

<b>Chapter</b>	<b>12</b>
<b>Section</b>	12.01
<b>Title</b>	Traffic Offenses and Accidents
<b>Subject</b>	Traffic Law Enforcement
<b>Effective Date</b>	03/01/1988
<b>Revision Date</b>	12/12/2019
<b>Revised By</b>	Captain Clifford Mathews
<b>Authorized By</b>	Chief Darren L. Goodman

## **I. POLICY**

Police officers shall take appropriate action for every observed violation of traffic laws.

## **II. PURPOSE**

To facilitate uniformity in the enforcement of traffic laws and achieve voluntary compliance with the laws from all motorists and pedestrians.

## **III. PROCEDURE**

### **A. Moving Violations**

1. Appropriate enforcement and action shall be accomplished in a businesslike firm, fair, and impartial and courteous manner, using one of the four following methods:
2. Physical Arrest. Officers will affect the arrest of any person in violation of traffic laws pertaining to driving while intoxicated; driving under the influence of intoxicants; reckless driving (when willful and wanton intent of the driver are elements of the offense); traffic offenses committed in commission of other crimes (transporting contraband, fleeing the commission of a felony, etc.).
  - a. There may be other incidents in which a violator should be physically arrested. The decision to effect a physical arrest should be based upon sound legal principles as opposed to peripheral issues such as the violator's "attitude".
3. Notice to Appear (Citation). The issuance of a traffic citation is applicable in the majority of cases for those violators residing within the boundaries of the judicial jurisdiction in which the case will be adjudicated.

- a. The traffic citation should be issued to all violators who jeopardize the safe and efficient flow of vehicular and pedestrian traffic, including hazardous moving violations, parking violations, and operating unsafe and/or improperly equipped vehicles.
4. Verbal warning. A verbal warning is appropriate when the violator commits an act which may be due to ignorance of a local ordinance which may be unique or a violation of which the driver may not be aware. Examples of violations which warrant verbal warnings are parking in an alley. Similarly, a verbal warning is appropriate for equipment failure (license plate not illuminated), of which the driver was unaware.
5. Priority. Officers should focus enforcement action in the area of violations which are major causes of traffic accidents. Parking violations should be considered a secondary priority, and enforcement action taken when the problem constitutes a traffic hazard or a continuing problem.

## B. Parking Violations

1. Permit Parking Districts
  - a. Areas within the City are designated as permit parking only. Each area is posted by signs indicating the restricted portion of the street and the zone number. Only vehicles having a permit issued by the City for that zone are permitted to park within. The permit is to be affixed to the left rear bumper, or in the case of guest parking, on a placard displayed in the windshield.
2. Alley Parking Enforcement. The illegal parking of vehicles within an alley right-of-way shall be enforced only whenever either of the below circumstances exist:
  - a. The vehicle is parked within an alley right-of-way in such a manner that any type of emergency vehicle cannot traverse the alley, or would be delayed or impaired in an attempt to render emergency service; or
  - b. A complaint is received from a neighbor or any citizen regarding the illegal parking.
  - c. In either situation, record notes on the back of the file copy of the citation regarding the reason or reasons for its issuance.
3. Fire Lanes
  - a. Fire lanes may be established throughout the City or on private property by passage of a resolution by the City Council.
  - b. To become enforceable, fire lanes must be posted and appropriately marked in accordance with CVC 22500.1 and the designated area shall be indicated by:
    - (1) a sign posted immediately adjacent to, and visible from, the designated place clearly stating in letters not less than one inch in height that the place is a fire lane,

(2) outlining or painting the place in red and, in contrasting color, marking the place with the words "FIRE LANE", which are clearly visible from a vehicle, or

(3) a red curb or red paint on the edge of the roadway upon which is clearly marked the words "FIRE LANE".

4. High School Parking

a. Parking in the high school parking lots is by permit only. The permit is issued by school authorities and enforcement is accomplished by school proctors.

b. On occasion, a request will be received from the Vice Principal or his designee for the Police Department to issue a citation. At such time, they will indicate which vehicles are to be cited. Citations will be issued in compliance to CVC 21113(a).

