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16-115
08/23/16

**Vehicle Tow Policy & Procedure
14601/12500 CVC Enforcement**

(Re-issue DB 12-158 & 12-159, Amends DGO 9.06,
Supersedes STOP Manual - Section 8: Dept. Policy on Towing)

The purpose of this bulletin is to establish department policy with regard to towing vehicles related to 14601/12500 CVC enforcement.

A vehicle SHALL be towed when:

- CLETS/DMV records confirm the driver of the vehicle **has been cited at least once** for a 14601/12500 CVC related violation in the past.
OR
- CLETS/DMV records confirm the registered owner is the driver and has a license restriction requiring an IID (Ignition Interlock Device) and one is not present on the vehicle. NOTE: Driver can have a valid license that requires an IID. If one is not present, vehicle shall be towed.

TOW AUTHORITY/STOP:

When a driver is cited for 12500/14601 CVC and the vehicle is towed, the officer shall tow the vehicle under tow authority **Section 14602.6 CVC** with a hold for STOP. Give the cited driver a copy of the San Francisco Traffic Offender Program (STOP) Follow-up form (SFPD 387). Refer subjects to the STOP window, 850 Bryant Street, Room 154, for a vehicle release. STOP will determine the length of the hold placed on the vehicle. Do not advise the subject on the length of hold.

A vehicle SHALL be released when:

A unlicensed driver is cited for 12500/14601 CVC and **DOES NOT** have a prior confirmed citation as stated above, the decision to tow the vehicle must be reasonable and in furtherance of public safety.

- The unlicensed cited driver is the registered owner of the vehicle AND there is a validly licensed & insured driver immediately available (passenger in the car) or available to respond to the scene prior to the towing of the vehicle and able to safely and lawfully drive the vehicle from the scene.
- 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 prior to the towing of the vehicle and able to safely and lawfully drive the vehicle from the scene.

NOTE ON INSURANCE: If DMV records do not establish that the vehicle is insured, the registered owner must provide proof of insurance. If DMV records establish the vehicle is insured, the licensed driver does not need to provide proof of insurance. The vehicle shall not be impounded solely due to inability to show proof of insurance. In this circumstance, cite the owner per 16028(a) CVC and allow the release to the authorized driver.

NOTE ON THIRD PARTY RELEASES: DO NOT allow release to a third party. i.e. 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, he/she cannot authorize release to another non-owner even if they are validly licensed.

HOLD HARMLESS:

When an officer determines the vehicle will be released per above, the officer shall ensure that the registered owner signs the Hold Harmless Agreement (SFPD 164A) for the authorized driver.

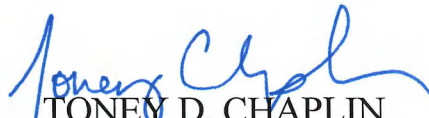
An officer shall obtain approval from a supervisor before towing a vehicle under this bulletin.

DOCUMENTATION:

When an officer cites a driver for driving without having been issued a license, driving with a suspended or revoked license, or driving a vehicle type for which the driver is not licensed, the officer shall follow the reporting procedures set forth in DB 16-114 "New Reporting & Procedures 14601/12500CVC Enforcement".

Note: The "STOP Manual," written by Ofc. Bob Mattox from the Traffic Company in July 2005 and currently posted on the "Bulletin Board" portion of the intranet is a valuable resource with regards to identifying when a person is unlicensed, the correct citation/booking section (14601.1a, 14601.2a, and 14601.5a) to use for each suspension's authority code (13365, 13352A1, 13353), etc., but this bulletin supersedes: "Section 8: Department Policy on Towing."

Members assigned to the Airport Bureau shall follow the impound policy and procedures for San Mateo County.


TONEY D. CHAPLIN
Interim Chief of Police

Per DB 15-141, sworn members are required to electronically acknowledge this Department Bulletin in HRMS.