



Police Review Commission (PRC)

## LEXIPOL POLICIES SUBCOMMITTEE

Commissioners: Elisa Mikiten (Chair), Julie Leftwich, George Perezvelez, Izzy Ramsey

Friday, March 26, 2021, 1:30 p.m.

### **PUBLIC ADVISORY: THIS MEETING WILL BE CONDUCTED EXCLUSIVELY THROUGH VIDEOCONFERENCE AND TELECONFERENCE**

Pursuant to Section 3 of Executive Order N-29-20, issued by Governor Newsom on March 17, 2020, and to ensure the health and safety of the public by limiting human contact that could spread the COVID-19 virus, this meeting of the City of Berkeley Police Review Commission's Subcommittee on Police Acquisition & Use of Controlled Equipment Ordinance will be conducted exclusively through teleconference and Zoom videoconference and there will not be a physical meeting location available.

To access the meeting remotely: join from a PC, Mac, iPad, iPhone, or Android device using this URL: <https://us02web.zoom.us/j/82700744197>. If you do not wish for your name to appear on the screen, use the drop-down menu and click on "rename" to rename yourself to be anonymous. To request to speak, use the "raise hand" icon on the screen. To join by phone: Dial 1 669 900 6833 and enter Meeting ID 827 0074 4197. If you wish to comment during the public comment portion of the agenda, press \*9 and wait to be recognized by the Chair.

#### **1. CALL TO ORDER**

#### **2. PUBLIC COMMENT**

*(Speakers are generally allotted up to three minutes, but may be allotted less time if there are many speakers; they may comment on items on this agenda only.)*

#### **3. APPROVAL OF AGENDA**

The Police Review Commission (PRC) was created to provide independent civilian oversight of the Berkeley Police Department. It reviews and makes recommendations on police department policies, and investigates complaints made by members of the public against police officers. For more information, contact the PRC Office.

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Email: [prc@cityofberkeley.info](mailto:prc@cityofberkeley.info) Website: [www.cityofberkeley.info/prc/](http://www.cityofberkeley.info/prc/)

#### 4. OLD BUSINESS (discussion and action)

a. Commence or continue review of the following policies:

Lexipol #	G.O. (if any)	Title
324	P-29	Media Relations
337	D-21	Biological Samples
403	C-52	Crime and Disaster Scene Integrity
431	A-17	Medical Aid and Response
503	V-2	Tow Hearings
504	A-53	Impaired Driving and Evidence Collection
507	V-2	72-hour Parking Violations
609	V-5	Stolen Vehicle Investigation
700	C-17, E-7	Department Owned and Personal Property
703	V-1	Vehicle Use
704	---	Cash Management
803	R-30	Records Management

(See materials posted for this subcommittee at:  
<https://www.cityofberkeley.info/ContentDisplay.aspx?id=12962>)

b. Decide what policies to consider next.

#### 5. CONFIRM NEXT MEETING DATE

Wednesday, March 31, at 1:30 p.m.

#### 6. ADJOURNMENT

##### **Communications Disclaimer**

Communications to the Police Review Commission, like all communications to Berkeley boards, commissions or committees are public record and will become part of the City's electronic records, which are accessible through the City's website. Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to a City board, commission or committee, will become part of the public record. If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service. If you do not want your contact information included in the public record, do not include that information in your communication. Please contact the PRC Secretary for further information. City offices are currently closed and cannot accept written communications in person.



##### **Communication Access Information (A.R.1.12)**

To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at 981-6418 (V) or 981-6347 (TDD) at least three business days before the meeting date.

##### **SB 343 Disclaimer**

Any writings or documents provided to a majority of the Commission regarding any item on this agenda will be made available to the public by being posted on the Police Review Commission's web page within three business days of the meeting.

Contact the Police Review Commission at (510) 981-4950 or [prc@cityofberkeley.info](mailto:prc@cityofberkeley.info).

## **Lexipol Policies Subcommittee**

March 26, 2021 agenda packet contents:

1. Notes from March 11 meeting
2. Policy 103 (contains definitions of "shall" and "should")
3. Policy 502 (previously approved by Subcommittee; provided for reference in reviewing Policy 503, as both policies stem from General Order V-2)

Reminder: most materials for the March 26 meeting are found in the agenda packet for the March 11, 2021 meeting.

