



**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
POLICE COMPLAINTS BOARD  
OFFICE OF POLICE COMPLAINTS**

**Office of Police Complaints  
Michael G. Tobin, Executive Director**

**POLICE COMPLAINTS BOARD  
Paul Ashton, Chair  
Commander Morgan Kane  
Bobbi Strang  
Kurt Vorndran**

**PCB POLICY REPORT #18-1:  
OFFICERS PARKING AND TOWING VEHICLES**

**Summary of Issue:**

Over the past year, investigators with the Office of Police Complaints (OPC) have noticed a high volume of complaints that pertain to complainants' vehicles being parked by Metropolitan Police Department (MPD) officers or towed in a manner that is inconsistent with General Order 303.03: Tow Crane Operation and Enforcement,<sup>1</sup> and/or results in adverse consequences for the complainant, such as ticketing, theft, and towing. This report highlights some examples of the issue and further examines what might be causing these problems to occur.<sup>2</sup>

**Case Examples:**

It is illustrative to look at specific complaints that have been brought to OPC as examples of the confusion that officers face in the field, and the consequences of the officers' choices for the community members.

Example 1: In July, 2017, the complainant was riding his motorcycle and was involved in an accident that resulted in him being transported to the hospital via ambulance. A MPD member rode the complainant's motorcycle to a nearby gas station. Some involved officers told OPC that a tow truck was to pick up the motorcycle from the gas station, but there is no documentation of a tow truck in fact picking up the motorcycle. In addition, none of the involved officers waited with the motorcycle for a tow truck to arrive. However, another one of the involved officers informed the complainant that his motorcycle was merely left at the gas station. When the complainant attempted to retrieve his motorcycle it was not at the gas station.

Example 2: In October, 2017, the complainant's car was seized as evidence for the offense of leaving after colliding, commonly referred to as a hit and run. During a court appearance in

---

<sup>1</sup> Available at <https://go.mpdconline.com/GO/3772000.pdf>.

<sup>2</sup> The Police Complaints Board (PCB) is issuing this report pursuant to D.C. Code § 5-1104(d), which authorizes the Board to recommend to the District of Columbia Mayor, Council, MPD Police Chief, and the Director of District of Columbia Housing Authority reforms that have the potential to improve the complaint process or reduce the incidence of police misconduct.

December, 2017, the judge ordered that the car be released to the complainant. When the complainant spoke to MPD to determine how to retrieve his car, he was informed that his car had been towed by a private tow company and was given their contact information. The complainant contacted the private tow company, and he was told that his car had been destroyed.

Example 3: In December, 2017, the complainant was stopped and arrested while driving his father's car. The officers attempted to find a family member to get the car, but were unable to do so. The officers discussed towing or parking the car, and ultimately decided to park the car in a legal spot. However, the car was actually parked by a MPD officer in such a way that it blocked a driveway, which is illegal. When the complainant's father went to retrieve the car, it had been ticketed and towed.

These complaints merely exemplify some of the issues that arise when people's vehicles are parked or towed by MPD officers without sufficient guidance that causes concern for the PCB.<sup>3</sup>

### **Applicable Directives:**

General Order 303.3, Tow and Crane Operation and Enforcement, addresses the issue of the handling of vehicles for several situations, including traffic impoundment, police impoundment, and accident vehicle.<sup>4</sup> The General Order provides guidance in several different clauses.

When an officer makes a traffic stop involving an unregistered vehicle, General Order 303.3 §(C)(4)(b)(1) specifies that the officer can impound that vehicle as a traffic impoundment:

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.  
MPD Gen. Order 303.3 §(C)(4)(b)(1&2)(2006).

Later, it specifies that: "For cases outlined in IV.C.4.b.(1)...above, the member shall request a tow from UCC." MPD Gen. Order 303.3 §(C)(4)(d)(2006). And finally, Section c dictates that "DWI, DUI, No Permit, and other traffic arrests are not to be handled as Traffic Impoundments, but are categorized as Police Impoundment (Prisoner Property)." (emphasis in original). MPD Gen. Order 303.3 §(C)(4)(c)(2006).

On the other hand, when an arrest is made and the vehicle is not needed as evidence, Section 5 dictates that the car is considered Prisoner Property and, "with the operator's permission, the vehicle . . . may be left legally parked on the streets or turned over to a licensed

---

<sup>3</sup> From October 1, 2017 through January 26, 2018, OPC had received 14 complaints related to officers parking or towing a vehicle.

<sup>4</sup> These are the relevant categories for the complaints received by OPC.

operator.” If those options are not available to the officer and when the operator makes such a request, then Section 5 specifies that the vehicle can be handled as a police impoundment and towed. The facts of any given situation can however, render the application of General Order 303.3 confusing at best.

