

## Vehicle Towing and Release

### 510.1 PURPOSE AND SCOPE

This policy provides the procedures for towing a vehicle by or at the direction of the Red Bluff Police Department. Nothing in this policy shall require the [Department/Office] to tow a vehicle.

### 510.2 STORAGE AND IMPOUNDS

When circumstances permit, for example when towing a vehicle for parking or registration violations, the handling employee should, prior to having the vehicle towed, make a good faith effort to notify the owner of the vehicle that it is subject to removal. This may be accomplished by personal contact, telephone or by leaving a notice attached to the vehicle at least 24 hours prior to removal. If a vehicle presents a hazard, such as being abandoned on the roadway, it may be towed immediately.

The responsibilities of those employees towing, storing or impounding a vehicle are listed below.

#### 510.2.1 VEHICLE STORAGE REPORT

[Department/Office] members requesting towing, storage or impound of a vehicle shall complete CHP Form 180 and accurately record the mileage and a description of property within the vehicle (Vehicle Code § 22850). A copy of the storage report should to be given to the tow truck operator and the original shall be submitted to the Records Center as soon as practicable after the vehicle is stored.

#### 510.2.2 REMOVAL FROM TRAFFIC COLLISION SCENES

When a vehicle has been involved in a traffic collision and must be removed from the scene, the officer shall have the driver select a towing company, if possible, and shall relay the request for the specified towing company to the dispatcher. When there is no preferred company requested, a company will be selected from the rotational list of towing companies in the Dispatch Center.

If the owner is incapacitated, or for any reason it is necessary for the Department to assume responsibility for a vehicle involved in a collision, the officer shall request the dispatcher to call the on-call rotational tow company for the City of Red Bluff. The officer will then store the vehicle using a CHP Form 180.

#### 510.2.3 STORAGE AT ARREST SCENES

Whenever a person in charge or in control of a vehicle is arrested, it is the policy of this [department/office] to provide reasonable safekeeping by storing the arrestee's vehicle subject to the exceptions described below. The vehicle, however, shall be stored whenever it is needed for the furtherance of the investigation or prosecution of the case, or when the community caretaker doctrine would reasonably suggest that the vehicle should be stored (e.g., traffic hazard, high-crime area).

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The following are examples of situations where consideration should be given to leaving a vehicle at the scene in lieu of storing, provided the vehicle can be lawfully parked and left in a reasonably secured and safe condition:

- Traffic-related warrant arrest.
- Situations where the vehicle was not used to further the offense for which the driver was arrested.
- Whenever the licensed owner of the vehicle is present, willing, and able to take control of any vehicle not involved in criminal activity.
- Whenever the vehicle otherwise does not need to be stored and the owner requests that it be left at the scene. In such cases, the owner shall be informed that the [Department/Office] will not be responsible for theft or damages.

#### 510.2.4 IMPOUNDMENT AT SOBRIETY CHECKPOINTS

Whenever a driver is stopped at a sobriety checkpoint and the only violation is that the operator is driving without a valid driver's license, the officer shall make a reasonable attempt to identify the registered owner of the vehicle (Vehicle Code § 2814.2). The officer shall release the vehicle to the registered owner if the person is a licensed driver, or to another licensed driver authorized by the registered owner, provided the vehicle is claimed prior to the conclusion of the checkpoint operation.

If the vehicle is released at the checkpoint, the officer shall list on his/her copy of the notice to appear the name and driver's license number of the person to whom the vehicle is released.

When a vehicle cannot be released at the checkpoint, it shall be towed (Vehicle Code § 22651(p)). When a vehicle is removed at the checkpoint, it shall be released during the normal business hours of the storage facility to the registered owner or his/her agent upon presentation of a valid driver's license and current vehicle registration.

#### 510.2.5 ABANDONED VEHICLE AND 72-HOUR PARKING TOW

Suspected abandoned vehicles will be investigated and removed pursuant to provisions of the California Vehicle Code. It is the responsibility of every officer and CSO to identify and investigate suspected abandoned vehicles, when applicable, regardless of daily assignment. This section does not cover the Vehicle Abatement Process.