5. On occasion, while issuing Municipal Code Parking citations, it may become necessary to cite for more than one violation per incident. This will result in multiple fines being charged the violator.

<b>Chapter</b>	<b>12</b>
<b>Section</b>	12.02
<b>Title</b>	Traffic Offenses and Accidents
<b>Subject</b>	Traffic Control Malfunction
<b>Effective Date</b>	03/01/1988
<b>Revision Date</b>	12/12/2019
<b>Revised By</b>	Captain Clifford Mathews
<b>Authorized By</b>	Chief Darren L. Goodman

## **I. POLICY**

The following procedures shall be adhered to when a malfunction of traffic signal lights or other traffic control deficiencies are reported.

## **II. PURPOSE**

To provide traffic control when needed, to minimize traffic hazards, and request expedient repair of the signal from responsible agencies.

## **III. PROCEDURE**

### **A. Dispatcher's responsibilities**

1. On receiving information of a malfunctioning traffic light, the dispatcher shall:
  - a. Obtain the name of the caller and all information pertaining to the call.
  - b. Dispatch an officer to the location to check on deficiency and provide traffic control when needed.
  - c. On receiving specific information from the officer, the dispatcher shall notify Econolite at (800) 411-0001.

### **B. Officer's responsibilities**

1. When receiving a call from the dispatcher or notice from a citizen of any traffic control deficiency, the officer shall respond to the location and report the problem to dispatch. In case of a signal light malfunction, the officer should observe the signal for 3 to 5 minutes to determine if a problem exists.

2. If any malfunction exists, the officer shall report to dispatcher, the type of malfunction and all pertinent information.
3. When a signal light is malfunctioning, the officer will place the signal on flashing red. If the vehicular traffic is heavy traffic, direction may be given until the signal is repaired.

<b>Chapter</b>	<b>12</b>
<b>Section</b>	12.03
<b>Title</b>	Traffic Offenses and Accidents
<b>Subject</b>	Enforcement of Recently Installed Traffic Controls
<b>Effective Date</b>	03/01/1988
<b>Revision Date</b>	02/23/2011
<b>Revised By</b>	Captain Ken Bonson
<b>Authorized By</b>	Chief Jeff Mendenhall

**I. POLICY**

When new permanent traffic controls are installed within the City, officers shall warn violators for the first 10 days subsequent to the installation.

**II. PURPOSE**

To provide reasonable opportunity for drivers to modify their driving habits to enforce new traffic regulations.

**III. PROCEDURE**

Because of established driving habits which develop over the years, it is more fair and equitable to first warn citizens of the new regulation. After they have had time to become acquainted with the new control device, we will then hold them responsible for violations.

<b>Chapter</b>	<b>12</b>
<b>Section</b>	12.04
<b>Title</b>	Traffic Offenses and Accidents
<b>Subject</b>	Citations – Owners Responsibility
<b>Effective Date</b>	03/01/1988
<b>Revision Date</b>	12/12/2019
<b>Revised By</b>	Captain Clifford Mathews
<b>Authorized By</b>	Chief Darren L. Goodman

## **I. POLICY**

Citations may be issued pursuant to CVC 40001 - Owner's Responsibility, but only in compliance with the corresponding court procedures.

## **II. PURPOSE**

To allow officers an opportunity to use discretion in assigning responsibility for a violation of the Vehicle Code.

## **III. PROCEDURE**

- A. Complete the top half of the citation in the normal manner, inserting name, address, and description of the driver.
- B. Under violation, include the offense and write "Owner's Responsibility."
- C. Do not have the driver sign his name. Instead, enter "Complaint to be filed" next to "Signature".
- D. Do not give the driver the pink copy.
- E. Enter the normal appearance date.
- F. Forward the entire citation to Records. The pink copy will be mailed to the owner and the blue copy will be routed to the court.
- G. This policy only pertains to violations described in CVC 40001 (b).
- H. If there are any violations other than those listed in CVC 40001 (b), issue the driver a separate citation for those violations and have the driver sign the citation.

