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CALEA Standard 61.4.3

Organizational Value #4 – A commitment to Authority residents and staff - a service mentality

TOWING PROCEDURES

The purpose of this order is to set forth departmental policy and procedures for the removal and storage of vehicles. This order applies to all motor vehicles as defined in California Vehicle Code Section 415.

I. TOW REQUESTS

- A. A departmental tow may be ordered by officers:
 - 1. Pursuant to a vehicle code section towing authority
 - 2. For evidentiary purposes, upon supervisory approval
- B. On all tows ordered by authorized OHA employees, an employee shall remain at the scene until the tow truck arrives, engages the vehicle, and is prepared to leave.
- C. Vehicles shall be towed to the contractor's garage. Private vehicles shall not be towed to the Oakland Housing Authority Service Center (1180 25th Avenue) under any circumstances.
- D. When a driver of a vehicle is arrested, the vehicle shall be towed unless the driver specifically consents to leave the vehicle parked at the scene. With written consent, (statement form or signature on a C.A.R.) the officer shall leave the vehicle at the scene, and the consent shall be documented on the statement form and/or C.A.R.
- E. Private citizens requesting tows shall sign the tow tag.

II. OWNER/OPERATOR REQUESTED TOWS

- A. When a vehicle owner/operator requests a tow, officers shall order the tow through OHA Communications.
- B. The owner/operator will be asked for his preference in tow companies and that preference will be honored when the tow is ordered. If the owner/operator has no preference, a tow company under contract with the Authority will be dispatched.
- C. An owner/operator requested tow shall not be ordered unless the owner/operator, or other person designated by the operator, remains with the vehicle until the tow arrives.

III. ABANDONED/INOPERATIVE VEHICLE TOWS

- A. Officers shall mark and tow abandoned/inoperative vehicles within their area of assignment. Officers checking abandoned vehicles shall:
 - 1. Verify if the vehicle is in violation of Oakland Municipal Code (OMC) or California Vehicle Code (CVC) section
 - 2. Cite the vehicle for the appropriate section(s)
 - 3. Post the vehicle with a warning sticker
 - 4. Record and document the mileage of the vehicle on the OHA Daily Activity Report (form OHA 280054), and mark the tires
 - 5. Update the vehicle information via the OHA dispatcher, who shall make all appropriate entries in the OHA computer.
- B. Owners of abandoned/inoperative vehicles will be given a minimum of 96 hours (4 days) to correct the situation. After 96 hours has elapsed, the officer shall notify Communications of the vehicles status, and if the situation was not corrected a tow shall be ordered through OHA Communications.
- C. Vehicles which have been previously cited for parking violations on OHA property shall be cited one time, and towed after the prescribed time period has expired, unless the situation was corrected or an extension was given. Officers shall post a warning sticker, record and document the vehicle's mileage, and mark the tires on every vehicle posted for private property parking violations.

IV. VEHICLE HAZARD TOWS

- A. If a vehicle that is parked on OHA property is non-operative or in such condition that it constitutes a hazard, officers shall post a warning sticker on the vehicle and update the vehicle information via the computer in Communications. The registered owner of the vehicle will be given 24 hours to correct the situation prior to removal. Once this time period has elapsed, officers shall arrange for the prompt removal of the vehicle per CVC section 22658 (a)(3).
- B. If a vehicle that is parked on a highway or public right-of-way is non-operative or in such condition that it constitutes a hazard, officers shall immediately arrange for removal per CVC section 22669(d).

V. VEHICLE HOLDS/REMOVAL AND STORAGE

- A. A hold shall be placed on a vehicle only where there is evidentiary value in the vehicle itself or for some other compelling reason (e.g., search warrant, disputed title, altered VIN plate or an investigator's prior request for a hold). No unnecessary holds shall be placed on towed vehicles.
- B. With the approval of a supervisor, holds may be placed on vehicles for OPD investigative units. The name of the approving supervisor shall be documented in the report narrative.
- C. No vehicle shall be removed and stored with a hold for OPD's Vice Control Division without specific approval or the prior request of a Vice supervisor or investigator.
- D. All evidence recovered from a vehicle shall be removed and submitted to the OPD Property Section.
- E. When an officer determines that a person was driving a vehicle while his driving privilege was suspended or revoked, or without ever having been issued a license, officers may immediately cause the removal and storage of the vehicle. Vehicles so removed shall be impounded with a 30-day hold for records (CVC section 14602.6 (a)).
- F. Officers shall indicate that a hold has been placed on a vehicle in the "Other Tow" section of the stored vehicle report, along with the appropriate towing authority.

