

Vehicle Tows

9.06.01 PURPOSE

The purpose of this order is to set forth policies and procedures related to towing of vehicles, placing of holds and releasing of towed vehicles.

9.06.02 I. POLICY

~~A. AUTHORITY OF OFFICERS TO TOW.~~ It is the policy of the San Francisco Police Department that ~~officers~~ ~~members~~ tow vehicles only when authorized ~~by law pursuant to Division 11, Chapter 10, Article 1 of the California Vehicle Code (Section 22650, et seq.) and various sections of the San Francisco Traffic Code.~~

In evaluating the reasonableness of warrantless vehicle tows and impounds, the decision to tow any vehicle should be based on the totality of circumstances, must be reasonable, and in furtherance of public safety.

9.06.03 PROCEDURES

A. II. TYPES OF TOWS

1. Supervisory Approval – Members should obtain approval from a supervisory officer before towing a vehicle pursuant to an arrest.

2. Ordering Tow Trucks

- a. Members should refer to SFPD Form 574, *Department Impound Guide* (SFPD 574) for tow authorities and examples of when a vehicle may be towed based on the Community Caretaking Doctrine.**
- b. Members shall only order tow trucks from the Tow Desk. Proof of tow truck dispatch will be checked by the member prior to vehicle being hooked up. Tow truck drivers will display proof of dispatch upon request by a member on an electronic device, indicating what vehicle they are dispatched to tow. Members shall not allow tow companies to solicit tows at any scene. This is a misdemeanor violation of CVC §22513.**

3. Removal from Traffic Crash Scene - When a vehicle has been involved in a vehicle crash and must be removed from the scene, the member should allow the driver (if not transported for medical treatment) to contact their own tow company (only if the disabled vehicle is not causing an immediate traffic hazard and the private party tow will be there in a reasonable amount of time), prior to ordering a tow through Tow desk (DGO 9.02, *Vehicle Crashes*).

4. A. Tows from ARREST Scenes TOWS

- a. Do not tow the vehicle of the arrested driver:
 - When their vehicle is legally parked.
 - When a member can move the vehicle to a readily available spot close by
- b. 1. ~~PERMISSIBLE CIRCUMSTANCES~~. It is the policy of the Department that officers may Do tow a the vehicle driven by, or in the control of, a person the arrested driver and taken into custody when:
 - a. For investigative purposes (CVC §22655.5) ~~The vehicle is needed for evidence.~~
 - b. The vehicle must be secured while obtaining a search warrant.
 - c. The vehicle cannot be secured, and cannot be released immediately to a person at the scene who is authorized by the arrestee.
 - d. To ensure the safe flow of ~~The vehicle is a traffic, prevent~~ hazards, and cannot be released immediately to a person at the scene who is authorized by the arrestee protect against theft or vandalism (CVC §22650).
 - e. The vehicle is not parked in a place that will be legal for at least 24 hours from the time of arrest.
 - f. At the Towing is specifically requested by of the arrested person.
- c. Members have the discretion to allow the arrested person to contact their own tow company, so long as the response time of the tow company is reasonable and does not exceed 30 minutes.

5. 2. ~~Tows Regarding CVC §14601/12500 MANDATORY CIRCUSMTANCES~~. – It is the policy of the Department that Members officers shall cite the driver and should tow any the driver's vehicle being driven by a person who has had when his/her their driver's license is suspended/ or revoked, or by a person who when the driver has never been issued a driver's license. The vehicle shall not be released to anyone at the scene; however, a commercial vehicle (e.g., cab, truck, bus) may be released to an agency of the company who is a licensed driver. The decision to tow the vehicle must be reasonable and in the furtherance of public safety (SFPD 574 *Department Impound Guide*). Note: If a vehicle is impounded, members shall give the driver of the impounded vehicle a SFPD 387 form.
 - a. One of the following must also be present:
 - i. CLETS/DMV records confirm the driver of the vehicle has been convicted and given notice at least once for a CVC §14601/12500 related violation in the past, under tow authority CVC §14602.6, OR
 - ii. CLETS/DMV records confirm the registered owner is the driver and has a driver's license restriction requiring an Ignition Interlock Device (IID), and one is not present on the vehicle. Note: driver can have a valid license that requires an IID. If an IID is not present, the vehicle shall be towed.

