OFFICE OF THE CHIEF OF POLICE

SPECIAL ORDER NO. 5 **MARCH 25, 1994**

SUBJECT: VEHICLE IMPOUND, HOLD, AND RELEASE PROCEDURES - REVISED

PURPOSE: A review of Department procedures related to Vehicle Code Section 22651(o) and (p) revealed a need to modify those procedures. This Order revises vehicle impound, hold, and release procedures related to 22651(o) and (p) VC, reactivates and revises the Legal Owner's Release and Indemnification Agreement, Form 15.17, and revises the Field Book Divider - Vehicle Investigation, Form 18.36.

PROCEDURE:

I. **OFFICER IMPOUNDING VEHICLES PURSUANT TO VEHICLE CODE SECTION 22651(o) OR (p) - RESPONSIBILITIES.** In addition to completing all necessary reports and notifications, an officer who causes the impound of a vehicle under authority of Section 22651(o) or (p) VC shall place a "HOLD" on the vehicle for the concerned Area Vehicle Coordinator.

II. **HOLD ON VEHICLE - LIMITATIONS.** An impounded vehicle shall not be held for investigation longer than two business days, unless the vehicle has been impounded for a violation of Section 22651(o) or (p) VC.

Exception: The supervisor (Detective III or higher) of the detective responsible for the release of a vehicle which has been impounded as a result of an investigation not related to Section 22651(o) or (p) VC may authorize an extension when specific circumstances warrant. When an extension is warranted, the supervisor shall ensure the Area Vehicle Coordinator and the Official Police Garage (OPG) are notified of the extension and that the justification for the extension is recorded on the Investigator's Case Progress Log, Form 1.44.

Note: The release of a hold for a vehicle impounded pursuant to Section 22651(o) or (p) VC is not triggered by time, but action taken by the vehicle owner. Absent appropriate action by the vehicle owner, the vehicle shall be held until disposed of by the storing OPG. However, for OPG lien processing purposes **only,** the hold will lift six calendar days after the vehicle has been impounded.

III. **RELEASE OF VEHICLES IMPOUNDED PURSUANT TO VEHICLE CODE SECTION 22651(o) OR (p).**

A. **Area Vehicle Coordinator or Releasing Officer - Responsibilities.** An employee releasing a vehicle shall determine if the vehicle was impounded from

within his or her Area/division. If not, the employee shall refer the citizen to the appropriate Area, division, or governmental agency.

An employee authorizing the release of a vehicle which has been impounded pursuant to Section 22651(o) or (p) VC shall:

* Refer the person requesting the release to the Department of Motor Vehicles when reasons exist which preclude a vehicle from being released (i.e., owner or agent does not possess a valid driver's license or the vehicle is not currently registered); or
* Verify proof of registration for subsection (o) impounds, or possession of a valid driver's license for subsection (p) impounds, **prior** to releasing the vehicle;
* Photocopy the bona fide identification and registration provided by the citizen and attach the copy to the Vehicle Investigation, Form 3.7;
* Complete **all** of the information in the "Vehicle Release Order" box on the impound/hold copy of the Form 3.7; and
* Ensure a copy of the properly completed vehicle release order is forwarded to the Area Vehicle Coordinator, Area of impound.

B. **Documenting Release When Vehicle Report Unavailable.** When an employee is requested to release an impounded vehicle and the original "impound" Vehicle Investigation, Form 3.7, is unavailable, the employee shall query the Stolen Vehicle System to determine the DR number assigned to the impounded vehicle and ensure the citizen requesting the release is either the registered or legal owner. Using a blank Form 3.7, the employee shall:

* Record the citizen's personal information (i.e., name, residence and business address, etc.) in the appropriate boxes on the Form 3.7;
* Photocopy the bona fide identification provided by the citizen and attach the copy to the Form 3.7;
* Check the "OK REL" box and complete the appropriate vehicle description boxes on the Form 3.7;
* Complete the Vehicle Release Order portion of the Form 3.7;
* Ensure the person requesting the release signs the release order (Form 3.7) in the space provided;
* Release the vehicle and provide a **copy** of the Form 3.7 to the registered owner for presentation to the OPG; and

* Forward the Form 3.7, with attachments, to the Area Vehicle Coordinator, Area of impound.

