



AGENDA REPORT

Meeting Date: August 23, 2012
Item Number: E-2
To: Honorable Mayor & City Council
From: David L. Snowden, Chief of Police
Subject: **ORDINANCE OF THE CITY OF BEVERLY HILLS AMENDING THE BEVERLY HILLS MUNICIPAL CODE TO INCREASE THE RADIUS REQUIREMENTS FOR LOCATION OF BUSINESS OFFICE OF VEHICLE TOWING SERVICES**

Attachments:

1. Ordinance
2. Municipal Code
3. LAPD – Special Order 7

RECOMMENDATION

Staff recommends that the City Council move to waive the full reading of the ordinance and that the ordinance entitled **ORDINANCE OF THE CITY OF BEVERLY HILLS AMENDING THE BEVERLY HILLS MUNICIPAL CODE TO INCREASE THE RADIUS REQUIREMENTS FOR LOCATION OF BUSINESS OFFICE OF VEHICLE TOWING SERVICES** be introduced and read by title only.

INTRODUCTION

In December 2009, the City implemented the Vehicle Impound Storage Program. This program was aimed at eliminating the inconvenience and logistical problems that members of public experience from having their impounded vehicles stored in West Los Angeles by changing long-standing practices and storing impounded vehicles on City property. Since the City's Vehicle Impound Storage Program now retains a large portion of the funds historically kept by the contracted towing company, fewer towing companies were interested in submitting bids.

On February 8, 2012, the City released Bid No. 12-26 (Proposal for Police Towing and Other Related Services) and Quicksilver was the only vendor that submitted a proposal.

Currently, the Municipal Code requires vehicle towing service companies to maintain a business office within five (5) miles of the City. The proposed ordinance amends that to require a vehicle towing service that performs light duty tow, or light duty tow and heavy duty tow shall maintain a business office and adjacent vehicle storage yard within seven (7) miles of the city boundaries, or such greater distance as approved by the Chief of Police. A vehicle towing service that does not provide city with light duty tow shall maintain a business office and adjacent vehicle storage yard within a distance determined by the police chief at the time that its vehicle towing service permit is issued.

Staff believes that the City would be better served by a healthy competitive process for the providing of these services. Competitive bidding could decrease the market price for the towing and provide for a better over-all level of service. Staff solicited towing service companies for input on how to encourage more towing service providers to bid. Several additional towing service companies within a seven (7) mile radius indicated that they would have bid on the most recent RFP as written, if the geographic constraints would have allowed.

A recent change in the towing policy for The Los Angeles Police Department (Special Order 7) has dramatically changed the volume of vehicles towed by our contract towing company. Quicksilver Towing has been subjected to a major and unforeseen drop in revenue because of this policy change. Other variables such as AB 1993 stand ready to create another large scale reduction in revenue generated by the tow industry as related to vehicles towed by LAPD and the Beverly Hills Police Department. These types of issues indicate that there may be upcoming volatility in the towing industry; to a degree which may result in a contract towing company becoming insolvent. Amending the City's Municipal Code by giving the Chief of Police authority to make reasonable adjustments to the geographical constraints, would streamline the RFP process and improve the mitigation of these types of issues.

DISCUSSION

Towing Request for Proposals (RFP) Activity:

On January 13, 2005, the City entered into an agreement with the current towing vendor, Quicksilver, for towing services. Over the past seven years, the agreement was amended six times, most significantly to provide services for the Vehicle Impound Storage Program.

On November 23, 2011, the City released Bid No. 12-14 (Proposal for Police Towing and Other Related Services). The City received only two proposals. One vendor did not agree to the entire scope of services. The other vendor did not complete the bid form properly. Due to the small number of bidders and identified irregularities in the bids received, staff determined that the City's needs would be better served by circulating a revised Request for Proposals (RFP).

On February 8, 2012, the City released Bid No. 12-26 (Proposal for Police Towing and Other Related Services). Quicksilver was the only vendor that submitted a proposal.

During both RFP processes, staff received inquiries from at least one potential bidder with a storage facility located slightly more than five (5) miles outside the City's boundaries who requested that this distance requirement be waived. Because staff did not have authority to waive this requirement, this vendor did not submit a proposal. The City currently does not have any other vendors within the five (5) mile radius limitation willing to perform the towing services.