~~3. SUPERVISORY APPROVAL. Except when specifically requested by an arrested person, officers shall obtain approval from a supervisory officer before towing a vehicle pursuant to an arrest. The reason for the tow and the name of the supervisory officer giving approval shall be included in the incident report.~~

B. 4. Property Inventory – For all tows, property should be inventoried using the *Inventory of Towed Vehicles* form (Tow Slip). *The purpose of the inventory* search is to protect an owner's property while in police custody (not to further criminal investigation), to provide for the safety of members', and to protect the Department against fraudulent claims of lost, stolen, or damaged property. Members *may search anywhere inside the vehicle including consoles, glove boxes, under the seats, inside the trunk, and inside any container of the vehicle.*

1. When the vehicle of an arrested person contains an item of extraordinary value, but towing is not warranted, the item may be booked according to Department policies and procedures (DGO 6.15, *Property Processing*). Absent a recognized warrant exception, the member should obtain the vehicle owner's consent to take possession of the item of value. An arrested person's vehicle shall not be towed simply because it contains an item of value.
2. *Firearms – If a firearms is located in the vehicle, confiscate the weapon, even though the firearms or vehicle is may not be connected to an offense. NO FIREARMS SHALL EVER BE LEFT IN A TOWED VEHICLE. Complete a property receipt form (SFPD 315), attach it to the vehicle, and book the firearm as "Property for Safekeeping." In addition, complete an incident report describing the circumstances. Do not place a hold on the towed vehicle. Note, however, that a firearm in a vehicle may constitute an offense.*

C. 5. Moving a Vehicle Prior to Towing – in exigent circumstances, or upon

a. Officers shall not move a vehicle that is to be towed pursuant to an arrest unless they have the expressed permission of a supervisory officer, and then only when moving the vehicle is necessary for: based on a

- 1) Officer or citizen safety; or investigative purpose,
- 2) The protection of evidence; or
- 3) When, in the supervisor's opinion, further investigation of the vehicle is necessary.

b. Officers members may move a vehicle that is to be towed pursuant to an arrest. shall include the following information in their incident report:

- 1) The reason for the tow;
- 2) The reason for moving the vehicle;
- 3) The name of the supervisor giving permission to move the vehicle prior to the tow.

D. Vehicles Shall Be Released – when an unlicensed driver is cited for CVC §12500/14601 and **DOES NOT** have a prior confirmed conviction and notice of violation as stated above **AND** one of the below listed are present:

1. The unlicensed cited driver is the registered owner of the vehicle **and** there is a valid licensed and insured driver immediately available (passenger in the car) or available to respond to the scene (within 30 minutes) prior to the towing of the vehicle and able to drive the vehicle safely and lawfully from the scene.
2. The unlicensed cited driver is **not** the registered owner of the vehicle, **and** the validly licensed and insured registered owner is immediately available (passenger in the car) or available to respond to the scene (within 30 minutes) prior to the towing of the vehicle and able to drive the vehicle safely and lawfully from the scene.
3. If the driver's license has expired within the preceding 30 days and the driver would otherwise have been properly licensed, the vehicle should not be towed if, at the time of the traffic stop, the vehicle is parked and is not impeding traffic or jeopardizing public safety, is not blocking a driveway, crosswalk, or otherwise preventing the efficient movement of traffic. If parked on private property, the property owner can call for a private property tow.

NOTE on Third Party Releases: **DO NOT** allow releases to a third party. Only the registered owner can authorize release and must be on scene to do so. If the driver is **not** the owner of the vehicle, the driver cannot authorize release to another non-owner even if they are in possession of a valid license.

E. Hold Harmless Advisement – When a member determines that the vehicle will be released per above, the member should ensure that the registered owner verbally acknowledges the Hold Harmless Advisement for the authorized driver. The advisement shall be documented on BWC.

NOTE: *A commercial vehicle (e.g., cab, truck, bus) may be released to an agent of the company who is properly licensed for that vehicle.*

F. Documentation – When a member tows a vehicle, the member shall input the following information in the CAD when an incident report is not completed:

1. Name of driver
2. Name of registered owner
3. Citation number (if applicable)
4. Citation violation (if applicable)

6. NOTICE OF TOW HEARING. Officers shall insure that an arrested person, whose vehicle has been towed subsequent to an arrest, is given a Notice of Tow Hearing (SFPD 387). Officers shall document the issuing of this form in their incident report and indicate whether the arrested person is the owner of the towed vehicle.

