OFFICE OF OPERATIONS

OPERATIONS ORDER NO. 2 **January 21, 2005**

SUBJECT: **VEHICLE IMPOUND AND FORFEITURE PROCEDURES FOR SECTION 14607.6 OF THE CALIFORNIA VEHICLE CODE**

PURPOSE: This Order revises procedures and responsibilities for the enforcement of Section 14607.6 of the California Vehicle Code (CVC), Impoundment and Forfeiture of Motor Vehicles. This Order supersedes Office of Operations Order No. 3, dated January 22, 1996, *Vehicle Impound and Forfeiture Procedures for Section 14607.6 of the California Vehicle Code*.

PROCEDURE: California Vehicle Code Section 14607.6 (c)(1) makes the impoundment of a vehicle operated by an unlicensed driver **mandatory**. An officer who observes the operation of a motor vehicle by an unlicensed driver **shall** impound the vehicle. Furthermore, the vehicle shall be subject to impoundment and forfeiture, pursuant to Section 14607.6 CVC, when:

* The unlicensed driver, who owns the vehicle they are operating **and** has at least one prior misdemeanor conviction for being unlicensed; or,
* The registered owner (R/O) of a vehicle, that is operated by an unlicensed driver, has a Stipulated Vehicle Release Agreement (SVRA) indicated on R/O's driving record.

Note: A Vehicle Forfeiture Notice (Attachment 1) must be sent by certified mail, within **two** business days of the impound, to everyone listed on the Department of Motor Vehicles (DMV) vehicle registration.

Exceptions: Section 14607.6 CVC does **not** apply to:

* A driver whose driver license has expired within 30 days of the impound;
* A driver with a valid driver license, but incorrect vehicle class (e.g., driver with a Class C license operating a motorcycle requiring a Class M1);
* A driver operating a vehicle on a restricted driver license and within the specified restrictions;
* An unlicensed driver driving a vehicle registered to his/her employer in the course of employment; or,
* The driver is an employee or a person otherwise in control of a bona fide business establishment, and it reasonably appears that the vehicle owner or an agent of the owner,

has relinquished possession of the vehicle solely for servicing or parking of the vehicle or other reasonably similar situations, and where the vehicle was not to be driven except as directly necessary to accomplish that business purpose.

Note: If the vehicle can be returned to or retrieved by the business, the officer may release and not impound the vehicle pursuant to Section 14607.6 CVC. The above two business circumstances are the only instances allowing officer discretion within this statute. Sections 22651(p) CVC (Impoundment of Vehicle Operated by an Unlicensed Driver) and 14602.6 CVC (30-Day Hold impound) are still applicable.

I. **OFFICER'S RESPONSIBILITY.** When it appears a vehicle qualifies for a vehicle forfeiture, the impounding officer shall:

* Enter the appropriate impound authority in the "Storage Authority/Reason" box on the Vehicle Report, California Highway Patrol (CHP) Form 180;

  Note: Officers **shall not** use Section 14607.6 CVC as an impound authority, but rather any other applicable impound authority (i.e., 22651(p) CVC, 14602.6 CVC, etc.). The Area Detective Division, Auto Detective Unit, is responsible for reviewing all Vehicle Reports and updating the status of a vehicle held for vehicle forfeitures.

* Indicate in the Vehicle Report narrative that it appears the vehicle qualifies for a vehicle forfeiture;
* Include all information required by the impound authority used;
* Attach a copy of the violator's DMV driving record, showing a suspended, revoked, expired (over 30 days), withheld, or none issued status and a prior misdemeanor conviction for being unlicensed, or driving with a suspended or revoked license, to the Vehicle Report when it is submitted for approval;
* Issue a Verbal Notice by Peace Officer, DMV Form DL 310A, when the driver has a suspended or revoked driver license;

* Attach a copy of the DMV registration printout, showing the driver as the R/O, to the Vehicle Report when it is submitted for approval;

  Note: If there is evidence of a SVRA on the R/O's driving record, the unlicensed driver does not have to be the R/O of the vehicle, nor is a prior misdemeanor conviction necessary, for the vehicle to be forfeited.