Additionally, Beverly Hills Municipal Code (BHMC) Section 4-2-1405 requires vendors that provide towing services for the City to maintain their storage facilities within five (5) miles of the City's boundaries.

Historically the five (5) mile limitation provided the public with a safeguard when reacquiring a towed vehicle. It limited the distance an impacted vehicle owner was forced to travel in order to pay fees and regain possession of their vehicle. The vast majority of vehicles impounded in the City are taken for violations of the "anti-gridlock" sign postings on our major boulevards. Currently these vehicles are taken directly to the City operated facility at 332 Foothill Dr where they are released back to the owner once fees are paid, generally within a few hours

Since there is no intention to change this current protocol, the amended limitation of seven (7) miles would have no impact on the distance traveled by the majority of impounded vehicle owners. The slightly larger radius would require a maximum extra travel distance of two (2) miles by the few owners actually affected.

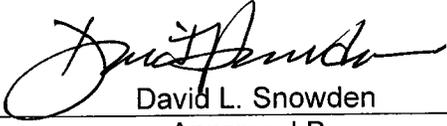
Since the landscape of the towing industry and the City's approach to impounding vehicles has changed significantly over the past few years, increasing this distance by a few miles should be advantageous to both the City and the members of the public whose vehicles are impounded.

FISCAL IMPACT

The staff recommendations will allow the City to continue recovering costs associated with the Vehicle Impound Storage Program while increasing the level of service to the City and our residents by allowing additional vendors the opportunity to participate in the RFP process. This will be accomplished with no additional expense.



Scott Miller
Finance Approval



David L. Snowden
Approved By

Attachment 1

**ORDINANCE OF THE CITY OF BEVERLY HILLS
AMENDING THE BEVERLY HILLS MUNICIPAL
CODE TO INCREASE RADIUS REQUIREMENTS
FOR LOCATION OF BUSINESS OFFICE OF
VEHICLE TOWING SERVICES**

THE CITY COUNCIL OF THE CITY OF BEVERLY HILLS HEREBY ORDAINS AS
FOLLOWS:

Section 1. The City Council hereby amends paragraph A of Section 4-2-1405 (“Additional Criteria for Issuance or Denial of Permit”) of Article 14 (“Vehicle Towing Services”) of Chapter 2 (“Regulatory Business Permits”) of Title 4 (“Regulation of Certain Types of Businesses and Activities”) of the Beverly Hills Municipal Code to read as follows:

“A. A vehicle towing service that performs light duty tow, or light duty tow and heavy duty tow shall maintain a business office and adjacent vehicle storage yard within seven (7) miles of the city boundaries, or such greater distance as approved by the Chief of Police. A vehicle towing service that does not provide city with light duty tow shall maintain a business office and adjacent vehicle storage yard within a distance determined by the police chief at the time that its vehicle towing service permit is issued.”

Section 2. Severability. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance or the application thereof to any person or place, is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, the remainder of this Ordinance shall remain in full force and effect.

Section 3. Publication. The City Clerk shall cause this Ordinance to be published at least once in a newspaper of general circulation published and circulated in the City within fifteen (15) days after its passage in accordance with Section 36933 of the Government Code, shall certify to the adoption of this Ordinance and shall cause this Ordinance and the City Clerk's certification, together with proof of publication, to be entered in the Book of Ordinances of the Council of this City.

Section 4. Effective Date. This Ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the thirty-first (31st) day after its passage.

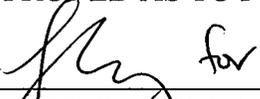
Adopted:
Effective:

WILLIAM W. BRIEN, M.D.
Mayor of the City of Beverly Hills,
California

ATTEST:

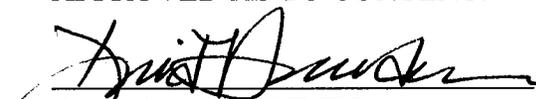
(SEAL)
BYRON POPE
City Clerk

APPROVED AS TO FORM:



LAURENCE S. WIENER
City Attorney

APPROVED AS TO CONTENT:



DAVID L. SNOWDEN
Chief of Police

Attachment 2

The City of Beverly Hills Municipal Code

4-2-1405: ADDITIONAL CRITERIA FOR ISSUANCE OR DENIAL OF PERMIT:

In addition to the criteria set forth in section 4-1-103 of this title, the permit shall be issued if a vehicle towing service maintains a business office and storage yard that complies with each of the following requirements:

- A. A vehicle towing service that performs light duty tow, or light duty tow and heavy duty tow shall maintain a business office and adjacent vehicle storage yard within five (5) miles of the city boundaries. A vehicle towing service that does not provide city with light duty tow shall maintain a business office and adjacent vehicle storage yard within a distance determined by the police chief at the time that its vehicle towing service permit is issued.
- B. Ensure a safe, secure, and convenient physical location and environment for vehicle storage.
- C. A vehicle towing service that provides light duty tow shall provide a storage yard with storage capacity for a minimum of forty (40) vehicles. A vehicle towing service that does not provide city with light duty tow shall maintain a storage yard with storage capacity to be determined by the police chief at the time that its vehicle towing service permit is issued.
- D. Whenever the storage yard is unattended, it shall be patrolled by at least one dog trained as a guard dog or shall have other security systems approved by the police chief at the time that its vehicle towing service permit is issued.
- E. Provide a minimum average lighting intensity in the storage yard of three-fourths ($\frac{3}{4}$) foot-candle at all times.
- F. Additional vehicle storage yards that do not comply with the provisions of this section may be maintained by the permittee provided any such additional yards are approved in writing and subject to the written conditions of the police chief. (1962 Code § 6-21.101 et seq.; amd. Ord. 02-O-2401, eff. 6-20-2002)

Attachment 3

OFFICE OF THE CHIEF OF POLICE

SPECIAL ORDER NO. 7

April 10, 2012

APPROVED BY THE BOARD OF POLICE COMMISSIONERS ON FEBRUARY 28, 2012

SUBJECT: COMMUNITY CARETAKING DOCTRINE AND VEHICLE IMPOUND
PROCEDURES - ESTABLISHED

EFFECTIVE: APRIL 22, 2012

PURPOSE: The California State Legislature continues to recognize that driving a motor vehicle is a privilege and not a right, as delineated in Section 14607.4 of the California Vehicle Code (VC). This Order establishes the procedures for impounding vehicles from unlicensed drivers, and drivers with suspended or revoked licenses encountered in the field, at the scene of traffic collisions and at driving under the influence (DUI) checkpoints. In addition, this Order provides guidance regarding the enforcement of VC Sections 22651(p) "Unlicensed Driver," and 14602.6(a)(1) "30-Day Holds," and guidance on how to apply the "Community Caretaking Doctrine." However, this Order is not intended to preclude officers from impounding vehicles for non-license violations by using appropriate statutory authority. This Order establishes Section 4/222.05, *Community Caretaking Doctrine and Vehicle Impound Procedures*, to the Department Manual.

PROCEDURE: Various sections of the California Vehicle Code authorize the impoundment of a motor vehicle driven by an unlicensed driver or a driver with a suspended or revoked driver's license. However, State and federal court decisions have held that the statutory authority to impound, alone, does not determine the constitutional reasonableness of the seizure under the Fourth Amendment of the United States Constitution. In evaluating the reasonableness of warrantless vehicle impounds, courts have focused on whether the impoundment was in accordance with the Community Caretaking Doctrine. Consequently, this Order clarifies the application of the Community Caretaking Doctrine and establishes the Department's impound procedures.

- I. **COMMUNITY CARETAKING DOCTRINE OVERVIEW.** Officers shall be guided by the Community Caretaking Doctrine and the procedures set forth in this Order when deciding whether to impound a vehicle driven by an unlicensed driver, or a driver with a suspended or revoked license. The courts have ruled that this doctrine allows officers to impound a vehicle when doing so serves a community caretaking function. An impoundment based on the Community Caretaking Doctrine is likely warranted:

- * When the vehicle is impeding traffic or jeopardizing public safety and convenience, such as when a vehicle is disabled following a traffic collision;
- * When the vehicle is blocking a driveway or crosswalk or otherwise preventing the efficient movement of traffic (e.g., vehicle, pedestrian, bicycle);
- * When the location of the stopped vehicle may create a public safety hazard (e.g., vehicle, pedestrian, bicyclist);
- * When the location of the vehicle, if left at the location, may make it a target for vandalism or theft; or,
- * To prevent the immediate and continued unlawful operation of the vehicle (e.g., licensed driver not immediately available).

