

	<b>Whitewater Police Department Policy Manual</b>	
	Text Name: <b>TOWROT</b>	
	Title: <b>Tow Rotation Procedures</b>	
Issue Date: 02/21/2025	Last Revision:	Reviewed:
Special Instructions:	WILEAG Standard: 6.1.1, 6.1.7	

**I. PURPOSE**

The purpose of this policy is to provide guidance to Whitewater Police Department personnel requesting a tow through the Communications Center. Further, this policy and procedure regulates how the Whitewater Police Department will administer the tow rotation list and contractual tows.

**II. POLICY**

The Whitewater Police Department will use fair practices when contacting tow companies to remove vehicles from City streets. This policy follows recommended best practices based on the Wisconsin Department of Transportation Emergency Traffic Control and Scene Management Guidelines. Tow companies requesting to be registered in the voluntary rotational call-out list or those that are contracted to provide tow service for the Whitewater Police Department must follow all applicable terms and conditions of this policy pertaining to their participation in such services.

**III. DEFINITIONS**

- A. Rotational Tow List: This is a voluntary, non-preference tow list maintained and dispatched by the Whitewater Communications Center for tow services on behalf of the public that the individual vehicle or equipment owners that are financially responsible for paying.
- B. Tow Company: Those companies engaged in the business of towing vehicles or equipment for compensation that are authorized by the Whitewater Police Department to provide services via rotational tow list or contractual tows, of which the terms of this policy and procedure apply. To be considered a tow company, the company must satisfy all requirements provided in Section IV. below.

**IV. PROCEDURES**

- A. Requirements to be Considered a Tow Company and for Placement on the Rotational Tow List
  - 1. Tow Company must be a City of Whitewater-based business as defined below:
    - a. Has a physical “brick and mortar” business location inside the borders of the City of Whitewater meeting the following minimum standards:
      - i. A permanent commercial building occupied by the tow company and

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not shared with any other tow company.

- ii. Complies with zoning and conditional use requirements for operating a wrecker business. Compliance must be maintained with the zoning authority having jurisdiction over the location and that authority must provide documentation that the business is zone correctly for the location.
  - iii. Where company's normal business is transacted and where business records are maintained.
  - iv. Where the company maintains its equipment
  - v. The company must maintain phone service and shall provide one (1) 24-hour telephone number that is to be called for service. This 24-hour number shall be published in the local directory or searchable by internet and accessible to the public 24-hours per day.
- b. For the purposes of this policy, each tow company must have a unique owner and must maintain its own physical brick and mortar business location inside the borders of the City of Whitewater that is not shared with any other tow company and that independently meets the eligibility requirements of Section IV.A.1. Nothing in this policy is intended to limit the number of tow companies that can be owned and/or operated by a business owner; however, each Tow Company must maintain separate ownership interests and maintain separate physical "brick and mortar" business locations.
- c. The tow company must maintain the ability to provide secure storage of vehicles.
- i. A secure indoor storage facility capable of storing a towed vehicle for a minimum of five consecutive days; or
  - ii. A secure outdoor storage facility which is surrounded by a fence of wood, metal, chain link or masonry no less than six feet in height and capable of storing a vehicle for a minimum of five consecutive days.
- d. The tow company must meet the minimum equipment requirements.
- i. Light Duty Tow Service – Company shall have a minimum of one flatbed car carrier with a GVWR of 14,500 pounds and a flatbed at least 19 feet in length.
  - ii. Heavy Duty Tow Service – Company shall have at minimum of one tow truck equipped with the following: hydraulically operated boom

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with minimum 25-ton capacity, tandem axle, air brakes, equipped with an underlift, and capable of safely towing a loaded (max 80,000 pound) semi-trailer.

- e. The tow company shall demonstrate and maintain the following insurance coverage.
  - i. Public Liability Insurance minimum coverage \$1,000,000
  - ii. Garage Keepers Liability Insurance no less than \$100,000 with deductible no greater than \$1,000
  - iii. On Hook or In Tow not less than \$100,000 with deductible no greater than \$1,000
  - iv. The City of Whitewater shall be named as “Additional Insured” and must be notified of any changes. **A copy of the most current policy shall be on file with the Whitewater Police Department.**
- f. The tow company is responsible for removing any debris, except hazardous substances as defined in Wis. Stat. 292.01(5), on the roadway or roadway right of way that may be the result of a vehicle disablement or crash prior to leaving the incident scene.
  - i. Tow operators shall have the following equipment on each wrecker:
    - a) A minimum of 50 pounds of oil absorbent
    - b) Heavy duty trash bags
    - c) At least one heavy duty push broom
    - d) At least one scoop shovel

### B. Administration of Tow Rotation

1. The Whitewater Police Department will provide one annual opportunity for tow companies to apply to be on the rotational tow list. Applications will be accepted during the month of September of each year and approved to be on the rotational list by January 15<sup>th</sup> of each year.
2. The tow company called is the tow company that must respond. One tow company may not “substitute” or trade places with another tow company on the tow rotation. Each tow company must remain in their place in the rotation. If a tow company is not able to respond in a timely manner to a particular call, that tow company must wait a full rotation before being called again.
3. The Police Department will determine which tow companies are placed on the

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rotation list based on the criteria listed in the application. All companies meeting the minimum requirements will be added to the tow rotation.

