form 251/252.
- (5) If the Auto Theft Unit cannot be contacted at the time, the vehicle shall be taken into custody and removed to an MPD-controlled facility by an MPD tow crane. In such cases, the member shall prepare a PD Form 81 for Suspected Proceeds of Crime and make notification to the Auto Theft Unit with a copy of the PD Form 81. The Auto Theft Unit will be responsible for the ultimate identification of the questioned auto, the preparation of any recovery reports, and notification to the owner.

9. Courtesy Service Assistance

Upon observing a motorist in need of assistance, members of the Department shall offer appropriate aid or assistance to the extent of their immediate capability as may be limited by emergent duties and responsibilities.

- a. When appropriate, the member shall request a Courtesy Service Assistance tow from UCC.
- b. At the request of the owner/operator at the scene, members may assist the owner/operator in obtaining the services of repair or towing facilities through the UCC or through telephone contact if the owner/operator does not have access to a telephone.
- c. Any tow service provided in such a situation shall be through a Private Tow personally arranged by the owner/operator. Members shall not refer or recommend a specific tow company.

10. Disabled Police Vehicle

MPD vehicles that are inoperable or otherwise require towing for service, repair, or relocation, shall be towed only by MPD Fleet Maintenance Contract Cranes. The member shall request a Disabled Police Vehicle tow in such circumstances.

D. Calls for Tow Crane Service to UCC

When a request for towing service is made by a member of the Metropolitan Police Department, it shall be directed to the Unified Communications Center (UCC) which will then forward the request (except service requiring use of MPD-Controlled Cranes) to the Department of Public Works Towing Control Center (TCC). (Only the UCC will dispatch MPD-controlled cranes.) The TCC will assign a Towing Control Number (TCN) to the request and dispatch the proper crane service to the scene (a DPW-controlled crane or a private crane from the ATS rotational list).

1. Officers shall immediately perform a WALES check for possible stolen vehicle status on all vehicles for which a towing request is made.
2. Members shall not contact the TCC directly to request a crane.

E. Requesting Tow Service

1. All requests for tow crane service by a police officer shall be directed to the UCC, describing the following:

- a. Location of the vehicle or vehicles;
 - b. Category of towing for which the request is made;
 - c. Number of vehicles to be towed;
 - d. Make, model and tag number, if available, of each vehicle;
 - e. Type of crane needed (regular, flatbed, heavy duty, etc.);
 - f. Position of each vehicle (on or off roadway, etc.); and
 - g. The officer shall ask for the estimated time of arrival (ETA) of the tow crane.
2. UCC personnel shall, as may be appropriate, forward all towing requests to the appropriate towing dispatcher on the basis of the towing category described by the attending officer. Towing service will be dispatched, as appropriate, through one of the following tow crane resources:
 - a. Authorized Towing Service (ATS) (rotating crane list)
 - b. DPW-Controlled Cranes
 - c. MPD-Controlled Cranes
 3. The TCC will provide UCC with a TCN and the identity of the crane that will respond to the scene.
 4. The UCC will confirm the tow request by providing the requesting member with the TCN, the identity of the responding crane, and the ETA of the responding crane.
- F. When the Tow Crane Arrives
1. When the tow crane arrives on the scene, the officer shall verify that the Towing Control Number (TCN) provided to the crane is the same as provided to the officer by the UCC and inform the UCC of the actual time of arrival (ATA) of the tow crane on the scene.
 2. The TCN is to be legibly written by the tow crane operator on the vehicle being towed with a grease pencil or crayon. Under normal circumstances it is to be written on the rear-facing windshield (while being towed), but when that windshield is not intact, the TCN shall be written on the front windshield. If neither is available, the TCN shall be placed on any other intact window or on the body of the vehicle, such that it is clearly visible to the public.
 3. The officer must record the TCN, along with any other appropriate information on all official report forms (PD-251, PD-81, PD-10, etc.). The TCN shall be noted on the PD Form 775 Run Sheet (Daily Activity

Report). The officer is also responsible for ensuring that the TCN number has been supplied to the owner/operator of the towed vehicle.

