



POLICY/PROCEDURE NUMBER: 07-L.E.-007

Page 1 of 12

SUBJECT: TOWING, IMPOUND, STORAGE AND IMMOBILIZATION OF VEHICLES

EFFECTIVE DATE: December 18, 2019

REVIEW DATE: December 18, 2020

AMENDS/SUPERSEDES: December 21, 2007 version; January 27, 2010 version; February 16, 2011 version; January 8, 2014 version; January 7, 2015 version.

IACLEA STANDARD: 10.3.4(b), 10.3.5

APO STANDARD: 5.1, 8.19

CSU POLICE SYSTEMWIDE POLICY: NO

APPROVED: Gregory L. Murphy, Chief of Police

I. PURPOSE

To establish procedures for the towing, immobilization and/or impounding of vehicles by the Department of Police Services.

II. POLICY

To ensure that all towing, immobilization and/or impounds are conducted in accordance with all state laws and with Department of Police Services procedures.

III. DEFINITIONS

- A. Highway: A way or place of whatever nature, publicly maintained and open to the use of the public for purposes of vehicular travel, including streets, and campus roads.
- B. Immobilization: The securement/disablement of a vehicle by an immobilization device.
- C. Immobilization Device (alternately, Boot or Denver Boot): A mechanical device designed and manufactured for the purpose of securing a parked vehicle so that it may not be driven without damage to the vehicle, until the device is removed.
- D. Impound: The holding of a towed vehicle by an authorized tow service until conditions of release have been met.

- E. Official Police Garage (OPG) Tow Service: The tow service company that has been designated by the city of Los Angeles as the official tow service for the towing of impounded and stored vehicles.
- F. Plain View Doctrine: Under this general rule, no “search” has taken place in any constitutional sense if a police or parking officer views an object and that officer has lawful right to be in the place from which the officer was viewing the object.
- G. Storage: The holding of a towed vehicle by an authorized tow service without additional conditions of release.
- H. Towing: The removal of a vehicle by an authorized tow service.

IV. PROCEDURE

- A. Towing of vehicles is authorized under the following conditions:
 - 1. When the physical arrest of a driver occurs and:
 - a. The arrestee will not authorize the vehicle to be driven from the scene by another party and it cannot be safely secured (i.e., maybe parked in an unsafe location where damage/theft could occur) AND parked legally at the location it rests; or
 - b. The vehicle is stored for safekeeping per the owner’s request and/or impounded as evidence.
 - c. The vehicle is driven while the driver license was suspended or revoked as prescribed by the vehicle code and case law. Case law states that it is unlawful under Constitutional U.S. seizure laws for law enforcement to tow a vehicle if it can be safely secured (i.e., parked in a safe location where it can be reasonably assumed that damage/theft to the vehicle would most likely not occur) and is parked legally at the location the vehicle rests.
 - 2. Evidence/Involvement in a Crime
 - a. Vehicles that must be processed for/as evidence, having been involved in the commission of a crime, will normally be impounded by an Official Police Garage (OPG) tow service.
 - b. When all evidentiary processing has been completed, vehicles may be released to their owners upon clearance from the Investigations Unit.
 - 3. Collisions
 - a. Any vehicle involved in a collision shall be removed from the roadway as soon as possible after necessary collision investigation steps have been completed and information obtained.

- b. Any vehicle that is damaged to the point where it is not operational must be towed at the expense of the owner.
 - c. The driver may select a tow service of their choice or utilize the OPG Tow Service.
 - d. If a tow service that is contacted is not able to respond in a reasonable time, the department shall contact another service provider.
 - e. Vehicles towed from collision scenes for safekeeping, when the driver has been transported to the hospital, will be inventoried by a police officer on the scene and towed by the OPG tow service to their impound lot.
4. Emergency Situations
- a. Any vehicle found illegally parked in the vicinity of a fire or of an emergency, which creates a traffic hazard or interferes with police, firefighters, or other rescue workers may be ordered towed at the owner's expense.
 - b. Official vehicles and vehicles being used by the press are exempt unless they obstruct police, firefighters, or other rescue operations.
5. Obstruction of traffic or creation of highway hazard
- a. No vehicle shall be stopped in such a manner as to obstruct the normal movement of traffic or in a condition that constitutes a hazard to other highway traffic.
 - b. If such a vehicle is not promptly removed by the owner or person in charge, a police officer may order the vehicle towed by the OPG tow service.
6. Abandoned Vehicles
- a. Any officer who has reasonable grounds to believe that a vehicle has been abandoned may remove the vehicle from a highway as per California Vehicle Codes 22523 and 22669.
 - 1) Removal is subject to approval by the police shift supervisor.
 - 2) A "Notice of Intent to Impound" shall be placed on the vehicle at least 72-hours prior to removal whenever possible.
 - b. A vehicle that is a hazard to public health, safety, and welfare as defined in Vehicle Code section 22669(d) may be removed immediately.
7. Registration expired

