



DEPARTMENTAL REGULATIONS

CONCORD POLICE DEPARTMENT

PROCEDURE 21  
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Chief of Police

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**STORED, RECOVERED, OR IMPOUNDED VEHICLES**

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**A. POLICY STATEMENT**

The Concord Police Department orders the impound/storage of vehicles on a routine basis. The department is committed to ensuring that the towing of any vehicle is done in a manner that minimizes the potential for damage to the vehicle. Additionally, the department will ensure that all vehicles that are impounded/stored are done so within the guidelines of established law.

**B. GENERAL**

The purpose of this Department Procedure is to establish a uniform method of handling and releasing of vehicles that are stored, impounded, or recovered.

**C. STORAGE OF VEHICLES**

1. A vehicle is considered "stored/impounded" when it is held under the authority of any of the following sections: 22651 CVC, a through t; 22653 CVC; 22654 CVC, a through e; 22655 CVC; 22656 CVC; 22669 CVC; 106-45 MC, 62-170 CMC, 14602.6 and 14607.6 CVC.
2. An officer shall not be required to store a vehicle if other measures can be taken to reasonably ensure its safety when its owner/driver requests such action, and the vehicle can be effectively secured, except:
  - .1 Whenever a driver is arrested on a freeway or freeway on or off ramp, the suspect's vehicle shall *not* be left parked on the freeway or freeway ramp's shoulder. The arresting officer shall opt for one of the following dispositions:
    - .01 Have the vehicle stored pursuant to the appropriate Vehicle code section.
    - .02 Drive the vehicle to the next off ramp and legally park and secure it.
    - .03 Should the suspect so choose, release it to a passenger providing the passenger has a valid driver's license and capable of operating the vehicle safely.
  - .2 Any time a vehicle is released to another person at the owner/driver's direction, the officer shall obtain the person's name, address, and include it in his/her police report.
  - .3 In those cases involving the suspended, revoked, and unlicensed driver, the department strongly encourages the towing and storage of the vehicle. The department recognizes there may be those times, where based on the facts of the case and the situation, an officer chooses not to tow the vehicle.
3. All stored/impounded vehicles shall be inventoried on CHP 180 form (no exceptions); a continuation form may be used to inventory additional property, if needed.
  - .1 All containers, including closed containers, unlocked and locked, shall be searched.
    - .01 Supervisor approval shall be obtained before opening any locked container when it appears that damage to the container will be unavoidable.

- .2 All items to be stored along with the vehicle shall be inventoried on the CHP 180 form. All damage to the vehicle shall also be included CHP 180.
  - .01 If the officer has verified ownership of an item(s), he/she may release the item(s) to its rightful owner at the scene, in lieu of having it stored along with the vehicle. This practice should normally occur after the inventory search, for officer safety reasons.
- .3 The employee ordering the storage/impound is encouraged to document, on the CHP-180, the probable cause that was the basis for stopping the vehicle or otherwise ordering the impound/storage. This documentation may be in addition to any notation made on a related citation or police report. Examples of probable cause statements may include, but are not limited to:
  - .01 "Driver arrested for 23152 CVC."
  - .02 "Vehicle and occupants detained for investigation of 211 PC."
- .4 A copy of the CHP 180 form shall be provided to the tow operator prior to removing the vehicle.
- .5 Persons arrested or hospitalized in an accident should be considered unable to provide for custody or removal of their vehicle.
  - .01 In these situations, the Officer shall complete a CHP-180 and conduct an inventory search of the vehicle. All damage on the vehicle will also be recorded.
4. All police-ordered tows will be handled by the contract tow operator.
  - .1 Owner/driver may request a tow of his/her choice if involved in an accident or where the vehicle does not need to be impounded for evidence or investigation.
  - .2 ALL complaints and problems with the tow contractor shall be referred to and investigated by the Parking Services Community Service Officer
5. Release of stored vehicles.
  - .1 Stored vehicles are released during normal hours by the Traffic Bureau (which includes the Parking Services Unit).
  - .2 On weekends, holidays, and after hours, the patrol supervisor or his/her designee may release a stored vehicle if Vehicle Code and department policy is met. When the Community Service Desk is open, CSD Officers may release stored vehicles if the Vehicle code and department policies are met.
  - .3 The Watch Commander or the Division Captain may release any towed vehicle at their discretion.
  - .4 If a question regarding the tow or storage of a vehicle arises, the following procedure shall be followed:
    - .01 A memorandum shall be directed to the Traffic Bureau Community Service Officer providing all details of the release of the vehicle. An E-mail may be used in place of a memorandum.
    - .02 The vehicle owner shall be referred to the Parking Services Community Service Officer who will investigate the circumstances of the tow.
  - .5 Administrative Fees/Repossession Fee

The administrative fee will be collected in cash or checks for all towed vehicles, except when towed under the authority of 22651(c) or 22651(g) CVC.

