



## California Exposition and State Fair Police Department

PHONE (916) 263- 3050 ★ 1600 Exposition Boulevard, Sacramento, CA 95815

### DEPARTMENTAL GENERAL ORDER

**ORDER № 600.800**

Mar. 2019 (Revised)

08/01/2006 (New)

### VEHICLE TOWING, STORING, AND EVIDENCE PROCESSING

#### 600.801 PURPOSE AND SCOPE

- A. This policy provides the procedures for towing a vehicle by or at the direction of the California Exposition and State Fair Police Department. Nothing in this policy requires the Department to tow a vehicle.

#### 600.802 POLICY

- A. **STORAGE AND IMPOUNDS:** When circumstances permit (e.g. towing a vehicle for illegal parking or registration violations) the handling employee should, prior to having the vehicle towed; make a good faith effort to notify the owner of the vehicle that their vehicle is subject to removal. This may be accomplished by personal contact, telephone or by leaving a notice attached to the vehicle. If a vehicle presents a hazard, such as being abandoned on the roadway, it may be towed immediately. The responsibilities of those employees towing, storing or impounding a vehicle are listed below.
- B. **VEHICLE STORAGE REPORT:** Department members requesting towing, storage or impound of a vehicle shall complete the CHP Form 180 (CHP-180) and accurately record the mileage and a description of property within the vehicle (Vehicle Code § 22850). A copy of the storage report should to be provided to the tow truck operator and the original shall be submitted to the Administrative Sergeant (or Records Staff) as soon as practicable after the vehicle is stored.

#### 600.803 TOWING DISABLED DEPARTMENTAL VEHICLES

- A. **Vehicles Disabled During Business Hours.** Officers driving a Departmental vehicle that becomes disabled shall contact the police dispatcher.
1. If the vehicle is located off of the Cal Expo's state fairgrounds property, the dispatcher shall request tow service from the designated towing firm to return the disabled vehicle to the police parking lot.
  2. If a Departmental vehicle breaks down on the secured portion of the Cal Expo's state fairgrounds property and can be safely left, it shall be locked and left for the next business day.
    - a. The shotgun and/or police rifle, along with the Automatic Electronic Defibrillator (AED) shall be returned to the police building and not left in the disabled vehicle.

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*The mission of the California Exposition & State Fair Police is to:  
Provide for the safety and security of visitors, employees, and stakeholders; keep order and  
preserve the peace; and support the economic well-being of the California Exposition & State Fair.*

- b. The dispatcher shall leave a message with the day shift supervisor regarding the disabled vehicle and its location.

#### **600.804 POLICE TOWING POLICY**

##### **A. Officers Shall Tow Vehicles Under the Following Circumstances:**

1. A vehicle shall be stored whenever it is needed for the furtherance of an investigation or prosecution of a case.
2. The police department has agreements with allied agencies to investigate major crimes occurring on state fairgrounds property.
  - a. In such cases, police officers shall safeguard such vehicles that may have evidentiary value and the investigating agency will make the final disposition of these vehicles.
3. A vehicle operated by a driver with a license that is suspended or revoked or who has never been issued a driver's license (14602.6 VC).
  - a. The provisions enumerated in this order shall be followed prior to a vehicle being impounded for 14602.6 VC.
4. Vehicles that are left unattended in hazardous locations that may endanger other persons or motorists. [Vehicle Code § 22651(b)].

##### **B. Officers May Tow Vehicles Under the Following Circumstances:**

1. Incidental to arrest [Pursuant to Vehicle Code § 22651(h)] when:
  - a. The vehicle cannot be secured, and cannot be released immediately to a person at the scene who is authorized by the arrestee.
  - b. The vehicle is a traffic hazard and cannot be released immediately to a person at the scene who is authorized by the arrestee.
  - c. The vehicle is not parked in a place that will be legal for at least 24 hours from the time of arrest.
  - d. Towing is specifically requested by the arrested person.
2. In all other situations, not described in "A" above, based on sound professional judgment, as permitted by California statute.

##### **C. All property in a stored or impounded vehicle shall be inventoried and listed on the vehicle storage form. This includes the trunk and any compartments or containers, even if closed and/or locked. Members conducting inventory searches should be as thorough and accurate as practical in preparing an itemized inventory. These inventory procedures are for the purpose of protecting an owner's property while in police custody, to provide for the safety of officers, and to protect the Department against fraudulent claims of lost, stolen, or damaged property.**

##### **D. Property of extraordinary value, which is discovered in the vehicle of an arrested person, but towing of the vehicle is not warranted or the items are too valuable to be left in a towed vehicle, the item may be booked for "safekeeping" according to the Department policies and procedures. For items of extraordinary value where an owner cannot be determined, the property shall be booked as "found" property.**

1. All items removed from an arrested person's vehicle shall be listed in the remarks section of the CHP-180.
2. Officers shall also make a notation on the CHP-180 that the property will be booked in property/evidence at the police department.

