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Under Authority 14602.7 (a) CVC

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“Department Training Bulletins shall be used to advise members of current police techniques and procedures and shall constitute official policy.”

Impounding Vehicles Under Authority 14602.7(a) CVC

Procedures for Completing Affidavit, and Impounding Vehicles used in Violation of California Vehicle Code (CVC) §§2800.1, 2800.2, 2800.3, or 23103.

This Training Bulletin identifies the steps to impound vehicles and hold them for 30 days when the vehicle has been used in violation of Evading a Police Officer or Reckless Driving.

Impounding Vehicles Under Authority 14602.7(a) CVC

The information in this bulletin is to provide officers information on towing procedures for 14602.7(a) CVC. This section allows officers to obtain a warrant to remove vehicles that are used in violation of CVC §§ 2800.1, 2800.2, 2800.3 or 23103 and impound them for 30 days. Recently, several drivers have been fleeing when officers have been attempting to stop them for traffic violations.

Relevant Vehicle Code Sections

14602.7(a)

This section allows a police officer to obtain a seizure warrant for a vehicle that was used in the commission of 2800.1, 2800.2, 2800.3, or 23103 CVC. When one of the mentioned offenses is committed in an officer’s presence, the officer can present an affidavit to a magistrate for a vehicle seizure warrant. The officer can then impound the vehicle and hold it for 30 days.

2800.1(a)

Any person who, while operating a motor vehicle and with the intent to evade, willfully flees or otherwise attempts to elude a pursuing police officer’s motor vehicle is guilty of a misdemeanor.

2800.2(a)

Any person who flees a police officer as 2800.1(a), and the pursued vehicle is driven in a wanton disregard for the safety of persons or property is guilty of a misdemeanor or felony.



2800.3

Any person who flees a police officer as 2800.1(a), and causes death or serious bodily injury is guilty of a felony.

23103(a)

Any person who drives any vehicle on a highway in a willful or wanton disregard for the safety of persons or property is guilty of reckless driving.

23013(b)

Any person who drives any vehicle in any offstreet parking facility in a willful or wanton disregard for the safety of persons or property is guilty of reckless driving.

Crime Report

A Crime Report shall be completed for the offense committed (CVC §§2800.1, 2800.2, 2800.3 or 23103).

A crime report for any of the 2800 series violations should minimally include:

1. At least one solid red light was illuminated from the police car
2. A siren was sounded (as reasonably necessary)
3. The police car was distinctively marked
4. The officer was wearing a police uniform

Additionally, the report shall articulate the actions of the driver which indicate a willful intent to evade the officer.

A Crime report for 23103(a) CVC must show that the person was driving in a willful and wanton disregard for the safety of persons or property. All traffic violations committed should be documented individually. Often, a charging D.A. will want to show at least 3 separate moving violations to charge 23103(a) CVC.

For all traffic reports, it is imperative that the crime report accurately describe the vehicle involved. This is to minimally include the license plate, vehicle make, and color. The report must also include as much of a description of the driver as possible.

State in your report that you are requesting a seizure warrant be issued for the vehicle under authority of 14602.7(a) CVC.

Stored Vehicle Report

The stored vehicle report must contain the Tow Authority Section, 14602.7(a) CVC. The report needs a brief summary (Box 31) of the reason for the tow, including the CVC violation section. Enter the 14602.7(a) violation on the "Other Tow" line (Box 9a) and check the "30-Day Hold" (Box 30) on the Report. The Hearing Officer may not have a copy of the affidavit, crime report, or warrant. So the Stored Vehicle Report must contain enough information for him/her to make a decision as to whether to release the vehicle.



Traffic Investigations Follow-Up

Traffic investigations shall review reports with a request for a seizure warrant and determine whether the circumstances justify seeking a warrant. If appropriate, traffic investigations shall complete an affidavit and present it to a magistrate to obtain a warrant.

Serving Warrants and Impounding Vehicles

Once a warrant is authorized and issued by a magistrate, the traffic investigator shall return the warrant to the requesting officer's first-level commander for service. The first-level commander shall have the primary responsibility for ensuring the warrant is served (vehicle is impounded) within the specified timeline. The first-level commander may request assistance from the Support Operations Division.

Upon service of the warrant, the officer serving the warrant shall by the end of tour of duty:

- Forward a copy of the affidavit, warrant, and Stored Vehicle Report to the Records Division; AND
- Forward a copy of the SERVED WARRANT and Stored Vehicle Report to the Traffic Investigations Unit.
- Return warrants to the court, as appropriate.

Tow Resource Guide

Upon seizure of the vehicle, provide the registered/legal owner with a Tow Resource Guide (TF-3202).