G. Notification to Vehicle Owners

1. The DPW Towing Control Center will have the capacity to research vehicle ownership and to generate notification letters to owners that will advise them of the towing of their vehicle, its location, and the necessary steps to retrieve the vehicle. Information will also be available on District government websites that can be accessed by the public to aid in the locating of towed vehicles.
2. In addition to the above process, members of the Department shall continue to make appropriate efforts to locate and inform vehicle owners as to the location of their vehicles.
3. In the case of Recovered Stolen Vehicles, members shall follow the procedures outlined in Section IV.C.8. (*above*) for notification of owners and interested parties, including the issuance of a notification letter pursuant to Section IV.C.8.c. Notification efforts shall be coordinated with the TCC and successful efforts shall be appropriately noted and recorded through the UCC.

H. Special Handling of Parked on Private Property Violations

1. D.C. Official Code §50-2421.03, among other things, makes it unlawful for any person to park, leave unattended, or store any motor vehicle on private property without the consent of the property owner.
2. D.C. Official Code §50-2421.05 provides that a vehicle parked, left, or stored without the consent of the property owner shall be removed immediately after a notice of infraction is issued and conspicuously placed on the vehicle.
3. Members shall ticket the vehicle for a violation of “parked on private property”, and ensure that the vehicle is towed through DPW towing procedures, including the issuance of a TCN. (CALEA 61.4.3-6)
4. 16 DCMR §406.7 provides that:
 - a. No vehicle may be towed from private real property, without the consent of the owner of the vehicle, unless that vehicle has been issued a citation by a police officer or parking enforcement official or at the direction of a police officer in an emergency.
 - b. Under such circumstances, the owner of the vehicle shall be responsible for all charges associated with towing and storing the vehicle.

- c. All public tows from private real property shall be conducted in compliance with the provisions of D.C. Official Code §§ 50-2421.01 through 50-2421.15 (2006), which govern the disposition of vehicles left on private property in the District of Columbia.
 - d. The tow crane operator must obtain a TCN and report the vehicle's removal and destination to the Towing Control Center.
 5. When responding to a complaint involving "parked on private property", members shall obtain a WALES check and determine if the vehicle is in violation.
 6. At the request of the property owner, manager or person authorized in writing, the member shall write the NOI for "parked on private property".
 7. When a NOI is issued under these circumstances, members shall verify the complainant's identity, have the property owner/manager or authorized person sign the back of Copy A, and also note their phone number and/or additional means of contact. This documented information will be necessary if the violation is contested at BTA.
 8. The property owner shall be responsible for securing a licensed DC tow crane to remove the vehicle. (Licensed tow cranes have been instructed by DPW to obtain a TCN in these situations.)
 9. The private property owner must make reasonable efforts to give notice to the vehicle owner of its whereabouts and the means to retrieve it.
 10. Members, whether on-duty or off-duty, are prohibited from acting on behalf of property owners by initiating NOIs or dealing directly with towing firms. The property owner/manager or authorized person is required to be physically on the scene to articulate the violation, request an NOI, and sign the back of the NOI.
 11. These procedures are applicable to off-duty members and those members working police-related outside employment.
- I. Special Handling of Abandoned or Dangerous (Junk) Vehicles (Abandoned or dangerous vehicle tows are to be handled by DPW.)
 1. Members responding to reports of abandoned or dangerous vehicles shall perform a WALES check and prepare a PD-904 (Hansen Report).
 2. Members should be familiar with the law and regulations pertaining to the existence of "abandoned vehicles" or "dangerous vehicles" on private property, and the DPW process for removing those vehicles

without the consent of the owners of the vehicle, or the owners of the property. (D.C. Official Code § 50-2421.01 et seq.)

3. A vehicle that is inoperable, or in a state of disrepair, may not be deposited upon private property, except with the express permission of the owner of such property. In this situation, the violator can be charged with “Unlawful Deposit of Inoperable Vehicle.”

J. Criminal Towing Violations and Collateral (CALEA 1.2.6 and 1.2.7)

1. D.C. Official Code §47-2850 (Rules Governing the Business of Furnishing Towing Services for Motor Vehicles) provides:

“Any person who violates any of the rules promulgated pursuant to this section shall be guilty of a misdemeanor and upon conviction, shall be subject to a fine not exceeding \$1,000 per violation and imprisonment for not more than 90 days, or both.”