<b>Chapter</b>	<b>12</b>
<b>Section</b>	12.05
<b>Title</b>	Traffic Offenses and Accidents
<b>Subject</b>	Handling of Traffic Collisions
<b>Effective Date</b>	03/01/1988
<b>Revision Date</b>	12/12/2019
<b>Revised By</b>	Captain Clifford Mathews
<b>Authorized By</b>	Chief Darren L. Goodman

## **I. POLICY**

It is the policy of this Department to respond to all injury, suspected DUI, hit and run and government vehicle involved traffic collisions coming to its attention. Additionally, a response is appropriate when necessary to keep the peace or facilitate the exchange of information.

## **II. PURPOSE**

- A. To provide for the care of injured persons and reduce the possibility of additional accidents, injuries, and property damage.
- B. To determine the causes, times, and places of accident-causing violations, so that appropriate selective enforcement action may be taken.
- C. To obtain data for traffic and highway engineering improvement.
- D. To protect the rights of the persons involved.
- E. To obtain data that will improve traffic and driver education.
- F. To prepare required reports.
- G. To advise all parties involved to complete legally required reports.

## **III. PROCEDURE**

- A. Collision cases which have been reported to the Police Department as having injuries involved shall be handled in the following manner:
  - 1. Dispatch will notify ConFire and have them dispatch the Fire Department.

2. Dispatch will send the closest patrol unit(s) as needed.
  3. ConFire will be responsible for dispatching the ambulance company.
  4. The first police officer arriving at the collision scene shall make an appraisal of the situation and make appropriate notification requesting additional assistance (ambulance, police, fire, etc.), and/or canceling previously dispatched emergency units.
  5. From time to time, there will be major traffic accidents in the City, which will result in fatalities or major injuries. To minimize the City's liability exposure, the following procedure will be used:
    - a. Upon being informed of a traffic collision resulting in death or major injury, it shall be the responsibility of the Watch Commander to notify the Public Works Director or Transportation Engineer by telephone or voice mail.
- B. Collision cases, which have been reported to the police department as being non-injury property damage, only shall be handled in the following manner:
1. Under most circumstances, an officer will not be dispatched to assist on a non-injury traffic collision. The exceptions would include one party refusing to exchange information, traffic control issues and disturbances.
  2. Dispatch personnel should instruct the involved parties (if available) to move their vehicles to a safe location and to exchange information. They will also advise the involved parties that an officer will not be responding.
  3. Non-injury traffic collisions that do not meet the above exceptions but an involved party insists an officer respond can be referred to the Watch Commander for resolution. Watch Commanders or Dispatchers will have the discretion to send an officer based upon the totality of the circumstances.
- C. If any of the following conditions exist, the officer will be required to conduct an accident investigation and complete a Traffic Collision Report:
1. A fatality or injury occurs, including complaint of pain,
  2. A hit and run collision occurs with any possible suspect information that could lead to apprehension;
  3. When an allegation is made that City-owned property or City-maintained property caused or contributed to the collision;
  4. A City employee is driving his/her personal vehicle on City business within the City and is involved in a collision upon a highway; and
  5. Any outside law enforcement agency-involved collision when requested by that agency.