## **Lexipol Subcommittee**

Notes from 3.11.2021 meeting by K. Lee

Present: Comms. Leftwich, Mikiten, Perezvelez, Ramsey

Comm. Mikiten elected Chair of Subcommittee

### Policy 337, Biological Samples

- In 337.2, concern over deletion of last phrase, "and with as little reliance on force as possible."
- In 337.6, the line "Calif. Law provides for the following" seems to be out of place and should be deleted.

### Policy 431, Medical Aid and Response

- This was sent back from the full Commission to the Subcommittee, which had already approved it, because a commissioner thought that in 431.5.1, 1<sup>st</sup> paragraph, second sentence, the "should" ("... officer should contact a supervisor . . .") should be a "shall." Then at this meeting, other commissioners thought the first "should" in that paragraph AND in the following paragraph should be "shall."
- General Order A-17, paragraph 5 does not seem to have carried over into 431
- Air ambulance (former 435.6) – while we don't have an air ambulance, does BPD ever request one?

### Policy 503, Tow Hearings

- 503.2 last paragraph about being 15 minutes or more late – there was some discussion (but no agreement) about whether it should be extended to 30 minutes. Also, G.O. V-2, para. 36(b)(1) is omitted from 502.
- Policy 502, approved by Subcomm. Dec. 2019, will be distributed next meeting so Subcomm. can see that everything in V-2 is carried over. (Note: some of V-2 is in 507.)

Policies 324 and 403 to be discussed when BPD present.

## Policy Manual

### 103.1 PURPOSE AND SCOPE

The manual of the Berkeley Police Department is hereby established and shall be referred to as the Policy Manual or the manual. The manual is a statement of the current policies, rules and guidelines of this department. All members are to conform to the provisions of this manual.

All prior and existing manuals, orders and regulations that are in conflict with this manual are rescinded, except to the extent that portions of existing manuals, procedures, orders and other regulations that have not been included herein shall remain in effect, provided that they do not conflict with the provisions of this manual.

### 103.2 POLICY

Except where otherwise expressly stated, the provisions of this manual shall be considered as guidelines. It is recognized that the work of law enforcement is not always predictable and circumstances may arise which warrant departure from these guidelines. It is the intent of this manual to be viewed from an objective standard, taking into consideration the sound discretion entrusted to members of this department under the circumstances reasonably available at the time of any incident.

#### 103.2.1 DISCLAIMER

The provisions contained in the Policy Manual are not intended to create an employment contract nor any employment rights or entitlements. The policies contained within this manual are for the internal use of the Berkeley Police Department and shall not be construed to create a higher standard or duty of care for civil or criminal liability against the City, its officials or members. Violations of any provision of any policy contained within this manual shall only form the basis for department administrative action, training or discipline. The Berkeley Police Department reserves the right to revise any policy content, in whole or in part.

### 103.3 AUTHORITY

The Chief of Police shall be considered the ultimate authority for the content and adoption of the provisions of this manual and shall ensure compliance with all applicable federal, state and local laws. The Chief of Police or the authorized designee is authorized to issue Special Orders, which shall modify those provisions of the manual to which they pertain. Special Orders shall remain in effect until such time as they may be permanently incorporated into the manual.

### 103.4 DEFINITIONS

The following words and terms shall have these assigned meanings throughout the Policy Manual, unless it is apparent from the content that they have a different meaning:

**Adult** - Any person 18 years of age or older.

**CCR** - California Code of Regulations (Example: 15 CCR 1151).

# Berkeley Police Department

## Law Enforcement Services Manual

### *Policy Manual*

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**CHP** - The California Highway Patrol.

**CFR** - Code of Federal Regulations.

**City** - The City of Berkeley.

**Non-sworn** - Employees and volunteers who are not sworn peace officers.

**Department/BPD** - The Berkeley Police Department.

**DMV** - The Department of Motor Vehicles.

**Employee** - Any person employed by the Department.

**Juvenile** - Any person under the age of 18 years.

**Manual** - The Berkeley Police Department Policy Manual.

**May** - Indicates a permissive, discretionary or conditional action.

**Member** - Any person employed or appointed by the Berkeley Police Department, including:

- Full- and part-time employees
- Sworn peace officers
- Reserve, auxiliary officers
- Non-sworn employees
- Volunteers.

