



**VEHICLE STORAGE AND IMPOUND
GENERAL ORDER #17.02**

Adopted: 07/07/2010
Replaces: G.O. #17.02 dated 1/10/2010

Updated: 02/22/2010
Reviewed: 02/22/2010

POLICY

Deputies shall give reasonable consideration to other available options before storing or impounding a vehicle.

PROCEDURE

- A. If it is determined that a vehicle on the highway should be towed and there is legal authorization to tow , it may be towed by the deputy; however, deputies shall give reasonable consideration to other available options before storing or impounding a vehicle.
- B. Deputies assigned to contract cities should refer to city ordinance and other regulations of the contract city regarding vehicle impounds and tows.

C. DOCUMENTATION

CHP 180 form will be used to document all vehicle reports. Accident report supplements (CHP 556) will be used to record additional information. On cases involving suspended or unlicensed drivers, the Suspended or Unlicensed Driver Questionnaire will be used. DL310 Verbal Notice by Peace Officer, DMV or Court Employee form should also be used, when appropriate. On cases involving abandoned vehicles, the Santa Clara County Abandoned Vehicle Abatement Service Authority (AVASA) Vehicle Abatement Reimbursement Claim Form will be used.

D. IMPOUNDED AND STORED VEHICLES

An impounded or stored vehicle is a vehicle seized or stored under authority of law. Deputies should refer to the Vehicle Code for the appropriate sections.

- 1.** Towing Due to Arrest - when a driver of a vehicle is arrested and booked, or cited for being an unlicensed driver or for driving on a suspended license, the following options and considerations should, when possible, be made prior to towing:
 - a.** If the driver is not the owner or registered owner of the vehicle, is the driver in lawful possession of the vehicle? Is consent to drive or have possession of the vehicle an issue and, if so, can it readily be verified or will it require follow-up investigation?
 - b.** Is the vehicle on private property and does the property owner or agent in lawful possession of the property want the vehicle removed? Refer to CVC 22658(a), 22653(c), 22655.5, 22651.
 - c.** Is the vehicle legally parked or can it be legally parked at the scene or location of occurrence? Is the area inherently unsafe to leave the vehicle because it is isolated, in poor lighting, located on a narrow roadway or likely to create a traffic hazard or obstruction?
 - d.** Does the vehicle contain property of value, tools, equipment or machinery which would make the vehicle or contents a target for theft?
 - e.** Does the condition of the vehicle itself make it unsafe to leave at the scene? (i.e., doors, windows, trunk lids or locks which don't work properly, convertible tops which can be easily cut to gain entry when valuables are stored in the vehicle or in plain view).
 - f.** Is the driver capable of and willing to sign a vehicle waiver release of liability form? Is there a licensed passenger? Does the owner consent to the passenger taking custody of the vehicle? Can the owner be located to determine whether consent may be given?
 - g.** Is the driver or person in control of the vehicle impaired or under the influence of alcohol or a controlled substance to such a point that their judgment or decision making should be questioned regarding whether or not the vehicle and its contents can be safely left at the scene?
 - h.** Is the driver unlicensed or driving on a suspended license? Does the driver show a history of these violations within the last five years?
 - i.** Is the driver or person in control of the vehicle reasonably likely to unlawfully drive or repeat a driving offense if released at the scene within proximity or access to the vehicle?

3. Investigative Services Division Responsibilities- this division has the following responsibilities:
 - a. Update case file with recovery report.
 - b. Mail notification to legal and registered owners of vehicle, per 22852 CVC.
 - c. Release vehicle in accordance with the procedure provided in this General Order; however, during non-business hours, the patrol supervisor may release a recovered vehicle to the owner if the vehicle is not needed for evidence.

F. ABANDONED VEHICLES

An abandoned vehicle is any vehicle left unattended in one location in excess of 72 hours. Authority to remove the vehicle is provided by 22651(k) CVC. The procedure for removing abandoned vehicles is as follows:

1. The initiating deputy will:
 - a. Completely fill out the Vehicle Check Card and chalk or otherwise mark the vehicle's location.
 - b. Request a stolen vehicle and registration check on the vehicle and attach hard copies to Check Card.
 - c. Attach warning notice to the vehicle.
 - d. Route Check Card to Headquarters Patrol or West Valley Division for follow up.
 - e. Check the vehicle after 72 hours. If the deputy is unable to check the vehicle after 72 hours, he or she should advise the patrol supervisor, who should assign another deputy to follow up to ensure removal of the vehicle.
 - f. A citation may be left with the vehicle.
 - g. CHP 180 form will be completed by the deputy requesting the tow and signed by the tow company and a copy given to the tow company. All paperwork will be identified with the case number.