- a. The Vehicle Code permits the removal from the highway of vehicles with registrations expired in excess of six months.
 - b. Parking Enforcement Officers shall not impound a vehicle for expired registration without approval from the Traffic Safety supervisor or police shift supervisor.
8. Alarm ringing 20-minutes after a police or parking officer's arrival
- a. Upon the complaint of any person, a vehicle with an alarm device or horn activated within the vehicle (whether continuously activated or intermittently and repeatedly activated) may be impounded if:
 - 1) The vehicle is parked within 500 feet of any occupied building of a school or university during normal hours of operation, or within a residence or business district, and
 - 2) The police or parking officer is unable to locate the owner of the vehicle within 20 minutes from the time of arrival at the vehicle's location; and
 - 3) The alarm device or horn has not been completely silenced prior to removal.
9. Parking-Prohibited Offenses
- a. Police and Parking Officers may impound vehicles for parking offenses that permit removal, including but not limited to:
 - 1) Parked or left standing in a tow-away zone where signs are posted giving notice of the removal (VC 22651(n)).
 - 2) Parked or left standing in a temporary tow-away zone, where signs giving notice of removal have been posted at least 24-hours in advance (VC 22651(l) and 22651(m)).
 - 3) Illegally parked so as to prevent access by firefighting equipment to a fire hydrant (VC 22651(e)).
 - 4) Illegally parked without license plates or other evidence of registration displayed (22651(j)).
 - 5) Illegally parked and blocking a legally parked vehicle (VC 22651(r)).
 - b. Vehicles towed for violation of the law will first be cited for the violation; a copy of the parking ticket will be left with the vehicle.
10. Illegally parked within/blocking a disabled parking space

- a. Vehicles illegally parked within/obstructing any parking stall designated for disabled persons, as specified in Vehicle Code section 22507.8, may be impounded.
- b. A stall or space is designated for disabled persons' parking if it meets the marking requirements of Vehicle Code sections 22511.7 or 22511.8.
- c. No vehicle will be impounded from an off-street parking facility unless a sign not less than 17 inches by 22 inches in size, with lettering not less than one inch in height, clearly and conspicuously states the following: *"Unauthorized vehicles not displaying distinguishing placards or special license plates issued for physically disabled persons will be towed away at the owner's expense"* and is posted:
 - 1) immediately adjacent to, and visible from the stall or space, or
 - 2) in a conspicuous place at each entrance to the off-street parking facility.

11. Five or more parking citations unpaid in excess of 21 days.

- a. Any vehicle, other than a rental vehicle, with five or more delinquent parking citations may be impounded if:
 - 1) There are five or more parking citations, issued by any agency, on hold with the Department of Motor vehicles, or
 - 2) There are five or more parking citations, issued by this department, unpaid in excess of 21-days. Such impound will require the approval from the Traffic Safety Supervisor or the police shift supervisor.
- b. While the Vehicle Code permits the impounding of vehicles with five or more delinquent parking citations, it is the policy of this department that immobilization should be used whenever possible. The lack of an on-duty parking officer to install an immobilization device shall be sufficient to impound a vehicle.
- c. Any police or parking officer towing such a vehicle shall write "HOLD FOR PARKING SERVICES RELEASE" across the top of the CHP 180 form.

B. Impound Procedures

1. Responsibilities

- a. Police and parking officers must know under which provision of law the vehicle will be towed.

