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Statement of Purpose:

This procedure outlines the protocol of impounding vehicles for evidence purposes.

Lexipol Policy:

Lexipol Policy 510 covers vehicle tows.

Procedure:

- A vehicle towed/impounded for evidence must be lawfully seized for an appropriate reason.
 - Prior approval for a vehicle to be impounded/towed under Sections 22655, 22655.3, and 22655.5 of the California Vehicle Code (CVC) must be obtained from the Watch Commander.
- The individual authorizing the vehicle impound/towing under Sections 22655, 22655.3, or 22655.5 CVC will notify the Crime Scene Investigations (CSI) personnel if they are needed for evidence processing/recovery.

Section 22655 (a) CVC:

- A hit and run vehicle may be impounded/towed under section 22655(a) CVC if:
 - The vehicle is on a roadway or on a private property open to general public.
 - Removal is necessary for inspection purposes only.
 - The vehicle is not removed from a closed structure that is not open to the general public.
 - If a vehicle is impounded/towed under section 22655 CVC all fees associated with the vehicle impound/tow are paid by the registered owner, unless the vehicle is reported as stolen.

Section 22655.3 CVC:

- A vehicle may be impounded/towed under Section 22655.3 CVC as an abandoned fleeing vehicle.
 - If the vehicle is located on property other than the registered owner's property.
 - For purposes of investigation and for the identification and/or apprehension of the driver.
 - If the vehicle is abandoned, i.e. unattended.

- If a vehicle is impounded/towed under section 22655.3 CVC all fees associated with the vehicle impound/tow are paid by the registered owner, unless the vehicle is reported as stolen.
- The vehicle should not be impounded/towed under section 22655.3 CVC if the driver is arrested before the arrival of the tow company.
 - If the driver is arrested, then section 22651H (1) CVC would be the appropriate CVC section to use to tow the vehicle if it meets the Community Care Taking Doctrine.

Section 22655.5 CVC:

- The vehicle may be impounded/towed for a criminal investigation under Section 22655.5 CVC:
 - If the vehicle is on the highway, public property, or private property.
 - If there is probable cause to believe the vehicle was used as the means to commit a public offense.
 - If there is probable cause to believe the vehicle is evidence that tends to show a crime has been committed or the vehicle contains evidence that can not be readily removed.
 - In the event of a major injury traffic collision that might result in a fatality, or in the case of a confirmed fatality, if there is probable cause to believe that a crime has been committed and the vehicle or vehicles contain evidence.
 - In the event of a DUI related traffic collision where two or more parties are involved and the driver(s), pedestrians(s), or passengers(s) are injured, the vehicles of the suspected DUI driver(s) may be impounded/towed for evidentiary purposes under Section 22655.5 CVC.
- In a major traffic collision involving a DUI or fatality, the “at fault” party is not determined until the entire investigation is completed.
- If it is determined that a vehicle should be towed per CVC 22655.5 and approved by the Watch Commander the following notifications shall be made.
 - By the end of the shift both the Traffic Sergeant and Detective Sergeant shall be notified that a vehicle was impounded per CVC 22655.5.
- It should be noted that all fee associated with vehicles towed per CVC 22655.5 will be paid by the City of Atascadero until the vehicle is released by police department personnel. Therefore, the vehicle shall be released by the WC as soon as possible so that excessive fees are not incurred.
- Tracking of payment and restitution.
 - Once a vehicle has been towed the vehicle will be processed for evidence by either CSI personnel or traffic collision investigators.
 - At the conclusion of the evidence processing the tow company shall be notified as well as the Traffic Sergeant.
 - The invoices from the Tow companies shall be forwarded to the Traffic Sergeant prior to payment being made. The Traffic Sergeant will ensure the invoices matches the correct time of storage under the evidence section. Once the Traffic Sergeant confirmed the invoice to be correct, the invoice shall be routed to the Finance Department for payment.
 - The Traffic Sergeant, or his/her designee, will maintain record of the invoice and the associated case status. If the perpetrator of the crime is convicted, the

Traffic Sergeant will submit restitution paperwork to the Probation Department pursuant to CVC 22655.5(d).

California Highway Patrol (CHP) 180 Forms:

- On the top line of the CHP 180 form, check the “owner notified” box ONLY if the registered owner or legal owner was provided with a copy of the half-sheet of the form at the scene.
- Always note the legal owner of the vehicle on the CHP 180 form if one is available through CLETS. This is necessary if the legal owner wants to retrieve the vehicle in a timely manner if he/she wants to repossess it.
- Always note a value of the vehicle on the CHP 180 form. Keeping in mind the condition and mileage of the vehicle.

Examples:

CVC 22655(a):

- A minor hit and run vehicle is located in the driveway of a private residence. The driveway is not open to the general public; therefore, impounding/towing the vehicle under CVC 22655(a) is not appropriate. However, if there was a major traffic collision in which a party was seriously injured and the vehicle is now in the same driveway, impounding/towing the vehicle can be articulated under CVC 22655.5 because the vehicle was used in the commission of a crime. The vehicle is evidence and may contain evidence that cannot be processed or recovered in a reasonable period of time by reasonable means.
- A major hit and run traffic collision has occurred. The vehicle is located in an unlocked garage. Section 22655(a) CVC is not applicable because the vehicle is on private property and inside a closed structure that is not open to the general public. The scene should be “frozen”, constantly surveilled and a warrant should be obtained to impound/tow the vehicle.

CVC 22655.3

- An officer has pursued a vehicle but loses sight of the vehicle and is unable to locate it. The officer checks the DMV record on the license plate and using the information locates the vehicle in the driveway of the registered owner. If the vehicle is unoccupied, it may not be impounded/towed under CVC 22655.3.
- After a vehicle pursuit, an officer locates the vehicle on private property not belonging to the registered owner near the termination point of the vehicle pursuit. The vehicle is unoccupied. The vehicle may be impounded/towed under CVC 22655.3.

CVC 22655.5

- There is probable cause to believe a vehicle was used in a 459 PC. The vehicle is left unoccupied in a driveway of a private residence or on the roadway. Inside the vehicle, in plain view, is property reported stolen in the burglary. The evidence inside the vehicle may be seized, without impounding/towing the vehicle the vehicle, as this evidence can be readily removed. However, if CSI is needed on the vehicle and the CSI is unable to respond to the scene, the vehicle may be impounded/towed and processed as soon as possible under CVC 22655.5.

This Standard Operating Procedure was approved and distributed for training by:



Joe Allen
Commander



Jerel Haley
Chief of Police

Attachments: (List here)