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

Towing for Violations of Reckless Driving and Exhibition of Speed

In an effort to improve traffic safety and the quality of life in Oakland, this Training Bulletin was written to provide officers with a tools to better address incidents of reckless driving, exhibitions of speed, and other dangerous and disruptive driving. Members are encouraged to tow vehicles used in such situations as a deterrent to the driver involved and others who participate as spectators to such activities.

This Training Bulletin is specific in nature and only pertains to the sections cited below as it relates to the efforts of the Oakland Police Department in its efforts to combat illegal, dangerous, and intentionally disruptive driving.

SECTION A

Towing Authority CVC § 23109.2 (a)(1) with a 30-Day Hold

CVC § 23109.2(a)(1) tows with a 30-day hold shall only be ordered for the four (4) prescribed crimes as listed below:¹

CVC § 23103 Reckless Driving

- (a) Any person who drives any vehicle upon a highway in willful or wanton disregard for the safety of persons or property is guilty of reckless driving.
- (b) Any person who drives any vehicle in any offstreet parking facility, as defined in subdivision (c) of Section 12500, in willful or wanton disregard for the safety of persons or property is guilty of reckless driving.

CVC § 23109 Speed Contests

- (a) A person shall not engage in a motor vehicle speed contest on a highway. As used in this section, a motor vehicle speed contest includes a motor vehicle race against another vehicle, a clock, or other timing device. For purposes of this section, an event in which the time to cover a prescribed route of more than 20 miles is measured, but where the vehicle does not exceed the speed limits, is not a speed contest.
- (c) A person shall not engage in any motor vehicle exhibition of speed on a highway, and no person shall aid or abet in a motor vehicle exhibition of speed on any highway.

¹ Nothing in this order limits an officer’s authority with regards to other provisions of the CVC allowing a car to be impounded or impound time limits, such as those sections that currently apply to unlicensed operation.



Tow Procedures

Vehicles towed per Authority CVC § 23109.2(a)(1) with a 30-Day Hold shall be documented on a Crime Report, complete with a Face Page, Suspect Page, Vehicle Page and a complete summary of the officer's observations and documentation of the violation that led to the towing of the vehicle.

All reports, including but not limited to, a Notice to Appear, Consolidated Arrest Report, Crime Report and Stored Vehicle Report, shall be deposited into the Report Writing Receptacle at the end of the officer's tour of duty.

SECTION B

Evidence Tows with no Hold

Tow Authority CVC § 22655.5(a) with no hold

CVC § 22655.5(a) shall only be ordered for the prescribed crimes listed below.

CVC § 21712 Unlawful Riding and Towing

(a) A person driving a motor vehicle shall not knowingly permit any person to ride on a vehicle or upon any portion of a vehicle that is not designed or intended for the use of passengers.

(b) A person shall not ride on a vehicle or upon a portion of a vehicle that is not designed or intended for the use of passengers.

CVC § 23116 Carrying Persons in the Back of a Motor Truck

(a) No person driving a pickup truck or a flatbed motortruck on a highway shall transport any person in or on the back of the truck.

(b) No person shall ride in or on the back of a truck or flatbed motortruck being driven on a highway.

CVC § 2818 Crossing Flare or Cone Patterns

It is unlawful to traverse a flare pattern, cone pattern, or combination thereof, provided for the regulation of traffic, or provided in any situation where public safety personnel are engaged in traffic control or emergency scene management.

CVC § 21460 Double Lines

(a) When double parallel solid lines are in place, no person driving a vehicle shall drive to the left thereof, except as permitted in this section.



CVC § 21663 Driving on Sidewalk

Except as expressly permitted pursuant to this code, including Sections 21100.4 and 21114.5, no person shall operate or move a motor vehicle upon a sidewalk except as may be necessary to enter or leave adjacent property.

CVC § 12814.6 Provisional License for Minors; Distinctive Driver's License

(a) Except as provided in Section 12814.7, a driver's license issued to a person at least 16 years of age but under 18 years of age shall be issued pursuant to the provisional licensing program contained in this section. The program shall consist of all of the following components:

(5) The person shall successfully complete an examination required by the department. Before retaking a test, the person shall wait for not less than one week after failure of the written test and for not less than two weeks after failure of the driving test.

(b) Except as provided in Section 12814.7, the provisional driver's license shall be subject to all of the following restrictions:

(1) Except as specified in paragraph (2), during the first 12 months after issuance of a provisional license the licensee may not do any of the following unless accompanied and supervised by a licensed driver who is the licensee's parent or guardian, a licensed driver who is 25 years of age or older, or a licensed or certified driving instructor:

(A) Drive between the hours of 11 p.m. and 5 a.m.

(B) Transport passengers who are under 20 years of age.

CVC § 24004 Unlawful Operation After Notice by Officer

No person shall operate any vehicle or combination of vehicles after notice by a peace officer, as defined in Section 830.1 or subdivision (a) of Section 830.2 of the Penal Code, that the vehicle is in an unsafe condition or is not equipped as required by this code, except as may be necessary to return the vehicle or combination of vehicles to the residence or place of business of the owner or driver or to a garage, until the vehicle and its equipment have been made to conform with the requirements of this code.

The provisions of this section shall not apply to an employee who does not know that such notice has been issued, and in such event the provisions of Section 40001 shall be applicable.

NOTE: In order to enforce this specific section, the officer of the original citation must have notified the driver of the requirement provided in section 24004 VC. A notation on the bottom of the citation such as "Advised 24004" would advise the next officer stopping the driver for the same violation that they had already been warned. This section should only be used for violations of the Vehicle Code that constitute "safety issues" such as inadequate brakes, no tail lights during darkness, no brake lights, etc.)



CVC § 27007 Sound Amplification Devices

No driver of a vehicle shall operate, or permit the operation of, any sound amplification system which can be heard outside the vehicle from 50 or more feet when the vehicle is being operated upon a highway, unless that system is being operated to request assistance or warn of a hazardous situation.

This section does not apply to authorized emergency vehicles or vehicles operated by gas, electric, communications, or water utilities. This section does not apply to the sound systems of vehicles used for advertising, or in parades, political or other special events, except that the use of sound systems on those vehicles may be prohibited by a local authority by ordinance or resolution.

Tow Procedures

Vehicles towed per Authority CVC § 22655.5(a) (with no hold) shall be documented on the Stored Vehicle Report. If more room is needed for the narrative, use a Additional Information Report.

No holds shall be placed on the vehicle, and it will be released to the registered owner by the Records Section upon presentation of a valid registration, a valid driver's license, and payment of all administrative, tow and storage fees.

Provide the person driving or in control of the vehicle, at the time it was seized, with a Tow Resource Guide (TF-3202).

NOTE: The provisions of this Training Bulletin are applicable throughout the City at anytime. Officers shall document the circumstances of the incident and not simply write "Sideshow" as a justification for the tow.