6. If none of these conditions exist, officers will not be required to take a traffic investigation report. Instead, Officers shall give the parties the CAD sequence number. Officers shall include in the CAD sequence each drivers' vehicle license number and driver's license number. If City property is damaged, computer generated reports may be utilized and shall contain the following: Names, addresses, phone numbers, driver's license numbers, vehicle license number and vehicle insurance information for each involved party, including witnesses. Digital photographs as needed, and when possible, a brief statement to establish cause should be included.
  7. Misdemeanor hit and runs with no suspect information may be computer generated. City vehicle collisions or a City employee's vehicle being driven on City business involved in minor collisions on private property shall be investigated by their own City Department.
- D. If a party involved in a non-injury collision comes to the Department at a later time to report they are now injured as a result of the collision, a written investigation must be conducted by an officer, per Vehicle Code Section 20008(a).
- E. Primary Investigative Responsibility.
1. Traffic officers shall have the primary responsibility for the investigation of all traffic accidents.
  2. If a Traffic officer is unable to investigate the collision, a P.S.T. or patrol officer will be assigned.
    - a. At the discretion of the Watch Commander, depending upon the seriousness of the accident, a trained traffic investigator or member of the Traffic Unit may be assigned to the following:
      - 1) Accidents involving City-owned vehicles or vehicles being driven by City employees in the course of their employment;
      - 2) Accidents where there is an apparent likelihood of civil redress against the City;
      - 3) A member of the Traffic Unit may be assigned to any traffic accident whenever there exists a shortage of manpower.
    - b. A trained traffic accident investigator shall be assigned to the investigation of all fatal or obvious potential fatal traffic accidents whenever a prosecution is likely to result from such accident.
      - 1) If no trained traffic investigator is on duty, he/she shall be called out to the scene in order to assist with the investigation, collect and analyze necessary evidence, and direct the preparation of the report.

- F. The Upland Police Department Traffic Investigation Manual (California Highway Patrol Collision Investigation Manual) is officially adopted as the policy and procedure to be followed by the Upland Police Department as it pertains to classification, investigation, and preparation of reports involving traffic accidents.
  - 1. No part of this Manual, however, shall alter or supersede other Departmental policies pertaining to traffic accidents as adopted by the Upland Police Department and is contained in this Manual.
  
- G. Citations for drivers involved in collisions
  - 1. Officers shall issue a citation to the driver of any vehicle involved in a collision, when the Officer determines the driver to be uninsured or when they are unable to provide proof of insurance pursuant to C.V.C. 16028(a).
  - 2. Only those officers, who have been trained, through a POST approved course as a traffic collision investigator may issue a citation to the driver who caused the collision. The citation may be issued for the primary and/or associated collision factors.
  - 3. Citations issued away from the scene, such as when a driver was injured and needed to be transported, should be issued as "Complaint to be filed." (See Section 12.4).

<b>Chapter</b>	<b>12</b>
<b>Section</b>	12.06
<b>Title</b>	Traffic Offenses and Accidents
<b>Subject</b>	Traffic Collisions Involving Department Personnel
<b>Effective Date</b>	03/01/1988
<b>Revision Date</b>	12/12/2019
<b>Revised By</b>	Captain Clifford Mathews
<b>Authorized By</b>	Chief Darren L. Goodman

## **I. POLICY**

An outside law enforcement agency shall be requested to conduct police unit involved traffic accidents, providing the accident meets the below outlined criteria.

## **II. PURPOSE**

To provide for an independent and unbiased investigation of unit involved traffic accidents.

## **III. PROCEDURE**

- A. The California Highway Patrol shall be requested to investigate all unit involved traffic accidents which have occurred within the city limits of Upland, whenever:
  1. The accident results in injury or death to any person.
  2. The accident involves considerable property damage to either vehicle or other property.
  3. The at-fault party is other than the City driver, or if the at-fault party cannot be immediately determined by the investigating officer.
  4. In all cases, the on-duty Watch Commander shall have the discretion to request a CHP investigation should unusual circumstances exist, which are not outlined above.
  
- B. Traffic accidents that are minor in nature, and do not meet one of the four criteria listed above shall be investigated by the on-duty Patrol Supervisor or Traffic Division.
  
- C. Traffic accidents involving an Upland police unit which occur within the limits of any other city, and which meet the criteria outlined above, shall be investigated by that police agency which has jurisdiction within the city in which the accident occurred.

