

Vehicle Towing and Release

502.1 PURPOSE AND SCOPE

This policy provides the procedures for towing a vehicle by or at the direction of the Redding Police Department. Nothing in this policy shall require the Department to tow a vehicle.

502.2 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.

502.2.1 VEHICLE STORAGE REPORT

Department 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 be given to the tow truck operator and the original shall be submitted to the Lien Sale Officer/Traffic Supervisor as soon as practicable after the vehicle is stored.

502.2.2 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 SHASCOM.

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 towing company next on the rotational tow list. The officer will then store the vehicle using a CHP Form 180.

502.2.3 STORAGE AT ARREST SCENES

Whenever a person in charge or in control of a vehicle is arrested, it is the policy of this Department 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).

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:

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- 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 will not be responsible for theft or damages.

502.2.4 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.

502.2.5 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.

502.2.6 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.

502.2.7 RECORDS DIVISION RESPONSIBILITY

Records 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 Watch Commander for approval (Vehicle Code § 22651.5(b); Vehicle Code § 22851.3(b); Vehicle Code § 22854.5).

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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 Lien Sale Officer to determine the names and addresses of any individuals having an interest in the vehicle through DMV or CLETS computers. A notice shall be sent to all 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.
- (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, writing, or by telephone within 10 days of the date appearing on the notice.

502.2.8 STORAGE AND IMPOUND OF VEHICLES FOR SUSPENDED, REVOKED AND UNLICENSED DRIVERS

- (a) An officer shall store a vehicle pursuant to 22651(p) CVC when it is determined through a DMV inquiry that the driver's license is none issued, suspended, or revoked and the DMV service code is "I" or "R". The officer shall issue a Notice to Appear for the appropriate vehicle code section in regard to the suspension or revocation.
- (b) An officer shall impound a vehicle pursuant to 14602.6 CVC (30-day hold) when it determined through a DMV inquiry that the driver's license is suspended or revoked and the DMV service code is any other code than "I" or "R", and in any case where the driver admits prior knowledge of the current suspension or revocation. The officer should document knowledge on the CHP 180 Form.
- (c) The officer shall complete a CHP 180 form for the storage/impound of a vehicle and provide the driver with a copy of the "Vehicle Release Procedure" form.
- (d) The officer storing the vehicle shall notify the Services Division as soon as possible regarding the storage of the vehicle and provide them with the necessary information for CLETS/SVS entry.
- (e) The officer shall attach the notice to appear, CHP 180, DMV driver history teletypes (2), DMV vehicle registration (2), and the "Stored/Impounded Report Narrative" and provide them to the Lien Sale Officer for review.
- (f) In the event of extenuating circumstances, an officer may request permission from a Redding Police Supervisor to forego storage/impoundment of a vehicle.

502.3 TOWING SERVICES

The City of Redding 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:

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- (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 of vehicles obstructing traffic in violation of state or local regulations.

502.3.1 ROTATIONAL TOW SERVICES

- (a) In order to assure equal opportunity for all qualified tow service operators to participate in the Redding Police Department rotational tow service list, all tow service operators meeting the specified criteria in the tow service agreement shall be added to the rotational tow services list.
- (b) Applicants for placement on the rotational tow services list who are not accepted shall be advised in writing of the reason(s) and informed that denial does not preclude them from operating a tow service.
- (c) Redding Police Department employees will follow the order established on the rotational tow services list. When an emergency or hazardous situation exists, or when it is not practical to honor a driver's or owner's request, the services of another tow company (other than the next one on the rotation) may be utilized.
- (d) Requests by drivers or owners of private vehicles for a specific tow service shall be honored and will not constitute a rotation call. Officers shall not make any recommendations regarding tow companies.
- (e) Tow service operators may be denied placement on the rotational tow services list for the following reasons:
 - 1. The tow service operator has failed to meet the conditions of the tow service agreement
 - 2. The tow service operator is not clearly independent of another tow company which is already on the rotational tow services list.
- (f) The existence of one or more violations of the tow services agreement may be grounds for removal from the rotational tow services list.
- (g) All complaints against a tow service operator and/or the firm's employees shall be investigated by the lien sale/AVA officer or by another officer designated by the Traffic Unit Lieutenant. Any sustained complaints may result in disciplinary action as indicated in the tow service agreement.
- (h) Whenever a tow service operator is removed from the rotational services list or has completed a term of suspension, and the Traffic Unit Lieutenant is satisfied that compliance with the towing agreement will be maintained, the tow service operator shall be restored to the rotational tow services list, if requested by the tow service operator.

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- (i) If a tow service operator is added to the rotational tow services list or removed from the list, the lien sale/AVA officer shall advise SHASCOM supervisor to update the rotational tow services list maintained by SHASCOM.

502.3.2 ANNUAL INSPECTION OF TOW SERVICE, TAXIS, AND LIMOUSINES

- (a) The lien sale/AVA officer will provide an annual inspection of the tow trucks and taxis once the required inspection fee is paid for each vehicle inspected.
- (b) The Redding Police Department tow truck inspection guide will be used for each tow truck inspected.
- (c) A vehicle inspection sticker will be issued to each tow truck or taxi that passes inspection.
- (d) The annual vehicle inspection sticker is to be displayed in the lower right-hand corner of the inspected vehicle's windshield. Only vehicles displaying a current vehicle inspection sticker may be operated for routine business in the City of Redding in accordance with the Redding Municipal Codes.
- (e) All tow trucks used on the rotational tow services list must display the vehicle inspection sticker. Tow service operators are required to dispatch a tow truck that has passed the annual inspection and displays the current vehicle inspection sticker.
- (f) If a tow truck on the rotational tow services list is requested and it arrives on the scene without a current vehicle inspection sticker, the requesting officer should direct the tow truck driver to pass and then request another tow truck from the rotational tow services list. The officer shall then notify the lien sale/AVA officer of the tow truck operating without the vehicle inspection sticker.

502.3.3 TOW SERVICES FOR RPD VEHICLES, EVIDENCE AND ABANDONED VEHICLES

- (a) Disabled Redding Police Department vehicles shall be towed by the tow service operator awarded the contract for tow services to City vehicles.
- (b) Vehicles determined to be held as evidence shall be towed by the tow service operator awarded the contract for tow services to City vehicles and shall be held at the City of Redding Corporation Yard storage facility.
- (c) Abandoned vehicles shall be towed by the tow service operator awarded the abandoned vehicle abatement contract. If an abandoned vehicle poses a hazard and it is after normal business hours, a tow company on the rotational tow services list can be requested.

502.4 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.

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502.5 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.

502.6 RELEASE OF VEHICLE

The Department 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

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requiring the registered owner or his/her agent to request a hearing, as described in the Vehicle Impound Hearings Policy.