G. Recovered Vehicle Tows

1. ~~PERMISSIBLE CIRCUMSTANCES~~. It is the policy of the Department that an officer ~~Members~~ may, in addition to other circumstances described in this order, tow a recovered vehicle when either of the following conditions exists:
 - a. ~~The vehicle is not operable.~~
 - b. a. The ~~officer~~ ~~member~~ believes a hold must be placed on the vehicle, e.g., the vehicle was involved in the commission of a crime, contains physical evidence, ~~or has an~~ altered VIN.
b. *The vehicle is not operable.*
2. ~~MANDATORY CIRCUMSTANCES~~/Notification of Reportee. In all other cases, the Communications Division ~~Members should~~ shall make an attempt to contact the person ~~who notify the reporting~~ ~~ed that the stolen~~ vehicle ~~has been theft~~, provided that he/she is a resident of San Franeisco. The person shall be told of the located~~tion~~ of the vehicle and advised that he/she or an authorized representative must arrive at the scene within 20 minutes to take custody of the vehicle. If the person or representative cannot respond or does not arrive within 230 minutes, the vehicle shall ~~should~~ be towed.
3. ~~TOWING POSSIBLE STOLEN/RECOVERED VEHICLES~~. Many vehicles have been towed simply because they appear to have been stolen, e.g., the vehicle was stripped, identification numbers (VIN) were removed, or other causes for suspicion were present. In many cases, the towed vehicle has not been stolen, but was merely abandoned by the owner. Therefore, it is the policy of the Department that officers not tow vehicles simply because they appear to be stolen.

H. C. Towing Abandoned Vehicles from Private Property. Complaints concerning vehicles abandoned on private property that are not stolen or embezzled shall be referred to the Environmental Health Services Center Office, 101 Grove Street.

I. D. Vehicle Alarms, Citation And Tow. See DGO 5.10, *False Alarms*, Section I.F 1-4.

III. TOW POLICY AND PROCEDURES

- A. ~~REQUESTING A TOW~~. Before requesting a tow, check to see if the vehicle is stolen. Query both the license plate number and the VIN if necessary. Ensure that the VIN and license plate number correspond to registration information.
 1. ~~STOLEN~~. If the vehicle is stolen, follow the provisions in this order before requesting a tow.
 2. ~~NOT STOLEN (CLEAR)~~. If the vehicle is clear, request a tow through the Tow Dispatch Center (TDC) and provide the following information:
 - a. Unit designation.

San Francisco Police Department
GENERAL ORDER

DGO 9.06
Rev. 07/10/96 ~~XX/XX/XX~~
Eff. ~~XX/XX/XX~~

- ~~b. Location (street name and exact location or approximate block number; also provide the nearest cross street).~~
- ~~c. Reason for tow (specify the violation, e.g., 22500e CVC, arrest, evidence, accident, etc.).~~
- ~~d. Vehicle year of manufacture.~~
- ~~e. Make (Ford, Chev., etc.).~~
- ~~f. Style (two door, convertible, truck, van, motorcycle, etc.).~~
- ~~g. Color (use basic colors, e.g., red, white blue, green).~~
- ~~h. License and VIN. If both license plates are missing, but registration information indicates that a particular license plate number belongs to the vehicle, provide that number when ordering the tow.~~
- ~~i. Hold. Advise TDC when a hold needs to be placed on a the vehicle. Specify the type of hold, e.g., prints, burglary, robbery, etc. Also provide the incident number (if applicable).~~
- ~~j. Specify any special equipment needed for towing (e.g., dolly).~~
- ~~k. Fully complete an "Inventory of Towed Vehicle" form (see Section C. below).~~

~~3. DEPARTMENT VEHICLE TOWS. When ordering a tow for a Department vehicle, provide the license and Department ID number, year, make and model. The Department tow truck will respond; however, when the Department tow truck is unavailable, TDC will dispatch a private tow truck.~~