**Officer** - Those employees, regardless of rank, who are sworn peace officers of the Berkeley Police Department.

**On-duty** - A member's status during the period when he/she is actually engaged in the performance of his/her assigned duties.

**Order** - A written or verbal instruction issued by a superior.

**POST** - The California Commission on Peace Officer Standards and Training.

**Rank** - The title of the classification held by an officer.

**Shall or will** - Indicates a mandatory action.

**Should** - Indicates a generally required or expected action, absent a rational basis for failing to conform.

**Supervisor** - A person in a position of authority that may include responsibility for hiring, transfer, suspension, promotion, discharge, assignment, reward or discipline of other department members, directing the work of other members or having the authority to adjust grievances. The supervisory exercise of authority may not be merely routine or clerical in nature but requires the use of independent judgment.

# Berkeley Police Department

Law Enforcement Services Manual

## *Policy Manual*

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The term "supervisor" may also include any person (e.g., officer-in-charge, lead or senior worker) given responsibility for the direction of the work of others without regard to a formal job title, rank or compensation.

When there is only one department member on-duty, that person may also be the supervisor, except when circumstances reasonably require the notification or involvement of the member's off-duty supervisor or an on-call supervisor.

**USC** - United States Code.

### **103.5 ISSUING THE POLICY MANUAL**

An electronic version of the Policy Manual will be made available to all members on the department network for viewing and printing. No changes shall be made to the manual without authorization from the Chief of Police or the authorized designee.

Each member shall acknowledge that he/she has been provided access to, and has had the opportunity to review the Policy Manual. Members shall seek clarification as needed from an appropriate supervisor for any provisions that they do not fully understand.

### **103.6 PERIODIC REVIEW OF THE POLICY MANUAL**

The Chief of Police will ensure that the Policy Manual is periodically reviewed and updated as necessary.

### **103.7 REVISIONS TO POLICIES**

All revisions to the Policy Manual will be provided to each member on or before the date the policy becomes effective. Each member will be required to acknowledge that he/she has reviewed the revisions and shall seek clarification from an appropriate supervisor as needed.

Members are responsible for keeping abreast of all Policy Manual revisions.

Each division captain will ensure that members under his/her command are aware of any Policy Manual revision.

All department members suggesting revision of the contents of the Policy Manual shall forward their written suggestions to their division captain, who will consider the recommendations and forward them to the command staff as appropriate.

## Vehicle Towing and Release

### 502.1 PURPOSE AND SCOPE

This policy provides the procedures for towing a vehicle by or at the direction of the Berkeley Police Department. Nothing in this policy shall require the Department to tow a vehicle.

### 502.2 STORAGE AND IMPOUNDS

~~When circumstances permit, for example when towing a vehicle for 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 it is subject to removal. This may be accomplished by personal contact, telephone or by leaving a notice attached to the vehicle at least 24 hours prior to removal. 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.

### 502.3 VEHICLE STORAGE REPORT

Department members requesting towing, storage or impound of a vehicle shall complete a storage report form (CHP 180) and accurately record the mileage and a description of property within the vehicle (Vehicle Code § 22850). Any "holds" on the vehicle should be written on the storage report and communicated to the tow truck operator. A copy of the storage report should be given to the tow truck operator. If the driver or vehicle owner are on scene, the short carbon copy of the storage report should be provided, along with a verbal explanation of the vehicle release process. The ~~and the~~ original storage reportf shall be submitted to the Records Management as soon as practicable after the vehicle is stored.

### 502.4 REQUESTING A TOW

The employee ordering a tow shall provide the following information to DispatchDispatch:

- (a) The location from where the vehicle will be towed;
- (b) The towing authority;
- (c) The Color, Year, Make, Body Style, and License plate or VIN (CYMBL) of the vehicle; and
- (d) Any "holds" restricting the vehicle's release.

