

**MARIN COUNTY SHERIFF'S OFFICE
PATROL SERVICES POLICY AND PROCEDURE MANUAL**

**CHAPTER - PATROL
PAT 02-01
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**DATE
August 6, 2012**

TOWING POLICY

MOTOR VEHICLE STORAGE, IMPOUNDING AND ABATEMENT

PURPOSE

The purpose of this order is to establish procedures for the storage or impound and the release of motor vehicles pursuant to Division 11, Chapter 10, of the California State Vehicle Code. This order also establishes procedures for the removal and storage of abandoned vehicles from public and private property.

POLICY

The policy of the Sheriff's Department is to lawfully abate and store, when required, abandoned vehicles from the unincorporated areas of the County, pursuant to State law and County Ordinance.

Storage- is when a motor vehicle is stored in a commercial, licensed facility for "safe keeping", i.e., when the driver is in custody or is incapacitated due to intoxication, illness or injury. Storage also occurs when a motor vehicle is removed from private property at the request of the property owner or when a motor vehicle is removed from a street/highway as a hazard pursuant to Section 22651 CVC.

Impound-is when a motor vehicle is taken as evidence, taken for 22655 CVC (Vehicle involved in a hit & run and the removal for vehicle inspection is needed) or with process of law, i.e., 211 PC suspect vehicle, 14602.6 CVC, 14602.7 or when a peace officer determines the driver of a motor vehicle is a repeat offender. 14602.8 CVC.

Release- is only required when the vehicle was impounded, not stored.

PROCEDURE

All storage and impound actions taken by this department will be documented and recorded on a CHP 180 form. A case number will be annotated on the CHP 180 form. Copies will be distributed as follows:

- Copy to towing company
- Copy with report
- Copy to Comm. Center

The CHP 180 form will be filled out completely and as appropriate for the action taken. The on-duty supervisor will insure the CHP 180 form contains the needed information.

It is recognized that stored or impounded vehicles often contain property of value or effects of personal importance. To ensure against claims of lost, stolen or vandalized property, a complete and accurate inventory shall be taken of

all property in all stored and impounded vehicles. Whenever possible, inventories should be conducted of closed containers whose contents cannot be determined through an examination of the exterior.

Upon receipt of the case report and CHP 180 form, the Civil and Documentary Services Division is responsible for the completion and mailing of the Department of Justice form BID 8135, notice of stored vehicle, in accordance with 22852 CVC.

- Copies of the D.O.J. form BID 8135 will be mailed to:
 - a) The registered owner
 - b) The legal owner (if applicable) and
 - c) The storage facility where the vehicle is located

-If the vehicle owner cannot be notified and the vehicle is still stored after 120 hours, an additional copy of D.O.J. BID 8135 will be mailed to the Department of Justice as noted on the form.

Release of Motor Vehicle from Storage and/or Impound:

No action is required for a release from storage of a motor vehicle which has been stored at the direction of this department. The registered owner of the vehicle may be directed to the appropriate storage facility for release.

In the case of a motor vehicle that is impounded, a written release by this department is required before the vehicle can be retrieved by the vehicle's owner. The registered owner should be directed to the Civil and Documentary Services Division, Monday thru Friday, 9:00 to 5:00 PM.

It shall be the responsibility of the department property/evidence custodian to review the case, determine if the vehicle can be released, and to complete the appropriate CHP 180 form section as required.

No action is necessary to remove/change the status of the vehicle in the SVS system. This system automatically purges entries after 30 days.

Vehicle Abatements

A vehicle abatement is initiated by a citizen complaint or by a deputy viewing a vehicle that needs to be abated.

1. If the vehicle is on private property and the property owner consents to the vehicle being removed, the deputy will affix a yellow 72 hour warning notice on the vehicle to be towed. The Deputy will ask the property owner to complete the "abandoned vehicle" Sheriff's Office release form. This form will be forwarded to the Abatement Coordinator along with the upper portion of the 72 hour warning notice. Deputies will obtain an event number from Comm. Center and will note this number on the top and bottom sections of the yellow 72 hour warning sticker. This vehicle will be towed at the direction of the Abatement Coordinator.
2. If the vehicle is located on private property and is a public nuisance as described in MCC section 7.56.010 and a complaint has been received by the Department regarding its abatement, the Complainant will be referred to the Abatement Coordinator for follow up.
3. If the vehicle is located on public property or a public roadway, the deputy will affix a yellow 72 Hour warning notice advising of County Ordinance (15.36.030 MCC) and of California Vehicle Code Section (22651k) which prohibits parking for periods in excess of 72 hrs. The Deputy will mark the vehicle in such a manner as to indicate whether or not a marked vehicle has been moved within this time frame. After the 72 hour time frame has passed, the deputy will recheck this vehicle to ensure it has in fact been moved. If the vehicle has not been moved, the deputy will have Comm. Center dispatch a rotational towing company to remove and store this vehicle. If the vehicle has been moved, the top half of the notice will be sent to the abatement coordinator with a notation that the vehicle has been moved.