A. Indicators of possible abandoned vehicles or vehicles left standing on a city street or highway:

- Dirt, debris, and/or cobwebs on or under the vehicle
  - Flat tire(s) and/or other non-operational, broken or missing vehicle parts
  - Expired vehicle registration
  - Call for service from a citizen / community member alerting the Department of a possible abandoned vehicle or vehicle left standing for over 24 consecutive hours
- I. The involved vehicle should be investigated properly by:

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1. CLETS check through Dispatch
  2. CAD Incident Entry through dispatch to include
    - Date/Time Vehicle Marked
    - Location of Vehicle
    - Color, year, make, model, and license plate state and license plate number of vehicle
  3. Placing a 72-Hour warning notice on the vehicle windshield or other visible area
  4. Chalk marking the area around the tire(s) of the vehicle
    - Vehicles marked must be parked on a city street or highway
  5. Request a copy of the CAD incident forwarded to the CSO group for follow-up with a copy to the patrol supervisors for information and assignment to patrol as necessary
    - (a) Confirmation to Dispatch that the vehicle was marked and tagged for follow-up in the CAD entry
- II. Follow-Up
1. After 24-hours
    - (a) if the vehicle was not moved: A parking citation for Red Bluff City Code (RBCC) 13.13 - 24-hour parking should be issued
  2. After 72-hours
    - (a) if the vehicle has been moved advise dispatch that follow-up is complete and no further action is necessary
    - (b) if the officer is unsure if the vehicle was moved, the investigation process should restart
    - (c) if the vehicle was not moved, tow and store the vehicle per policy guidelines
- III. References
1. 22523 CVC - Abandoned vehicle on a highway prohibited, or upon public or private property without consent
  2. 22651(k) CVC - Authorization to remove a vehicle from a highway when parked or left standing for 72 or more consecutive hours in violation of a local ordinance
  3. 13.11 Red Bluff City Code - Authorization to remove a vehicle left standing for 72 or more consecutive hours
  4. 13.13 Red Bluff City Code - No vehicle shall be stopped or left standing upon any street, alley, or public way for a period of more than 24 consecutive hours
  5. 13.13-1 Red Bluff City Code - No vehicle or trailer shall be parked at the Marina Parking Lot for more than 72 consecutive hours

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Storage and processing of abandoned vehicles should generally be done during daytime hours except with supervisor approval.

B. Vehicles marked in accordance with this policy shall not be towed and stored until:

- (a) The vehicle is checked a minimum of 72-hours later, and found to be in the same position as the time it was marked.
  - 1. if there is any doubt in the mind of the officer as to the sameness of the position, the vehicle should be re-marked and the process re-started
- (b) 22669 CVC (refer to code section)
  - 1. Any peace officer who has reasonable grounds to believe the vehicle has been abandoned pursuant to Section 22523 may remove the vehicle from a highway or from public or private property.
  - 2. Motor vehicles which are parked, resting, or otherwise immobilized on any highway or public right-of-way and which lack an engine, transmission, wheels, tires, doors, windshield, or any other part or equipment necessary to operate safely on the highways of this state, are hereby declared a hazard to public health, safety, and welfare and may be removed immediately upon discovery by a peace officer or other designated employee of the state, county or city.

#### 510.2.6 DRIVING A NON-CITY VEHICLE

Vehicles which have been towed by or at the direction of the Department should not be driven by police personnel unless it is necessary to move a vehicle a short distance to eliminate a hazard, prevent the obstruction of a fire hydrant or to comply with posted signs.

#### 510.2.7 DISPATCHER'S RESPONSIBILITIES

Upon receiving a request for towing, the dispatcher shall promptly telephone the specified authorized towing service. The officer shall be advised when the request has been made and the towing service has been dispatched.

When there is no preferred company requested, the dispatcher shall call the next firm in rotation from the list of approved towing companies and shall make appropriate entries on that form to ensure the following firm is called on the next request.

#### 510.2.8 RECORDS CENTER RESPONSIBILITY

Dispatch personnel shall promptly enter pertinent data from the completed storage form (CHP Form 180) into the Stolen Vehicle System and return the form to the Shift Sergeant for approval (Vehicle Code § 22651.5(b); Vehicle Code § 22851.3(b); Vehicle Code § 22854.5).

Approved storage forms shall be promptly placed into the auto-file so that they are immediately available for release or review should inquiries be made.

Within 48 hours, excluding weekends and holidays, of the storage of any such vehicle it shall be the responsibility of the Records Center to determine the names and addresses of any individuals having an interest in the vehicle through DMV or CLETS computers. Notice shall be sent to all

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such individuals by first-class mail (Vehicle Code § 22851.3(d); Vehicle Code § 22852(a); Vehicle Code § 14602.6(a)(2)). The notice shall include the following (Vehicle Code § 22852(b)):

- (a) The name, address, and telephone number of this [Department/Office].
- (b) The location of the place of storage and description of the vehicle, which shall include, if available, the name or make, the manufacturer, the license plate number, and the mileage.
- (c) The authority and purpose for the removal of the vehicle.
- (d) A statement that, in order to receive their post-storage hearing, the owners, or their agents, shall request the hearing in person, in writing, or by telephone within 10 days of the date appearing on the notice.