### 502.5 COMMUNICATION CENTER PROCEDURES

- (a) Upon receipt of a tow request, the dispatcher shall promptly telephone the appropriate towing service. The employee ordering the tow shall be advised when the request has been made and shall be advised of the assigned towing service's ETA.
- (b) The Communications Center employee ordering the tow shall enter required information into the Communications Center "Tow Log."

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- (c) Communications Center personnel shall ensure that accurate tow authority and vehicle disposition information is included in the Computer-Aided Dispatch system (CAD) incident event associated with a vehicle tow.
  - (d) A "non-criminal incident" or "criminal investigation" CAD report type shall be used for incidents involving the tow and storage of a vehicle.
  - (e) A "miscellaneous service call" CAD report type shall be used for incidents where the reported vehicle could not be located or was ineligible for tow.
  - (f) When notified of a completed vehicle tow by a towing contractor, the Communications Center Telecommunications dispatcher will enter the vehicle's description, date of tow, correct tow authority, and accurate custody status (e.g., "Towed/Stored", "Impounded, etc.) into the California Law Enforcement Telecommunications System (CLETS.)
  - (g) The Telecommunications dispatcher shall obtain Department of Motor Vehicles (DMV) registration information on every vehicle taken into police custody, and will compare the license plate and vehicle identification number (VIN) to the information provided by the towing contractor to ensure accuracy.
  - (h) The Telecommunications dispatcher shall determine if the vehicle has been reported as stolen to CLETS A Vehicle System.
  - (i) The Telecommunications dispatcher shall forward the completed "Towed/Stored Vehicle" entry form, DMV registration print-out, and tow contractor towing sheet to the Traffic Bureau prior to the conclusion of their duty shift.
  - (j) Communication Center personnel shall promptly enter pertinent data from the completed storage report into the Stolen Vehicle System and return the form to a Patrol Sergeant for approval (Vehicle Code § 22651.5(b); Vehicle Code § 22851.3(b); Vehicle Code § 22854.5).
  - (k) Approved storage reports shall be promptly routed to Records Management.

(a) —

#### **502.6 TOWS AT SPECIAL EVENTS**

If a vehicle is towed in association with a special event or enforcement activity, a single report number may be used to document the event and tow(s).

When several vehicles are towed in association with a special event (i.e., a UC football game), a tow log listing the vehicles' descriptions and locations of tow may be used instead of individual storage reports.

The employee responsible for maintaining a special event tow log shall route the original tow log to Records Management and forward copies of the tow log to the Communications Center and Traffic Bureau.

#### **502.7 "NO TOW" SITUATIONS**

(a) Vehicle Operation on Private Property: If the vehicle has been driven onto the owner's private

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property and the owner is present and has a valid license, the vehicle cannot be towed for a driver's license violation committed by someone other than the owner.

(a)(b) Planned Non-Operation: Unless prior warning of a tow is given, employees shall not direct the seizure of a vehicle parked on a highway, public land, or off-street parking facility for an expired registration violation (ref. Vehicle Code § 22651(o)) if the owner has a valid "Planned Non-Operation" certificate on file at the DMV. Prior warning of a tow may be accomplished via common means of verifiable communication, to include, but not be limited to, issuance of a citation for an expired registration violation.

### **502.5502.8 TOWS FOR DRIVERS LICENSE VIOLATIONS**

Determination of tow authority for towing a vehicle based on a driver's license status offense shall be based on the particular circumstances of the violation.

- (a) Tow authority VC § 22651(p) allows the vehicle to be released to the owner or owner's agent as soon as possible with proof of a valid DL and current registration. This tow authority shall be used when an individual is cited for:
  - 1. VC § 12500(a) Driving without a license (never issued or expired)
- (b) Tow authority VC § 14602.6 requires a 30 day impound of the vehicle and the storage fees to be paid prior to its release. This tow authority shall be used when an individual is cited for:
  - 1. Driving with a suspended or revoked license;
  - 2. Driving in violation of license restriction(s) imposed under Vehicle Code §13352 or 23575 and when the vehicle is not equipped with a functioning, certified interlock device.
  - 3. Based on articulable extenuating circumstance(s), a supervisor may authorize the use of Vehicle Code § 22651(p) in situations where Vehicle Code § 14602.6 may be prescribed. §
- (c) If the only violation is that the operator is an unlicensed driver (Vehicle Code § 12500 (a)) the officer shall make a reasonable attempt to identify the registered owner of the vehicle (Vehicle Code § 2814.2). The officer shall release the vehicle to the registered owner if the person is a licensed driver, or to another licensed driver authorized by the registered owner, provided the vehicle is claimed in a reasonable amount of time. If the vehicle is released, the officer should list in the CAD report or on his/her copy of the notice to appear the name and driver's license number of the person to whom the vehicle is released.