- .01 The Watch Commander, Patrol shift supervisor, Traffic sergeant or Community Service Desk supervisor may authorize the administrative fee to be waived in exceptional circumstances.

The repossession fee will be collected per Section 41612 of the Government Code.

- .02 During normal working hours, the administrative fee/repossession fee will be collected by Records Bureau Personnel. After hours, the Community Service desk may collect those fees. They will then forward those fees to the Records Bureau Personnel.

- .03 On weekends, holidays, and after hours, The Watch Commander or his/her designee will collect the administrative fee/repossession fee.

- .001 A receipt will be made out and given to the registered owner. For control purposes, the case number will be written at the top of the receipt.

- .002 The administrative fee/repossession fee and a copy of the receipt will be placed in an envelope and personally delivered to the on-duty Records personnel. Information requested on the envelope's exterior must be completed.

- .003 Instructions for the release of vehicles are posted in the Traffic Bureau near the Traffic Bureau Community Service Officer's desk.

- .6 Vehicle release procedure requirements are as follows:

- .001 All vehicles stored or impounded will not be released until they are currently registered with the DMV.

- .002 All vehicles stored or impounded will only be released to the registered owner. The vehicle may be released to the registered owner's designee. In these cases the designee will possess a notarized note from the owner stating that the registered owner has agreed to the release. In cases where the registered owner is in custody CPD will accept a signed form which should be witnessed by an officer. The form shall be a "property release form" utilized by that department.

- .003 The registered owner and/or his/her designee will provide the one of the following types of photographic identification prior to any vehicle being released:

- a. California driver's license or California Identification card.
    - b. Foreign driver's license.
    - c. Mexican government "Matricula Consular" card which has the security features embossed in the card (new cards only).
    - d. All Passports
    - e. Military identification cards issued by the United States
    - f. Any photograph identification which contains the subject's name (as long as CPD dispatch can obtain an identification match that includes a date of birth).
    - g. If the registered owner is not available, he/she shall provide a notarized letter stating who has permission to take possession of the vehicle in his/her absence. If the registered owner is incarcerated, the registered owner must

provide a "property release" form from the agency where he/she is incarcerated which states who is given permission to take possession of the vehicle and that form must be signed by an officer at that agency.

- h. Any CPD Supervisor can authorize the release of a vehicle based on the circumstances in the best interests of the CPD and all involved. A notation will be made on the release indicating the name of the supervisor authorizing the release.

#### **D. IMPOUNDING OF VEHICLES**

1. A vehicle is considered impounded if it is held as evidence in a crime under investigation or when the impoundment is authorized by law.
  - .1 Vehicles under any type of police hold (prints, search warrants, etc.) are considered impounded.
  - .2 ALL impounded vehicles shall be inventoried on a CHP 180 form.
    - .01 Impounded vehicles must be accounted for in police reports.
  - .3 Impounded vehicles shall not be towed to the Police Department.
    - .01 Impounded vehicles shall be secured at a rotation tow company yard unless otherwise designated by the Operations Commander, shift supervisor, or Traffic Bureau Commander.
  - .4 All vehicles impounded under 22655 CVC (20002 to 20006) shall be released under the expiration of 48 hours after such removal from the highway. When determining the 48-hour period, weekends and holidays will not be included.
    - .01 Vehicles shall be released from impound immediately upon determination that they no longer have evidentiary value. The vehicle, if not released, would then be considered stored.
      - .001 It is the responsibility of the assigned investigating officer to notify the owner of the vehicle and the tow yard of the status (stored or impounded) of the vehicle.
      - .002 The notification information shall be reflected in the police report and also given to the towing/abandoned officer in the Traffic Bureau.
    - .02 A CHP 180 form shall be completed and signed by the investigating officer or the Traffic Bureau personnel releasing the car to the registered owner of the vehicle.
    - .03 The towing and abandoned vehicle officer assigned to the Traffic Bureau will monitor the tow logs daily to determine if a vehicle has been impounded longer than 48 hours. The towing/abandoned officer shall contact the investigating officer to determine if a vehicle should continue to be impounded.
    - .04 If the impounded vehicle should be kept in custody as evidence, the investigating officer should notify the tow company that the vehicle will be impounded as evidence per the California Evidence Code.
    - .05 The tow operator shall not release an impounded vehicle without a signed CHP 180 form.
2. When a vehicle is impounded either as evidence (22655.5 CVC) and/or for processing in a criminal case the District Attorney's Office should be contacted by the investigating officer prior to authorizing a release of the vehicle.

