



SACRAMENTO POLICE DEPARTMENT

GENERAL ORDERS



536.02

RECOVERED, STORED, IMPOUNDED AND ASSET SEIZED MOTOR VEHICLES

09-28-10

PURPOSE

The purpose of this order is to establish procedures for processing recovered, stored, impounded, or asset seized vehicles.

POLICY

It shall be the policy of the Sacramento Police Department to safeguard motor vehicles that are recovered, stored, impounded, or asset seized at the direction of Department personnel by following established procedures and properly documenting police actions.

PROCEDURE

A. DEFINITIONS

1. RECOVERY - Found stolen vehicle.
2. STORAGE - Vehicle caused to be stored by a member of the Department [e.g. 22651(g) VC, 22651(h) VC].
3. IMPOUND - Vehicle kept for police custody until legal obligation fulfilled [e.g. 14602.6 VC, 22651(i) VC, or 22651(o) VC].
4. EVIDENCE IMPOUND - Vehicle kept in police custody until vehicle has no further value as evidence.
5. ASSET SEIZURE - Public entity intends to take title of vehicle.

B. GENERAL

1. Officers shall make a visual inspection of the Vehicle Identification Number (VIN) of all motor vehicles that are recovered, stored, impounded, or asset seized to determine if it corresponds to the license plate and registration of the vehicle.
2. An SPD 188 (Vehicle Recovery/Storage/Inventory) shall normally be used whenever a vehicle is recovered, stored, impounded, or asset seized.
 - a. Officers shall inventory the contents of every vehicle recovered, stored, impounded, or asset seized by the Department to protect:
 - (1) the owner's property while it is in police custody.
 - (2) the Department when claims or disputes arise over the status of property.
 - (3) officers and the public from potential danger.
 - b. Inventories shall include the contents of any open or closed containers found within the vehicle, including the passenger compartment, trunk, or any other area where personal property may be stored. Officers are permitted to open closed containers whose contents cannot be ascertained from an exterior inspection alone.
 - c. Item(s) found shall be noted on the SPD 188. Officers shall include in their report:
 - (1) all items of value found.
 - (2) if no items of value are found.
 - (3) the circumstances if an inventory is not conducted (e.g., destruction of possible evidence, search warrant being obtained, vehicle locked, etc.).
 - d. Subjects will not be allowed to remove items that are part of the vehicle (e.g. car stereos, spare tires, etc.).
 - e. The tow truck driver shall be given the yellow copy of the SPD 188.
3. An SPD 188 shall not be prepared when a citizen requests assistance for a disabled vehicle.
4. Officers shall ensure the tow information or advisement of the vehicle location is entered on the incident history.
5. Supervisors shall review, approve, and route the completed reports to the Records Section. If an officer cannot complete the SPD 188 because the DMV computer system is inoperative or the vehicle is registered out of state, the officer shall complete a supplementary report to document this fact.

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6. The Records Section shall:
 - a. send "Notice of Stored Vehicle" letters to the registered owner of record and the legal owner of record of the vehicle.
 - b. forward a copy of all Motor Vehicle Reports to the appropriate section.
7. All inquiries about the release of recovered, stored, impounded or asset seized vehicles shall be referred to the section responsible for any required follow up investigation (e.g. hit and run to Traffic, rape to SACA, etc.).

C. RECOVERY OF STOLEN MOTOR VEHICLES

1. Officers who locate an unoccupied stolen vehicle shall recover the vehicle immediately, unless the watch commander approves a delay.
 - a. The reason for the delay shall be clearly articulated to the watch commander; public safety shall be the primary concern.
 - b. The officer shall cause a miscellaneous comment to be added to the call history explaining the delay.
2. When an officer is assigned to process a stolen motor vehicle recovery, the dispatcher shall provide the officer with the information contained in the SVS.
3. The officer making the recovery may attempt to locate the owner of a recovered motor vehicle.
4. The Records Section shall:
 - a. make one (1) attempt by telephone to notify the owner of a recovered vehicle of the storage location. The result of the notification attempt shall be entered in the miscellaneous field of the SVS recovery/locate message.
 - b. comply with 10500 VC and forward a letter postmarked within twenty four hours of receipt of information regarding the recovery, excluding weekends/holidays, notifying the owner of the recovered vehicle and storage location.
5. Vehicle Crimes Unit personnel who determine that an abandoned vehicle is stolen shall either:
 - a. comply with sections C.4.(a)&(b) above, or
 - b. immediately notify the Records Section who shall make the appropriate notifications.
6. Recovered stolen vehicles shall not be processed for fingerprints unless:
 - a. the vehicle was known to be involved in a serious crime, including carjacking.
 - b. the vehicle was extensively stripped.
 - c. requested by the Watch Commander or a field supervisor or Detective within the Office of Investigations.

D. STORED MOTOR VEHICLES

If the driver of a vehicle is arrested, the officer shall ask the subject if they wish to have the vehicle stored at their own expense pursuant to 22651(h) VC.

1. If the arrested subject requests the vehicle be stored, the officer shall note the subject's request on the SPD 188.
2. If the arrestee does not want the vehicle to be stored, but the officer determines that storing is appropriate, the officer shall:
 - a. advise the arrestee of the decision to store the vehicle.
 - b. clearly articulate the reasonable grounds for storage in the report.
3. If the arrestee indicates they do not wish to have the vehicle stored and the officer determines that the vehicle need not be stored, the officer shall:
 - a. roll up all windows, lock all doors, and return the key(s) to the subject.
 - b. if valuables are contained in the vehicle, ask the subject if they would like them placed in the trunk.
 - (1) If the arrestee declines, the valuables should be either left in the locked vehicle, or, at the officer's discretion, booked for safekeeping.
 - (2) The arrestee's refusal to have the vehicle stored and/or the decision to leave valuables in the vehicle shall be noted in the arrest report.