### **502.6502.9 TOWS FROM REMOVAL FROM TRAFFIC COLLISION SCENES**

When a vehicle has been involved in a traffic collision and must be removed from the scene, the officer shall have the driver select a towing company (such as a "AAA tow"), if possible, and shall relay the request for the specified towing company to the dispatcher. When there is no preferred company requested, a "non-preference tow" company will be selected from the rotational list of towing companies in the Communications Center.

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If the owner of the vehicle is incapacitated, and their vehicle must be removed from the scene, the officer will need to complete a storage report. The officer should notify the owner of where the vehicle was stored. This can be accomplished by leaving the short carbon copy of the storage report with their property (if they are transported to the hospital), or by notifying a friend or family member. or for any reason it is necessary for the Department to assume responsibility for a vehicle involved in a collision, the officer shall request the dispatcher to call the official towing garage for the City of Berkeley. The officer will then store the vehicle using a CHP Form 180.

#### **502.7502.10 TOWSED FOR INVESTIGATIVE PURPOSES / EVIDENCE**

- (a) Employees shall tow a vehicle for investigative purpose (i.e., is or contains evidence of a public offense) pursuant to Vehicle Code §22655.5 only with approval of a sergeant or command officer.
1. If evidence can be legally obtained from a vehicle under investigation without towing it, this shall be the preferred procedure; supervisors should exercise discretion in approving the towing of such vehicles.
  2. Whenever a vehicle is towed as evidence, an Evidence Receipt form shall be completed and a copy delivered to the vehicle's owner or agent.
- (a)(b) If towed in connection with a crime under investigation, the report number assigned to the tow shall be different from the criminal case number.
- (c) The employee or detail/unit responsible for investigative follow-up of the matter related to a tow shall have primary responsibility for the custody of the vehicle stored as evidence or for investigative purposes.
- (d) If the vehicle is held in custody in excess of 72 hours, the responsible employee or detail/unit shall consult with the District Attorney's Office regarding the need for continued custody of the vehicle.
- (e) If required to be maintained in custody, the responsible employee or detail/unit shall make reasonable efforts to transfer physical custody, or financial responsibility for commercial storage services, of the vehicle to the District Attorney's Office, or relocate the vehicle to a City-controlled storage facility.
- (f) The employee or detail/unit responsible for investigative follow-up of the matter related to a tow shall notify the person authorized to receive custody of the stored vehicle (i.e., registered owner, agent of owner, etc.) as soon as practical after the police hold on the vehicle has ended.
- (g) The Traffic Bureau shall maintain a log of all vehicles towed for investigative purposes.
1. A designated Traffic Bureau employee will monitor investigations resulting in an impound and take reasonable measures to ensure a vehicle is held in custody no longer than is necessary to accomplish required law enforcement activities.
  2. Contents of a vehicle having no evidentiary value may be released to its owner or his/her agent, and shall be listed in a written report.

#### **502.8502.11 TOWS FROM ARREST SCENES**

Whenever a person in charge or in control of a vehicle is arrested, it is the policy of this department to provide reasonable safekeeping of by storing an the arrestee's vehicle, subject to the exceptions described below. The Vvehicles, however, shall be stored whenever it is needed for

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the furtherance of the investigation or prosecution of the case, or when the community caretaker doctrine would reasonably suggest that the vehicle should be stored (e.g., traffic hazard, high crime area).