- .1 It is the assigned investigating officer's responsibility to ensure that all evidence work on the vehicle is completed as soon as practical and if at all possible prior to the filing of formal criminal charges.
3. The owner of a vehicle that is impounded under authority of 14602.6 CVC shall be told of their right to request an early release of the vehicle. The owner, if present at the time of the impound, shall be provided a notice of the tow hearing process. If the owner is not present at the time of the impound, the written notice shall be given to the person who was driving the vehicle. If the owner so requests, that person should be scheduled for a tow hearing by a department Tow Hearing person at the earliest possible date.
4. The employee who wishes to impound a vehicle under authority of 14607.6 CVC (seizure for forfeiture purposes) shall first obtain authorization from an on-duty patrol supervisor or Watch Commander before ordering the impound.
  - .1 The patrol supervisor/Watch Commander may provide verbal authorization for the impound. A supervisor/Watch Commander shall be required to review and sign the CHP-180 form before it is forwarded to the Records Bureau for processing.
  - .2 Vehicles that are impounded under authority of 14607.6 CVC are to be stored at designated tow facilities. The Communications Center has a listing of the designated tow facilities. Vehicles may also be stored at CPD upon approval of a patrol supervisor or Watch Commander.
    - .01 All of the reports associated with the impounding of a vehicle under authority of 14607.6 CVC are to be faxed to the District Attorney's office within 48 hours of the vehicle being impounded.

#### **E. RECOVERED VEHICLES**

1. All vehicles previously reported stolen, that are thereafter located, shall be considered "recovered" vehicles.
2. It shall be the responsibility of the officer initiating said recovery to complete a CHP-180 form, and a crime report, when appropriate.
  - .1 If the vehicle was reported stolen by another jurisdiction, it shall be the initiating officer's responsibility to immediately notify the parent agency, via Communications.
  - .2 If the vehicle was reported stolen by this agency, the officer making recovery shall make every effort to release the vehicle to the owner at the time of recovery, unless the vehicle is to be impounded.
  - .3 Should immediate contact not be made with the owner of the recovered vehicle, and the vehicle then stored, a message shall be left at the owner's residence as soon as possible. The message shall contain the following:
    - .01 The vehicle has been recovered and a statement regarding its condition.
    - .02 The location at which the vehicle is stored.
    - .03 Storage fees are being assessed against the vehicle.
    - .04 The owner must obtain a release form from the auto theft investigator or the Watch Commander prior to taking the vehicle out of storage.
  - .4 The time and place the message was left shall be indicated in the crime report.
    - .01 Telephone answering machine messages will not qualify as confirmed notification.

3. The Watch Commander or his/her designee shall provide for the release of recovered vehicles upon request of the owner during holidays, nights, and weekends, unless the vehicle is impounded.
4. The Watch Commander or his/her designee shall, upon notification by the Communications Center that a Concord stolen vehicle has been recovered by another agency, make provision for the notification of the owner of the recovered vehicle.
  - .1 The owner shall be advised of the following:
    - .01 The condition of the vehicle.
    - .02 The location of storage and the fact that storage fees are being assessed against the vehicle.
    - .03 The owner must obtain a release from the auto theft investigator or the Watch Commander prior to taking the vehicle out of storage.
    - .04 Telephone answering machine messages will not qualify as confirmed notification.

#### **F. PROCESSING**

1. It shall be the responsibility of the Communications Center to:
  - .1 Maintain a tow log on:
    - .01 All vehicles that are stored, impounded, or recovered by this department.
    - .02 All vehicles that are stored by a private party under the authority of Section 22658 CVC.
    - .03 All vehicles that are repossessed.
  - .2 Enter the status of the stored, recovered, or impounded vehicle into the DOJ computer system.
  - .3 Immediately notify the Watch Commander during nights, holidays, or weekends, or the auto theft investigator during business hours, that a locate has been received on a Concord stolen vehicle and provide the following information:
    - .01 The condition of the vehicle.
    - .02 Recovering agency.
    - .03 Location at which the vehicle is being stored.
    - .04 Concord case number and vehicle description.
    - .05 An entry on the call history log shall indicate the steps above have been completed.
2. It shall be the initiating officer's responsibility to check the license and VIN number of any vehicle that is impounded, stored, or recovered through the AMIS and DOJ computers. The officers shall then obtain the printout from Communications and attach it to the CHP-180 form.
3. All CHP-180 form reports shall be forwarded to the Parking Services Community Service or his/her designee, who shall ensure that the following measures are taken:
  - .1 Notices are sent to the legal and registered owners of each vehicle (impounded, stored, or recovered) listing the fact of such removal, the grounds therefor, and the place to which such vehicle has been removed.

- .2 That all impounded, recovered, and stored vehicles are listed in the master vehicle log and cataloged in the vehicle file.
- .3 That, in the case of impounded or recovered vehicles, a copy of the CHP-180 form is forwarded to the officer handling the follow-up investigation.
  - .01 It shall be the follow-up investigator's responsibility to provide for the release of said vehicle if not already released.
- .4 That all original copies of the CHP-180 form are routed to Records.
- .5 Completed CHP-180 reports shall be turned in no later than the completion of the officer's shift.
  - .01 CHP-180 forms shall not be attached to other report forms.

**G. DISPOSITION OF VEHICLES**

1. It shall be the Traffic Bureau's responsibility to periodically analyze the status of all vehicles that are impounded, stored, or recovered to ensure that vehicles are not being held or stored without cause.