

5-01/090.00 - Release of Stored and Impounded Vehicles

This Department will not issue instructions to a tow service/garage concerning the release of a stored vehicle. The tow service/garage is authorized to release a stored vehicle to whomever they determine is entitled to its possession.

Impounded vehicles shall be reclassified as "stored" vehicles by the handling unit upon determination that further need to hold the vehicle is no longer required. The investigating detective reclassifying an impounded vehicle to a stored vehicle shall:

- Prepare a "Release of Vehicle Hold" (SH-CR-94) form;
- Telephone the tow service/garage holding the vehicle and advise them that the vehicle may be released;
- Forward form SH-CR-94 to the tow service/garage; and
- Include a copy of the Release of Vehicle Hold form in the case file.

A copy of the Release of Vehicle Hold form may be given to any interested party for delivery to the tow company/garage.

Out-of-state vehicles shall be checked through the California Law Enforcement Telecommunications System (CLETS) prior to release, and the SVS shall be updated when the status changes from impounded to stored. Impounded vehicles shall not be released until their identity has been ascertained by the VIN or other manufacturer's number.

When a person makes a request at a station/unit for the release of a vehicle, the recovered-impounded vehicle report shall be checked to ensure no holds exist on the vehicle. If the vehicle is not clear for release due to holds or fees, the requestor shall be referred to the investigating detective handling the case.

Vehicles impounded pursuant to 14602.6 CVC shall not be released prior to the completion of the 30-day impound period except under the following conditions:

- Where the vehicle's owner or agent has demonstrated that the vehicle was erroneously impounded (refer to section 5-01/080.00);
- When the vehicle is a stolen vehicle;
- When the vehicle was subject to bailment and was driven by an unlicensed employee of a business establishment, including a parking service or repair garage;
- When the license of the driver was suspended or revoked for reasons other than those specified in section 13200-13210 CVC and 13350-13392 CVC;
- When the driver reinstates his or her driver's license or acquires a driver's license and proper insurance;
- The vehicle is either owned or registered to a rental car agency; or
- Where after a vehicle release review, a watch commander determined the vehicle is eligible for an early release to the registered owner or agent. Refer to section 5-01/080.10 Early Release of Impounded Vehicles.

A vehicle shall be released to the legal owner or the legal owner's agent prior to the end of the 30-day impound period if all of the following conditions are met:

- The legal owner is a motor vehicle dealer, bank credit union, acceptance corporation, or other licensed financial institution legally operating in this state, or is another person, not the registered owner, holding a security interest in the vehicle;
 - The legal owner or the legal owner's agent presents either lawful foreclosure documents, or an affidavit of repossession of the vehicle, and a security agreement or title showing proof of legal ownership; and
 - Procedures outlined in 14602.6(f) CVC are followed which require the legal owner or legal owner's agent to provide a letter of assignment as described in section 7500.1(b) of the Business and Professions Code. This is commonly known as a "hold harmless letter."
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