When a vehicle is deemed evidence in a crime, then General Order 303.3 §(C)(5)(b) specifies that the officer can impound that vehicle as a police impoundment:

MPD members may direct the impoundment of vehicles (no impound-ment 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:

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.

However, later in that same section the General Order contradicts itself by stating:

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. MPD Gen. Order 303.3 §(C)(5)(e)(1)(2006).

This would imply that merely the owner of the tow truck that picks the vehicle up changes the purpose of seizing the vehicle. This is illogical, if an officer calls for a tow for a vehicle because it is evidence of a crime, that doesn't change based on which tow truck arrives at the scene.

For traffic impoundment and police impoundment, §(C)(4)(h) and §(C)(5)(e) respectively, outline the proper documentation that is needed in each circumstance.

When a vehicle is involved in an accident, then General Order 303.3 §(C)(6)(a) directs:

- 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.

The general order does not provide guidance on whether or not an assessment should be made of drivability of the vehicle, or whether the condition of the driver should be taken into account.

General Order 303.3 §(C)(6)(d) continues:

- 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.

This means that even for a tow resulting from an accident, there needs to be documentation.

Through the complaint examination process for OPC Complaint Number 17-0107/0108, the involved officers brought it to OPC's attention that there was also a District Directive issued via email to members in the district that the district's impoundment lot was overcrowded, and that officers were "not to have vehicles towed to the [] Lot without having this understanding." The officers involved in the complaint took this directive to mean that they were not to tow vehicles. This resulted in them moving the complainant's vehicle without his permission to do so, even though the General Order in §(C)(5)(c)(1) dictates that they needed permission.

### **Policy Concerns:**

Community members face significant consequences resulting from the decisions of MPD officers to move or tow their cars based on insufficient or contradictory department guidance. The PCB is concerned that these and similar situations are leading community members to feel that MPD officers are insensitive to the outcomes of the decisions they make. However, reviewing the General Order makes it obvious that it is easy to be confused by what is required in any given situation.

In Example 1 above, it is apparent that the officers wanted to move the motorcycle to clear the roadway, but there was a lack of communication and proper documentation to ensure the motorcycle was safeguarded. The result is that the complainant's motorcycle is now presumed stolen, and has not been located.

In Example 2, it seems that there was a mistake in allowing a private tow company to tow a car that was evidence of a crime. Yet, the only documentation of the tow was notations made on the arrest paperwork. The result is that the complainant's car was destroyed, and he has not yet been able to find an adequate recourse or compensation.

In Example 3, while the officers were attempting to save the complainant the cost of a tow truck by parking the car, the carelessness by which this was done ultimately led to the complainant not only having the cost of the tow, but an additional fine for the ticket for the car being illegally parked.

In several of the complaints received by OPC, it is apparent that the officers are trying to do the right thing. However, confusion and carelessness caused by insufficient or contradictory department guidance means that the complainant often ends up harmed instead. The Department must ensure that its officers are aware of the appropriate ways to apply the General Order. Further, the Department must ensure that all officer actions are properly documented. Since

many of the situations where an owner is being separated from their vehicle are stressful ones for the owner, they need to be able to easily find information about their vehicle after the fact.

The loss of a vehicle, even temporarily, can result in significant financial costs, in addition to the abrupt challenges it imposes for attending school, medical appointments, and work. In some employment scenarios, the temporary loss of a vehicle can even mean the loss of a job. In addition, and perhaps even more significantly, the repeated failure to properly safeguard vehicles may lead to community distrust.

### **Recommendations**

To help improve and facilitate better relations and increase trust between MPD officers and community members, the PCB recommends that:

1. MPD should update, amend, and reissue General Order 303.03<sup>5</sup>, clarifying guidance and making it easier for officers to understand what is expected of them in a given situation related to the need to move a vehicle. This guidance should also make clear the documentation that officers are required to complete for moving or towing a vehicle, and providing the vehicle's owner the ability to locate the vehicle.
2. MPD should establish a mechanism to ensure supervisory review of the process and documentation when vehicles are moved or towed, in addition to systematic auditing to identify lapses in procedures.
3. MPD should update and deliver training to officers (both recruits and experienced officers) on this updated General Order, with an emphasis on the proper way to park or tow a vehicle to avoid theft, damage, or the inability of the owner to locate the vehicle.
4. MPD should ensure that District Directives do not conflict with Department-wide directives for moving or towing vehicles.<sup>6</sup>

---

<sup>5</sup> In response to a draft of this report sent to MPD, MPD informed OPC and the PCB that MPD intends to update General Order 303.03.

<sup>6</sup> While this recommendation is specifically related to the issue of parking or towing vehicles, it is important that District Directives do not conflict with Department-wide directives in general as this causes confusion for members and the public.