
VEHICLE STORAGE AND IMPOUNDS

5030.1 PURPOSE

These procedures are related to the storage or impoundment of vehicles and, if applicable, the subsequent release of any holds. Nothing in this procedure shall require the storage or impoundment of a vehicle unless mandated by law.

5030.2 BACKGROUND

The Santa Ana Police Department is committed to ensuring safe roadways for pedestrians and the motoring public. In furtherance of this goal, members of this Department will occasionally remove vehicles from the roadway for a variety of reasons. When a vehicle is stored or impounded, it is important officers understand this action is viewed as a seizure under the Fourth Amendment of the United States Constitution. Therefore, the vehicle must be removed in accordance with the Constitution, statutory authority and applicable court rulings.

5030.3 DEFINITIONS

All reports, investigations, administrative reviews and internal documentation regarding vehicle storage or impounds should use the same terminology. Inconsistent terminology may lead to confusion and allow or prevent a vehicle from being released erroneously, hindering investigations and potentially expose the Department to liability.

1. Community Caretaking - The protection of the public to ensure the flow of traffic, to prevent theft or vandalism, or some other community caretaking need, as articulated by the officer.
2. Towed Vehicle – A vehicle that is towed at the direction of someone other than a member of this organization shall be referred to as a “towed vehicle” (i.e. owner’s request).
3. Stored Vehicle – A vehicle removed at the direction of a member of this Department but does not have a police hold attached shall be referred to as a “stored vehicle” (i.e. blocking the roadway, pursuant to an arrest, etc.).
4. Impounded Vehicle – A vehicle that is towed at the direction of a member of this organization that has a police hold placed upon it shall be referred to as an “impounded vehicle” (i.e. vehicle contains evidence of a crime, unlicensed driver with or without a 30-day hold, unregistered vehicle over six months, etc.).

5030.4 VEHICLE STORAGE AND REQUIREMENTS

1. A vehicle may be removed in accordance with the California Vehicle Code (CVC) whenever permitted by law and an alternate means of securing the vehicle is not reasonable or practical to achieve the desired goal.
2. Members must indicate the circumstances necessitating the removal of the vehicle on the Vehicle Report Form (SAPD T-42).

Santa Ana Police Department

Santa Ana PD Procedures Manual

VEHICLE STORAGE AND IMPOUNDS

3. Officers shall conduct an inventory of the vehicle and note the contents on the Vehicle Report Form.

5030.5 VEHICLE IMPOUND REQUIREMENTS

5030.5.1 A VEHICLE MAY BE IMPOUNDED UNDER THE FOLLOWING CIRCUMSTANCES:

1. For further investigation or the vehicle contains evidence of a crime (i.e. securing the vehicle pending scientific analysis or a search warrant, VIN discrepancy, etc.)
 - (a) The impounding officer should notify the appropriate investigative unit of the hold via telephone and/or email as soon as possible.
 - (b) A Vehicle should not be impounded if it does not possess any probative value or evidence related to the crime under investigation.
2. When the driver of the vehicle was involved in any of the following activity pursuant to CVC § 23109.2(a):
 - (a) A speed contest in violation of CVC § 23109(a);
 - (b) Reckless driving on the highway in violation of CVC § 23103(a);
 - (c) Reckless driving in an off-street parking facility in violation of CVC § 23103(b); o
 - (d) Exhibition of speed on a highway in violation of CVC § 23109(c).
3. The vehicle is found or operated on a highway, public lands, or an off-street parking facility in violation of CVC § 22651(o) when:
 - (a) The vehicle's registration has been expired in excess of six months;
 - (b) The vehicle is displaying a registration card, identification card, temporary receipt, license plate, special plate, registration sticker, device issued pursuant to CVC § 4853, or a permit that was not issued for that vehicle or is not otherwise lawfully used on that vehicle; or
 - (c) The vehicle is displaying an altered, forged, counterfeit, or falsified registration card, identification card, temporary receipt, license plate, special plate, registration sticker, device issued pursuant to CVC § 4853, or a permit.
 - (d) If a vehicle is being removed pursuant to CVC § 22651(o), the officer must articulate a community caretaking need.
4. If a driver has been cited for a violation of CVC § 12500 and has no active license suspensions, the officer shall consider releasing the vehicle to a licensed driver who is on the scene or allow another licensed driver a reasonable amount of time to pick up the vehicle. Releasing a vehicle to another licensed driver shall only be done with the consent of the registered owner. After such consideration the vehicle may only be impounded in accordance with the Community Caretaking Doctrine. Therefore, an impound can only be authorized when there are articulable facts to show that leaving the vehicle at the scene would:
 - (a) Jeopardize public safety (i.e. likelihood the offense will continue);