##### **E. Vehicles Stored at Commercial Tow Firms.**

1. No Search Warrant Required: When a vehicle is stored for routine CSI work or investigative follow-up, the crime report should be stamped “expedite” and the appropriate recommendations included in the requested follow-up paragraph.
  - a. The report must include the address or location of the storage yard.
  - b. The officer storing the vehicle shall ensure that the police department’s business office is aware of the vehicle being stored and the nature of the CSI work being requested.

#### **600.805 ADMINISTRATIVE RELEASE FEE**

- A. Any vehicle which has been lawfully towed, stored or impounded by the police department shall be subject to a \$50.00 administrative release fee. Vehicles that have been previously reported stolen and then recovered and towed shall not be subject to the administrative fee.
  1. Upon payment of the administrative fee, the registered/legal owner/authorized agent will be provided with a photocopy of the CHP-180 relating to the removal/impound of the vehicle with the “Release” portion completed, signed and dated by the releasing officer.

#### **600.806 CHP-180 VEHICLE REPORT**

##### **A. GENERAL**

1. Department members requesting towing, storage or impound of a vehicle shall complete CHP-180 and accurately record the mileage and a description of property within the vehicle (Vehicle Code § 22850). A copy of the storage report should be given to the tow truck operator and the original shall be submitted to the Records as soon as practicable after the vehicle is stored.
2. A CHP-180 is not required for a vehicle when a tow truck, motor club, or any other emergency roadside service provider has been called at the request of the vehicle owner and the owner or agent retains control of the vehicle; or when the owner or agent directs that the vehicle be taken to another location on their behalf.
3. The CHP-180 should be completed as thoroughly and accurately as reasonably possible.
4. Upon completing the CHP-180, the officer shall sign the CHP-180 and, before releasing the vehicle to the tow operator, shall require the tow operator to sign the CHP-180.
5. The towing officer shall also:
  - a. During business hours, bring the completed CHP-180 to the police department’s business office so the required entry may be made into the Stolen Vehicle System (SVS).
  - b. During non-business hours, fax a copy of the CHP-180 to the CHP Sacramento Communication Center so the tow/storage may be entered into the SVS.
  - c. All completed CHP-180’s shall be turned into the completed report basket prior to the end of the officer’s shift.
  - d. The original CHP-180 shall be retained in the police office.
  - e. A California Law Enforcement Telecommunications System (CLETS) message containing storage and ownership information shall be obtained, a copy of which shall be attached to all CHP-180 vehicle reports by supervisor or the storing officer.
  - f. A CHP-180 may be amended to indicate a more appropriate storage/impound authority by the following procedure:

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- i. The storage/impound authority shall be corrected by lining out the inappropriate section and replacing it with the correct section.
- ii. A brief memorandum describing the reason for the amendment shall be prepared and a copy attached to the CHP-180.
- iii. The Department shall request the tow company to amend the storage/impound authority.
- g. Vehicle Code § 22852 VC – Notification. This section mandates legal procedures for notification when a vehicle has been stored or impounded:
  - i. Vehicle Code § 22853 VC – Notice to Department of Justice. This section requires public agencies to immediately notify the Department of Justice, Stolen Vehicle, System (DOJ-SVS) if vehicle owners cannot be identified or notified. This requirement is fulfilled by entry of the vehicle storage into the DOJ-SVS.
  - ii. If the vehicle is a California registered vehicle, written notice to DOJ is not required. This includes “Notices of Stored Vehicles” returned unclaimed.
  - iii. If the notice is returned unclaimed, attach it to the CHP-180 and retain both in the file.
  - iv. If the vehicle is registered in a foreign jurisdiction, and the “Notice of Stored Vehicle” is returned unclaimed or the vehicle is not returned to the owner within 120 hours, the storing agency shall send a written notice to the DOJ-SVS (P.O. Box 903417, Sacramento, CA 94203-4170). This can be accomplished by printing “Owner cannot be identified or notified” to the right of “Notice to Department of Justice” in section “C” of the “Notice of Stored Vehicle” and by mailing the notice to DOJ-SVS. Also, attach a duplicate copy of the CLETS message and reply concerning registration information.
  - v. The requirement to notify the tow company is satisfied by the copy of the CHP-180 provided at the time of the vehicle storage or impound.
  - vi. CHP-180s completed for vehicles which are impounded as evidence pursuant to Vehicle Code § 22655.5 VC shall be retained for two years, unless court proceedings require the reports to be retained longer. In that event, the police department’s business office should ensure that all court proceedings, criminal as well as civil, are adjudicated before removing a report from the files.