E. IMPOUNDED MOTOR VEHICLES

1. Vehicles unregistered in California for more than 6 months shall be removed, as resources allow, from roadways or public lands, impounded at the owner's expense, and held for fees due pursuant to 22651(o) VC.

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- a. SVS entries shall indicate the vehicle was "impounded" with the reason "fees" shown in the "Miscellaneous" field.
- b. All towing and storage fees shall be paid by the owner or authorized agent of the vehicle.
2. Vehicles with five (5) or more parking citations to which the registered owner has not responded shall be removed, as resources allow, from roadways or public lands, impounded at the owners' expense, and held for fees due pursuant to §22651(i) VC.
 - a. Because the intent of §22651(i) CVC is to collect fines from people who continuously ignore citations, officers shall not tow a vehicle without verifying, through the Municipal Court Violations Bureau, or its counterpart in other jurisdictions, that at least five (5) citations have not been responded to for the 21 day compliance period. DMV registration printouts shall not be considered verification.
 - b. Officers shall supplement the report to indicate the amount and type of fees, and to which agency(ies) they are due.
 - c. SVS entries shall indicate the vehicle was "impounded" with the reason "fees" shown in the "Miscellaneous" field.
 - d. All towing and storage fees shall be paid by the owner or authorized agent of the vehicle.
3. Officers shall:
 - a. utilize a tow from the rotation list.
 - b. inform the tow driver the vehicle is being held for fees at the owner's expense and is not to be released without an SPD 140 (Release of Impounded Vehicle).
4. Release of impounded vehicles
 - a. All owners or owner's authorized agents of vehicles impounded shall be referred to an SPD public counter for the purpose of obtaining an SPD 140.
 - b. Release shall be made only after the owner of the vehicle or the owner's authorized agent presents proof of payment of the fees due the court or DMV.
 - c. Release shall be made by completing an SPD 140 and giving the owner or authorized agent the indicated copy.

F. 14602.6 VC IMPOUNDS

Officers impounding vehicles under 14602.6 VC shall:

1. notify Communications of the need for a 30 day impound.
2. attach the CLETS driver license and vehicle registration information to the call history.
3. attach printouts of the CLETS driver license and vehicle registration information as supplements to the SPD 188.
4. advise the tow driver of the 30 day hold.
5. note on the call history and on the SPD 188 that the driver was advised.
6. when updating the SVS system regarding the vehicle, the notation "30 day impound" shall be made in the miscellaneous section.
7. write on the SPD 188 "30 day impound per 14602.6 VC."

G. EVIDENCE IMPOUND PROCEDURE

1. Vehicles shall be evidence impounded when they are believed to contain evidence or contraband that cannot be recovered by an officer at the scene including:
 - a. evidence sought requiring special techniques and equipment for collection (e.g., vacuum sweeping for fibers, blood, seminal stains, glass fragmentation, etc.).
 - b. the officer having probable cause to believe the vehicle is stolen (e.g., an improperly affixed or altered "VIN" plate or no plate at all, stolen engine parts, etc.).
 - c. the officer having reasonable cause to believe the vehicle contains evidence/contraband and a search warrant is necessary before a search is conducted.
 - d. CSI not being able to process the vehicle within a reasonable period of time, or other extenuating circumstances existing that prevent processing (e.g., rain, scene of major disturbance, etc.).
 - e. fatal accidents and/or felony drunk driving where there appears to be reasonable cause to believe that vehicle mechanical failure is present, and hit and run

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accidents where the parties involved sustain serious injury requiring hospitalization.

2. The approval of a supervisor, a detective, or a MCIU investigator is required to evidence impound a vehicle.
3. When an evidence impound is made, the officer shall:
 - a. notify Communications of the need for an evidence impound.
 - (1) Evidence impounded vehicles shall be handled by the tow company with whom the City contracts and housed inside a secure building that affords protection for both the vehicle and the evidence.
 - (2) The Communications Division maintains a current list of tow companies authorized to house impounded vehicles.
 - b. cause the appropriate investigating unit to be advised of the evidence impound.
 - c. indicate the reason for the evidence impound on the SPD 188, and whether the appropriate investigating unit has been notified to process the vehicle.

NOTE: A verbal "Hold for Prints" does not constitute an evidence impound. The tow company has no authority to keep the vehicle from the owner under these circumstances.
4. The investigating unit shall:
 - a. process all evidence impound reports without delay.
 - b. notify the towing company that the Department is responsible for the tow and storage cost incurred until release of the vehicle is authorized by SPD.
 - c. attempt to contact the vehicle owner by phone to advise that their vehicle is released from impound, and mail notification of impound release.

H. ASSET SEIZED VEHICLES

Asset seized vehicles shall be handled as outlined in RM 526.03 (Asset Forfeiture Manual).

I. RECOVERY OF LICENSE PLATES

If only license plates are recovered, the Stolen Vehicle System (SVS) shall be updated and the following requirements applied:

1. If the plate(s) were reported stolen to the Department, or belonged to a stolen vehicle, an SPD 188, plates only portion, shall be completed. The plates shall be booked and fingerprinted as necessary.
2. If the plate(s) had been previously reported as "lost property" a General Offense report shall be completed, reporting the plate(s) as "found property."

J. ENTERING MOTOR VEHICLES INTO THE SVS

1. All recovered, stored, impounded and asset seized vehicles shall be entered into the SVS by personnel assigned to the Records Section.
2. Officers shall contact the Records Vehicle Update Unit and cause the SVS to be updated. Officers shall provide the required information for entry into SVS [e.g., report number, vehicle license, year, make model, style and color(s), the vehicle status code, reason for storage and name of tow company].