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 Pasadena Police Department. Nothing in this policy shall require the Department to tow a vehicle.

510.2 STORAGE AND IMPOUNDS

(a) IMPOUNDS
1. When a driver is found to be in violation of sections CVC 14601, driving on a suspended or revoked license (excluding suspensions for failure to pay child support) or if their license is expired or they've never been issued a license in violation of CVC 12500(a), the peace officer may arrest that person, issue a citation and cause the removal and seizure of that vehicle or, if the vehicle is involved in a traffic collision, cause the removal and seizure of the vehicle without the necessity of arresting the person. If a vehicle is subjected to a thirty (30) day impound and storage under CVC 14602.6(a)(1). The driver is entitled to a hearing regarding the impound and storage within 48 hours, excluding holidays. This hearing is conducted by the Traffic Section Lieutenant or his/her designee. In the absence of the traffic supervisor, this hearing may also be conducted by any department Lieutenant or Sergeant.

(a) Further, it is imperative that supervisors approving reports and related documents are thorough and assure that any statements that are pertinent to the investigation can be referenced during impound hearings.

(b) STORAGE
(a) When circumstances permit, for example when impounding a vehicle for a parking violation, the handling employee should, prior to initiating the tow, make a good faith effort to notify the owner of the vehicle that it is subject to removal. If a vehicle presents a public safety hazard, such as being abandoned on the roadway or in an unsafe mechanical condition, 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
Authorized department members requesting the storage and/or impounding of a vehicle shall complete CHP Form 180 accurately while recording the mileage, condition of vehicle including any damage such as dents and scratches 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 for their records keeping and the original shall be submitted to the Records Section as soon as practicable following impound.

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 responding law enforcement official should have the vehicle’s owner or driver select a
towing service. If this towing service is reasonably available, the request should be relayed to the dispatcher for notification. When there is no preferred service requested or the driver is not physically able to make the request, a company will be selected from the rotational list of department contracted towing companies. If no department contracted towing operators are available, the law enforcement official may request a California Highway Patrol contracted towing company.

If the circumstances are such that the Department is to assume responsibility for a vehicle involved in a collision, the law enforcement official shall request a tow from the rotational list of department contracted towing companies. The law enforcement official 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 to provide reasonable safekeeping of the vehicle by storing the arrestee’s vehicle subject to the exceptions described below. However, the vehicle 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:

- 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 licensed owner of the vehicle can be summoned to the scene in a reasonable time and the vehicle can be legally returned.
- When the owner requests that it be left at the scene and the vehicle can be parked legally. In such cases the owner shall be informed that the Department will not be responsible for theft or damages. This request and advisement should be documented.

510.2.4 IMPOUNDMENT AT SOBRIETY AND/OR DRIVER LICENSE CHECKPOINTS
Whenever a driver is stopped at a sobriety and/or Driver License checkpoint and the only violation is that the operator is driving without or with an expired driver license, the officer shall make a reasonable attempt to identify (Vehicle Code § 2814.2) and 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 should 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 stored (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 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, to comply with posted signs or for officer and/or public safety purposes.

510.2.6 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 city contracted towing company in rotation and shall make appropriate entries on the tow log maintained in communications to document the request, availability and response time of the summoned tow company.

When the summoned tow service acknowledges a response time in excess of 20 minutes or their response time is in excess of 20 minutes, the next tow company in the rotation may be requested. The original tow company will be canceled and this action should be noted on the tow log.

510.2.7 RECORDS SECTION RESPONSIBILITY
Records personnel shall promptly enter pertinent data from the completed storage form (CHP Form 180) into the Stolen Vehicle System of the Department of Justice to assure that it is not mistakenly reported as a theft and make this report available to the handling law enforcement official (Vehicle Code § 22651.5(b); Vehicle Code § 22851.3(b); Vehicle Code § 22854.5).

Approved CHP 180 forms shall be promptly placed into the auto-file, which is maintained by the Records Section so that non-held vehicles 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 Section to determine the names and addresses of any individuals having an interest in the vehicle through DMV or CLETS searches. Notice(s) 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 make, model, license plate number, and the mileage of the stored vehicle.
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(c) The authority and purpose for the removal and storage 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.

510.3 TOWING SERVICES
The City of Pasadena selects towing franchises as official tow services and initiates contracts with those firms. These firms will be used in the following situations:

(a) When it is necessary to impound, store or safeguard a vehicle due to law enforcement action or the inability of the owner or operator to secure the vehicle.