#### **510.3 TOWING SERVICES**

The City of Red Bluff periodically selects a firm to act as the official tow service and awards a contract to that firm. This firm will be used in the following situations:

- (a) When it is necessary to safeguard a vehicle due to the inability of the owner or operator to take the required action.
- (b) When a vehicle is being held as evidence in connection with an investigation.
- (c) When it is otherwise necessary to store a motor vehicle. This would include situations involving the recovery of stolen or abandoned vehicles, and the removal from the streets of vehicles obstructing traffic in violation of state or local regulations.

#### **510.4 VEHICLE INVENTORY**

All property in a stored or impounded vehicle shall be inventoried and listed on the vehicle storage form. This includes the trunk and any compartments or containers, even if closed and/or locked. Members conducting inventory searches should be as thorough and accurate as practical in preparing an itemized inventory. These inventory procedures are for the purpose of protecting an owner's property while in police custody, to provide for the safety of officers, and to protect the Department against fraudulent claims of lost, stolen, or damaged property.

#### **510.5 SECURITY OF VEHICLES AND PROPERTY**

Unless it would cause an unreasonable delay in the completion of a vehicle impound/storage or create an issue of officer safety, officers should make reasonable accommodations to permit a driver/owner to retrieve small items of value or personal need (e.g., cash, jewelry, cell phone, prescriptions) that are not considered evidence or contraband.

If a search of a vehicle leaves the vehicle or any property contained therein vulnerable to unauthorized entry, theft, or damage, personnel conducting the search shall take such steps as are reasonably necessary to secure and/or preserve the vehicle or property from such hazards.

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### **510.6 RELEASE OF VEHICLE**

The [Department/Office] will maintain a listed, 24-hour telephone number to provide information regarding impoundment of vehicles and the right of the registered owner to request a storage hearing. Releases for towed vehicles will be made available during regular, non-emergency business hours (Vehicle Code § 14602.6).

- (a) Vehicles removed pursuant to Vehicle Code § 22850 shall be released after proof of current registration is provided by the owner or the person in control of the vehicle and after all applicable fees are paid (Vehicle Code § 22850.3; Vehicle Code § 22850.5).
- (b) Vehicles removed that require payment of parking fines or proof of valid driver's license shall only be released upon presentation of proof of compliance, proof of payment, completion of affidavit, and payment of applicable fees related to the removal (Vehicle Code § 22651 et seq., Vehicle Code § 22652 et seq., Vehicle Code § 22850.3; Vehicle Code § 22850.5).
- (c) A vehicle removed pursuant to Vehicle Code § 14602.6(a) shall be released to the registered owner or his/her agent with proof of current registration, proof of a valid driver's license, and applicable fees paid prior to the end of the 30-day impoundment period under any of the following circumstances:
  - 1. The vehicle was stolen.
  - 2. If the driver reinstates his/her driver's license or acquires a license and provides proof of proper insurance.
  - 3. Any other circumstance as set forth in Vehicle Code § 14602.6.
  - 4. When there is no remaining community caretaking need to continue impound of the vehicle or the continued impound would not otherwise comply with the Fourth Amendment.
- (d) An autonomous vehicle removed under authority of Vehicle Code § 22651(o)(1)(D) shall be released to the registered owner or person in control of the autonomous vehicle if the requirements of Vehicle Code § 22651(o)(3)(B) are met.

Personnel whose duties include releasing towed vehicles should consult the Vehicle Code under which the vehicle was towed or impounded for any specific requirements prior to release.

Employees who suspect that a vehicle was impounded in error should promptly advise a supervisor. Supervisors should approve, when appropriate, the release of the vehicle without requiring the registered owner or his/her agent to request a hearing, as described in the Vehicle Impound Hearings Policy.

