

CATEGORY	DATE ADOPTED	LAST REVIEW	NEXT REVIEW
4	08/11/2015	10/05/2022	10/05/2026

## **BUENA PARK POLICE DEPARTMENT GENERAL ORDERS**

### **POLICY 510 VEHICLE TOWING AND RELEASE**

#### **510.1 PURPOSE AND SCOPE**

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

##### **510.1.1 ACCREDITATION STANDARDS**

This policy pertains to the following CALEA Standards: 1.2.4, 61.2.2, , 61.4.3

This policy pertains to the following Standard Operating Procedures: CP502

#### **510.2 POLICY**

The Buena Park Police Department will comply with the California Vehicle Code and City of Buena Park Ordinances regarding the storage and impound of vehicles from public roadways and private property.

#### **510.3 STORAGE AND IMPOUNDS**

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

##### **510.3.1 VEHICLE STORAGE REPORT**

Department employees 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 Records Bureau as soon as practicable after the vehicle is stored.

If the registered owner is present, a copy of the CHP Form 180 shall be given to the registered owner with the checkbox on page 1 checked.

##### **510.3.2 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 Dispatch.

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 call the rotational list of towing companies for removal of the vehicle. The officer will document the storage using a CHP Form 180.

CATEGORY	DATE ADOPTED	LAST REVIEW	NEXT REVIEW
4	08/11/2015	10/05/2022	10/05/2026

## **BUENA PARK POLICE DEPARTMENT GENERAL ORDERS**

---

### **510.3.3 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.

- a) Traffic-related warrant arrest
- b) Situations where the vehicle was not used to further the offense for which the driver was arrested
- c) Whenever the licensed owner of the vehicle is present, willing, and able to take control of any vehicle not involved in criminal activity
- d) 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.

### **510.3.4 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 (Vehicle Code § 12500), 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.

### **510.3.5 REMOVAL OF VEHICLES FROM PRIVATE PROPERTY**

The towing or removal of vehicles from private property must be in compliance with the California Vehicle Code or a City of Buena Park Ordinance and at the request of the property owner, or his/her lawful designee. Any vehicle removal from private property, with the exception of a reported lost or stolen vehicle, must have the approval of a supervisor.

CATEGORY	DATE ADOPTED	LAST REVIEW	NEXT REVIEW
4	08/11/2015	10/05/2022	10/05/2026

## **BUENA PARK POLICE DEPARTMENT GENERAL ORDERS**

---

### **510.3.6 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.

### **510.3.7 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.

### **510.3.8 RECORDS BUREAU RESPONSIBILITY**

Records personnel shall promptly enter pertinent data from the completed storage form (CHP Form 180) into the Stolen Vehicle System (Vehicle Code §§ 22651.5(b), 22851.3(b) and 22854.5). The storage report narrative shall be documented in Spillman under the respective case number and work-flowed to the Patrol Supervisors group for approval.

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

Within 48 hours of the storage of any such vehicle, excluding weekends and holidays, the Records Bureau shall 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 such individuals by first-class mail (Vehicle Code §§ 22851.3(d), 22852(a), and 14602.6(a)(2)). The notice shall include the following information (Vehicle Code § 22852b):

- 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 vehicle make, license plate number, vehicle identification number, and the mileage.
- c) The authority and purpose for the removal of the vehicle.
- d) A statement that the vehicle may be disposed of fifteen days from the date of the notice.
- e) 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 ten days of the date appearing on the notice.

### **510.4 TOWING SERVICES**

The Chief of Police, or his/her designee, selects a firm to act as the official tow service for the Police Department and presents his/her recommendation to the City Council. The City Council has the final authority to award a contract to a recommended firm.

CATEGORY	DATE ADOPTED	LAST REVIEW	NEXT REVIEW
4	08/11/2015	10/05/2022	10/05/2026

## **BUENA PARK POLICE DEPARTMENT GENERAL ORDERS**

---

This form 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.

### **510.5 VEHICLE INVENTORY**

All property in a stored or impounded vehicle shall be inventoried and listed on the storage form. This includes the trunk and any compartments or containers, even if closed and/or locked, within reason. Employees 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.

### **510.6 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.

### **510.7 RELEASE OF VEHICLE**

Releases for towed vehicles will be made available during regular, non-emergency business hours (Vehicle Code § 14602.6). Vehicles should be released when one or more of the following conditions are met:

- 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 and 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 and Vehicle Code § 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 if the vehicle was stolen, if the driver reinstates his/her driver's license, if the driver acquires a

CATEGORY	DATE ADOPTED	LAST REVIEW	NEXT REVIEW
4	08/11/2015	10/05/2022	10/05/2026

## BUENA PARK POLICE DEPARTMENT GENERAL ORDERS

---

license and proper insurance, or under other circumstances as set forth in Vehicle Code § 14602.6.

Employees whose duties include releasing towed vehicles should consult the Vehicle Code section 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 BPPD Policy § 512, Vehicle Impound Hearings.