* Attach a copy of the citation, arrest report, and/or all other related reports to the Vehicle Report when it is submitted for approval;
* Allow the vehicle driver to remove personal property from the vehicle, when applicable;
* Remove and book all property meeting the requirements of Department Manual Section 4/222.60;
* Ensure the concerned Area Records Unit personnel indicate the appropriate vehicle status in the Consolidated Criminal Analysis Database (CCAD) and the State's Stolen Vehicle System (SVS);
* Notify the appropriate Official Police Garage (OPG) of the status of the vehicle; and,
* Submit the Vehicle Report to a supervisor for approval.

  Note: All traffic division personnel shall submit all unlicensed driver Vehicle Reports to the Records Unit, in the respective Area of impound, after approval by a traffic division supervisor.

II. **SUPERVISOR'S RESPONSIBILITY.** Supervisors approving a Vehicle Report, with a vehicle forfeiture notation, shall ensure:

* A copy of the driver's DMV driving record, showing a suspended, revoked, expired (over 30 days), withheld, or none issued status **and** a prior misdemeanor conviction for an invalid driver license is attached;
* A copy of the DMV vehicle registration printout showing the driver as the R/O is attached;
* A copy of the R/O's DMV driving record showing proof of a served SVRA is attached, when applicable;
* A copy of the citation, arrest report, and/or all other related reports are attached;
* The officer included all information required by the impound authority used;

* The concerned OPG has been notified of the vehicle status;
* The vehicle has been entered in CCAD and SVS with the appropriate vehicle status; and,
* The original Vehicle Report and all attached documents are immediately processed through the concerned Area's Records Unit and forwarded to the Automated Vehicle and Processing Section (AVPS), Records and Identification (R&I) Division. Copies shall be forwarded to the Auto Detective Unit, Area Detective Division, for review.

III. IMPOUND RELEASE DESK'S RESPONSIBILITY. Release desk employees reviewing a request for impound release with the possibility of a vehicle forfeiture shall:

* Check the SVS to ascertain if the vehicle is stolen or on a vehicle forfeiture hold;
* Check with the Area OPG and query the CCAD Number/Record License Search screen (CC09) for possible vehicle information when none is available from the SVS due to the 30 day purge of vehicle information; and,
* If a vehicle returns as a "Vehicle Forfeiture" or "14607.6 CVC" appears in the "Storage Authority/Reason" box on the Vehicle Report, the employee shall inform the inquiring party of the vehicle's forfeiture status. If the party requests a post-impound hearing, the employee shall contact the appropriate Area Vehicle Impound Hearing Coordinator and schedule a hearing for the requesting party. If the party requests to speak to a supervisor about the forfeiture status, the employee shall advise the party to, either write or telephone TCS-VFU at:

  Los Angeles Police Department
  Traffic Coordination Section
  Vehicle Forfeiture Unit
  1945 South Hill Street, Room #107
  Los Angeles, California 90007
  Telephone: (213) 485-3175
  Fax: (213) 485-1590

IV. AREA DETECTIVE DIVISION, AUTO DETECTIVE UNIT SUPERVISOR'S RESPONSIBILITY.

A. **Area Detective Division, Auto Detective Unit Supervisor's Responsibility - Conducting an Impound Hearing.** Vehicle impound hearing procedures have been revised and are delineated in Office of the Chief of Police, Special Order No. 13, dated April 7, 2003. Vehicle impound hearings shall only be conducted by employees of a supervisory rank, who have received Probable Cause Vehicle Impound Hearing Procedures training and are assigned to the Area Detective Division, Auto Theft Unit. Area Detective Division, Auto Detective Unit supervisors conducting a post-impound hearing regarding a forfeiture hold shall:

* Determine if probable cause existed to impound the vehicle; and,
* Complete an Order Release/Reimbursement Request, Form 15.23.4, indicating whether probable cause for the impound existed and immediately forward a copy to TCS-VFU.

  Note: If a supervisor determines that sufficient probable cause did not exist, the supervisor shall notify TCS-VFU immediately. The supervisor shall also complete an Order Release/Reimbursement Request, Form 15.23.4, and immediately forward a copy to TCS-VFU.

Area Detective Division, Auto Detective supervisors are reminded that post-impound hearings are held to determine whether probable cause existed to impound a particular vehicle and to determine who is responsible for the payment of the impound and/or storage fees. A decision to release the violator's vehicle from a vehicle forfeiture hold status can only be authorized by TCS-VFU.