VI. VEHICLE HOLDS/REMOVAL AND STORAGE FOR EVIDENCE TECHNICIANS

- A. Every effort shall be made to process vehicles for evidence at the scene to eliminate unnecessary tows and holds.
- B. When a vehicle is held for processing by an evidence technician, the specific procedure(s) requested (e.g., prints, photos) shall be stated when placing the hold, and the complainant's name shall be clearly indicated on the Technician Report (form TF-753).
- C. If processing by a technician is the only reason for a hold, a hold for an investigative unit shall not be placed on the vehicle.
- D. A Technician Report shall be securely attached to the vehicle, police seals placed as needed, and the tow truck operator informed of any special handling required (e.g., inside storage).

VII. COMMUNICATIONS RESPONSIBILITIES

- A. Communications shall order all tows (including tows for all Authority vehicles) directly from A&B Tow Company.
- B. Whenever a vehicle is removed at the direction of an authorized employee, a written record shall be made of the time, date, location, requesting officer, authority for removal, towing service, and location of the tow.
- C. Dispatchers shall notify OPD Records Division immediately once a vehicle has been towed, so that the vehicle will be entered into the Stolen Vehicle System as a towed vehicle. Dispatchers shall report all tows made by OHA officers as "private tows."

VIII. OFFICERS' RESPONSIBILITIES

- A. Vehicles erroneously towed are charged to the Authority. Employees shall ensure that vehicles are towed under the proper towing authority.
- B. Employees shall notify OHA Communications once the tow company has removed the vehicle.
- C. Employees shall ensure that all tows are ordered through the appropriate Communications Center, and that the appropriate reports are completed:
 - 1. Officers shall order tows for stolen vehicles and tows with an OPD hold (e.g., hold for robbery, prints) through the OPD Service 2 dispatcher, and complete an OPD Stored Vehicle Report (form 536-928).

2. Officers shall order all other tows through OHA Communications, and complete an OHA Stored Vehicle Report (form SEC 8801).
- D. Officers shall submit Stored Vehicle Reports at the end of the shift when the vehicle was removed. The original copy shall be submitted to Communications, and a copy of the report shall be turned in with the officer's other reports.

IX. VEHICLE RELEASES

- A. Vehicle releases shall only be granted by authorized personnel.
- B. The release shall only be given to the registered owner of the vehicle. An authorized representative of a car rental company, corporation, or company shall qualify as a registered owner for the purpose of this order.
- C. Vehicle releases shall be obtained from OPD Records Division if a hold is placed on a vehicle for any OPD unit.
- D. An administrative fee will be collected on all vehicle releases issued as described in General Order J-2, RELEASE OF TOWED/STORED VEHICLES

X. NOTIFICATION TO THE REGISTERED OWNER

- A. A reasonable effort shall be made by officers to locate the vehicle's registered owner to eliminate unnecessary tows.
- B. Whenever an authorized employee of this Department causes the removal and storage of a vehicle, communications personnel shall be responsible for mailing a Notification of Removal and Storage letter to the registered and legal owner(s) of the vehicle within 48 hours, excluding weekends and holidays. The letter will notify the owner that the vehicle was removed, and afford him the opportunity for a hearing to determine the legality of such removal.
- C. Notification of Removal and Storage letters regarding vehicles impounded with a 30-day hold for records (CVC section 14602.6 (a)) shall be delivered via certified mail. All other Notification of Removal and Storage letters may use routine mail processing procedures.
- D. Hearings regarding the legality of the removal and storage of any vehicle may be conducted by the Chief of Police or any commanding officer. The hearings shall address only the legality of the removal, and a copy of the appropriate towing authority shall be provided and explained to the owner.

DEPARTMENTAL GENERAL ORDER
OAKLAND HOUSING AUTHORITY
POLICE DEPARTMENT

J-3
REV
26 Jul 05

By order of

A handwritten signature in black ink, appearing to read 'Carel J. Duplessis', with a long horizontal flourish extending to the right.

Carel J. Duplessis
Chief of Police