

Vehicle Towing and Release

502.1 PURPOSE AND SCOPE

This policy applies to towing a vehicle by or at the direction of the Santa Ana Police Department. Nothing in this policy shall require the Department to tow a vehicle.

502.2 STORAGE AND IMPOUNDS

Refer to the Vehicle Storage and Impound Procedure for details.

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 SAPD Form T-42 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 Station 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 Communications Division.

If the owner is incapacitated, or for any reason it is necessary for the Department to assume responsibility of a vehicle involved in a collision, the officer shall request the dispatcher call the official rotational tow company for the City of Santa Ana. The officer will then store the vehicle using the Vehicle Report Form (SAPD T-42).

502.2.3 STORAGE AT ARREST SCENES

When 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 the vehicle should be stored (e.g., traffic hazard, high crime area).

The following are examples of situations officers should consider when 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.

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- When the licensed owner of the vehicle is present, willing, and able to take control of any vehicle not involved in criminal activity.
- When the vehicle otherwise does not need to be stored and the owner requests it be left at the scene. In such cases the owner shall be informed the Department will not be responsible for any theft or damages.

502.2.4 IMPOUNDMENT AT SOBRIETY CHECKPOINTS

When 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 that 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 enter the request into the Dispatch Towing System (DTS). The officer shall be advised when the request has been made and the towing service has been dispatched.

502.2.7 RECORDS DIVISION RESPONSIBILITY

When the Vehicle Report Form is turned in to the Station Supervisor's office, the triplicate form is separated. The white colored page (the original) is immediately submitted to Records. The pink copy of the storage form is forwarded to Traffic and the gold copy is forwarded to Investigations.

Records personnel shall promptly enter pertinent data from the completed Vehicle Report Form (SAPD T-42) into the Stolen Vehicle System. Thereafter, they will scan the storage form and electronically attach it to the associated CLETS report in Tri-Tech.

502.2.8 OFFICER'S RESPONSIBILITIES

A supervisor's approval shall be obtained prior to towing a vehicle. If the vehicle owner is present, the officer shall provide them with the case number and name and phone number of tow company.

If the vehicle is a recovered stolen vehicle and the owner is not present, the officer shall call the

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owner and provide the tow company's name, phone number and location of the vehicle. If phone contact is not successful, the officer shall mail a completed postcard (SAPD I-105 form) to the owner notifying them of the tow company's name, phone number and address. Upon returning to the station the officer shall immediately submit the completed storage report to the Station Supervisor.

502.3 TOWING SERVICES

The City of Santa Ana 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 a criminal investigation.
- (c) When it is otherwise necessary to store a motor vehicle. This includes situations involving the recovery of stolen or abandoned vehicles and removal of vehicles on streets that may obstruct traffic and/or violate state or local regulations.

502.4 VEHICLE INVENTORY

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

502.5 SECURITY OF VEHICLES AND PROPERTY

Unless it would cause an unreasonable delay in the completion of a vehicle impound/storage or compromise officer safety, officers should make reasonable accommodations to permit a driver/owner to retrieve small items of value or personal items (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, members conducting the search shall take 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).

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- (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.