The totality of circumstances, including the factors listed above, should be considered when deciding whether impoundment is reasonable under the Community Caretaking Doctrine and the Fourth Amendment. The decision to impound any vehicle must be reasonable and in furtherance of public safety.

II. UNLICENSED DRIVER AND DRIVER WITH A SUSPENDED/REVOKED LICENSE IMPOUND AUTHORITIES.

A. Unlicensed Driver - No Priors. Section 22651(p) VC shall be used as the impound authority for all vehicles being impounded when it has been determined that the driver was involved in the following and the officer issues a Traffic Notice to Appear citation, Form 04.50.00:

- * Driving without a valid California Driver's License (unless the driver is a nonresident with a valid license or otherwise exempt under the Vehicle Code); or,
- * Driving with an expired, withheld, or out-of-class California Driver's License.

Officers shall release the vehicle in lieu of impound provided all of the following conditions are met:

- * The registered owner or his/her designee has a valid California Driver's License or is a nonresident with a valid license or otherwise exempt under the Vehicle Code;
- * The registered owner and licensed driver are immediately available;

- * The registered owner authorizes the licensed driver to drive the vehicle; and,
- * The vehicle's registration is not expired over six (6) months.

Note: If the traffic stop is conducted in the registered owner's residential driveway or a legal parking space in the immediate vicinity of the owner's residence, impounding the vehicle **would not** be appropriate. However, if the traffic stop is conducted in the driver's residential driveway or in the immediate vicinity of the driver's residence but the driver is not the registered owner, officers must consider the totality of the circumstances to determine if impoundment is reasonable.

The name and driver's license number of the licensed driver that the vehicle is being released to shall be documented in the narrative portion of the Traffic Notice to Appear that is issued to the unlicensed driver. If it is determined that the registered owner knowingly allowed an unlicensed driver to operate the vehicle, he or she may be cited for Section 14604(a) VC, "Non-Owner Driver of Vehicle."

When the vehicle cannot be released to a licensed driver, the vehicle shall be impounded pursuant to Section 22651(p) VC or, if the vehicle's registration is expired over six (6) months, pursuant to Section 22651(o) VC, to prevent the immediate and continued unlawful operation as warranted under the Community Caretaking Doctrine. The Official Police Garage (OPG) tow should be requested when it is determined that the vehicle cannot be released.

Note: If it is determined that the vehicle will be impounded, use impound authority Section 14602.6(a)(1) VC (30-Day Hold) if **all** of the following conditions are met:

- * The driver has never been issued a driver's license by any jurisdiction (foreign or domestic); **and,**
- * The driver is unable to show proof of insurance **or** at-fault in the traffic collision **or** lacks proof of identification.

The reason to impound the vehicle shall not be based on whether the vehicle is properly insured.

B. Unlicensed Driver - With Prior(s).

Section 14602.6(a)(1) VC (30-Day Hold) shall be used as the impound authority when it has been determined that the driver has never been issued a driver's license by any jurisdiction (foreign or domestic) and has a prior misdemeanor conviction, failure to appear, or warrant for Section 12500(a) VC.

Note: Section 22651(p) VC shall always be used as the impound authority if it has been determined that the driver has an expired, withheld or out of class driver's license and has a prior misdemeanor conviction, failure to appear, or warrant for 12500(a), 14601, 14601.1, 14601.2, 14601.3, 14601.4, or 14601.5 VC.

If the driver is the registered owner and has a prior **misdemeanor conviction**: Officers shall document in the "Remarks" or "Narrative" section of the impound Vehicle Report, CHP 180 form, that the vehicle is eligible for vehicle forfeiture as delineated in Section 14607.6 VC, except if the driver's license expired within the preceding 30 days, then no such notation shall be made.

C. Driver with Suspended/Revoked License - No Priors.

Section 14602.6(a)(1) VC (30-Day Hold) shall be used as the impound authority for all vehicles being impounded when it has been determined that the driver was involved in any of the following:

- * Driving with a suspended or revoked license; or,
- * Driving with a restricted license pursuant to Sections 13352 or 23575 VC, and the vehicle is not equipped with a functioning, certified interlock device.

Officers shall release the vehicle in lieu of impound provided all of the following conditions are met:

- * The registered owner or his/her designee has a valid California Driver's License or is a nonresident with a valid license or is otherwise exempt under the Vehicle Code;
- * The registered owner and licensed driver are immediately available;
- * The registered owner authorizes the licensed driver to drive the vehicle; and,
- * The vehicle's registration is not expired over six (6) months.