- D. In all cases, Watch Commanders shall ensure the appropriate forms relative to a unit involved traffic accident are completed. A Unit Involved Traffic Collision Report form will be completed for all traffic collisions except those collisions where a CHP form 555 is completed by our agency.
- E. When another agency investigates a collision and files a CHP Form 555, only the first page of the Unit Involved Traffic Collision Report form must be completed. The investigating agency's name and case number must be placed in the upper right hand corner of the Unit Involved Traffic Collision Report form. In the event the C.H.P. investigated the collision, the card they provide should be stapled to the form.
- F. Collisions of a very minor nature involving City of Upland property only, such as a unit, pole or curb may be done completely on the City of Upland Unit Involved Property Damage Report form. Photos documenting the damage should be attached to the form. The report form and photos will then be forwarded to the Operations Division Commander, who will then forward the report to the Office of the Chief of Police.

<b>Chapter</b>	<b>12</b>
<b>Section</b>	12.07
<b>Title</b>	Traffic Offenses and Accidents
<b>Subject</b>	Investigation of Traffic Accidents Outside Upland
<b>Effective Date</b>	03/01/1988
<b>Revision Date</b>	02/23/2011
<b>Revised By</b>	Captain Ken Bonson
<b>Authorized By</b>	Chief Jeff Mendenhall

## **I. POLICY**

The following policy and procedure is effected in order to avoid response time delays and to outline procedures to follow when traffic accidents occur near the city limit boundaries of Upland.

## **II. PROCEDURE**

- A. The Upland Police Department will respond, upon receiving a report, to traffic accidents occurring on the freeway within city limits, and on streets bordering the city limits, or within a reasonable distance thereto.
- B. Upon arrival, if the officer determines that the accident occurred outside city limits, the officer will request that the agency of appropriate jurisdiction be notified.
  1. Regardless of the jurisdiction, the officer arriving at the accident scene will dispatch an ambulance and/or rescue, if necessary. A tow truck will not be dispatched unless it is absolutely necessary to remove the vehicles from the highway for reasons of safety. Officers will protect the scene until the arrival of the agency, in whose jurisdiction the accident occurred.

<b>Chapter</b>	<b>12</b>
<b>Section</b>	12.08
<b>Title</b>	Traffic Offenses and Accidents
<b>Subject</b>	Traffic Investigator Call-Out - Fatal Traffic Accidents
<b>Effective Date</b>	03/01/1988
<b>Revision Date</b>	12/12/2019
<b>Revised By</b>	Captain Clifford Mathews
<b>Authorized By</b>	Chief Darren L. Goodman

## **I. POLICY**

When a fatal traffic accident occurs and criminal prosecution is likely, a trained traffic investigator shall be called to the scene to coordinate the investigation.

## **II. PURPOSE**

The purpose of this call-out policy is to give the Traffic Unit the opportunity to gather evidence and obtain sufficient information to more accurately reconstruct the traffic collision at a later date.

## **III. PROCEDURE**

A. The Operations Division Commander shall be notified when a fatal traffic accident occurs and criminal prosecution is likely. The Operations Division Commander shall also decide if a trained traffic investigator is needed at the scene.

B. Protection of the Scene.

1. Patrol officers assigned to investigate the accident shall protect the scene until the investigator arrives, unless vehicles or victims must be moved for safety or medical aid.

a. Prior to moving any vehicles, victims or other physical evidence, the location shall be photographed and marked.

C. Gathering of Evidence and Diagram of Scene.

1. The traffic collision investigator shall be responsible for the gathering of all physical evidence, obtaining all measurements, and completing the traffic collision diagram.

- 
2. The assigned patrol officer shall be responsible for assisting the traffic collision investigator with collecting the involved parties' information, taking any preliminary statements, and completing the appropriate supplemental report.

<b>Chapter</b>	<b>12</b>
<b>Section</b>	12.09
<b>Title</b>	Traffic Offenses and Accidents
<b>Subject</b>	Assistance to Motorists
<b>Effective Date</b>	03/01/1988
<b>Revision Date</b>	02/23/2011
<b>Revised By</b>	Captain Ken Bonson
<b>Authorized By</b>	Chief Jeff Mendenhall

## **I. POLICY**

It is the responsibility of each officer of this Department to provide assistance to stranded motorists.