C. **Release of Impounded Vehicle to the Individual or Corporate Legal Owner.** An impounded vehicle which is available for release shall be released to the individual or corporate legal owner **only** when:

* A reasonable search by the concerned investigating officer has failed to locate the present owner;
* The individual or corporate legal owner, or the owner's representative, presents satisfactory personal identification and proof of ownership;
* The legal owner or owner's representative has been provided with, and advised to complete, a Legal Owner's Release and Indemnification Agreement, Form 15.17; and
* The legal owner or the owner's representative presents a completed copy of a Legal Owner's Release and Indemnification Agreement, Form 15.17.

Note: Patrol and detective divisions shall maintain an adequate supply of the Legal Owner's Release and Indemnification Agreement, Form 15.17, for public use.

D. **Release of Impounded Vehicles During Non-Business Hours.** During non-business hours, when the Area Vehicle Coordinator is not available, document verification and release authorization **shall** be completed by the patrol division watch commander.

Exception: Bureau commanding officers may exercise the option to centralize the document verification and release procedures for the entire bureau. However, document verification and release procedures for 22651(o) and (p) VC impounds shall be available 24 hours per day.

IV. **DISTRIBUTION OF REPORTS RELATING TO PROPERTY IN THE CARE OF AN OFFICIAL POLICE GARAGE (OPG).** When a crime occurs involving any property in the care of an OPG (stored at an OPG facility or in transit to an OPG facility), the employee completing the report shall cause a copy of the report to be sent to Commission Investigation Division (e.g., a fender being held as evidence at an OPG is stolen; a copy of the theft report shall be sent to Commission Investigation Division).

Note: When a hold has been placed on a vehicle in storage at an OPG, the Area Vehicle Control Clerk shall forward a copy of the report to the Department entity for which the hold has been placed.

V. **LEGAL OWNER'S RELEASE AND INDEMNIFICATION AGREEMENT, FORM 15.17 - REACTIVATED AND REVISED.** An audit of the Department vehicle release procedures disclosed a need to reactivate the Legal Owner's Release and Indemnification Agreement, Form 15.17. This form will enhance indemnification from liability for Department release of impounded vehicles to individual or corporate legal owners.

Use of Form. This form shall be used whenever an impounded vehicle is released to an individual or corporate legal owner.

Distribution.

1 - Original filed with the Vehicle Investigation, Form 3.07, in the detective division, Area of impound.

VI. **FIELD BOOK DIVIDER - VEHICLE INVESTIGATION, FORM 18.36 - REVISED.** The Field Book Divider is revised to indicate that Commission Investigation Division shall be notified when a reported crime involves property in the care of an OPG.

FORMS AVAILABILITY: The attached copy of the reactivated and revised Legal Owner's Release and Indemnification Agreement, Form 15.17, shall be duplicated as necessary until the form is available through Supply Division. The Indemnification Agreement and the revised Field Book Divider - Vehicle Investigation, Form 18.36, will be available at Supply Division in about 90 days.

AMENDMENTS: This Order amends Sections 4/780.75, 4/780.77, 4/780.80, and 5/030.66 of; and adds Sections 4/222.18, 4/780.60, and 5/15.17.0 to; the Department Manual.

AUDIT RESPONSIBILITY: The Commanding Officer, Commission Investigation Division, and the commanding officer of each operations bureau shall monitor compliance with this directive in accordance with Department Manual Section 0/080.30.

WILLIE L. WILLIAMS
Chief of Police

Attachment

DISTRIBUTION "A"