Santa Ana Police Department

Santa Ana PD Procedures Manual

VEHICLE STORAGE AND IMPOUNDS

- I. A vehicle should not be impounded simply because another licensed driver is not available at the scene without first giving the driver an opportunity to summon the registered owner to the scene in a reasonable amount of time. If the registered owner has a valid driver's license, the officer may release the vehicle to the registered owner. If the registered owner is not licensed, the officer may release the vehicle to his/her agent as long as they possess a valid driver's license.
- (b) For the purposes of this section and barring articulable circumstances to the contrary, a reasonable amount of time shall mean a minimum of 20 minutes following the point at which the driver is notified he/she may summons the registered owner or the qualified driver to the scene.
- (c) Jeopardize the efficient movement of traffic (i.e. illegally parked); or
- (d) Subject the vehicle to vandalism or theft (i.e. high crime area).

5030.5.2 A VEHICLE SHOULD BE IMPOUNDED UNDER THE FOLLOWING CIRCUMSTANCES:

1. When a driver has been cited for a violation of CVC § 12500 and the officer has information (i.e. Visions, RMS, DMV, self-admission, etc.) that the driver has previously been issued a citation for a violation of CVC § 12500 or CVC § 14601 at least once in the previous nine (9) months or two (2) or more times in the previous three (3) years. The presence of these past violations is indicative of "prior knowledge" and proof that the offense will likely continue under the Community Caretaking Doctrine.
2. When the driver has been cited for a violation of CVC § 14601.
 - (a) In order to prove a violation of CVC § 14601, the officer must demonstrate the driver had knowledge of the violation, by reviewing the service code(s) indicated on the driver's license record. The following is a list of service codes:
 1. "A" - Notice sent via First Class Mail and was not returned.
 2. "B" - Signed suspension notice documentation on file.
 3. "D" - Personal service documentation on file.
 4. "H" - Suspension notice was acknowledged, no signature.
 5. "I" - Notice returned unclaimed.
 6. "J" - Written notice served by officer.
 7. "K" - Service refused.
 8. "L" - Reported deceased.
 9. "M" - Verbal notice documentation on file.
 10. "P" - Personal service.
 11. "R" - Personal service unsuccessful.