## **II. PURPOSE**

- A. Departmental objectives are to ensure the public maximum personal safety and convenience on the streets and highways by providing protection and assistance night and day. To give aid to a disabled motorist is a prime responsibility.
1. Assistance shall be given willingly and pleasantly.
  2. All persons shall be afforded courteous treatment.
  3. The common methods in which motorists indicate that they need assistance are as follows:
    - a. A placard or other sign in or on the vehicle.
    - b. A call from a citizen or other agency.
    - c. A handkerchief or other cloth on an antenna or door handle.
    - d. The hood or trunk lid of the vehicle in an open position.
    - e. A physical request for assistance, such as waving of the arms.
    - f. Physical evidence of need for assistance such as a person standing by a disabled vehicle.

## **III. PUBLIC NOTICE**

In compliance with Section 20018 V.C., a copy of this policy shall be made available to the public upon request.

<b>Chapter</b>	<b>12</b>
<b>Section</b>	12.10
<b>Title</b>	Traffic Offenses and Accidents
<b>Subject</b>	Vehicle Towing
<b>Effective Date</b>	03/01/1988
<b>Revision Date</b>	12/16/2019
<b>Revised By</b>	Captain Clifford Mathews
<b>Authorized By</b>	Chief Darren L. Goodman

## **I. POLICY**

It is the policy of this Department that vehicles shall be towed when necessary for safekeeping, the protection of the public and for the collection of evidence.

## **II. PURPOSE**

A. The purpose of this policy is:

1. To protect the vehicles of drivers who are unable to render a decision regarding the safe disposition of their vehicles;
2. To protect the motoring public from traffic hazards,
3. To protect the public from the blight caused by abandoned vehicles,
4. To protect evidence associated with a crime,
5. To protect the public during disasters by removing vehicles, which block the routes used by emergency services,
6. To protect the public by storing vehicles when necessary as part of the Department's community caretaking objective.

## **III. PROCEDURE**

A. Safekeeping – CVC 22651(g)

Whenever the operator of a vehicle is unable to render a decision regarding the safe disposition of his vehicle due to illness, injury, or death, the vehicle shall be towed and stored for safekeeping.

B. Traffic Hazard – CVC 22651(b)

Whenever a vehicle has been left at a location where it constitutes a traffic hazard, the officer shall, provided such task can be performed, safely make an effort to move the vehicle to a safe location.

The officer shall make a reasonable effort to locate the owner or person responsible for the vehicle. If the owner or person responsible for the vehicle is located, he/she shall have the first option to arrange for the prompt removal of the vehicle. This shall be noted in the officer's disposition. If a person cannot be located to remove the vehicle, and if the vehicle still constitutes a traffic hazard, the vehicle shall be towed, using the tow of the day.

C. Wrecked

Whenever a vehicle has been badly damaged, and the condition of the sight of the vehicle, or its location, constitutes a traffic hazard, the vehicle shall be towed under the following circumstances:

1. If the operator, due to illness, injury, or death, is unable to render a decision regarding the disposition of the vehicle;
2. If the operator cannot be located after a reasonable effort on the part of the officer; or
3. If the operator or owner is located, he shall have the same options regarding the disposition of the vehicle as outlined above, and whichever option is chosen, shall be so noted in the officer's report.

D. Evidence Associated with a Crime – CVC 22655.5(a)

Any vehicle may be towed and impounded under either of the following circumstances:

1. If a vehicle cannot be legally searched at the crime scene and there is reasonable cause to believe that it contains contraband, it may be impounded pending the issuance of a search warrant.
2. A vehicle may also be impounded if it is associated with a crime (such as hit and run, robbery, burglary, etc.), and there is reasonable cause to believe that it is necessary for identification of the owner or operator or that it may be needed for purposes of evidence.
3. The vehicle may be towed to the police facility for purposes of processing, examination, or determining ownership.