~~B. INVENTORY OF TOWED VEHICLES. When towing a vehicle, officers shall inventory the contents of the vehicles. The purpose of the inventory is to locate and secure any valuable property, to guard against false claims, and to protect officers and others from dangerous objects. When conducting an inventory, officers may search anywhere inside the vehicle including consoles, glove boxes, under the seats, inside the trunk and inside any container of the vehicle.~~

- ~~1. FORM PREPARATION. When towing a vehicle, always complete an "Inventory of Towed Vehicles" form. This form must be used to document tows ordered by the Department, with the exception of tows of Department vehicles or tows requested by an owner or operator. List inventoried items on the Inventory of Towed Vehicle form. If more space is needed, use an additional form and list it as page 2. Print legibly and apply enough pressure so that all copies are readable. All applicable boxes must be completed, including the odometer reading and VIN number. When towing a vehicle for a driveway violation, always include the complainant's name and address in the appropriate boxes.~~
 - ~~a. DAMAGE/MISSING PARTS. List any part of the vehicle that is missing or damaged. Carefully indicate any body damage (e.g., dents, scrapes, cracked glass) using the illustration and the instructions on the back of the inventory form.~~
 - ~~b. FORM DISTRIBUTION. After completing the Tow Inventory form, distribute the copies as follows:~~

- 1) White (original) and yellow: Tow Detail
- 2) Green/Pink: Tow truck operator.

2. **ITEMS OF EXTRAORDINARY VALUE.** If the vehicle contains an item of extraordinary value, remove it. Complete a property receipt (SFPD 315), and leave a copy inside the vehicle. Book the item "Property for Safekeeping" if the item is not apparently connected to an offense. Also complete an incident report.

- a. a. **FIREARMS.** If you locate a firearm in the vehicle, confiscate the weapon, even though the firearm or vehicle is not connected to an offense. Complete a property receipt form (SFPD 315), attach it to the vehicle, and book the firearm as "Property for Safekeeping". Also complete an incident report describing the circumstances. Do not place a hold on the towed vehicle. Note, however, that a firearm in a vehicle may constitute an offense [see Penal Code Section 12025 (a) or 12031 (a)].

J. C. Standby. – After requesting a tow, ~~officers~~ ~~members~~ shall remain at the scene until the tow truck operator has completed the hookup and has departed. A ~~s~~Standby is not required when the tow is requested by the owner or operator, provided that the vehicle is not creating a traffic hazard.

K. D. Canceling Tows. – ~~In the event that~~ If the owner or operator of a vehicle which is being towed arrives after the tow truck has made the hookup, but before the towed vehicle has entered the flow of traffic, the vehicle shall be returned at no charge. The current city tow contract does not allow a drop charge to be levied by the tow company. This policy shall not apply in situations where a vehicle is being towed for investigative purposes, or is being towed because it was driven by an unlicensed driver or by a driver with a suspended or revoked driver's license.

1. **Leaving The Scene.** – If you ~~a member~~ must leave the scene or need to cancel the tow for any reason, immediately notify the ~~TDC~~ Tow Desk. If you ~~members~~ have entered the vehicle and completed ~~and inventory form~~ the Tow Slip, write "canceled" across the face and forward it to the ~~TDC~~ Tow Desk/Detail.
2. **Tow Truck Delay.** – If the tow truck does not arrive within 230 minutes of ~~you~~ the member's request, contact the ~~TDC~~ Tow Desk, and confirm that a tow has been requested and obtain an estimated time of arrival.
3. **Owner Arrives On Scene.** – If the owner of the vehicle arrives after ~~you~~ the member or the tow truck driver have entered the vehicle, complete the reverse side of the "Inventory of Towed Vehicle" form Tow Slip and have the owner sign it to verify acceptance and release of the vehicle. Write "canceled" across the face of the ~~inventory form~~ Tow Slip, give the owner the pink copy, and forward the remaining copies in the usual manner. If the owner refuses to sign, write "refused" on the form and proceed with the release.

~~E. AUTO CLUB TOW NOTIFICATIONS.~~ The Department will notify AAA or National Auto for tow or roadside services requests; however, because of contractual obligations, the Department cannot notify any other auto club, tow service, or insurance company.

