

97-05 STORAGE AND IMPOUNDMENT OF VEHICLES

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COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

"A Tradition of Service"

OFFICE CORRESPONDENCE

DATE: May 12, 2006

FROM: TODD S. ROGERS, CAPTAIN TO: ALL PERSONNEL
CARSON STATION CARSON STATION

SUBJECT: **CARSON STATION MANAGEMENT DIRECTIVE 97-05
STORAGE AND IMPOUNDMENT OF VEHICLES
(22651(p) CVC and 14602.6(a) CVC) (Revised 05-12-06)**

Purpose of Directive:

To establish a uniform station policy concerning storage and impoundment of vehicles per Vehicle Code Sections 22651(p) CVC and 14602.6(a) CVC.

Scope of Directive:

This Directive applies to all station personnel.

Directive:

Department personnel shall take appropriate enforcement action when they encounter a driver who is unlicensed, or is driving on a suspended or revoked license. The most appropriate action selected should be based upon the totality of the circumstances for each enforcement contact. Consideration should be given to previous actions which failed to deter the driver. In any event, only one vehicle removal authority shall be used in each instance.

A notice of the storage shall be mailed or personally delivered to the registered and legal

owners within 48 hours, excluding weekends and holidays, in accordance with Vehicle Code Section 22852(a).

Also in accordance with Vehicle Code Section 22852(a), the legal owner and registered owners of record, or their agents, of a vehicle that is impounded pursuant to Vehicle Code Section 22651(p) or 14602.6(a) shall be afforded the opportunity to have a post-storage hearing to determine the validity of the storage. The request must be received in person, in writing, or by telephone within 10 days of the date appearing on the notice. The hearing should be conducted as soon as possible thereafter (within 48 hours excluding weekends and holidays)

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I. SECTION 22651(p) CVC

Vehicle Code Section 22651(p) allows an officer to remove a vehicle after the driver has been issued a citation for certain driver's license violations. These driver's license violations include Vehicle Code Sections 12500, 14601, 14601.1, 14601.2, 14601.3, 14601.4, 14601.5, and 14604. Also, there is no Vehicle Code restriction prohibiting the storage of a vehicle when a licensed passenger is present within the vehicle.

Impoundment Procedures:

ALL of the following conditions **must** be satisfied prior to impounding a vehicle pursuant to Vehicle Code Section 22651(p):

1. The deputy has taken reasonable precaution to ensure the non-existence of a driver's license or that the driving privilege is actually suspended or revoked at the time of the enforcement contact. (Note: If the driver has an expired driver's license only, store the vehicle for this section only);
2. The deputy has determined the person's driving privilege is suspended or revoked but the D.M.V. service code is unenforceable (i.e. "Service I") and the driver denies knowledge of the suspension/revocation;
3. The deputy has issued a citation for 12500(a) CVC; **and** completed a DL-310 in cases of suspension/revocation without good service;
4. The vehicle is physically on a highway or public lands, or is on private property after being

seen (by a deputy) on a highway or public lands.

Release Procedures:

A vehicle stored pursuant to Vehicle Code Section 22651(p) shall be released:

1. Upon court order;
2. When the registered owner, lien owner or agent furnishes a valid driver's license, current vehicle registration and has paid any applicable city or county fees.

II. SECTION 14602.6(a) CVC

Vehicle Code Section 14602.6(a) provides for a 30 day impoundment of a vehicle when the driver has never been issued a license, or has a suspended or revoked driver's license.

This section does not apply to drivers who have an expired driver's license.

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Impound Procedures:

All of the following conditions must be satisfied prior to impounding a vehicle for Vehicle Code Section 14602.6(a):

1. The deputy has taken reasonable precaution to ensure the non-existence of a driver's license or that

the driving privileges are actually suspended or revoked at the time of the enforcement action.

2. The deputy has determined the license is suspended or revoked with an enforceable service code

and the action has not ended.

OR

The service is not good, however the driver admits knowledge of his/her license status,

OR

The driver has never been issued a driver's license.

3. The deputy has cited/arrested the driver for the appropriate suspension/revocation Vehicle Code section,

or 12500(a) CVC, and issued a DL-310 foiiii when appropriate.

4. The vehicle is physically on a highway or public lands, or is on private property after being seen (by a deputy)

on a highway or public lands.

5. The deputy has marked the "agency hold" box and indicated "HOLD FOR 30 DAYS" or the top of the

CHP-180.

Release Procedures:

A vehicle impounded for Vehicle Code Section 14602.6(a) shall be released:

1. Upon court order.
2. Upon completion of the 30 calendar day impoundment period.

Date of storage/impound counts as day one. Vehicle release can be processed at any time during the 30th day:

3. Upon order of the station hearing officer (Watch Commander or Traffic Supervisor) who has ruled the impoundment invalid after conducting a post-storage (Stypman) hearing.

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4. Upon presentation of a valid driver's license by the driver at the time of enforcement and proper insurance by the owners of record.
5. When the impounded/stored vehicle has been reported stolen (signed CHP-180 on file).

III. ADDITIONAL PROCEDURES

1. Whenever a vehicle is impounded for Vehicle Code Sections 22651(p) or 14602.6(a) the deputy SHALL attach a copy of the driver's license or I.D. printout, or any printout indicating the driver has no driver's license.
2. When applicable, any statements made by the driver admitting knowledge of his/her license suspension are to be included in the narrative portion of the CHP-180.
3. Any City or County Administrative Fee's are to be collected prior to the release of any vehicle impounded for Vehicle Code Sections 22651(p) or 14602.6(a).

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