

Vehicle Tows

9.06.01 PURPOSE

This General Order establishes Department policy and procedures relating to towing, placing holds, and releasing towed vehicles by members of the Department.

9.06.02 POLICY

It is the policy of the San Francisco Police Department that members tow vehicles only when authorized by law.

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. 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 tows 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 Scenes** – When a vehicle has been involved in a vehicle crash and must be removed from the scene because of disabling damage, and is not needed for evidence, 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 in there in a reasonable amount of time), prior to ordering a tow through Tow Desk (DGO 9.02, *Vehicle Crashes*).
4. **Tows from Arrest Scenes**
 - a. Do not tow the vehicle of the arrested driver when:
 - Their vehicle is legally parked.

- A member can move the vehicle to a readily available spot close by.
- b. Do tow the vehicle of the arrested driver:
 - For investigative purposes (CVC §22655.5).
 - To ensure the safe flow of traffic, prevent hazards, and protect against theft or vandalism (CVC §22650).
 - At the request 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. **Tows Regarding CVC §14601/12500** – Members shall cite the driver and should tow the driver's vehicle when their driver's license is suspended/revoked, or when the driver has never been issued a driver's license. The decision to tow the vehicle must be reasonable and in the furtherance of public safety (SFPD 574). Note: If a vehicle is impounded, members shall give the driver of the impounded vehicle a SFPD 387 form.

- a. One of the following circumstances 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.

B. 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 a 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 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 should not be towed simply because it contains an item of value.
2. Firearms - If a firearm is located in the vehicle, confiscate the weapon, even though the firearm or vehicle 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. Moving a Vehicle Prior to Towing – In exigent circumstances, or upon the expressed permission of a supervisory officer, based on a safety or investigative purpose, members may move a vehicle that is to be towed pursuant to an arrest.

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 circumstances are present:

1. The unlicensed cited driver is the registered owner of the vehicle **and** there is a valid licensed & 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 & 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 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)

G. Recovered Vehicle Tows

1. Members may, in addition to other circumstances described in this order, tow a recovered vehicle when either of the following conditions exists:
 - a. The 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. Notifications of Reportee – Members should attempt to notify the reporting party that the stolen vehicle has been recovered. If the person or representative cannot respond or does not arrive within 30 minutes, the vehicle should be towed.

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

- I. Vehicle Alarms, Citation and Tow** – See DGO 5.10 *False Alarms*.
- J. Standby** – After requesting a tow, members shall remain at the scene until the tow truck operator has completed the hookup and has departed. 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. Cancelling Tows** – 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 a member must leave the scene or need to cancel the tow for any reason, immediately notify the Tow Desk. If members have entered the vehicle and completed the Tow Slip, write "canceled" across the face and forward it to the Tow Desk/Detail.
 2. **Tow Truck Delay** – If the tow truck does not arrive within 30 minutes of the member's request, contact the 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 the member or the tow truck driver have entered the vehicle, complete the reverse side of the Tow Slip and have the owner sign it to verify acceptance and release of the vehicle. Write "canceled" across the face of the 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.
- L. VEHICLE HOLDS** – A vehicle hold may be placed on a towed vehicle whenever there is an investigative purpose, or the vehicle has some evidentiary value and needs to be processed.

1. The vehicle 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 missing the engine, transmission, or major components (e.g., doors, trunk, hood) should receive a hold. “Recovered Vehicle – Auto/Burglary Unit” should be written on the Tow Slip and the Vehicle Recovery Report (Incident Report). Notify Auto Statis at DOC of the hold.

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 shall 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 required 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 releases will be directed to the San Francisco Traffic Offender 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 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