- b. Parking officers will obtain approval from the police shift supervisor or Traffic Safety Unit supervisor prior to any impound.
- c. If the vehicle to be towed is larger than normal, is damaged in a manner that precludes use of a normal tow truck or otherwise will require a specialized tow truck, the police or parking officer will advise Communications so that the tow service can respond accordingly.
- d. If the vehicle is located within a parking structure, the police or parking officer will advise Communications of the vertical clearance and weight restriction for the structure, as posted at the entrance, so that the tow service can respond accordingly.
- e. Communications will be notified of all vehicles towed by police and parking officers or of vehicle repossessions. Pertinent information concerning the vehicle will be noted on the CHP 180; this information will be included when entering the vehicle into CLETS and RIMS (as appropriate). The following information is to be included on the CHP 180 form:
 - 1) Reason towed;
 - 2) Case number;
 - 3) Condition of vehicle;
 - 4) Location of the tow;
 - 5) The name and address of the tow service;
 - 6) Release or hold conditions on the vehicle;
 - 7) Vehicle make, model and color;
 - 8) Itemization of the property inside the vehicle and where found; and
 - 9) Owner's name and address.
- f. The Parking & Transportation Services Office will be notified of all vehicles towed for Vehicle Code section 22651(i) [5 or more parking violations]; office staff will enter this information into the Turbo Data parking system. If the Parking Services & Transportation Office is closed all associated information will be forwarded to the Parking & Transportation Assistant Manager's mailbox.

2. Impounds by Parking Enforcement Officers

- a. Parking enforcement officers may, upon approval from the Traffic Safety Unit supervisor or police shift supervisor, initiate an impound for any of the following Vehicle Code sections:
 - 1) Obstructs traffic or creates hazard highway hazard. 22651(b)
 - 2) Blocking fire hydrant; impractical to move. 22651(e)
 - 3) Five or more unpaid parking citations. 22651(i)
 - 4) Illegally parked, without evidence of registration displayed. 22651(j)
 - 5) Parked in violation of street maintenance signs. 22651(l)

- 6) Parked in violation of signs designating other than normal uses of a highway. 22651(m)
 - 7) Parked or left standing in a posted tow-away zone. 22651(n)
 - 8) Registration expired in excess of 6 months. 22651(o)
 - 9) Illegally parked vehicle blocking a legally parked vehicle. 22651(r)
 - 10) Alarm ringing 20 minutes after officer's arrival. 22651.5
 - 11) Removal from disabled parking space. 22652
 - 12) Removal of abandoned vehicle. 22669(a)
 - 13) Immediate removal of abandoned vehicle as a hazard to public health, safety, and welfare. 22669(d)
- b. Parking Enforcement Officers may also impound vehicles as permitted by any other section of the Vehicle Code at the direction of the on-duty police shift supervisor or Traffic Safety Supervisor.
3. Impounds from Private Property
- a. Vehicles may be impounded from private property so long as the impound is consistent with all pertinent laws and other provisions of this policy.
 - b. Neither parking violations nor vehicle abandonment shall be used as the reason for any impound conducted on private property.
4. Inventory
- a. It shall be department policy that any vehicle which is legally stored or impounded in accordance with this or other procedures shall be inventoried prior to being removed from the location from which it is contacted. This policy is intended to achieve the following goals:
 - 1) Protection of police officers and the department from claims or disputes concerning allegedly lost or stolen property;
 - 2) Protection and preservation of property for its owner while that property remains in police custody; and
 - 3) Assurance that inventory searches are conducted within the limits imposed by the State and Federal law.
 - b. Vehicles that are towed at the request of the owner/operator or vehicles that are left legally parked will not be inventoried. Police and Parking Officers should remember, however, that "plain view doctrine" still applies as long as the officer has lawful right to be in the place from which the officer is viewing an object.
 - c. Inventory Procedures:
 - 1) If a vehicle is impounded as evidence, no inventory other than listing the contents visible through the windows, should be

made. Under these circumstances, the vehicle should be treated as a crime scene and the investigator assigned will conduct the inventory.