Note: If the traffic stop is conducted in the registered owner's residential driveway or a legal parking space in the immediate vicinity of the owner's residence, impounding the vehicle **would not** be appropriate. However, if the traffic stop is conducted in the driver's residential driveway or in the immediate vicinity of the driver's residence but the driver is not the registered owner, officers must consider the totality of the circumstances to determine if impoundment is reasonable.

Officers impounding a vehicle under Section 14602.6(a)(1) VC shall either effect a custodial arrest of the driver or issue a Traffic Notice to Appear citation in the field. Vehicles impounded under this Section shall be impounded for 30 days, unless earlier release is authorized by the Area Auto detectives in accordance with Section 14602.6 VC.

The name and driver's license number of the licensed driver that the vehicle is being released to shall be documented in the narrative portion of the Traffic Notice to Appear that is issued to the unlicensed driver. If it is determined that the registered owner knowingly allowed an unlicensed driver to operate the vehicle, he or she may be cited for Section 14604(a) VC, "Non-Owner Driver of Vehicle."

- D. Driver with Suspended/Revoked License - With Prior(s).** Section 14602.6(a)(1) VC (30-Day Hold) shall be used as the impound authority for all vehicles being impounded when it has been determined that the suspended/revoked/restricted violator has a prior misdemeanor conviction, failure to appear, or warrant for Sections 12500(a), 14601, 14601.1, 14601.2, 14601.3, 14601.4, or 14601.5 VC.

Note: If the driver is the registered owner and has a prior **misdemeanor conviction:** Officers shall document in the "Remarks" or "Narrative" section of the impound Vehicle Report, that the vehicle is eligible for vehicle forfeiture as delineated in Section 14607.6 VC.

III. MISCELLANEOUS IMPOUNDS.

A. Impounding Vehicles Driven by Habitual Driving Under the Influence Offenders. Section 14602.8(a)(1) VC authorizes an officer to impound a vehicle from a driver when it is determined that a person has been convicted of Section 23140 VC, Juvenile Driving Under the Influence of Alcohol; 23152 VC, Driving Under the Influence of Drugs or Alcohol; or 23153 VC, Causing Bodily Injury While Driving Under the Influence of Drugs or Alcohol, within the past 10 years and one or more of the following circumstances applies.

The officer shall immediately cause the removal and seizure of the vehicle that such a person was driving, under either of the following circumstances:

- * The person was driving a vehicle with a blood alcohol content of 0.10 percent or more; or,
- * The person driving the vehicle refused to submit to or complete a chemical test.

A vehicle impounded pursuant to the aforementioned section shall be impounded for one of the following time periods:

- * 5 Days - If the person has been convicted once for violating Sections 23140, 23152 or 23153 VC, and the violation occurred within the preceding 10 years; or,
- * 15 Days - If the person has been convicted two or more times for violating Sections 23140, 23152 or 23153 VC or any combination thereof, and the violations occurred within the preceding 10 years.

The vehicle shall be released to the registered owner or his or her designee prior to the end of the impoundment period only under conditions set forth in Section 14602.8(d) VC.

B. Citing or Arresting Unlicensed Drivers at Traffic Collision Scenes and Related Vehicle Impounds. For an unlicensed driver or driver with a suspended/revoked license at traffic collision scenes, the appropriate impound authority or release-at-scene protocol shall be utilized in accordance with Section II in this Order.

A driver involved in a traffic collision may be cited or placed under custodial arrest when the officer determines that the involved vehicle was operated by an unlicensed driver or a driver whose driving privilege was suspended or revoked.

The officer's determination shall be based upon witnesses' statements, a driver's admission and/or physical evidence. The related impound Vehicle Report shall contain the following:

- * A full narrative listing all of the information/elements to establish the driver's offense; and,
- * Names, addresses, telephone numbers and statements of witnesses that can establish the driver operating the vehicle.

If the traffic collision results in injuries, officers shall complete the Traffic Collision Report, CHP 555 form. However, if the traffic collision does not result in injuries and one of the parties is unlicensed, a Traffic Collision Report **shall not** be completed. The officer shall ensure an exchange of information is completed between the involved parties. Officers shall issue a Traffic Notice to Appear citation to the unlicensed driver and document the name, address and telephone number of the witnessing party or parties on the back of the "Golden Rod" copy of the issuing officer's Traffic Notice to Appear citation.