(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 impounding of abandoned vehicles, and the removal from the streets of vehicles obstructing traffic in violation of state or local regulations.

(d) When a non-specified tow operator is requested by a party involved in a collision.

(e) When a disabled motorist is requesting a non-specified tow operator.

510.4 VEHICLE INVENTORY
All property in a stored or impounded vehicle shall be inventoried and listed on the vehicle storage form (CHP 180). This includes the trunk and any compartments or containers, even if closed and/or locked. Law Enforcement officials 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. Items of value, currency or items that may be a risk of damage or theft should be secured as safekeeping in the Department's Property and Evidence storage.

510.4.1 LONG TERM EVIDENTIARY IMPOUNDS AND STORAGE

(a) In the event that an impounded vehicle is being impounded and stored as evidence or for evidence processing, it shall be towed by an official police towing company. The vehicle should be stored at one of the official police towing agencies' company lots that have been approved by the Traffic Section Lieutenant. Since additional towing charges will apply and are the responsibility of the Pasadena Police Department, this action shall be approved by a supervisor prior to towing.

(b) To access the held vehicle, the case investigator overseeing the investigation in which the vehicle is being held, shall contact a Traffic Section supervisor, Forensic specialist or the on-duty Watch Commander in order to gain access to the evidentiary storage facility. A copy of the impound report will be maintained in a file of vehicles in long term and evidentiary storage in the Traffic Section.
(c) In an effort to minimize the storage period, the investigator shall initiate without delay the necessary investigative follow up involving the vehicle. This may include the searching, photographing, processing, collection of physical evidence, mechanical inspection and creation of a vehicle damage profile if applicable. Once the processing of the vehicle is complete, the section supervisor overseeing the related investigation shall be notified and have the responsibility of causing the vehicle's availability for release. The section administrator will be notified and approve of any vehicle being held beyond 10 business days.

(d) In the event that the vehicle is ultimately made available for release, notices shall be mailed to the registered and legal owners of the vehicle so indicating. The storing tow agency shall be notified immediately and the vehicle shall be removed from the secured storage area and into a normal storage area and will no longer be under the control of the Pasadena Police Department. It may be necessary for a department member to respond to the storage lot to provide access if the vehicle was inside a secured storage. Vehicles will be released as follows:

1. The owner may claim the vehicle through proof of ownership and having a valid driver license. The owner will be responsible for any impound or storage fees not initiated by the Pasadena Police Department. The release shall be coordinated by the supervisor overseeing the specific investigation.

2. Should there be no response from the vehicle’s owner, the towing agency may follow the normal lien processes.

510.5 SECURITY OF VEHICLES AND PROPERTY

Unless it would cause an unreasonable delay in the completion of a vehicle impound/storage, investigation 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 items (e.g., cash, jewelry, cell phone, prescriptions) which are not considered evidence or contraband.

If a police action leaves the vehicle or any property contained therein vulnerable to unauthorized entry, theft or damage, personnel conducting the search shall take reasonable steps to secure and/or preserve the vehicle or property from such hazards.

510.5.1 ABANDONED VEHICLE DEFINITIONS

(a) A vehicle is defined by the California Vehicle Code (CVC 670) as: "A device by which any person or property may be propelled, moved or drawn upon a highway, excepting a device moved exclusively upon stationary rails or tracks." Such vehicles must be registered under this code.

(b) An abandoned vehicle is defined by the California Vehicle Code (CVC 22651 k) as: "Any vehicle parked or left standing upon a highway for 72 or more consecutive hours in violation of a local ordinance authorizing removal."

(c) Pasadena Municipal Code Section 10.40.250, authorizes the removal of any vehicle parked or left standing within the city for a period of 72 or more consecutive hours upon any highway, street, alley or city property.
(d) California Vehicle Code section 22669 (d) authorizes the immediate removal from the highway if a vehicle which is missing or lacks the necessary parts or equipment to be safely operated on the highway.

510.5.2 ABANDONED VEHICLES ON PRIVATE PROPERTY

(a) In accordance with PMC 9.58, removal of abandoned, wrecked, or dismantled vehicles on private property deemed to be a nuisance is the responsibility of the property owner.

(b) All complaints of abandoned, wrecked or dismantled vehicles on private property shall be referred to the Department of Transportation Parking Enforcement office.