4. If the vehicle is to be held for evidence, it shall be towed to the Upland Police Department Unit lot and secured in the evidence garage. The on-duty supervisor will be responsible for notifying the Forensic Specialist, who will process the vehicle for evidence. Once the vehicle is processed, the Forensic Specialist will notify the appropriate case agent (Investigations/Traffic Unit) and Records that the vehicle is ready for release.

#### E. Disasters

Police Officers may tow vehicles blocking routes, which are necessary for emergency services at the scenes of disasters. Such removal shall be at no expense to the owner or operator of the vehicle.

#### F. Abandoned – CVC 22651(k)

The following procedures apply only to vehicles, which have been abandoned upon the highway. THE REMOVAL OF VEHICLES FROM PRIVATE PROPERTY IS THE RESPONSIBILITY OF THE PROPERTY OWNER.

1. When Dispatch receives a complaint regarding an abandoned vehicle, they will conduct a records check to determine ownership and the status of the vehicle. If the record check shows that the vehicle is not stolen, the dispatcher will advise the caller that the vehicle will be handled by a Police Services Technician during business hours.
2. If there is no license number on the vehicle, a Police Services Technician or a police officer shall be sent to check for a VIN. If the vehicle is determined to be only abandoned, it shall then be appropriately marked.

This consist of marking the ground around the tire with yellow crayon and record the odometer reading (if possible), leaving a 72-hour warning notice, and documenting the marking of the vehicle either by photo of Body Worn Video.

3. An attempt will be made to contact the owner of the vehicle, providing they live in the local area, to advise them to remove the abandoned vehicle. If the owner cannot be located, the Police Service Technician or Police Officer will check with residents in the immediate area where the vehicle is abandoned to determine if anyone has any knowledge regarding ownership.

4. Issue a parking citation after 72 hours and tow the vehicle if there is no response to the warning. Photograph or record the vehicle prior to storing the vehicle. A CHP 180 form will be completed and include in remarks section, the times, dates, persons contacted.
5. Records will be responsible for completing the Notice of Stored Vehicle and mailing it to the Registered Owner, Legal Owner, and towing company, as with other cases involving a stored vehicle.

G. Driver Arrested – CVC 22651(h)

Officers shall not tow the vehicles of arrested drivers, pursuant to CVC 22651(h), unless the vehicle jeopardizes public safety, the efficient movement of traffic, or may be the target of vandalism or theft.

1. If an officer determines an arrestee's vehicle will not be towed, the officer shall inform the arrested drivers their vehicle will be left at the location, secured, and the Department will not be responsible for any loss or damage to the vehicle. The officer shall record the advisement.
2. The release of vehicles to a third party can only be authorized by the registered owner.
3. When the officer deems it necessary to tow an arrestee's vehicle, the reason for towing the vehicle must be indicated on the CHP 180.
4. Any deviations from this policy shall be approved by and is at the discretion of the supervisor.

H. Driver Suspended, Expired or Driving Out of Class – CVC 22651(p)

1. If an officer encounters a driver who is suspended with no proof of service, or recently expired license (3 months or less), or driving out of class, the officer should avoid towing the vehicle unless the vehicle jeopardizes public safety, the efficient movement of traffic, or may be the target of vandalism or theft.
2. If an officer determines a vehicle will not be towed, the officer shall inform the driver not to drive the vehicle. The officer will also advise the driver that the Department will not be responsible for any loss or damage resulting from the vehicle being left at the scene. This advisement shall be digitally recorded.

3. The release of the vehicle to a third party can only be authorized by the registered owner of the vehicle.
4. If the officer deems it necessary to tow a vehicle, the reason for towing the vehicle must be indicated in the remarks section of the CHP 180 form.
5. Any deviations from this policy shall be approved by and is at the discretion of the supervisor.

I. Storing of vehicles – CVC 22651(p)

This section shall be used for the storing of vehicles in cases where a person's driving privileges are expired (over 3 months), the driver is driving out of class, the driver is suspended with service needed, or the driver's license is suspended for "DCFS."