- 2) All contents of the vehicle discovered through inventory, including property seized as contraband or evidence and property removed for safekeeping, shall be listed in the officer's report. Police and parking officers shall notify their supervisor of any unsecured personal property of high value (over \$500) or any property discovered in the course of the inventory that the officer feels may be a target of false accusations. Supervisors shall exercise their own discretion in electing to remove such articles for safekeeping.
 - 3) Police and parking officers shall exercise due care to avoid inflicting damage to the vehicle or its contents during inventory. Upon completion of the inventory, the vehicle and its contents shall be restored to the condition and arrangement existing prior to impoundment, to the extent possible. Based on current case law, contraband or evidence discovered during the inventory of a legally impounded vehicle may be admissible in court. Uniform application of this policy is a must. Any evidence seized pursuant to this policy shall be handled, marked and secured in accordance with established procedures for handling evidence and property.
- d. Police and parking officers will search all closed containers that are not locked or sealed. If the keys are left with the vehicle, all areas accessible by key will be inventoried. This includes, but is not limited to, the glove box and trunk. Any containers found in the vehicle, which are not locked or for which a key is present shall be opened and the contents inventoried.
 - e. Nothing included in this policy is intended to hamper or interfere with the scope of a search which may lawfully be conducted by a police officer when such search is based upon consent, exigent circumstances, probable cause, or a warrant; or to interfere with the seizure of a motor vehicle which is being or has been used in the commission of a crime; or the recovery of a motor vehicle which has been reported stolen or which the police officer has probable cause to believe is stolen.
 - f. The police or parking officer will give a copy of the tow form (CHP 180) to the tow truck driver and will have the tow truck driver sign the form. The following information will be included on the form:
 - 1) Reason towed;
 - 2) Case number;
 - 3) Condition of vehicle;
 - 4) Location of the tow;
 - 5) The name and address of the tow service;
 - 6) Release or hold conditions on the vehicle;

- 7) Vehicle make, model and color;
- 8) Itemization of the property inside the vehicle and where found; and
- 9) Owner's name and address.

- g. The police or parking officer will provide the registered and legal owner of the vehicle with the required "Notice of Stored Vehicle" in person or by mail (pursuant to Section 22852 of the California Vehicle Code), and with a "Towed Vehicle Information" sheet.
- h. Police Officers are authorized to place holds or conditions of release on an impounded vehicle when the vehicle is evidence of a crime; is stolen; where lawful ownership is in doubt; or when the vehicle is towed for delinquent parking citations. All other holds require the approval of the on-duty police shift supervisor.

5. Maintenance of Records – Vehicles Removed, Stored, or Towed

- a. All reports and forms (the CHP180 and RIMS) utilized in the towing of vehicles shall be forwarded through the normal report approval process.
- b. Communications will update and maintain all required RIMS incident log records for towing actions taken by field personnel.

C. Towing for Motorist Assistance

1. Police or parking enforcement officers will relay to Communications any citizen request for a tow service. The citizen will be required to specify the towing service desired.
2. If the citizen making the request for tow service is unable to specify a towing service/company of their choice, Communications will contact the Official Police Garage.

D. Vehicle Impound Release and Administrative Fee

Reference Policy/Procedure Number 07-L.E.-004 (Traffic Enforcement) for vehicle release information.

E. Immobilization of vehicles is authorized under the following conditions

1. Five or more parking citations unpaid in excess of 21 days:
 - a. Any vehicle, other than a rental vehicle, with five or more delinquent parking citations may be immobilized if:
 - 1) There are five or more parking citations, issued by any agency, on hold with the Department of Motor vehicles, or

- 2) There are five or more parking citations, issued by this department, that meet the criteria for delinquency as specified in the campus Parking Enforcement Policy.

2. Evidence/Involvement in a Crime

- a. Any vehicle using a California State University, Northridge parking permit that has been previously reported as stolen, lost or never received. This shall be considered a violation of the Penal Code (e.g. sections 484, 496 or 459).
- b. Any vehicle using a forgery of a parking permit issued by any California State University or any vehicle using an altered parking permit that was issued by any California State University.
- c. Any vehicle displaying a forged disabled person's parking placard or any vehicle using an altered disabled person's parking placard. This shall be considered a violation of Vehicle Code section 4463(b).
- d. Any vehicle that has been involved in a hit-and-run accident where the operator failed to stop and comply with Vehicle Code sections 20002 to 20006.