If the violator challenges the citation during a subsequent court proceeding, the issuing officer shall be responsible for contacting the witnessing parties and requesting their attendance in court.

When the unlicensed driver does not possess valid identification, officers shall advise the other involved party of the option to effect a private person's arrest. When a private person's arrest is made, officers shall indicate a charge of Section 12500(a) VC or 14601(a) VC, or other appropriate VC section(s) for driving when the privilege is suspended or revoked.

C. Impounding Vehicles at Driving Under the Influence Checkpoints. The following procedures apply if the driver's only offense is a violation of Section 12500 VC, even if the driver has a prior misdemeanor conviction, failure to appear, or warrant for 12500 VC. Officers shall make a reasonable attempt to identify the registered owner of the vehicle driven by an unlicensed driver. When the registered owner is present or able to respond to the scene prior to the conclusion of the DUI checkpoint operation, or the officer is able, without delay, to identify the registered owner and obtain his/her authorization to release the vehicle to a licensed driver at the scene, the vehicle shall be released to either the registered owner or the authorized licensed driver provided the following conditions are met:

- * The registered owner or his/her designee has a valid California Driver's License or is a nonresident with a valid license or is otherwise exempt under the Vehicle Code; and,
- * The registered owner authorizes the licensed driver to drive the vehicle.

The name and driver's license number of the licensed driver the vehicle is being released to shall be documented in the narrative portion of the Traffic Notice to Appear citation issued to the violator.

When the vehicle cannot be released to the registered owner or his or her designee, officers shall impound the vehicle under the authority of Section 22651(p) VC.

When the violator has a suspended or revoked driver's license, officers shall impound or release the vehicle as outlined in Section II "Unlicensed and Suspended/Revoked Driver Impound Authorities" of this Order.

D. Impounding Vehicles When the Driver is Arrested.

Section 22651(h) (1) VC authorizes an officer to impound a vehicle from a driver who has been arrested and taken into physical custody. However, as noted in Section I of this Order, officers must also determine if the totality of the circumstances supports impoundment of the vehicle under the Community Caretaking Doctrine.

When a driver is arrested, the vehicle **should not** be impounded under the following circumstances:

- * If the arrestee is the registered owner and the vehicle is parked in the arrestee's residential driveway or a legal parking space in the immediate vicinity of the arrestee's residence;
- * If the vehicle is parked in a legal parking space where it is not posing a traffic hazard and is not likely to be a target of vandalism or theft; or,
- * If a licensed passenger is present and not impaired or otherwise unable to lawfully operate the vehicle and is given permission by the registered owner.

Note: In situations other than those above, when community caretaking warrants impoundment, Section 22651(h)(1) VC shall be used as the impound authority. If the driver arrested has prior DUI convictions, officers shall be guided by Section 14602.8(a)(1) VC.

Attached is the Vehicle Impound Chart, Form 15.23.06.

FORM AVAILABILITY: The Vehicle Impound Chart is available in LAPD E-Forms on the Department's Local Area Network (LAN). A copy of the form is attached for immediate use and duplication.

AMENDMENT: This Order adds Section 4/222.05 to the Department Manual.

AUDIT RESPONSIBILITY: The Commanding Officer, Internal Audits and Inspections Division, shall review this directive and determine whether an audit or inspection shall be conducted in accordance with Department Manual Section 0/080.30.



CHARLIE BECK
Chief of Police

Attachment

DISTRIBUTION "D"

Los Angeles Police Department Vehicle Impound Chart

Community Caretaking Doctrine

Officers shall be guided by the Community Caretaking Doctrine and the Department's vehicle impound procedures. The decision to impound any vehicle should be based on the totality of circumstances and must be reasonable and in furtherance of public safety. The following are a few examples of when a vehicle may be impounded based on the Community Caretaking Doctrine:

- When the vehicle is impeding traffic or jeopardizing public safety and convenience;
- When the vehicle is blocking a driveway or crosswalk or otherwise preventing the efficient movement of traffic (vehicle, pedestrian, bicycle);
- When the location of the stopped vehicle may create a public safety hazard (e.g., vehicle, pedestrian, bicycle);
- When the location of the vehicle, if left at the location, may make it a target for vandalism or theft; or,
- To prevent the immediate and continued unlawful operation of the vehicle.