510.5.3 POSSIBLE STOLEN VEHICLES

(a) Vehicles may be impounded from public or private property when an officer has probable cause to believe the vehicle may be stolen, but a Stolen Vehicle Report is not on file and the owner cannot be contacted for verification. The probable cause must be explained in the "Vehicle Report" (CHP 180) report.

(b) The most common sources of probable cause to believe a vehicle may be stolen are:
   1. An altered, missing, or fictitious VIN.
   2. The vehicle has been stripped or burned.
   3. The vehicle's ignition has been manipulated or damaged.
   4. Missing door locks or other evidence of forced entry.

(c) Discretion should be exercised to prevent the impounding of vehicles as possibly being stolen that are of little or no value, and appear to have been abandoned by their owners.

510.5.4 RECOVERED STOLEN VEHICLES

(a) When a stolen vehicle has been recovered but cannot be claimed by the owner in a reasonable time, the vehicle will be stored by an official police tow service at the owner's expense.

(b) Pasadena Police Department reported stolen vehicles:
   1. The investigating Law Enforcement official overseeing the recovery shall have the vehicle processed for physical evidence (i.e., latent prints, collection of evidence).
   2. The investigating Law Enforcement official overseeing the recovery shall notify the victim by telephone and mail, advising of the recovery and the location of the vehicle. If the owner cannot be reached, "Available for Release" needs to be marked on the Impound Report, CHP form 180.
3. The investigating Law Enforcement official overseeing the recovery shall document in the recovered/stolen impound report the results of the notification and to include the name of the person contacted.

4. The investigating Law Enforcement official overseeing the recovery shall check the vehicle and make sure identification numbers, license plates and descriptors correspond with Department of Motor Vehicle's Records. Any discrepancies shall be noted.

(c) Outside Agency reported stolen vehicles:

1. When an outside agency's reported stolen vehicle is recovered, the investigating Law Enforcement official shall notify the outside agency as soon as possible and take care in not contaminating the physical evidence from the vehicle. A vehicle shall be processed for latent prints by this department if stripped, regardless if the vehicle was stolen from another jurisdiction.

2. If the outside agency stolen vehicle was involved in a major crime in another jurisdiction (i.e., homicide) the investigating Law Enforcement official shall notify a supervisor and the outside agency and ascertain if the vehicle is to be processed by the Pasadena Police Department or held for processing by the outside agency. If the vehicle is held for the outside agency, the impounding employee should take care in not contaminating the physical evidence from the vehicle.

510.5.5 RELEASING IMPOUNDED VEHICLES

(a) The official police towing service will not release any impounded vehicle except upon presentation of the release copy of the "Vehicle Report" (CHP 180) form. The form has to be properly endorsed by a Law Enforcement official of this department. All vehicle releases shall be directed through the Police Department. The manner of authorizing the release shall be as follows:

1. If the form indicates that the vehicle is "Available for release," the Police records personnel are authorized to approve the release of the vehicle to the registered owner upon presentation of proper identification, current registration and insurance. The employee processing the release shall obtain this person's name, address, and signature on the original copy of the inventory and receipt form.

2. If the form indicates, "Hold for investigation," the release shall not be made until such release has been authorized by the Law Enforcement official investigating the case or, in their absence, a supervisor. This shall be done by appropriate entries on the original copy of the inventory and receipt form. Upon receipt of such authorization, the name, address, and signature of the person to whom the car is to be released shall be obtained. The employee who processed the release shall then sign the release copy.
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3. If the legal owner or their agent (Authorized by letter directly from legal owner) desires to repossess a vehicle stored by the police towing service, the release shall not be authorized until the following has been provided:
   (a) Government-issued photographic identification
   (b) Proof of legal vehicle ownership
   (c) A certification of repossession
   (d) A Hold Harmless letter

510.5.6 VEHICLE REMOVAL NOTIFICATION
This order establishes the policy of the Pasadena Police Department to comply with section 22852 of the California Vehicle Code, which requires that both the registered and legal owners be immediately notified in writing of the removal of any vehicle from a highway or from public or private property, the reason for the impound and of the place from which the vehicle was removed.

510.6 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 under the following circumstances:
      1. Proof of current registration
      2. Possession of a valid driver's license
   (d) Payment of any applicable release fees
   (e) When there is no remaining community caretaking needed to continue storage of the vehicle or the continued storage would not otherwise comply with the Fourth Amendment.
   (f) Any other circumstances as set forth in Vehicle Code § 14602.6

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 REFERENCE

POLICY MODIFIED: 6/18