4. Citizens requesting a specific tow company, on or off the rotation list, shall be requested to summon that tow by calling the tow company themselves. If any of the following situations are present, the citizen request for a specific tow will not be granted and the next on the list shall be summoned:
  - a. If the vehicle is a road hazard.
  - b. If the citizen is not capable of waiting on scene for their preferred tow company to arrive (i.e. is being transported by EMS).
  - c. It is reasonable to believe that the tow company will likely require law enforcement assistance to safely recover the vehicle, once on-scene.
  
5. Summoning a Rotational Tow
  - a. The officer will request the dispatcher to summon the next tow on the list for the location needed.
  - b. The officer summoning the tow shall make every effort to ensure that the tow will actually be needed to perform work prior to requesting the tow. The Police Department recognizes that a tow company is expending time and resources to respond in good faith belief that they will be able to recover compensation for the services provided. However, if a tow company is contacted but is canceled, they will not lose their position in the tow rotation, and will remain the next up on the rotation.
  - c. The Communications Center will maintain a spreadsheet for the tow rotation list. Following the rotation list, the dispatcher will contact the next tow company on the list to provide the tow.
    - i. If the tow company agrees to the tow, the dispatcher will document the plate or VIN, vehicle description, location, call number, and any other pertinent information in the spreadsheet and call notes.
    - ii. If the call is for multiple vehicles, the tow rotation list will be utilized for each involved vehicle (i.e. the first company will not automatically tow multiple involved vehicles).
    - iii. If the tow company does not answer, the dispatcher will leave a voicemail stating, "This is the Whitewater Police Department contacting you for a rotational tow, we are moving on to the next company on the list," and document "No Answer" on the tow

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rotation list. The dispatcher will then move on to the next tow company in the rotation, unless the tow company calls back before the dispatcher has a chance to move on to the next tow company on the list.

- iv. If the tow company refuses the tow, the dispatcher will document the reason for the refusal and move to the next tow company on the list.

### C. Rules and Prohibited Actions Concerning Tow Companies

#### 1. Violations or Complaints

- a. Investigation: The Whitewater Police Department, or its designee, is responsible for investigating any violations of the terms or provisions of this policy and procedure, federal, state or local law; or complaints made against a tow company by the public or by any agent of the Whitewater Police Department.
- b. Temporary Suspension During Investigation: Depending on the severity of the alleged violations or allegations against a tow company, the Police Department may suspend a tow company or tow driver from being utilized until the complaint and allegations can be thoroughly investigated and an appropriate and fair decision is rendered.

#### 2. Corrective Actions

- a. Proposed Resolution: If the complaint is not serious in nature and can be resolved by compromise, the Police Department may coordinate with the tow company to address the violation or the complaint.
- b. Verbal Warning
- c. Written Warning
- d. Suspension
- e. Termination

- 3. Determination: The Patrol Captain, or designee, will make a determination and notify a tow company in writing of the results of an investigation and any corrective action that will be applied or that has been agreed to.

#### 4. Grievance

- a. If a tow company does not agree with the corrective action imposed

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upon it, within seven (7) days of receipt of the notice of determination, the tow company must appeal the determination of a violation or complaint made against it by requesting an in-person hearing. Such a request must be made in writing or via email and must be directed to the Patrol Captain.

- b. A tow company must also request a hearing to resolve any complaint the tow company may have against the Whitewater Police Department administration of this policy. The tow company's complaint shall be directed to the Patrol Captain in writing or email and specify the nature of the complaint including the detailed facts regarding the allegations; if the complaint is regarding any person's alleged conduct, the identity of the person; and any supporting documentation that would establish a basis for the complaint.
  - c. If the tow company's complaint against the Police Department is based upon an allegation of missed rotation calls, or inequitable call-outs, the tow company shall first request and examine the Police Department's records before a hearing date is set. This will provide both parties an opportunity to correct any inadvertent errors or omissions in tow call-outs.
5. Hearing
- a. The hearing will be held at the Whitewater Police Department located at 312 W. Whitewater St. 53190, at a date and time agreed upon by the tow company and Police Department.
  - b. Hearings will only be conducted for corrective actions of suspension or termination from the tow rotation list, not for written warnings or lesser corrective actions.
  - c. The hearing will be conducted with the Police Chief, Administrative Captain, Patrol Captain, and any other person the Police Chief requests to be present.
  - d. The Police Chief, or designee, shall chair the hearing and is responsible for any procedural determination required during the hearing, as well as the final determination following the hearing. If the hearing is related to a final determination for a complaint against the tow company, the Chairperson shall not be the same person who made the initial determination of that complaint.
  - e. The Chairperson shall inform the parties of the complaint allegations and the determination or proposed resolution.

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- f. The tow company shall have the opportunity to respond to the violation or complaint allegations.
- g. The calling of witnesses, taking of testimony, and cross-examination of witnesses shall be allowed only at the discretion of the Chairperson.
- h. Following the hearing, the Police Chief, or designee, shall make a final determination regarding the complaint and will notify the tow company in writing.