1. In the case of a suspended license where the driver is unaware of the suspension, the officer shall complete a DMV 310 form notifying the driver of the suspension. The officer will collect the license and attach it to the DMV 310 form. The form and license will be turned into records.
2. Stored vehicles will be towed to the rotation tow company's lot.

J. Storing of vehicles with expired registration– CVC 22651(o)

This section shall be used when a vehicle is found to be upon a highway or in an "offstreet public parking facility" with a registration that is expired six months or longer.

CVC 4000(2)(b) describes an "offstreet public parking facility" as any publicly owned parking facility or any privately owned parking facility for which no fee for the privilege to park is charged and which is held open for the common public use of retail customers.

Prior to towing the vehicle, the officer shall confirm the vehicle's DMV registration status. Vehicles may be towed where the registration reflects Registration In Process (RIP). However, a vehicle shall not be towed if the print out reads, "Transfer In Process" (TIP) or "Suspense In Process" (SIP).

K. Driver Suspended – CVC 14601

The Safe Streets Act of 1994 allows for the impoundment, forfeiture and sale of vehicles driven by unlicensed drivers or by drivers with a suspended or revoked license.

If an officer encounters a driver with a suspended license, the driver may be cited for driving with a suspended license and the vehicle towed pursuant to CVC 14602.6(a) provided the driver has been served or is aware of the suspension. Proof of service includes the following:

1. The driver's DMV record reflects the driver has been served with a notice of suspension ("Verbal notice - Court, Law Enforcement Agency, or DMV").
2. The driver's DMV record reflects a notice of the suspension was "Mailed NOT returned unclaimed."
3. The driver has a restricted license and is driving outside of the restricted provisions ("For course of employment").
4. The driver is required to have a required Ignition Interlock Device (IID) installed on any vehicle they are operating and is operating a vehicle without an IID.
5. If an officer arrives on the scene of an accident and the driver has a suspended license.
6. The driver's record show a suspension which reads "Service needed," but the driver confesses to knowledge of the suspension.

L. Impounding Procedures – CVC 14602.6(a)

1. In the event the vehicle is going to be impounded for a suspended license, the officer will complete a CHP 180 form. The officer shall check the box marked "Agency Hold" and indicate "Hold for 30 days" on the top of the CHP 180 form.
2. The Officer will document the cause for the initial vehicle stop and if the driver was aware of his/her suspension or revocation.
3. If the driver of the vehicle is not the registered owner, the officer will indicate whether the driver had permission from the registered owner to operate the vehicle and document if this information was obtained from the driver or the owner of the vehicle.

M. Towing from checkpoints

AB 353 – Vehicles: Checkpoints amended the California Vehicle Code to provide the following procedures when dealing with unlicensed drivers contacted in a checkpoint.

- a. When a driver is contacted and found to have a suspended license and has not been served, the vehicle may be towed for CVC 22651(p).
- b. When a driver is contacted and found to have a suspended license and has been served, the vehicle may be towed for CVC 14602.6(a).

- c. When the driver has never been issued a driver's license, and is the registered owner of the vehicle, the driver may be cited and allowed to have a licensed driver respond to pick up the vehicle. The licensed driver's license information (CDL) shall be written in the notes field of the unlicensed driver's citation.
- d. When the driver has never been issued a driver's license, and is not the registered owner of the vehicle, the officer shall allow the driver to contact the registered owner and have the registered owner respond to the checkpoint to pick up the vehicle. If the registered owner possesses a valid driver's license, the vehicle shall be released to him/her. If the registered owner does not have a valid driver's license, they shall still be afforded the opportunity to locate any licensed driver to take possession of their vehicle. The licensed driver's license information (CDL) and the registered owner's information shall be written in the notes field of the unlicensed driver's citation.
- e. The registered owner will have until 30 minutes before the end of the checkpoint to respond to pick up the vehicle. If the registered owner cannot respond before the end of the checkpoint, the vehicle will be towed and stored in accordance with CVC 22651(p)