L. F. Vehicle Holds. ~~– A vehicle “hold” may be placed on a towed vehicle under certain circumstances: whenever there is an investigative purpose, or the vehicle has some evidentiary value and needs to be processed.~~ A vehicle with a “hold” placed on it cannot be released until the “hold” has been removed by the appropriate investigative section. For example, a “Hold for Robbery” can only be removed by the Robbery Section.

1. ~~PERMISSIBLE CIRCUMSTANCES.~~ Officers may place a “hold” on a ~~The~~ vehicle whenever the Department needs to retain the vehicle for investigative purposes. The following are examples of circumstances in which holds may be placed: ~~is involved in a crash involving a fatal or near-fatal injury, place a hold for the Traffic Collision Investigation Unit. If the vehicle is involved in a roll-away crash (SF Transportation Code §7.2.35), place a hold for the Commercial Vehicle Unit.~~
2.
 - a. ~~RECOVERED VEHICLE.~~ A recovered vehicle is missing the engine or transmission, or major components (body parts, e.g., doors, trunk, hood) should receive a hold. ~~When placing a hold write “Recovered Vehicle – Hold Prints Only Auto/Burglarly Unit Detail” should be written on the Inventory of Towed Vehicle form Tow Slip.~~ Notify Auto Statis at DOC of the hold.
 - b. ~~EVIDENCE.~~ Evidence related to the investigation of a crime may be obtained from the vehicle (see DGO 6.02, Physical Evidence).
 - c. ~~NO IDENTIFICATION/REGISTRATION.~~ The vehicle identification number (VIN) has been removed or altered, or ownership/registration cannot be determined, or the vehicle displays a stolen or lost license plate, or the license plate of another vehicle.
 - 1) ~~If a vehicle’s VIN is missing, altered, etc., place a “hold” for the Auto Section and write “Hold for Auto Section” on the inventory form. Write an incident report and title it “Impounded Auto/Violation 10751 CVC.)~~ Include the reasons for the tow and hold, and forward a copy to the Auto Section.
 - 2) ~~DISPLAYING LOS TOR STOLEN LICENSE PLATES.~~ In the event that a vehicle is displaying a lost or stolen plate, follow these procedures:
 - a. ~~Remove and book the license plate(s) as evidence.~~
 - b. ~~Tow the vehicle. If the vehicle is cited for 4462 CVC (misd.) place a hold for Traffic Enforcement and Investigation. If the vehicle is cited for N/W 4463 CVC (felony) place a hold for the Auto Section.~~
 - c. ~~Contact Auto Statis to make a recovery report of the stolen/lost plates.~~
 - d. ~~Prepared an incident report.~~

M. VEHICLE RELEASES – There are specific circumstances in which the Department will issue a vehicle release:

1. Pursuant to CVC §22850.3, a release for a vehicle with an expired registration will not be issued until cleared through the DMV, and only to the registered owner or their designee (with a Hold Harmless Advisement recorded on BWC for designee).
2. Any vehicle with a hold must be lifted by the investigating unit prior to a release being issued. Any vehicle which has had or currently has a hold can only be released by the STOP window.
3. Stations can release vehicles in the following circumstances if there are NO HOLDS:
 - a. Stolen/Recovered
 - b. Parking Violations
 - c. Hazard Tows
 - d. All other vehicle released will be directed to the San Francisco Traffic Office Program (STOP) to be processed for release. STOP may be contacted at 415-678-3625 or SFPD.STOP@sfgov.org.
4. Prior to releasing a vehicle, members shall conduct a warrants/records check on the registered owner of the vehicle or the person authorized by the registered owner taking control of the vehicle. Members will make sure the person picking up the vehicle has a valid license, and that the vehicle is currently registered. A VEHICLE RELEASE form will then be issued to the person picking up the vehicle.

Note: Members assigned to the Airport Bureau shall follow CVC §14601/12500 Enforcement, reporting, and Tow/Impound policy and procedures for San Mateo County.

References:

- DGO 5.06 Citation Release
- DGO 5.10 False Alarms
- DGO 6.15 Property Processing
- DGO 9.01 Traffic Enforcement
- DGO 9.02 Vehicle Crashes
- SFPD 574 SFPD Vehicle Impound Guide
- San Francisco Traffic Offender Program (STOP) Manual
- SFPD Field Training Manual