3. Recovered Stolen Vehicles

- a. Any vehicle previously reported as stolen and subsequently found upon the property of California State University, Northridge may be temporarily immobilized.
- b. Recovered vehicles shall be impounded unless:
 - 1) The vehicle has been abandoned, and
 - 2) The vehicle's owner has been contacted and will be able to reclaim the vehicle within a reasonably short period of time, and
 - 3) The owner consents to the vehicle being held in this manner.
- c. An immobilization fee will not be charged for any recovered stolen vehicle.

F. Immobilization Procedures

1. Responsibilities

- a. Police and parking enforcement officers must know under which provision of law the vehicle will be immobilized.
- b. Parking officers will obtain approval from the police shift supervisor or the Traffic Safety Supervisor prior to any immobilization.

- c. Communications will be notified of all vehicles immobilized by a parking officer.
 - d. The Parking & Transportation Services Office will be notified of all immobilized vehicles (except for recovered stolen vehicles), will enter this information into the Turbo Data system, and be responsible for tracking all outstanding boots.
2. Vehicles shall not be immobilized if:
- a. The vehicle's wheel is constructed in a manner that prevents the immobilization device from being properly secured, or
 - b. The vehicle is equipped with specialty wheels likely to be damaged by the attachment of an immobilization device, or
 - c. The outstanding balance of all citations and fees exceeds \$750, or
 - d. There is reasonable cause to believe the owner or person in control of the vehicle will attempt to remove the immobilization device.

In the event that any of the above conditions apply, the vehicle shall be impounded rather than risk damage to the vehicle or damage to/loss of the immobilization device.

3. The parking officer will document the condition of the wheel the immobilization device will be attached to, using the camera integrated into the officer's electronic citation writer or if that is unavailable, using one of the department's digital cameras.
4. If a stand-alone digital camera is used to document the immobilization, the following will apply:
- a. The parking officer using the camera will ensure that the internal clock and calendar are set correctly and that the "date stamp" function is enabled.
 - b. The first picture in the series will be of the vehicle's license plate in order to identify the vehicle.
 - c. The camera's I.D. number will be recorded and entered into the electronic citation writer.
5. Vehicle's information and reason for immobilization will be entered into the parking officer's electronic citation writer. If a working citation writer is unavailable, the necessary information will be documented in a memo for manual entry and forwarded to the Parking & Transportation Services office staff. In the event that no office staff is on-duty the memo will be left in the Parking & Transportation Services Assistant Manager's mailbox.

6. The parking officer will affix an immobilization warning sticker to the driver's side window of the vehicle and will leave a "Notice of Immobilization" with the vehicle in the same location and manner as a parking citation.
7. An immobilization device will be secured to the front driver's side wheel of the vehicle. If the device cannot be secured to the front wheel, the rear driver's side wheel may be used. The triangle stand on the immobilization device will always be left in the correct (i.e., down) position.
8. AN IMMOBILIZATION DEVICE SHALL NEVER BE SECURED TO THE PASSENGER'S SIDE OF A VEHICLE.
9. Upon completing the immobilization, the parking officer will return promptly to the Parking & Transportation Services Office to download his/her electronic citation writer.

G. Vehicle Immobilization Release and Administrative Fee

1. Vehicle immobilization releases during regular business hours shall be handled by the Parking Services & Transportation Office. After normal business hours, impound releases may be handled by an on-duty parking officer.
2. Impound releases must satisfy all criteria specified in the Vehicle Code and department policy prior to release.
3. Upon approving releases, a parking manager or hearing officer shall inform the legal/registered owner of the administrative fee requirement (\$50). Only the following forms of payment are to be accepted:
 - a. Cash
 - b. Cashier's Check
 - c. Money Order
4. All fees collected shall be handled in accordance with Policy/Procedure Number 04-S.S.-004 (Parking & Transportation Services Cash Handling Procedures).
5. Once the administrative fee process has been completed, the person releasing the vehicle will make an entry into Turbo Data. A parking officer will be dispatched, when available, to release the vehicle.
6. If the owner or person in charge of an immobilized vehicle fails to retrieve it within 24 hours of immobilization, the vehicle may be impounded.