The following are examples of situations where consideration should be given to leaving a vehicle at the scene in lieu of ~~towing for Vehicle Code § 22651(h)-storing~~, provided the vehicle can be lawfully parked and left in a reasonably secured and safe condition:

- Traffic related warrant arrest.
- Situations where the vehicle was not used to further the offense for which the driver was arrested.
- Whenever the licensed owner of the vehicle is present, willing, and able to take control of any vehicle not involved in criminal activity.
- Whenever the vehicle otherwise does not need to be stored and the owner requests that it be left at the scene. In such cases the owner ~~should shall~~ be informed that the Department will not be responsible for theft or damages.

#### **~~502.9502.12 TOWS IMPOUNDMENT FROM AT SOBRIETY CHECKPOINTS~~**

Whenever a driver is stopped at a sobriety checkpoint and the only violation is that the operator is ~~an unlicensed driver (Vehicle Code § -12500 (a))-driving without a valid driver's license~~, the officer shall make a reasonable attempt to identify the registered owner of the vehicle (Vehicle Code § 2814.2). The officer ~~shall should~~ release the vehicle to the registered owner if the person is a licensed driver, or to another licensed driver authorized by the registered owner, provided the vehicle is claimed prior to the conclusion of the checkpoint operation.

If the vehicle is released at the checkpoint ~~in the case of Vehicle Code § -12500(a)~~, the officer ~~should not in the CAD report or all list~~ on his/her copy of the notice to appear the name and driver's license number of the person to whom the vehicle is released.

When a vehicle cannot be released at the checkpoint, it shall be towed (Vehicle Code § 22651(p)). When a vehicle is removed at the checkpoint, it shall be released during the normal business hours of the storage facility to the registered owner or his/her agent upon presentation of a valid driver's license and current vehicle registration.

#### **~~502.10502.13~~ DRIVING A NON-CITY VEHICLE**

Vehicles which have been towed by or at the direction of the Department should not be driven by police personnel unless it is necessary to move a vehicle a short distance to eliminate a hazard, prevent the obstruction of a fire hydrant or to comply with posted signs.

#### **~~502.11 DISPATCHER'S RESPONSIBILITIES~~**

~~502.12 Upon receiving a request for towing, the dispatcher shall promptly telephone the specified authorized towing service. The officer shall be advised when the request has been made and shall be advised of the assigned tow' ETA and the towing service has been dispatched. When there is no preferred company requested, the dispatcher shall call the next firm in rotation from the list of approved towing companies and shall make appropriate entries on that form to ensure the following firm is called on~~

~~the next request.~~

#### ~~502.13 RECORDS MANAGEMENT RESPONSIBILITY~~

~~502.14 Records Communication Center personnel shall promptly enter pertinent data from the completed storage form (CHP form 180) into the Stolen Vehicle System and return the form to the a Watch Commander Patrol Supervisor for approval (Vehicle Code § 22651.5(b); Vehicle Code § 22851.3(b); Vehicle Code § 22854.5).~~

~~502.15 Approved storage forms shall be promptly routed to the Records Management Unit placed into the auto-file so that they are immediately available for release or review should inquiries be made.~~

#### 502.14 NOTIFICATIONS

Within 48 hours, excluding weekends and holidays, of the storage of any such vehicle it shall be the responsibility of the Traffic Bureau Records Management to determine the names and addresses of any individuals having an interest in the vehicle through DMV or CLETS computers. By way of the Traffic Bureau, nNotice shall be sent to all such individuals by first-class mail (Vehicle Code § 22851.3(d); Vehicle Code § 22852(a); Vehicle Code § 14602.6(a)(2)). The notice shall include the following (Vehicle Code § 22852(b)):

- (a) The name, address, and telephone number of this Department.
- (b) The location of the place of storage and description of the vehicle, which shall include, if available, the name or make, the manufacturer, and the license plate number or VIN. ~~and the mileage.~~
- (c) The authority and purpose for the removal of the vehicle.
- (d) A statement that, in order to receive their post-storage hearing, the owners, or their agents, shall request the hearing in person, writing, or by telephone within 10 days of the date appearing on the notice.