2. In lieu of arrest, the Board of Judges has authorized violators to post and forfeit collateral upon the issuance of a PD Form 61D (Violation Citation), which shall be issued in accordance with the Standard Operating Procedures (PD 61D Violation Citation).
3. In addition, the regulations provide for the imposition of civil fines and penalties by DCRA as alternatives to criminal sanctions, and authorize DCRA to revoke or suspend licenses for violations of the regulations.
4. Although criminal penalties are authorized for all violations, members should focus their enforcement efforts, and apply criminal enforcement, to those violations that occur in the plain sight and presence of the officer, and that seriously impact upon the integrity and efficiency of the Centralized Towing Program.
5. The Towing Collateral List for the most prevalent and serious offenses (for which a PD-61D may be issued) are set forth at Attachment A.

K. Conducting Inspections

1. Tow Crane Stops/Inspections (CALEA 61.1.7 and 61.1.8)
 - a. Title 16 DCMR Chapter 4, Section 401, permits regulatory inspections of tow cranes and towing businesses. Therefore, members are authorized to stop tow trucks **actually engaged in towing or offering towing service** to determine regulatory compliance. Any violation shall be handled in accordance with Section IV-H of this directive.

- b. Every tow crane stop and inspection shall be recorded on a PD Form 76 (Stop or Contact Report).

2. Police Service Area (PSA) Team Responsibility

PSA personnel shall be knowledgeable of the location of all licensed towing businesses and storage lots in their boundaries, and to make periodic visits and inspections to the premises to ensure compliance with the Towing Regulations. PSAs will have access to a list of businesses and lots located in their PSA. DCRA will also provide notification to MPD when towing businesses are suspended or revoked.

3. DCRA Inspections

DCRA inspectors are authorized to request police assistance, or accompaniment, when they inspect any towing facility within the District.

- L. PD Form 61D Procedures [CALEA 82.1.1 (a-c)]

A copy of any PD Form 61D generated by a tow crane stop or inspection shall be forwarded, through channels, to the MPD Towing Coordinator at the Blue Plains Impoundment Lot.

- M. Towing Complaints/Investigations

During the course of normal patrol operations, members may receive a number of different towing complaints. The complaints can consist of both active incidents (alleged violation is occurring), and post-event incidents (alleged violation has already occurred). Members shall assess the complaint to determine the nature, the location, where the incident is alleged to have occurred, and when it was alleged to have occurred, and handle accordingly.

1. Contested Towing Complaints

Members receiving complaints from citizens contesting the towing of their vehicle shall take steps to verify the legitimacy of the public tow.

Members shall obtain the TCN from the complainant, if available, and verify the TCN with the DPW TCC.

- a. If a TCN was issued, members shall obtain the identity of the requesting/authorizing government official from the TCC, and shall refer the complaint to the authorizing government official or agency that authorized the tow. Complaints concerning MPD tows will be directed to the authorizing unit/command.
- b. If a TCN was not issued, members shall refer the complaint to the Police District in which the tow occurred. The Police District

shall initiate an investigation into the legitimacy of the tow, and take appropriate action.

2. Regulatory Complaints

Members receiving complaints such as licensing complaints, overcharging, customer rights complaints, etc., shall refer the complaint to DCRA. In those instances where a clear violation of the towing regulations is taking place, the member shall take action to resolve the matter as may be appropriate.

3. Authorized Towing Service (ATS) Complaints

Members receiving post-event complaints regarding performance and/or conduct of crane companies dispatched for service under the ATS (rotating crane list), shall notify their official, who shall forward a memo outlining the complaint to the MPD Towing Coordinator. The MPD Towing Coordinator shall forward a copy of the complaint to DPW for resolution.