B. **Area Detective Division, Auto Detective Unit's Responsibility – Vehicle Forfeiture Holds.** Area Auto Detective Units shall review all unlicensed driver impound reports for their respective Area on a daily basis, including impound reports from traffic divisions. When determining vehicle forfeiture holds on impounded vehicles, the Area Auto Detective Unit shall:

* Check the Trial Courts Information System (TCIS) on the unlicensed driver, when the driver is the R/O of the vehicle, to ascertain if the driver has a prior misdemeanor conviction for being unlicensed;
* Do not refer the vehicle for a vehicle forfeiture hold when the suspension/revocation service code is "I" (Returned/Unclaimed) on the violator's DMV driving record;
* Check the DMV driving record on the vehicle's R/O when the R/O is not the driver;

  Note: If the driver is not the R/O, but the R/O has an SVRA on his/her driving record, the vehicle qualifies for a vehicle forfeiture. If the driver shows as a "Pending R/O" on the DMV printout, the submitting employee shall contact the DMV and ascertain if the driver is designated by the DMV as the current R/O. If the DMV confirms the driver as the current R/O, the name and telephone number of the DMV contact shall be noted on the Vehicle Forfeiture Filing Submission List (Attachment 2) when faxed to the TCS-VFU.

* Ensure the full LAPD Incident Number is clearly listed on the vehicle impound report or on the Vehicle Forfeiture Filing Submission List (Attachment 2).
* Ensure all information required under officer's responsibility and supervisor's responsibility is included;
* Ensure the Area OPG has been notified of the appropriate vehicle status;
* Ensure the appropriate vehicle status is reflected in CCAD and SVS or changed immediately, when applicable;
* Ensure the vehicle impound was not more than two business days prior to the submission date.

  Note: TCS-VFU must send a Vehicle Forfeiture Notice, by certified mail, to everyone listed on the DMV vehicle registration printout within two business days of the impound.

* If an impounded vehicle meets the vehicle forfeiture criteria, the Area Auto Detective Unit shall complete and attach the Vehicle Forfeiture

Filing Submission List to the Vehicle Report(s); and,

* Fax the Vehicle Forfeiture package to:

Traffic Coordination Section
Vehicle Forfeiture Unit (TCS-VFU)
(213) 485-1590

Note: The transmitting employee shall conduct a follow-up phone call to TCS-VFU at (213) 485-3175, to ensure receipt of the fax transmission.

C. **Reviewing a Rejected Vehicle Forfeiture Filing Submission List.** When an Area Detective Division, Auto Detective Unit receives a rejected Vehicle Forfeiture Filing Submission List from the TCS-VFU, Area Auto Detective Unit shall ensure:

* The concerned OPG is notified of the updated vehicle status;
* The updated vehicle status is reflected in CCAD and SVS; and,
* The vehicle's R/O and Legal Owner (L/O) are notified of the updated vehicle status.

If an Area Auto Detective Unit receives a Vehicle Report that is already marked "Vehicle Forfeiture" and the vehicle has been entered in CCAD and SVS as such, and it is determined that the vehicle does not meet the forfeiture criteria, Area Auto Detective Unit personnel shall contact the TCS-VFU for direction.

Note: All citizen inquiries regarding the release of a vehicle on a "Vehicle Forfeiture" hold shall be referred to TCS-VFU.

V. **TRAFFIC COORDINATION SECTION, VEHICLE FORFEITURE UNIT'S (TCS-VFU) RESPONSIBILITY.** The TCS-VFU shall:

* Receive and review vehicle reports submitted by the Area Detective Division, Auto Detective Unit for vehicle forfeiture holds;
* Fax an endorsed Vehicle Forfeiture Filing Submission List to the Area Auto Detective Unit in all cases advising whether a particular vehicle has been accepted or rejected for a vehicle forfeiture hold;

