OFFICE OF THE CHIEF OF POLICE

N O T I C E September 27, 2013
14.5

TO: All Department Personnel

FROM: Chief of Police

SUBJECT: SPECIAL ORDER NO. 7 "COMMUNITY CARETAKING DOCTRINE AND VEHICLE IMPOUND PROCEDURES – ESTABLISHED" - MORATORIUM

The purpose of this Notice is to provide guidance to officers when making a vehicle impound/removal decision concerning drivers without a valid license. The Los Angeles County Superior Court has issued an Order invalidating Special Order No. 7 *"Community Caretaking Doctrine and Vehicle Impound Procedures – Established*," dated April 10, 2012. Until further notice, officers shall not follow procedures established by Special Order No. 7 and Section 4/422.05 of the Department Manual.

The Community Caretaking Doctrine must be considered to ensure compliance with the Fourth Amendment. In all instances, officers should take into account the "totality of the circumstances" to determine whether an impound/removal is appropriate. A vehicle impound/removal may comply with the Community Caretaking Doctrine when any of the following exist:

- The location of the vehicle obstructs traffic;
- The location of the parked vehicle may make it vulnerable to theft or vandalism;
- It is necessary to prevent the immediate and continued unlawful operation of the vehicle.

An impound/removal may not comply with the Community Caretaking Doctrine when any of the following exist:

- A properly licensed and authorized passenger is present;
- The vehicle is legally parked;
- The vehicle is parked adjacent to or in the driveway of the registered owner's residence.

Officers are reminded that a variety of California Vehicle Code (VC) Sections provide statutory authority for impounds/removals. Officers should determine which statutory authority is most appropriate for the given circumstance. Two of the most common authorities are the "straight impound" delineated in Section 22651(p) VC, and the "30-day hold impound" delineated in Section 14602.6(a)(1) VC.

Either Section 22651(p) VC or the 14602.6(a)(1) VC may be used when a person driving has:

- Never been issued a license (foreign or domestic);
- A suspended or revoked license.

Additionally, Section 22651(p) VC may be used when a person driving has:

- An expired, withheld or out-of-class license;
- A license from another jurisdiction, but is a resident of California.

Additionally, Section 14602.6(a)(1) VC may be used when a person driving has:

- A restricted license pursuant to Section 13352 or 23575 and the vehicle is not equipped with a functioning certified interlock device.

A vehicle impounded under Section 22651(p) VC is not subject to a specific hold period and may be released upon presentation of the registered owner's or his/her agent's valid driver's license and proof of current vehicle registration. A vehicle impounded under Section 14602.6(a)(1) VC is subject to a 30-day hold absent defined exceptions.

Any questions regarding this Notice may be directed to Captain Dwayne Hayakawa, Commanding Officer, Planning and Research Division, at (213) 486-0400.



CHARLIE BECK
Chief of Police

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