N. Responsibilities

1. The MPD Towing Coordinator shall:

- a. Ensure that the MPD towing program operates efficiently; and help resolve problems and respond to requests for information from Department members;
- b. Ensure that copies of PD Form 61Ds, or other memoranda for towing violations, are forwarded to DCRA; and
- c. Make recommendations for improvement of the towing enforcement process. (CALEA 61.4.3-6)

2. Commanders shall ensure:

- a. The enforcement of towing regulations within the boundaries of their districts;
- b. That their administrative and/or station personnel forward a photocopy of each PD Form 61D for towing violations to the MPD Towing Coordinator at the Evidence Control Branch; and
- c. Ensure that the contents of this order are complied with by the elements of their command.

V. CROSS REFERENCES

- A. General Order 303.06 (Erection of Temporary No Parking Signs, etc.)
- B. General Order 601.01 (Handling and Disposition of Property Coming Into the Custody of the Department)
- C. General Order 602.01 (Automobile Searches and Inventories)
- D. General Order OPS-803.02 (Snow Emergency)
- E. General Order PCA-503.03 (List of Bonds and Collateral Applicable in the Superior Court of the District of Columbia)
- F. Standard Operating Procedures PD Form 61D (Violation Citation)

VI. ATTACHMENTS

- 1. Attachment A: Towing Collateral List
- 2. Attachment B: Sample Notification Letter
- 3. Attachment C: Municipal Regulations
- 4. Attachment D: Contact List Tow Crane Operation and Enforcement

//SIGNED//
Charles H. Ramsey
Chief of Police

CHR:SOA:DAH:JH:JFG:AFA:afa

Towing Collateral List

1. Operating Without Valid Towing License
16 DCMR § 411.8
Collateral \$300.00

“A towing business or tow truck operator who performs towing services, and any person or entity who operates a towing service storage lot, without a license or endorsement, or with a license that has been revoked or is currently suspended...”
2. Operating Storage Lot Without a License
16 DCMR § 402.2
Collateral \$300.00

“No person or entity may own or operate a towing service storage lot without having first obtained a Basic Business License and a Basic Business License Endorsement for a Towing Service Storage Lot...”
3. No Towing Control Number for Public Tow
16 DCMR § 406.3
Collateral: \$300.00

“No public tow shall be conducted in the District of Columbia until DPW has issued a towing control number for that tow, except in the case of an emergency as set forth in §406.5...”
(CALEA 61.4.3-6)
4. Unlawful Towing from Private Property
16 DCMR § 406.7
Collateral \$300.00

“No vehicle may be towed from private real property, without the consent of the owner of the vehicle, unless that vehicle has been issued a citation by a police officer or parking enforcement official, or at the direction of a police officer in an emergency. All public tows from private real property shall be conducted in compliance with the provisions of D.C. Official Code §50-2621 through §50-2624 (2001), which govern the disposition of vehicles left on private property in the District of Columbia.” (CALEA 61.4.3-6)
5. Unauthorized Towing Service at Accident
16 DCMR § 410.9

Collateral \$300.00

“It shall be unlawful for any tow truck operator to stop at the scene of any accident and furnish any towing service, unless he or she has been called to the scene by the owner/operator of a disabled vehicle or authorized by DPW to provide such service at that accident scene.”

6. Failure to Permit Proper Inspection
16 DCMR § 401.2
Collateral \$300.00

“Before licensing a towing business, a tow truck, or a towing service storage lot, and at any time while a license or endorsement is in effect, a towing-related business shall permit the Director and other authorized government officials or their agents to inspect towing equipment, tow trucks, towing service storage lots, and any logs or documents related to towing services initiated within the District of Columbia.”

7. Unlawful Deposit of Inoperable Vehicle
16 DCMR § 410.10
Collateral \$200.00

“It shall be unlawful for a tow truck operator to deposit upon public space a vehicle that is inoperable or in a state of disrepair, except temporarily and for emergency purposes at the direction of a police officer or other authorized official. It shall also be unlawful for a tow truck operator to deposit such vehicles upon private property except with the express permission of the owner of such property.”