- Conduct a telephonic follow-up to the concerned Area Auto Detective Unit to ensure the unit received the fax reply from the TCS-VFU;
- Notify the concerned OPG when a Vehicle Report has either been accepted or rejected by the TCS-VFU and advise the OPG whether the vehicle is on a vehicle forfeiture hold;
- When the Vehicle Report meets forfeiture criteria, mail the Vehicle Forfeiture Notice to all persons and entities listed on the DMV vehicle registration printout by certified mail within two business days of the impound;
- Compile a vehicle forfeiture package for filing with the City Attorney's Office;
- Receive completed Claim Opposing Forfeiture of Vehicle Form, Judicial Council of California, Form MC-201, and forward to the City Attorney's Office with the case package;
- Receive notices of forfeiture from the City Attorney and the District Attorney's Office;
- Notify the concerned OPG when it is able to sell a forfeited vehicle;
- Visually inspect all forfeited vehicles prior to the OPG's sale of the vehicle;
- Notify the concerned Area/division of the impound when there is property left in the forfeited vehicle requiring booking, pursuant to Department Manual Section 4/222.60;
- Complete a Personal Property Release and fax a copy to the concerned OPG when requested by the vehicle owner;
- Forward and maintain copies of the Disbursement of Vehicle Forfeiture Proceeds (L/O and OPG), LAPD Temp Forms (Attachments 3 & 4) and receipts of all proofs of sale to the City Attorney's Office;
- Retain copies of all forfeiture paperwork and maintain a file of Vehicle Forfeiture packages;
- Liaise with the City Attorney and the District Attorney's Office, OPGs and Commission Investigation Division (CID) regarding vehicle forfeitures;
- Request impound statistics from Area Auto Detective Units, when required;
- Compile and distribute, when requested, impound statistics for the Department;
- Provide statistics to CID, as requested, for its quarterly audits; and,
- If it is determined that a forfeited vehicle should be released to a community property interest owner or R/O

pursuant to Section 14607.6(d)(2) CVC, TCS-VFU personnel shall complete a Stipulated Vehicle Release Agreement (DOJ/SVRA Form) and forward the original to the DMV.

VI. COMMISSION INVESTIGATION DIVISION'S (CID) RESPONSIBILITY. Commission Investigation Division shall:

* Conduct quarterly audits on the sale of forfeited vehicles, as reported by the OPGs and the actual income received by the City, as reported by the Office of Finance, Tax and Permit Division; and,
* Receive statistical information from TCS-VFU, when requested.

VII. AREA RECORDS UNIT'S RESPONSIBILITY. Area Records Unit shall:

* Enter "Vehicle Forfeiture - Hold For TCS-VFU (213) 485-3175" in the Miscellaneous Section of the impound format when obtaining the DR number or updating the vehicle status;
* Maintain a file copy of the Vehicle Report;
* Ensure the original Vehicle Report is immediately forwarded to the AVPS, R&I Division and copies forwarded to the concerned Area Detective Division, Auto Detective Unit; and,
* Ensure that a sufficient supply of the Order Release/Reimbursement Request, Form 15.23.4, are maintained and available to Area personnel.

VIII. OFFICIAL POLICE GARAGE'S (OPG) RESPONSIBILITY. All OPGs will adhere to the following procedures:

* When a Vehicle Forfeiture Filing Submission List is received with a notation that the vehicle has been accepted by the TCS-VFU, the OPG shall not release the vehicle unless directed by TCS-VFU;
* When a Vehicle Forfeiture Filing Submission List is received from the TCS-VFU, complete the "OPG Confirmation" and fax the form back to the TCS-VFU at (213) 485-1590;
* When a Vehicle Forfeiture Order is received from TCS-VFU, the vehicle shall be sold and monies received distributed according to the procedures delineated in Section 14607.6(i)(6) CVC;

* Forward 50 percent of any residual income from a vehicle forfeiture sale to the Office of Finance, Tax & Permit Division on a quarterly basis;
* Forward 50 percent of any residual income from a vehicle forfeiture sale to the California Controller's Office;
* Forward a copy of proof of sale for the forfeited vehicle to TCS-VFU (in all cases), the Office of Finance, Tax & Permit Division (when monies are remitted), and to the California Controller's Office (when monies are remitted);
* Complete a Disbursement of Vehicle Forfeiture Proceeds (OPG) and send a copy to TCS-VFU (in all cases), the Office of Finance, Tax & Permit Division (when monies are remitted), and to the California Controller's Office (when monies are remitted); and,
* Provide vehicle forfeiture statistics or records to CID when requested.

Note: Whenever a dispute or question arises over the actual status of a vehicle subject to a vehicle forfeiture hold, TCS-VFU shall be contacted for the final determination.

Any questions regarding this Order should be directed to the Vehicle Forfeiture Unit, Traffic Coordination Section, Special Operations Support Division, at (213) 485-3175.

GEORGE GASCÓN, Assistant Chief
Director, Office of Operations

Attachments

DISTRIBUTION "A"