#### ~~502.16~~502.15 TOWING SERVICES

The City of Berkeley's current tow contracts provide guidelines for prompt and safe towing services under the Berkeley Police Department's Rotation Tow Program. ~~periodically selects a firm to act as the official tow service and awards a contract to that firm.~~ Towing services This firm will be used in the following situations:

- (a) When it is necessary to safeguard a vehicle due to the inability of the owner or operator to take the required action.
- (b) When a vehicle is being held as evidence in connection with an investigation.
- (c) When it is otherwise necessary to store a motor vehicle. This would include situations involving the recovery of stolen or abandoned vehicles, and the removal from the streets of vehicles obstructing traffic in violation of state or local regulations.

#### ~~502.17~~502.16 VEHICLE INVENTORY

All property in a stored or impounded vehicle shall be inventoried and listed on the vehicle storage report 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

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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.

**502.18502.17 SECURITY OF VEHICLES AND PROPERTY**

Unless it would cause an unreasonable delay in the completion of a vehicle impound/storage or create an issue of officer safety, officers should make reasonable accommodations to permit a driver/owner to retrieve small items of value or personal need (e.g., cash, jewelry, cell phone, prescriptions) which are not considered evidence or contraband.

If a search of a vehicle leaves the vehicle or any property contained therein vulnerable to unauthorized entry, theft or damage, personnel conducting the search shall take such steps as are reasonably necessary to secure and/or preserve the vehicle or property from such hazards.

**502.19502.18 RELEASE OF VEHICLE**

~~The Communication Center will maintain an up-to-date tow log and provide information regarding the~~ ~~The Department will maintain a listed, 24-hour telephone number to provide information regarding~~ impoundment of vehicles and the right of the registered owner to request a storage hearing. Releases for towed vehicles will be made available during regular, non-emergency business hours (Vehicle Code § 14602.6). After normal business hours

- (a) ~~Towed vehicles~~~~Vehicles removed pursuant to Vehicle Code § 22850~~ shall be released after proof of current registration is provided by the owner or the person in control of the vehicle and after all applicable fees are paid (Vehicle Code § 22850.3~~1~~ ~~and~~ Vehicle Code § 22850.5).
- (b) Vehicles removed that require payment of parking fines or proof of valid driver's license (foreign or domestic) shall only be released upon presentation of proof of compliance, proof of payment, completion of affidavit and payment of applicable fees related to the removal (Vehicle Code § 22651 et seq., Vehicle Code § 22652 et seq., Vehicle Code § 22850.3~~1~~ ~~and~~ Vehicle Code § 22850.5).
- (c) A vehicle removed pursuant to Vehicle Code § 14602.6(a) shall be released to the registered owner or his/her agent with proof of current registration, proof of a valid driver's license (foreign or domestic) and applicable fees paid prior to the end of the 30-day impoundment period under any of the following circumstances:
  - 1. The vehicle was stolen.
  - 2. If the driver reinstates his/her driver's license or acquires a license and provides proof of proper insurance.
  - 3. Any other circumstance as set forth in Vehicle Code § 14602.6.
  - 4. When there is no remaining community caretaking need to continue ~~the~~ impound of the vehicle or the continued impound would not otherwise comply with the Fourth Amendment.

~~(e)~~(d) A vehicle removed pursuant to an investigation with a "hold" on it may not be released until the hold has been rescinded.

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Personnel whose duties include releasing towed vehicles should consult the Vehicle Code under which the vehicle was towed or impounded for any specific requirements prior to release.

Any sworn Eemployees who suspects that a vehicle was impounded in error should promptly advise a supervisor. On-duty sSupervisors should approve, when appropriate and without delay, the release of the vehicle without requiring the registered owner or his/her agent to request a hearing, as described in the Vehicle Impound Hearings Policy.

Written authorization received from an owner's agent and a copy of the agent's proof of identity shall be attached to the original vehicle release form and routed to Records Management for incorporation into the report file.

### **502.19 TOW PROGRAM MONITORING**

The Traffic Bureau will regularly monitor vehicle tows accomplished pursuant to this policy, as represented in tow reports, to ensure adherence to established policy and procedure.

The Traffic Bureau will be responsible for the periodic review of this policy and related tow program to assess the currency, applicability and effectiveness of related policy and procedure, and any identifiable impacts this Department's tow program has on traffic safety.