<p style="text-align: center;">Unlicensed Driver <u>No</u> prior(s)</p> <ul style="list-style-type: none"> * Driving without a valid California Driver's License (CDL), unless the driver is a non-resident with a valid license or otherwise exempt under the California Vehicle Code (VC). (Issue citation or effect a custodial arrest) * Driving with an expired CDL. (Issue citation) * Driving with an "withheld" CDL. (Issue citation) * Driving with an out-of-class CDL. (Issue citation) 	<p>Release vehicle. <u>Officers shall release the vehicle in lieu of impound if:</u></p> <ol style="list-style-type: none"> 1. The R/O or his/her designee has a valid driver's license, is IMMEDIATELY AVAILABLE, AND the vehicle registration is not expired over 6 months, OR, Note: Write the name and driver's license number of the person the vehicle is being released to on the narrative portion of the traffic citation. 2. The vehicle is stopped in the R/O's residential driveway or legal parking space in the immediate vicinity of R/O's residence. (If the driver is not the R/O, officer must consider totality of circumstances to determine if impoundment is reasonable.) <p>Impound Vehicle:</p> <ul style="list-style-type: none"> • <u>If the vehicle cannot be released based on the above, impound as follows:</u> <ul style="list-style-type: none"> ➢ Never been issued driver's license (foreign or domestic) AND any of the following: No insurance OR at fault in a traffic collision OR lacks proof of identification = 14602.6(a)(1) VC (30-day hold). ➢ Never been issued driver's license (foreign or domestic) AND has insurance AND satisfactory identification AND not at fault in a traffic collision = 22651(p) VC. ➢ Driving with an expired, withheld, or out-of-class CDL = 22651(p) VC.
<p style="text-align: center;">Unlicensed Driver <u>With</u> prior(s)</p> <p>Driver has never been issued a driver's license (foreign or domestic) AND has prior misdemeanor conviction, failure to appear, or warrant for 12500(a) VC. (Issue citation or effect a custodial arrest)</p>	<p>Impound Vehicle:</p> <ul style="list-style-type: none"> • Use Section 14602.6 (a)(1) VC, 30-Day Hold as the impound authority. • If prior misdemeanor conviction, document vehicle subject to forfeiture, per Section 14607.6 VC, in impound report.
<p>Driver has expired, withheld, or out-of-class CDL AND has a prior misdemeanor conviction, failure to appear, or warrant for 12500(a), 14601, 14601.1, 14601.2, 14601.3, 14601.4 or 14601.5 VC. (Issue a citation)</p>	<p>Impound Vehicle:</p> <ul style="list-style-type: none"> • Use Section 22651(p) VC as the impound authority. • If prior misdemeanor conviction, document vehicle subject to forfeiture, per Section 14607.6 VC, in the impound report.
<p style="text-align: center;">Suspended/Revoked Driver's License <u>No</u> prior(s)</p> <ul style="list-style-type: none"> * Driving with a suspended or revoked CDL. * Driving with a restricted CDL pursuant to Section 13352 or 23575 VC and the vehicle is not equipped with a functioning certified interlock device. <p>(Issue a citation or effect a custodial arrest)</p>	<p>Release vehicle. <u>Officers shall release the vehicle in lieu of impound if:</u></p> <ol style="list-style-type: none"> 1. The R/O or his/her designee has a valid driver's license, is IMMEDIATELY AVAILABLE, AND the vehicle registration is not expired over 6 months, OR, Note: Write the name and driver's license number of the person the vehicle is being released to on the narrative portion of the traffic citation. 2. The vehicle is stopped in the R/O's residential driveway or legal parking space in the immediate vicinity of R/O's residence. (If the driver is not the R/O, officer must consider totality of circumstances to determine if impoundment is reasonable) <p>Impound Vehicle:</p> <ul style="list-style-type: none"> • <u>If the vehicle cannot be released based on the above, impound as follows:</u> <ul style="list-style-type: none"> ➢ Use Section 14602.6(a)(1) VC, 30-Day Hold, as the impound authority.
<p style="text-align: center;">Suspended/Revoked Driver's License <u>With</u> prior(s)</p> <ul style="list-style-type: none"> * Driving with a suspended or revoked CDL. * Driving with a restricted CDL pursuant to Section 13352 or 23575 VC and the vehicle is not equipped with a functioning certified interlock device. <p>AND has prior misdemeanor conviction, failure to appear, or warrant for 12500(a), 14601, 14601.1, 14601.2, 14601.3, 14601.4, or 14601.5 VC. (Issue a citation or effect a custodial arrest)</p>	<p>Impound Vehicle:</p> <ul style="list-style-type: none"> • Use Section 14602.6(a)(1) VC, 30-Day Hold as the impound authority. • If the driver is the R/O and has a prior misdemeanor conviction, document vehicle subject to forfeiture, per Section 14607.6 VC, in the impound report.

