OFFICE OF THE CHIEF OF POLICE

NOTICE
14.5

September 22, 2015

TO: All Department Personnel

FROM: Chief of Police

SUBJECT: VEHICLE IMPOUND PROCEDURES PURSUANT TO CALIFORNIA VEHICLE CODE SECTION 22659.5

California Vehicle Code (CVC) Section 22659.5 permits the City to adopt an ordinance specifying when a motor vehicle can be declared to be a public nuisance. Those vehicles are subject to seizure and impound when the vehicle is used in the repeat offenses of specific prostitution-related crimes or for illegal dumping of commercial quantities of waste. To conform to the CVC, Los Angeles Municipal Code (LAMC) Section 41.70.3 was repealed and Section 41.70 was revised to include language consistent with CVC Section 22659.5.

As permitted by California Vehicle Code Section 22659.5, LAMC Section 41.70 declares a motor vehicle to be a public nuisance, subject to seizure and impoundment for a period of up to 30 days when the motor vehicle is used in the commission or attempted commission of an act that violates the following California Penal Code (PC) Sections:

- 266h – Pimping;
- 266i – Pandering;
- 647(b) – Solicitation of Prostitution; and,
- 374.3(h) – Illegal Dumping of Commercial Quantities of Waste.

Impounding Vehicles Pursuant To California Vehicle Code Section 22659.5. In accordance with 41.70 LAMC, an officer who observes a driver operating a motor vehicle in commission or attempted commission of an act that violates any of the California PC Sections listed above, shall impound the vehicle when:

- A valid arrest is made of the driver for any of the violations listed; and,
- The driver has had a prior conviction for the same offense within the past three years.

Note: If it is determined that the vehicle will be impounded, the officer will use impound authority 41.70 LAMC and write "30-Day Hold" at the top of the Vehicle Report, CHP 180, form.

Vehicle Impounds Release Procedures. The concerned geographic Area auto detectives shall release a vehicle impounded for 41.70 (f) LAMC, to the registered owner and 41.70 (i) LAMC, to the legal owner (L/O), under the following circumstances:

Release Procedures to the Registered Owner or His/Her Agent. The impounding agency shall release the vehicle to the registered owner (R/O) or his/her agent prior to the end of the impoundment period under any of the following circumstances:

- The driver of the impounded vehicle was arrested without probable cause;
- The vehicle is a stolen vehicle;
- The vehicle is subject to bailment and was driven by an unlicensed employee of a business establishment, including a parking service or repair garage;
- The driver of the vehicle is not the sole registered owner of the vehicle and the vehicle is being released to another registered owner of the vehicle who agrees not to allow the driver to use the vehicle until after the end of the impoundment period;
- The registered owner of the vehicle was neither the driver nor a passenger of the vehicle at the time of the alleged violation or was unaware that the driver was using the vehicle to engage in activities subject to Section 266h or 266i, or Subdivision (b) of Section 647 of the California PC; or,

  Note: Section 374.3(h) PC is not eligible for release under this section.

- A spouse, registered domestic partner, or other affected third party objects to the impoundment of the vehicle on the grounds that it would create a hardship if the subject vehicle is the sole vehicle in a household. The hearing officer shall release the vehicle where the hardship to a spouse, registered domestic partner, or other affected third party created by the impoundment, outweighs the seriousness and the severity of the act in which the vehicle was used.

Release Procedures to the Legal Owner or His/Her Agent. A vehicle removed and seized under 41.70 LAMC shall be released to the L/O of the vehicle or his/her agent prior to the end of the impoundment period if both of the following conditions are met:

- The L/O is a motor vehicle dealer, bank, credit union, acceptance corporation, or other licensed financial institution legally operating in the State of California, or is another person who is not the registered owner and holds a security interest in the vehicle, and,
- The L/O or the legal owner's agent pays all the towing and storage fees related to the seizure and impoundment of the vehicle.

Department personnel shall be guided by 41.70 LAMC for **additional** release provisions **and other requirements.**

Should you have questions regarding this Notice, please contact the Human Trafficking Unit, Detective Support and Vice Division, at (213) 468-0957, for nuisance impounds related to Vice activity; or, the Hazardous Materials Unit, Emergency Service Division, at (323) 342-4200, for nuisance impounds related to illegal dumping.

CHARLIE BECK
Chief of Police

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