Statement of Purpose:

This SOP is designed to assist Support Services Technicians and others with a standard to follow when releasing vehicles.

Lexipol Policy:
Lexipol Policy 510

Procedure:

The following is a general guideline for APD employees and is designed to create structure and consistency in handling vehicle releases, impound releases with the public in accordance with the vehicle code.

A subject requesting a vehicle release, impound hearing, or information regarding a towed/stored or impounded vehicle should provide you with the following information to initiate the release: APD case number, vehicle license plate, arrested party/driver, or year make and model of the towed vehicle.

- Once you have located the report and vehicle information, determine why the vehicle was towed. If impounded, determine the length of time the vehicle has been in storage in calendar days. The impound section can keep vehicles from being released until 5, 15, or 30 calendar days has elapsed. The date the vehicle is towed counts as day one.

- Check the attached 28 return to verify that the correct registered owner and legal owner are listed on the CHP 180. The release of any vehicle must involve the RO or legal owner. The person listed in the release of liability on the CLETS return is not considered the RO. Verify the subject’s identity through a form of government identification and match the name to the RO. If the RO is not present, they may fax, mail or hand deliver us a legible copy of their DL with a signed notarized note that indicates the specific vehicle they wish to release and to whom they want to release it to naming that person as an agent acting on their behalf.

- In the event the vehicle is impounded and the appropriate impound time period hasn’t elapsed, the vehicle cannot be released and only the RO may request and participate in a tow hearing. Tow hearings should only be completed during normal business hours and
preferably by Traffic Officers or the Traffic Sergeant. If none of the aforementioned employees are available for an extended period of time the Watch Commander may complete the tow hearing during normal business hours.

- If the vehicle is eligible for release the following things are required by the state of California for the vehicle to be released:
  
  - Driver with valid Driver’s license
  - Valid registration documentation for vehicle being released (One signed and completed DMV moving permit or a CLETS return showing valid registration are considered registration)

- Proof of insurance is not required

- If they have all required items, make a copy of the documents along with the DL to keep with the tow paperwork and case. Run the DL in CLETS to verify the driver is valid.

- Sign and fill out the authorizing release section of the 180 (see example) and have RO (and driver if RO is not valid) sign under “Signature of Person Taking Possession. Collect the appropriate release fee. Make a copy of the 180 for RO to have and turn over to the tow company and attach receipt for vehicle release. Additional fees will be charged by the tow company for the actual tow.

- If the person or agent requesting the release is a vehicle dealer and is listed as the Legal owner or Registered Owner they are NOT exempt from the release fee or registration requirement for stored vehicles. Exemption for legal owners/dealers only references impounded or stolen vehicles.

**Vehicles Towed for Suspended Registration**

- DMV is now suspending registrations due to lack/lapse of insurance on the vehicle.
- These vehicles are towed under tow authority VC 22651(o) for expired registration. If you look at the vehicle registration and it appears the vehicle is currently registered, look further down the 28 and you will see a date of suspension.

**30 Day Impounds – VC 14602.6**

- Copy of 180 must be mailed by certified mail to the RO within 48 hours (see VC 14601 section for instructions)
- The RO can request early release hearing with a Traffic Officer (cannot be issuing officer) or Traffic Sergeant. If the RO has a hearing and the hearing officer can release the vehicle early the release process is the same as those for a stored vehicle. If the hearing officer denies the release, the RO will have to wait the full 30 days before coming in to get the signed release. Storage fees will accumulate at the tow company.
- The RO of the vehicle may have the vehicle released early if the driver who got the vehicle impounded (most likely listed as arrested subject on CHP180) regains their
driving privilege and license as verified through CLETS. In such a case, no vehicle release hearing is required.

**Impounded Vehicles Being Repossessed by Legal Owner**

- The repossessing agent for the legal owner or the legal owner themselves may repossess a vehicle impounded.
- They must provide a hold harmless letter that releases the department from any liability for releasing the vehicle to them instead of the RO.
- You need to ensure the person repossessing the vehicle is licensed.
- Repossessing agent does not pay a release fee per CVC 14602.6(E)(3). For vehicles impounded for 30 days, the repo agent needs to know they cannot legally release the vehicle to the RO prior to the end of the 30 days. They will still have to pay the tow company for tow/storage.
- If the person or agent requesting the release is a vehicle dealer and is listed as the Legal owner or Registered Owner they are NOT exempt from the release fee or registration requirement for stored vehicles. Exemption for legal owners/dealers only references impounded or stolen vehicles.

**Recovered Stolen Vehicles**

Recovered stolen vehicles towed per VC 22651(c) are not subject to the $106 vehicle release fee.

**Samples:**

This Standard Operating Procedure was approved and distributed for training by:

_______________________
Joe Allen
Commander

_______________________
Jerel Haley
Chief of Police

Attachments: (List here)