**600.807 POST-STORAGE HEARINGS**

A. Procedures.

1. When a vehicle is stored or impounded by any member of the Police Department, a hearing will be conducted upon the request of the registered or legal owner of the vehicle or his/her agent. In order to be granted a post-storage hearing, the registered or legal owner or their agent is required to request a hearing within 10 days of the date on the notice.
2. When the person is not contesting the validity of the storage or impoundment of the vehicle and is requesting the early release of the vehicle, use the early release letter. Do not use the Vehicle Storage Hearing Report.
3. The Departmental Hearing Officer shall honor a request for a post-storage hearing if it is received at the office or postmarked within the 10-day limit.
4. The Chief of Police shall act as the hearing officer.

5. The hearing shall be conducted within 48 hours of the request; excluding weekends and holidays.
6. The failure of either the registered or legal owner or his/her agent to request a hearing in a timely manner or to attend a scheduled hearing shall be considered a waiver of and satisfaction of the post-storage hearing requirement.
7. The post-storage hearing is an informal process to determine whether a vehicle has been stored or impounded lawfully. Therefore, the hearing need not follow technical rules relating to evidence and witnesses. Any relevant evidence shall be admitted.
8. The Hearing Officer is required to determine if the information supports the storing officer's authority to store/impound the vehicle. The Hearing Officer is limited to finding the storage/impoundment as lawful or unlawful.
9. When the storage or impoundment is found lawful, the owner has the following options:
  - a. Pay the towing and storage fees and retrieve the vehicle.
  - b. Allow the vehicle to be sold to satisfy the lien per Vehicle Code § 22851 VC.

#### **600.808 EVIDENCE PROCESSING FOR RECOVERED STOLEN VEHICLES**

- A. Recovered Stolen Vehicles. When vehicles reported stolen to the California Highway Patrol (CHP), the Sacramento Police Department (SPD), or the Sacramento Sheriff's Department (SSD) are recovered by officers, the officer effecting the recovery shall advise the dispatcher to contact CHP, SPD or SSD communications to ascertain whether the vehicle is to be held for prints.
1. If the vehicle is to be held for prints, the vehicle should be impounded and the reporting agency advised of its location.
  2. Crime Scene Investigation services are not available are reported stolen vehicle cases that are not associated with another felony crime unless there are extenuating circumstances.
  3. Stolen vehicles recovered by officers from other jurisdictions shall be processed for evidence only upon their request.

#### **600.809 PAYMENT OF TOWING AND STORAGE FEES**

- A. All bills for towing vehicles should be referred to the Administrative Sergeant.
1. The Administrative Sergeant shall review the charges for validity and process them accordingly.
  2. Towing and/or storage bills for vehicles towed at the request of owners or operators thereof shall be referred to the registered owners.
  3. Towing and/or storage bills for vehicles towed and/or stored as evidence are the responsibility of the Department.
  4. In the absence of the Administrative Sergeant, towing and storage bills shall be referred to the Chief of Police.
  5. Officers shall obtain the approval of a supervisor prior to impounding any vehicle for evidence.
  6. Tow and/or storage bills for vehicles reported stolen shall be referred to the registered owner. Whenever possible, such vehicles should be released directly to the owners to eliminate the necessity for towing and storage.

**600.810 REPORT NUMBERS & REPORT REQUIREMENTS**

- A. Report Number. Prior to towing a vehicle that is to be stored or impounded, officers are to obtain a report number from the dispatcher. This report number shall be legibly entered on the CHP-180 before it is furnished to the towing company.
- B. CLETS Entries. The officer causing a vehicle to be removed or impounded is responsible for the vehicle being entered into the CLETS Stolen Vehicle System.
  - 1. This shall be accomplished by faxing the information to the CHP, Sacramento Communication Center.
  - 2. Report Submission. Officers removing or impounding vehicles shall complete the required CHP-180 and turn it in by the end of the officer's shift to ensure the timely notification required in Vehicle Code § 22852 VC.