Santa Ana Police Department

Santa Ana PD Procedures Manual

VEHICLE STORAGE AND IMPOUNDS

- (b) For the purposes of enforcement, all of the service codes listed above constitute proof the driver had knowledge of the suspension or revocation of their driving privilege with the exceptions of code "I", "K", and "R".
 - 1. In the case of a driver with these service codes listed on the driver's license record, the officer should complete a DL310 form notifying the driver of the suspension or revocation.
 - 2. The officer should issue the driver a citation for CVC § 12500(a) and the vehicle should be impounded.
 - (c) Pursuant to CVC §§ 14601 – 14601.5(a), it is “conclusively presumed” that the driver has knowledge of their suspension or revocation when service code “A” is listed. However, CVC § 13106 indicates the presumption of knowledge is a “rebuttable presumption.” Any request on the driver's license record for “personal service needed” associated with service code “A” is simply to eliminate the “rebuttable presumption” and does not affect the validity of the violation. However, it is likely that the Orange County District Attorney's office will not file a CVC § 14601 charge on service code “A” unless the driver admits knowledge and it is included in the citation notes and/or applicable police reports. Therefore, if the driver fails to admit knowledge, the driver should be issued a citation for CVC § 12500(a) and the vehicle should be impounded. The Community Caretaking Doctrine does not apply to this situation since the driver's privileges have been suspended. It is imperative that the officer complete a DL310 form and provide personal service of the suspension or revocation so the driver's license record can be updated.
- 3. When the driver has been cited for a violation of CVC § 12500 but has an active suspension on his/her driving record for which proof of service cannot be established as required above.
 - 4. When the driver has been arrested for a violation of CVC § 23140, CVC § 23152, or CVC § 23153 and one or more of the following conditions exist:
 - (a) The driver is operating the vehicle in violation of CVC § 12500 or CVC § 14601, the vehicle should be impounded with a 30-day hold.
 - (b) The driver has one conviction for a violation of CVC § 23140, CVC § 23152, or CVC § 23153 and the
 - 1. Driver has a blood alcohol content (BAC) of 0.10% or greater; or
 - 2. Driver refused to submit to or complete a chemical test requested by the requesting officer.
 - (c) The driver has two or more convictions for a violation of CVC § 23140, CVC § 23152, or CVC § 23153 in the preceding 10 years, the vehicle should be impounded for 15-days pursuant to CVC § 14602.8(a)(1) if:
 - 1. The driver has a blood alcohol content (BAC) of 0.10% or greater; or
 - 2. The driver refused to submit to or complete a chemical test requested by the requesting officer.

Santa Ana Police Department

Santa Ana PD Procedures Manual

VEHICLE STORAGE AND IMPOUNDS

5. When the driver of a vehicle operates a vehicle without an ignition interlock device installed in his/her vehicle as required pursuant to their driver's license record, the vehicle should be impounded for 30-days pursuant to CVC § 14602.6(a).

5030.5.3 NARRATIVE

Members must include a detailed narrative on the Vehicle Report Form indicating the reason for the initial contact with the driver and the circumstances necessitating the impoundment of the vehicle. This should include, but is not limited to, the following information:

1. Probable cause for the stop;
2. Results of a records check to determine registration status, license status, prior convictions, etc.

5030.5.4 INVENTORY

Officers shall conduct an inventory of the vehicle and note the contents on the Vehicle Report Form.

5030.5.5 SAPD T-51 - IMPOUND RELEASE REQUIREMENTS FORM

Officers shall provide the driver with the Impound Release Requirements Form (SAPD T-51) indicating the case number and type of impound.

5030.6 VEHICLE IMPOUNDS FOR 30-DAYS

1. As set forth in the guidelines of this policy, any vehicle that is impounded for 30-days shall be accomplished pursuant to CVC § 14602.6(a) and/or CVC § 23109.2(a)(1) as appropriate.
2. A 30-day hold may only be placed on vehicles under the following circumstances:
 - (a) The driver of the vehicle is also the registered owner.
 - (b) The driver of the vehicle is either the legal owner or admits to owning the vehicle.
 - (c) The driver indicates the registered/legal owner gave him/her permission to drive the vehicle and knew, or the officer can establish the owner should have known had they made a reasonable effort, that the driver was unlicensed.
3. The factors necessitating a 30-day impound shall be documented on the Vehicle Report Form, along with any other information necessary to justify the impound at a Post-Storage Hearing including, but not limited to:
 - (a) Probable cause for the stop;
 - (b) Results of a records check to determine license status, prior convictions, etc;
 - (c) Whether the driver is the registered/legal owner of the vehicle;
 - (d) If the driver is not the registered/legal owner, the officer should establish:
 1. How the driver came to be in possession of the vehicle;
 2. How did the driver come into possession of the vehicle's ignition key;
 3. How many times has the driver operated the vehicle in the past?