8. Initiating Private Tow Without Written Consent
16 DCMR § 407.2
Collateral \$100.00

Before a towing business may undertake the private tow of a vehicle in the District of Columbia, the towing business must obtain written consent for the tow from the owner, lien holder, owner’s agent, or operator of the vehicle.” (CALEA 61.4.3-6)

9. Unauthorized Removal of Accident Vehicle
16 DCMR § 410.3
Collateral \$100.00

“In any accident case requiring a report to the police, it shall be unlawful for a tow truck operator to move a vehicle involved in that accident from the position in which the

vehicle came to rest after the accident until authorized to do so by a police officer, except in life threatening situations, or to the extent necessary to free person(s) who may be trapped in or by the vehicle.”

10. Unlawful Scanner
16 DCMR § 410.8
Collateral \$100.00

“It shall be unlawful for any towing business owner or tow truck operator, and any person acting on his/her behalf, to install or maintain in a tow truck or in any other place, a radio receiver capable of being tuned to the MPD radio frequencies.”

11. Failure to Display License Properly
16 DCMR § 403.4
Collateral \$100.00

“The license shall be affixed and prominently displayed on the tow truck, in a location specified by the Director.”

12. Failure to Mark Tow Truck Properly
16 DCMR § 404.2
Collateral \$100.00

“The trade name, primary location of business and primary phone number of the towing business shall appear on both doors of the cab of the tow truck in contrasting paint or vinyl lettering not less than 3” in height.”

13. Failure to Mark Tow Truck Properly
16 DCMR § 404.3
Collateral \$100.00

“The minimum and maximum private towing and storage fees charged by the towing business shall appear on both sides of the tow truck in contrasting paint or vinyl lettering not less than 2” in height.”

14. Failure to Mark Tow Truck Properly
16 DCMR § 404.4
Collateral \$100.00

“The unique alphanumeric identifier issued by DCRA to each tow truck shall appear on both sides of the tow truck in contrasting paint or vinyl lettering not less than 1” in height.”

15. Failure to Provide "Owner Bill of Rights"
16 DCMR § 405.7
Collateral \$100.00

"A printed "Owner's Bill of Rights for Towed Vehicles" statement, issued by the Director, shall be given to the vehicle owner or operator by the tow truck operator before initiating the tow, if either the vehicle owner or operator is on the scene of the tow. The holder of a "Basic Business License Endorsement for a Towing Service Storage Lot" shall conspicuously post, at each towing service storage lot, the "Owner's Bill of Rights for Towed Vehicles" statement and, upon release of the vehicle, shall provide a copy of the statement to the person to whom the vehicle is released."

16. Failure to Clear Accident Debris
16 DCMR § 411.9
Collateral \$100.00

"Tow truck operators shall be responsible for removing all accident debris from the roadway before towing any vehicle involved in a collision..."

17. All Other Violations

All other towing violations not listed in this directive carry a collateral of \$100.00.

SAMPLE NOTIFICATION LETTER

Metropolitan Police Department

[District Letterhead]

[Owner Name]
[Owner Address]

Dear Sir/Madam:

Our records indicate that you are the listed owner of record for the following vehicle, which has been reported stolen:

Year	Make	Model	Color
_____	_____	_____	_____
_____	_____		

License Tag No. _____ Vehicle Identification Number (VIN) _____

This is to notify you that your vehicle was recovered by [Rank and Name/Badge Number], assigned to the Metropolitan Police Department's _____ District, [Unit Phone Number] on [Date] at [Location].

At the time of its recovery, it was not necessary for the Department to retain custody of your vehicle; therefore, it was turned over to [Towing Company Name], located at [Address]; Phone Number (____)-____-____.

You are encouraged to contact the towing company immediately to confirm that your vehicle is in their custody. Please notify your insurance company (if applicable) and make arrangements to claim your vehicle as well as satisfy any towing/storage fees that are due. (Please be aware that the amounts of your towing and storage charges are controlled by District regulations.) When responding to your vehicle, please bring proof of ownership (registration/title) and photo identification.

When recovered, your vehicle was described as being [Condition of Vehicle: Driveable/Not Driveable/Stripped; No Tires/Battery/Other Parts; Ignition Damage (Yes/No); Arrest(s) Made (Yes/No). Personal property removed for safekeeping, if any, is listed in the District Property Book at page ____.

