

CITY OF BARSTOW

CALIFORNIA

POLICIES and PROCEDURES MANUAL: POLICE

Subject: IMPOUND, RECOVERY, AND STORING OF VEHICLES

INTRODUCTION

The purpose of this policy is to establish uniform procedures for the storage, recovery, or impounding of vehicles.

PROCEDURE

Officers encounter many situations in the field that require that they take temporary control of a vehicle and have it towed. This may take place as the result of a traffic accident, the arrest of the driver, or any number of other possible circumstances. When officers are confronted with this situation they shall abide by the following procedures.

1. Impounds

When any vehicle is impounded per California Vehicle Code Section 22651, or as evidence in a criminal manner, the involved officer shall complete a thorough inventory of the vehicle prior to it being removed from the scene. The inventory is to locate and catalogue any property in the vehicle, including closed containers, suitcases, and trunk. Once this inventory has been completed, the officer shall list the property on the CHP form 180 and have the tow truck driver sign same prior to him removing the vehicle. On some occasions, officers will encounter items in a vehicle that would be more properly maintained at the police department. This would include cash, valuable jewelry, weapons, contraband, etc. When this situation arises, the officer shall additionally complete a Barstow Police Department Property Form and make a notation of this seizure on the CHP 180 form.

2. Recovery

When an officer locates a stolen or embezzled vehicle, he shall do a thorough search of the vehicle to locate and inventory items of value. Additionally in this situation the officer shall attempt to locate any evidence which would assist in the identification of the suspect.

Contents of the vehicle shall be listed on the CHP 180 form or taken into the officer's personal custody. If items are removed from the vehicle, they shall be listed on a Barstow Police Department Property Form.

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3. Storage

Officers often encounter situations in the field that necessitates the need to temporarily remove a vehicle from its present location. Section 22651 of the California Vehicle Code lists any number of situations that allows the officer to take custody of a vehicle for the limited purpose of storing it at a towing facility. This is usually not mandatory and requires a great deal of discretion on the officer's part. The officer must keep in mind that his decision to leave a vehicle at the scene places a potential liability on the police department. Should the vehicle later be damaged, stolen or any of its contents stolen, the police department could be held responsible.

Therefore, if any of the following circumstances are present the officer should store the vehicle:

- a. The vehicle cannot be secured.
- b. The owner/driver either wishes it stored, or does not agree to leave it parked.
- c. The vehicle is parked in such a manner as to constitute a traffic hazard.
- d. There are valuable items visible in the vehicle.
- e. The vehicle is parked in a location that would make it an easy target for theft or vandalism.
- f. The plates, tags, registration, etc., create questions of ownership or current registration.
- g. The driver is either intoxicated or medically unfit to drive.
- h. The vehicle is mechanically unfit to be on the roadway.

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If any of the above circumstances are present, or for other good cause allowed by law, the officer chooses to store a vehicle, he shall do a complete search of the vehicle. He shall then inventory all contents and list them on the CHP 180 form. This search and inventory shall include all closed containers, suitcases, and trunk. Should the officer encounter other items that should be maintained at the police station (i.e., cash, jewelry, weapons, contraband) he shall additionally complete a Barstow Police Department Property Form.

Note: During the impounding, recovery, or storage of a vehicle, if the officer is unable to gain access to the trunk or if the containers are found locked, the officer shall contact his watch commander prior to any further action.

4. NCIC "HIT" CONFIRMATION PROCEDURE

When the Barstow Police Department receives a positive response from NCIC and an individual is being detained, or a piece of property may be seized, an immediate teletype confirmation with the agency that originated the record in the system is necessary to insure the validity of the hit before an arrest or seizure is made. Likewise, the originating agency has the duty to promptly respond with the necessary confirmation and other pertinent details.

Upon receipt of a hit confirmation request this department shall, within ten minutes, furnish a substantive response, i.e., a positive or negative confirmation or notice of the specific amount of time necessary to confirm or reject. This response can be accomplished either by telephone or teletype message. It shall be the on-duty watch commanders responsibility to insure that the required teletypes are sent in an expeditious manner.

Police dispatchers shall adhere to procedures in the NCIC Operating Manual.

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