

STOCKTON POLICE DEPARTMENT

GENERAL ORDER

TOWING OF VEHICLES
SUBJECT

DATE: March 1, 2005

NO: T-9

FROM: CHIEF ERIC JONES

TO: ALL PERSONNEL

INDEX: Towing of Vehicles
Impounded Vehicles
Holds on Towed Vehicles

I. POLICY

Officers of the Stockton Police Department will tow and store vehicles when necessary according to the California Vehicle Code or Stockton Municipal Code (SMC).

II. LAW

Officers will become familiar with Section 22650 to 22700 and 14602.6 of the California Vehicle Code and Chapters 5, 7, and 10 of the Stockton Municipal Code.

III. PROCEDURE

- A. Before towing a vehicle, the officer should consider the driver's wishes in its disposition.
- B. Each incident consists of many variables, and each officer must use sound judgement and good police practices in deciding when to tow a vehicle. Some factors to consider:
 - 1. The probability that the vehicle may be stripped since it has speed equipment, mags, etc. (In cases of doubt, the vehicle should be towed).
 - 2. The probability that the vehicle may be stripped since it might be left in a high crime area.
- C. Vehicles should generally be towed/or impounded under the following circumstances:
 - 1. The driver is intoxicated to such an extent as to lose ability to reason.
 - 2. The driver or owner has lost mental faculties control to the point that a rational decision cannot be made regarding the disposition of the vehicle.
 - 3. The vehicle's position on the roadway creates a traffic hazard.
 - 4. Vehicle registration has lapsed over six (6) months.
 - 5. There is a question regarding the driver's legal possession.
 - 6. Driver is unlicensed or driving on a suspended or revoked license.
 - 7. Vehicle is evidence.
 - 8. The vehicle was stolen, and the owner cannot take possession.
 - 9. The vehicle was involved in an accident and in the officer's opinion the vehicle is disabled or a safety hazard.
- D. When an officer elects to tow a vehicle, "slight care" must be provided to assure the security of the

vehicle and its contents.

1. "Slight care" is dependent upon the circumstances of each situation.
2. Rolling up the windows and locking the doors is sufficient according to court decisions.
3. Some alternatives to towing a vehicle:
 - (a) If the driver gives permission to turn the vehicle over to a friend or relative. The officer must note the person's name, D.O.B., and address on the appropriate report.
 - (b) The driver requests the vehicle be locked and legally parked where it was stopped, and none of the above apply.

E. Vehicle inventory.

1. Personnel having a vehicle towed and stored or impounded shall inventory the vehicle and complete a Motor Vehicle Report in accordance with law.
 - (a) In cases of accidents where the driver is present and there is no reason to hold the vehicle, the completion of the Motor Vehicle Report Form is not necessary.
2. Items in open view will be inventoried.
3. Glove compartments, trunks, suitcases, etc., will be opened for inventory purposes unless sound police practices dictate otherwise.
4. If drivers or owners are present they should be asked if any valuables are inside the vehicle and they should secure them.
5. If the driver or owner is not present and the vehicle is to be towed, the following guidelines will apply:
 - a. Items of minor value may be locked in the trunk.
 - b. Items that are obviously high in value, such as money, diamonds, furs, etc., shall be safeguarded as necessary until a representative of the owner can take charge or other safe storage is arranged. If the owner or his/her representative cannot respond in a reasonable period of time, the officer will contact his/her supervisor and decide on booking the valuables into property. This will be noted on the Motor Vehicle Report form. A Property Receipt card (PD-1599) must be completed or at minimum, a note advising the owner what items were booked and where.
 - c. Items may be turned over to the Tow Company for safekeeping but these items should be listed on the Motor Vehicle Report.

F. After the vehicle being towed and stored is inventoried and the Motor Vehicle Report is complete, the investigating officer and the agent of the Tow Company will sign it.

1. The agent of the Tow Company will receive a copy of the Motor Vehicle Report before he/she removes the vehicle.
2. The keys to the vehicle will generally be turned over to the agent of the tow company, but the owner or driver may be allowed to lock the car and retain the keys. The owner, however, should be advised that the towing agency may charge more for towing a locked vehicle.

G. Under all circumstances, the investigating officer will note the disposition of the vehicle on the appropriate report i.e. Crime Report, Accident Report, or Motor Vehicle Report.

H. A hold is not usually placed on a vehicle. If a hold is established, it will be on the basis of evidence protection or impounding. It will be the responsibility of the investigating officer, or officer in charge of follow-up, to remove the "HOLD" status as soon as possible. In addition, if inside storage was

requested, it too should be removed as soon as possible.

1. If a vehicle needs to be towed with a HOLD or inside storage, the investigating officer will:
 - a. Request E.I.T., priority 1, at the scene or the garage, in lieu of inside storage or a HOLD. If this is not possible;
 - (1) Request through the Telecommunications Center, a tow with inside storage available.
 - b. Complete the Motor Vehicle Report form with a notation in the remarks block, "HOLD FOR" and the specific reason for the hold.
 - c. Advise the tow truck driver specifically that there is a hold on the vehicle and that inside storage is required.
 - d. Notify the responsible division i.e., in the synopsis of the report, ATTN: Investigations Division with an explanation.
- I. Special Circumstance Towing will be done by either detectives, at the request of detectives, or at the direction of a field supervisor. It will usually be done when a vehicle is involved in a major criminal investigation and extensive processing of the vehicle for evidence is required. Officers who request a Special Circumstance Tow shall note this on the Motor Vehicle Report form.
- J. An officer having a vehicle towed will be responsible for providing information regarding the tow to the Headquarters Clerk. This information can be done by telephone or MDC. The information must be relayed prior to the officer clearing from the call.
- K. The officer having a vehicle towed shall also be responsible for submitting the Motor Vehicle Report to the Headquarters clerk prior to securing from their shift.