### **510.7 VEHICLE RELEASE PROCEDURE**

#### **A. Definitions**

- (a) **Impounded Vehicle** - a vehicle removed under the authority of the vehicle code where further lawful requirement, as stated in the authority section, must be met prior to release. Further lawful requirement excludes cases where only the

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payment of a department service fee and/or issuance of a release form are required. Examples of additional lawful requirement would be

- (a) showing valid registration or driver's license
  - (b) issuance of a citation in lieu of providing valid registration or driver's license
  - (c) collection of evidence from the vehicle
  - (d) using the vehicle as evidence
  - (e) other lawful requirement, etc.
- (b) **Stored Vehicle** - a vehicle removed under the authority of the vehicle code that is not an impounded vehicle. These would be cases where the only requirement for releasing the vehicle would be the payment of a department service fee and/or obtaining a release form.
- (c) **Vehicle Abatement** - Pursuant to section 22660 of the vehicle code, vehicle abatement is the process of abating and removing as a public nuisance; abandoned, wrecked, dismantled, or inoperative vehicles or parts thereof from private property. Red Bluff City Code 13.54-13.64 cover procedures and the handling of abandoned vehicle abatement.
- (d) **Contents Only Release** - covers the removal of personal property that was inside the vehicle at the time of the tow. This can include clothing, papers, and personal items. It does not apply to items permanently affixed to the vehicle, i.e.; custom rims, in-dash stereos, other equipment, etc.

#### B. Release Procedure

1. Obtain the original CHP 180 for reference
2. Ascertain if there is a department hold on the vehicle, i.e.; incomplete investigation where the registered owner or responsible is needed for a statement.
  1. If an investigative hold has been placed on the vehicle, contact the on duty supervisor for authority to release the vehicle. The on duty supervisor may need to facilitate the investigative follow up.
  2. If unable to release the vehicle, the person requesting the release will be informed the vehicle is under impoundment and a supervisor should notify a division commander of the circumstances.
3. The person requesting the release must be someone who has the legal right to the car, i.e., registered owner, legal owner, the driver (absent suspicious circumstances) with supervisor approval, or a person who has written permission from the registered owner, etc. All identification presented for the release must be government-issued picture identification, unless approved by a supervisor.
4. **Contents Only release**
  1. Complete the RBPB Vehicle Release Form and stamp the form in red ink with a "CONTENTS ONLY" stamp.

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2. Make a copy of the release form, after it has been stamped, and provide the original to the person requesting the contents only release. The copy will be affixed to the original CHP 180 and returned to dispatch.
5. Proof of current registration must be provided under authority 22850.3(a) CVC. Proof can be a DMV receipt or an automated DMV registration request through CLETS. In lieu of current registration and at the discretion of the Watch Commander, a Notice to Appear for the registration violation (4000a) may be issued by a police officer, in conjunction with the vehicle release.
6. If the tow was for 22651 (o)(1) - Expired registration in excess of six months, etc., or 22651(p) - Driver suspended or unlicensed; the following criteria must be met to process the vehicle release:
  - (a) A person with a valid driver's license must be present at the time of the release with the person who has the legal right to the vehicle.
  - (b) The release is issued to the person having a legal right to the vehicle. If the person having a legal right to the vehicle is unlicensed or suspended, the valid driver's name and license number will be documented on the release and/or a copy attached.

#### **510.8 POST STORAGE HEARING (22852 CVC)**

- A. The requirements of California Vehicle Code Section 22852 concerning notification of owners and rights to a post storage hearing are facilitated via the mailing of the CHP 180 within 48 hours (excluding weekends and holidays), as required.
- B. In order for the registered or legal owner, or their agent(s), to facilitate a hearing they shall request the hearing in person, in writing, or by telephone using the Red Bluff Police Department Request for Post Storage Administrative Hearing form within 10 days of the date appearing on the storage notice (CHP 180).
- C. The post storage hearing shall be conducted by the Operations Division Commander, or his designee, within 48 hours of the request for hearing, excluding weekends and holidays.
  - (a) Failure of either the registered or legal owner, or his or her agent, to request or to attend a scheduled hearing shall satisfy the post storage hearing requirement.
- D. The Red Bluff Police Department shall be responsible for the costs incurred for towing and storage if it is determined in the post storage hearing that reasonable grounds for the storage are not established.
  1. The Operations Division Commander, or his designee, will determine if the vehicle was stored in compliance with state and local laws, and that reasonable grounds was present at the time of vehicle removal.
- E. The Post Storage Administrative Hearing does not apply to vehicles abated under the Abandoned Vehicle Abatement Program pursuant to 22660-22668 CVC & 22710 CVC; impounded vehicles for investigation pursuant to 22655 CVC (et seq); vehicles removed from private property pursuant to 22658; and abandoned vehicles removed



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pursuant to 22669 CVC that are determined by the Red Bluff Police Department to have an estimated value of \$500 or less.