- a. Vehicles that are repeat violators of the above referenced code sections and have ignored the 72 hour notice tag by moving the subject vehicle a short distance need not have subsequent notice tags affixed to the vehicle. Nevertheless, the vehicle will be marked in a surreptitious manner that provides proof that the vehicle hasn't been moved in 72 hours from its location. (Moving the vehicle a few feet doesn't satisfy the intent of this section.) A CDR or Event number is required.
4. Vehicles that are parked, resting, or otherwise immobilized on any roadway or public right of way, and lack an engine, transmission, wheel, tire, door, windshield, or any other part or equipment necessary to operate safely are considered to be a hazard to public health, safety and welfare and may be removed immediately. (Ref: 22669(d) CVC). These types of vehicles, shall be marked with a yellow 72 hour sticker and the upper half of that sticker will be sent to the abatement coordinator to schedule the tow. If the vehicle is creating a hazard and requires immediate removal, the deputy will call for a rotational tow.

Whenever possible, take a photograph of the vehicle and send it by email to the abatement coordinator for assistance with scheduling the proper type of towing required.

Towing of abandoned vehicles/vessels

Vehicles to be towed will be moved by tow companies that handle abandoned vehicles.

1. If possible, the deputy will be present whenever an abandoned vehicle is towed. This will assure that the vehicle is properly towed and the peace maintained.
2. A CHP 180 form will be completed for each vehicle towed.
 - (a) The white copy will be retained and used as the face page of the submitted report. Communications will issue a case number for all abated towed vehicles. The CDR number originally issued will be used with the new case number. The original CDR number will be provided to Communications.
 - (1) Communications shall modify the original incident entry by adding the newly issued case number, and adding a narrative stating which deputy ordered the tow, which company towed it, when and where.
 - (b) One of the 1/2 page copies from the CHP 180 form will be sent by the Sheriff's Records Section to the registered owner and the other to the legal owner (only if different than the registered owner) by First Class mail. (22658a CVC)
 - (1) If the registered owner of the vehicle is unknown or unavailable through law enforcement sources, it is necessary that the Records Section send a copy of the CHP 180 form describing the towed vehicle to the Department of Justice Stolen Vehicle Section within 120 hours of the vehicle having been towed.
 - (c) The yellow copy will be delivered to the tow truck driver or mailed to the tow company.
 - (d) Communications will be advised by the deputy to enter the vehicle into the California Department of Justice Stolen Vehicle System as "stored."
 - (e) If the tow company requests a CHP 462 (junk slip) form after fifteen days from the date the vehicle was towed, it will be completed and provided to the company by the abatement coordinator.
 - (f) If the registered owner requests a Post-Storage Validity hearing per CVC 22852, the

shift sergeant assigned to the Area will conduct the hearing to determine the lawfulness of the vehicle abatement and subsequent storage. If the finding is found to be unlawful, the Sheriff's Office will be responsible to have the vehicle returned at no charge to the vehicle's owner.

INDEXING ALTERNATIVES

- A. Abatement of Vehicles
- B. Abandoned Vehicles

BIBLIOGRAPHY

MCC 15.36.030 Seventy-two Hour Limit
MCC 7.56.010 Public Nuisance vehicles
CVC 22651 Reasons for Towing
CVC 22654 Authority for Towing
CVC 22655 Impounding
CVC 22658(a) Mailing Notice
CVC 22669(a) & (d) Removal of Abandoned Vehicles
CVC 22850 Storage
CVC 22851.3 Disposition of Abandoned Low-Valued Vehicles
CVC 22852 Notice of Storage
CVC 22651(k) Seventy-Two Hour Limit
CHP 462 Form
CHP 180 Form

ATTACHMENTS

- A. Sheriff's 72 Hour Notice to Move Vehicle as Appendix A.
- B. Copies of Applicable Laws and Ordinances.

DATE OF REVISIONS:

August 10, 2011
August 6, 2012

By order of:

Rick Navarro, Captain
Bureau of Field Services