I hope that our recovery of your vehicle and this notification has been of assistance to you. To obtain any additional information, please contact the recovering officer (named above) or the member investigating your case. Please refer to our Central Complaint Number [Year]-[CCN]_____.

Sincerely,

[Signature – District Commander]

GO-OPS-303.03 Tow Crane Operation and Enforcement
Attachment B
Sample Notification Letter
Revised 10/18/06

MUNICIPAL REGULATIONS

Following is a summary of the basic provisions of 16 DCMR, Section 400 (Towing Service for Motor Vehicles). A complete text version of these regulations may be found at the MPD intranet site, "MPDC Inside".

A. Applicability

The regulations apply to every person and entity that provides, or offers to provide, towing services and storage facilities for towed vehicles in the District of Columbia.

B. Non-Applicability

The regulations do not apply to the following:

1. Government agencies towing vehicles they own or control.
2. Tow trucks owned or operated by the Federal Government, or District of Columbia Government.
3. Persons or entities towing their own vehicles, wherein services are not offered to the public.
4. Vehicles towed into, or through, the District if the tow originates in another jurisdiction, and the tow truck is licensed in that other jurisdiction.
5. Tow trucks registered in another jurisdiction responding to a call from the owner or operator for the removal of a motor vehicle from D.C. into another jurisdiction.

C. The following are key provisions of the new regulations:

1. Inspections (Section 401)
 - a. DCRA, and other authorized government officials, are authorized to inspect towing businesses, storage lots, equipment, trucks, logs, and documents.
 - b. All documents and records shall be maintained at the primary business location for at least three (3) years.
 - c. Upon demand from the Director, or his/her designated agent or other authorized government official, surrender records within one (1) hour.
2. Business Licenses (Section 402)

- a. Individual licenses are required for towing businesses, tow trucks, and towing storage lots.
 - b. No person may operate a tow truck, or own or operate a towing business or storage lot, if convicted within the past five (5) years of a felony or misdemeanor, the elements of which involved vehicle theft or fraud, to include tampering, UUV, and taking property without right.
3. Tow Truck License (Section 403)
- a. Each tow truck shall be inspected and licensed by DCRA.
 - b. A unique alphanumeric identifier is issued for each truck.
 - c. The license is required to be affixed to the tow truck.
 - d. Tow trucks must be registered in D.C. (D.C. tags).
4. Required Equipment and Markings (Section 404)
- a. Tow trucks shall have required equipment and markings.
 - b. Trade name, business location, and phone number shall appear on both doors.
 - c. The unique alphanumeric identifier shall appear on both sides of the tow truck.
5. Storage Lot Requirements (Section 405)
- a. All storage lots must be in D.C..
 - b. Storage lots shall be secured with descriptive signage.
 - c. The storage lot must maintain a log of all towed vehicles.
 - d. Shared storage lots must be separated and marked.
 - e. The log must include the TCN for each public tow.

- f. "Owners Bill of Rights for Towed Vehicles" must be posted at the storage lot, and shall be provided to the owner at the time of the tow, and at the time of release.
- 6. Public Tows (Section 406)
 - a. A TCN is required before conducting a public tow.
 - b. The TCN shall be placed on the towed vehicle in a manner determined by DPW.
 - c. A NOI shall be issued for violation of "parked on private property" before the vehicle is towed.
 - d. The NOI number is to be provided to DPW for each private property tow.
- 7. Private Tows (Section 407)
 - a. Private tows are not subject to provisions governing public tows.
 - b. Private tows require written consent of the owner/operator of the vehicle.
- 8. Payment for Services (Section 408)
 - a. DCRA sets maximum fees for public tows.
 - b. No extra towing charges will be applied unless approved by DCRA.
- c. Upon payment of fees, the storage lot must provide a copy of the NOI, TCN, an itemized statement of charges, a receipt, and the "Owner's Bill of Rights for Towed Vehicles" when the vehicle is released.

Contact List Tow Crane Operation and Enforcement

1. Regulatory Complaints DCRA (202) 442-8676
2. Locate a towed Vehicle (202) 727-5000 or www.dpw.dc.gov
3. Post Notification Letters at Police Headquarters, Police Mailroom, 300 Indiana Avenue, N.W. Room 4036