

## Vehicle Tows

### 9.06.01 PURPOSE

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

### 9.06.02 POLICY

- A. TOWS** - It is the policy of the San Francisco Police Department that members tow vehicles only when authorized pursuant to Division 11, Chapter 10, Article 1 of the California Vehicle Code (Section 22650, et seq.) and various sections of the San Francisco Transportation Code.

In evaluating the reasonableness of warrantless vehicle tows and impounds, courts have focused on whether the impoundment was in accordance with the Community Caretaking Doctrine. The decision to tow any vehicle should be based on the totality of circumstances, must be reasonable, and in furtherance of public safety.

1. **Supervisory Approval** - Members should obtain approval from a supervisory officer before towing a vehicle pursuant to an arrest.
2. **Ordering Tow Trucks** - 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, (cell phone, tablet) 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 22513 CVC.
3. **Removal from Traffic Crash Scenes** - When a vehicle has been involved in a vehicle crash and must be removed from the scene, the officer should allow the driver to contact their own tow company, (only if the disabled vehicle is not causing an immediate traffic hazard), prior to ordering a tow through Tow Desk (DGO 9.02, *Vehicle Crashes*).
4. **Tows from Arrest Scenes** - When a driver of a vehicle is arrested, the Department will leave the vehicle lawfully parked in a reasonably secured and safe condition. However, the vehicle will be towed whenever it is needed for investigative purposes. Abiding by the Community Caretaker Doctrine, vehicles will be towed to ensure the safe flow of traffic, prevent hazards, and protect against theft or vandalism as per 22650 CVC, or at the request of the arrested person.

- a. **Mandatory Tows regarding 14601/12500 CVC** - Members shall cite and tow any vehicle being driven by a person whose driver's license status is suspended/revoked, or by a person who has never been issued a driver's license under tow authority **Section 14602.6CVC**. The decision to tow the vehicle must be reasonable and in the furtherance of public safety (refer to SFPD 574 Department Impound Guide). One of the following circumstances must also be present:
  - i. 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**
  - ii. CLETS/DMV records confirm the registered owner is the driver and has a 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 one is not present, the vehicle shall be towed.
5. **Property Inventory** - For all tows, property should be inventoried using the "Inventory of Towed Vehicles" form. 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. Given the limitations established by search and seizure case law and inaccessibility to certain areas of the vehicle, members may search anywhere inside the vehicle including consoles, glove boxes, under the seats, inside the trunk, and inside any container of the vehicle.
  - a. 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*). An arrested person's vehicle should not be towed simply because it contains an item of value.
  - b. Firearms - If a firearm is located in the vehicle, confiscate the weapon, even though the firearm or vehicle is not 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.
6. **Moving a Vehicle Prior to Towing** - Only 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.

7. **Vehicles shall be released** - when an unlicensed driver is cited for 12500/14601 CVC and **DOES NOT** have a prior confirmed citation as stated above **AND** one of the below listed circumstances are present:
- a. 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 20 minutes) prior to the towing of the vehicle and able to drive the vehicle safely and lawfully from the scene.
  - b. 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 20 minutes) prior to the towing of the vehicle and able to drive the vehicle safely and lawfully from the scene.
  - c. 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 release 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.

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

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.

9. **Documentation** - When an officer cites a driver for driving without having been issued a license, driving with a suspended or revoked license, or DUI, the reporting officer shall complete an incident report which includes the uploaded copies of relevant forms and forward to Traffic Admin with all original DMV paperwork.
10. **Recovered Vehicle Tows** - Members may, in addition to other circumstances described in this order, tow a recovered vehicle when either of the following conditions exists:
- a. The officer 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.

11. **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 20 minutes, the vehicle should be towed.
12. **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.
13. **Vehicle Alarms, Citation and Tow** - See DGO 5.10 *False Alarms*, Section I.F.1-4
14. **Standby** - After requesting a tow, members shall remain at the scene until the tow truck operator has completed the hookup and has departed. A standby is not required when the tow is requested by the owner or operator, provided that the vehicle is not creating a traffic hazard.
15. **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 license.
  - a. **Leaving the Scene** - If you must leave the scene or need to cancel the tow for any reason, immediately notify the Tow Desk. If you have entered the vehicle and completed the inventory form, write "canceled" across the face and forward it to the Tow Desk/Detail.
  - b. **Tow Truck Delay** - If the tow truck does not arrive within 20 minutes of your request, contact the Tow Desk, and confirm that a tow has been requested and obtain an estimated time of arrival.
  - c. **Owner Arrives on Scene** - If the owner of the vehicle arrives after you or the tow truck driver have entered the vehicle, complete the reverse side of the "Inventory of Towed Vehicle Tow Detail Copy" form and have the owner sign it to verify acceptance and release of the vehicle. Write "canceled" across the face of the inventory form, 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.

**B. VEHICLE HOLDS** - A vehicle "hold" may be placed on a towed vehicle whenever there is an investigative hold, or the vehicle has some evidential value and needs to be processed.

- a. The vehicle is involved in a crash involving a fatal or near-fatal injury, place a "hold" for the Traffic Collision Investigation Unit (TCIU). If the vehicle is involved in a roll-away crash (Transportation Code Section 7.2.35) place a hold for the Commercial Vehicle Unit (CVU).
- b. A recovered vehicle missing the engine, transmission, or major components (body parts, e.g., doors, trunk, hood) should receive a "hold." "Recovered Vehicle – Auto/Burglary Unit" should be written on the Inventory of Towed Vehicle form and the Vehicle Recovery Report. Notify Auto Statis of the "hold."

**C. VEHICLE RELEASES** - There are specific circumstances in which the Department will issue a vehicle release:

- a. Pursuant to Section 22850.3 CVC, 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. (Hold Harmless form required for designee).
- b. 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.
- c. Stations can release vehicles in the following circumstances if there are NO HOLDS:
  - i. Stolen/Recovered
  - ii. Parking violations
  - iii. Hazard tows
  - iv. All other vehicle releases will be directed to the Serious Traffic Offender Program (STOP) to be processed for release. STOP may be contacted at 415-678-3625 or [SFPD.STOP@sfgov.org](mailto:SFPD.STOP@sfgov.org)

**Note: Members assigned to the Airport Bureau shall follow the 14601/12500 CVC 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