Records Section

The Records Division shall complete and send notification to the registered and legal owner via certified mail within 48 hours (excluding weekends), informing the owner that the vehicle has been impounded. The notification shall include a copy of the affidavit and warrant. The notification shall also include a statement that the registered or legal owner may request a Post-Storage Hearing with the magistrate who authorized the vehicle impoundment by calling 510-627-4702. The notification shall state that the registered or legal owner is required to request the hearing from the magistrate in writing, in person, or by phone within 10 days of the notice.

The Records Division shall release the vehicle to the **Legal Owner** of the vehicle prior to the expiration of the 30-day hold when it is determined (per 14602.7 (e) CVC) that **all** of the following circumstances exist:

1. The legal owner is a motor vehicle dealer, bank, credit union, acceptance corporation (rental car agencies), or other financial institution or other person, not the registered owner, holding a financial interest in the vehicle;
2. The legal owner or the legal owner's agent pays all towing and storage fees related to the seizure of the vehicle; and
3. The legal owner or the legal owner's agent (excluding acceptance corporations) presents a certificate of repossession for the vehicle, or title showing proof of legal ownership for the vehicle.



OPD Tow Review Officer

If the registered owner makes a request for a review of the circumstances surrounding the vehicle impoundment, the OPD Tow Review Officer shall schedule a review with the requestor. The OPD Tow Review Officer shall release a vehicle to the registered owner, prior to the expiration of the 30-day hold, when it is determined (per 14602.7(b) CVC) that one of the following circumstances exists:

1. The vehicle was reported stolen.
2. The vehicle is subject to bailment (such as a repair garage or a parking facility) and is driven by an unlicensed employee of the business establishment.
3. The registered owner of the vehicle causes a police officer to reasonably believe that the owner was not the driver of the vehicle who committed the violation. This provision only applies to violations of CVC §§2800.1; 2800.2; and 2800.3.

Example of a Crime Report Summary (2800 CVC)

On 25 Apr 08 at approx 1852, I was working as OPD Patrol Unit 5U32, wearing full OPD utility uniform and driving marked patrol vehicle #1302.

I was traveling E/B on MacArthur Blvd in the number 1 of 2 lanes, approaching 77th Ave when I observed a white Buick Regal (lic # 1DDG532) in front of my patrol vehicle. I saw the vehicle travel through the stop sign at 77th Ave at approx 10-15 miles an hour. I then pulled up behind the vehicle and activated my overhead red lights and sirens to initiate a stop for running a stop sign (22450 CVC). The vehicle then accelerated to speeds of 50 plus miles an hour and made an evasive turn onto 82nd Ave traveling S/B. Due to the vehicles speed and quick turn, it appeared that the vehicle was fleeing from my patrol vehicle. I then turned off my overhead lights and sirens and advised Dispatch that the vehicle fled from my attempted car stop. I continued to travel E/B on MacArthur Blvd away from the vehicle that fled from me.

The driver appeared to be...(describe the driver as best you can) and there were no other occupants in the vehicle.

I advised units in the area of the suspect vehicle.

The vehicle showed to be a 97 Buick registered to Brian JAMES at 1233 Any St, Oakland CA 94601.

I request a vehicle seizure warrant be issued per section 14602.7(a) CVC on the grounds that the driver violated 2800.1, 2800.2 etc CVC.



Example of a Crime Report Summary (23103 CVC)

On 25 Apr 08 at approx 1852, I was working as OPD Patrol Unit 5U32, wearing full OPD utility uniform and driving marked patrol vehicle #1302.

I was traveling S/B on 82nd Ave approaching Macarthur Blvd when I observed a green Chevy PU go through the red light traveling westbound on Macarthur Blvd. The truck was traveling about 30mph as it went through a solid red light. I caught up to the vehicle and I noticed the vehicle's license plate was IBSIDSO (CA plate). As the vehicle continued westbound Macarthur Blvd, I observed it run the stop sign at 77th Ave. I then activated my overhead patrol lights and siren intending to cite the driver for the violations. The vehicle continued westbound on Macarthur Blvd, increasing it's speed. The vehicle went left of the double yellow lines passing another vehicle, causing eastbound traffic to swerve out of it's way. The vehicle continued traveling westbound Macarthur Blvd, reaching speeds of approximately 50+. I then turned off my lights and siren due to the want only being traffic related and advised dispatch that the vehicle was fleeing from me. I last observed the vehicle traveling onto westbound on Macarthur Blvd go through the red light at 73rd Ave at a high rate of speed. I advised Dispatch of the last seen location for the vehicle as I made a U-turn, turning away from the direction of the suspect vehicle.

The driver appeared to be... (describe the driver as best you can) and there were no other occupants in the vehicle.

I advised units in the area of the suspect vehicle.

The vehicle showed to be a 97 Chevy registered to Brian JAMES at 1233 Any St, Oakland CA 94601.

I request a vehicle seizure warrant be issued per section 14602.7(a) CVC on the grounds that the driver violated 23103 CVC.