Santa Ana Police Department

Santa Ana PD Procedures Manual

VEHICLE STORAGE AND IMPOUNDS

4. If the officer cannot establish the driver is the owner of the vehicle, that the owner should have reasonably known the driver was unlicensed, or that the driver was not properly notified that their license has been suspended, the officer shall either release the vehicle pursuant to the Community Caretaking Doctrine or impound the vehicle without a 30-day hold attached as set forth in the guidelines above.
5. Officers shall provide the driver with the Impound Release Requirements Form indicating the case number and type of impound.

5030.7 TOWING PROCEDURES

When an employee directs the removal of a vehicle from the roadway or off-street parking facility based on this procedure, the member should do the following:

1. Obtain approval from a supervisor;
2. Request a rotational tow;
3. Issue the driver a citation and obtain a right thumb print as appropriate. The fingerprint should not be entered into any computer database unless necessary to positively identify the driver in furtherance of the legal process;
4. Complete the Vehicle Report Form;
 - A. Ensure the proper storage/impound box is checked and enter the appropriate storage authority section.
5. Conduct a vehicle inventory and list the contents on the Vehicle Report Form;
6. Allow the driver to remove personal property from the vehicle;
 - A. Members should not allow anyone to removed fixed objects from the vehicle.
7. Provide the driver with the Impound Release Requirements Form indicating the case number and type of impound;
8. Assist as necessary in ensuring the driver/passengers are at a location where they can safely arrange for transportation.
9. Obtain the tow truck driver's signature on the Vehicle Report Form;
10. Enter the vehicle information in the Impound/PPI Log
11. Attach a copy of the vehicle registration print-out and submit the report to the Station Supervisor for approval.

5030.8 VEHICLE RELEASES

When a vehicle has been impounded and a hold in excess of one-day has been placed on the vehicle, the Santa Ana Police Department is required to provide a Post-Storage Hearing as soon as practical under the Due Process Clause of the Fourteenth Amendment of the U.S. Constitution, CVC § 22852 and case law. Refer to the Vehicle Impound Hearing Policy for details.

Santa Ana Police Department

Santa Ana PD Procedures Manual

VEHICLE STORAGE AND IMPOUNDS

5030.9 ROTATIONAL TOW TRUCKS

1. Tow companies selected to participate in the rotational towing program shall be selected at the discretion of the Chief of Police based on the City's needs and the tow company's ability to meet the requirements of the Rotational Tow Agreement created in accordance with SAMC 32-107.
2. Tow companies may be suspended or removed from the rotational tow list for infractions of the Rotational Tow Agreement. Members should report violations of the agreement to the Traffic Division for review. A complete list of requirements can be obtained from the Traffic Division. Some of the common requirements that effect members in the field include, but are not limited to:
 - (a) Ability to provide towing services 24-hours per day, 7-days per week.
 - (b) Ability to respond to calls within 20 minutes.
 - (c) Repeated or flagrant violations of the California Vehicle Code by the driver or owner(s) of the tow service.
 - (d) Providing false or misleading information.
 - (e) A demonstrated unwillingness to respond and/or pick up abandoned or derelict vehicles.
 - (f) Failure to maintain a Santa Ana business license.
 - (g) Adequate space to store at least 100 vehicles and up to four vehicles for the purposes of processing evidence.
 - (h) Maintain at least four (4) tow trucks with a lifting capacity of 16 tons and should also have at least one flatbed tow vehicle available.
 - (i) Tow truck drivers shall maintain the proper class of license for the tow vehicle they are operating.
 - (j) On accident calls, tow service providers shall clean up and remove all debris from the scene.
3. In the case of an owner's request tow, members shall refrain from recommending a towing company to any member of the public. However, if a specific tow company is requested (i.e. AAA), an employee may request that company on behalf of the citizen.
4. Employees shall utilize the rotational tow list for all storage and impounds.
5. The fee schedule shall be created and adjusted in accordance with subsection 14, of Section C of the Rotational Tow Agreement. The fees shall be reviewed by the Traffic Division annually to ensure they are consistent with market rates for other police tow and storage rates in the Southern California area.