Los Angeles Police Department Vehicle Impound Chart

<p>Unlicensed Driver or Suspended/Revoked Driver at T/C Scenes</p> <p>Unlicensed driver or driver with a suspended/revoked driver's license at scene of T/C with injuries & without injuries.</p>	<p>Release Vehicle:</p> <p>Release the vehicle according to the appropriate Unlicensed Driver or Suspended/Revoked Driver's License sections.</p> <p>Impound Vehicle:</p> <ul style="list-style-type: none"> • If the vehicle cannot be released, impound the vehicle according to the appropriate Unlicensed Driver or Suspended/Revoked License section listed above. • Document the following in the impound narrative: <ul style="list-style-type: none"> ➢ Information/elements to establish the driver's offense; and name, address, telephone number & statements of witnesses that can establish the driver operating the vehicle.
<p>When the Driver is Arrested</p> <p>Driver who is arrested for offenses other than driver's license offenses and taken into physical custody.</p>	<p>Release vehicle:</p> <ul style="list-style-type: none"> • If the arrestee is the registered owner and the vehicle is parked in the arrestee's residential driveway or legal parking space in the immediate vicinity of the arrestee's residence; OR • If the vehicle is parked in a legal parking space where it is not posing a traffic hazard and is not likely to be a target of vandalism or theft; OR • If a licensed passenger is present and not impaired or otherwise unable to lawfully operate the vehicle and is given permission by the registered owner. <p>Impound Vehicle:</p> <ul style="list-style-type: none"> • Determine if the totality of the circumstances supports impounding the vehicle under the Community Caretaking Doctrine. • Use Section 22651(h)(1) VC as the impound authority.
<p>Habitual DUI Offenders</p> <p>Driver was convicted of Section 23140, 23152 or 23153 VC within the past 10 years AND one of the following:</p> <ul style="list-style-type: none"> * The person was driving a vehicle with a blood alcohol level of 0.10 percent or more; or, * The person driving the vehicle refused to submit to, or complete a chemical test. 	<p>Impound Vehicle:</p> <ul style="list-style-type: none"> • Use Section 14602.8(a)(1) VC as the impound authority and hold the vehicle for one of the following time periods: <ul style="list-style-type: none"> ➢ 5 days - If the person has been convicted once for violating Section 23140, 23152, or 23153 VC, within the preceding 10 years; or, ➢ 15 days - If the person has been convicted two or more times of violating Sections 23140, 23152, or 23153 VC, or any combination thereof, within the preceding 10 years.
<p>DUI Checkpoints</p> <p>Unlicensed drivers (with or without priors) at a DUI checkpoint (Section 12500 VC is driver's only Offense).</p>	<p>Release vehicle:</p> <ul style="list-style-type: none"> • If R/O or R/O's designee is present or able to respond prior to conclusion of the checkpoint, or the officer is able, without delay, to identify the registered owner to obtain his/her authorization to release the vehicle, release vehicle to the R/O or his/her designee if ALL of the following conditions are met: <ol style="list-style-type: none"> 1. R/O or R/O's designee has a valid driver's license; and, 2. R/O authorizes licensed driver to drive vehicle. <p style="margin-left: 40px;">Note: If a traffic citation is issued, write the name and driver's license number of the licensed driver that the vehicle is being released to on the narrative portion of the traffic citation.</p> <p>Impound Vehicle:</p> <ul style="list-style-type: none"> • If the vehicle cannot be released, use Section 22651(p) VC as the impound authority.
<p>Driver with suspended/revoked driver's license at a DUI checkpoint.</p>	<p>Officers shall release or impound the vehicle according to the appropriate Suspended/Revoked Driver's License section listed in the chart.</p>