

OFFICE OF THE CHIEF OF POLICE

NOTICE

December 7, 2022

1.14

TO: All Department Personnel

FROM: Chief of Police

SUBJECT: ADVANCE PRE-IMPOUNDMENT NOTICE REQUIREMENT FOR ILLEGALLY PARKED VEHICLES; AND, COMMUNITY CARETAKING DOCTRINE AND INVALID LICENSE VEHICLE IMPOUND PROCEDURE – REMINDER

PURPOSE

The purpose of this Notice is to advise Department personnel of recent court decisions that now require advance notice before a parked vehicle can be impounded. In addition, this Notice serves as a reminder regarding current California Vehicle Code (CVC) provisions and case law delineating the requirements under which a vehicle may be impounded, including the Community Caretaking Doctrine and invalid license impound procedure.

Statutory Impound Authorization and Community Caretaking Doctrine. In accordance with Section 22650(b) CVC and Department Manual Section 4/222.05, *Community Caretaking Doctrine and the Vehicle Impound Procedures*, impounding any vehicle for a parking or moving violation requires **both** statutory authorization to remove the vehicle **and** a justification for such removal under the Community Caretaking Doctrine. Under the Community Caretaking Doctrine, Department personnel may seize and impound a vehicle without a warrant under the following circumstances:

- The vehicle is impeding traffic or otherwise preventing the efficient flow of traffic;
- The vehicle is blocking the ingress and egress of driveways, crosswalks or other pathways;
- The vehicle is jeopardizing public safety, or the location of the vehicle may create a public safety, health or environmental hazard;
- The location of the vehicle, if left at that location, may make it a target for vandalism or theft; and,
- To prevent the immediate and unlawful continued operation of the vehicle.

Advance Pre-Impoundment Notice for Illegally-Parked Vehicles. In addition to statutory impound authorization and the Community Caretaking Doctrine, recent court decisions now require advance notice before an illegally-parked vehicle can be impounded unless a valid exception exists to excuse notice. Advance notice may be accomplished by the issuance of a parking citation or warning **and** waiting a reasonable period of time for the vehicle owner or person in charge to move the vehicle or cure the violation. Under most circumstances, unless otherwise required by law, a 24-hour notice shall be a sufficient period of time before authorizing impoundment of the vehicle.

A valid exception exists to impound an illegally-parked vehicle *without advance notice* under the following circumstances:

- The vehicle is impeding traffic or otherwise preventing the efficient flow of traffic;

- The vehicle is jeopardizing public safety, or the location of the vehicle may create a public safety, health or environmental hazard;
- The vehicle is blocking the ingress and egress of driveways, crosswalks or other pathways;
- The vehicle is obstructing a fire lane or fire hydrant, or otherwise obstructing firefighting materials from being used;
- The vehicle is owned by or in the possession of a repeat offender of the parking violation to be cited – as confirmed by officer(s) via Department resources (e.g., a DMV query) – and who has previously received notice or a citation for the violation;
- The vehicle owner or person in charge is arrested and taken into custody and is unable to provide for the vehicle’s safe care or removal;
- The vehicle is evidence or an instrumentality of a crime and subject to inspection or further investigation;
- There is probable cause to believe the vehicle is stolen or embezzled;
- The vehicle owner or person in charge is incapacitated by injury or illness and is unable to provide for the vehicle’s safe care or removal; and/or,
- Immediate removal is necessary to prevent or protect against imminent harm to a person or damage to property.

Note: To the extent that Department personnel can establish a valid exception to excuse notice, compliance with the Community Caretaking Doctrine is still required. In many instances, if an officer can establish a justification under the Community Caretaking Doctrine, the officer will also likely have a valid exception to excuse advance notice.

Reports and Documentation. Any time an illegally parked vehicle is impounded, personnel shall document the following:

1. The Community Caretaking Doctrine justification; and,
2. Whether advance notice was given; or,
3. If advance notice was not given, the valid exception excusing notice.

The above shall be documented in the “Remarks Section” of the Vehicle Report, CHP Form 180, and in the “Additional Section” of an Arrest Report, where applicable.

Invalid License Impound Procedure. As per Transit Services Bureau Notice, *Suspension of 30 Day Impound Holds – Reminder*, dated November 10, 2020, personnel are again reminded that they shall **not** use Section 14602.6(a) CVC as an impound authority and shall instead use Section 22651(p) CVC. Employees who authorize vehicle releases shall use the Section 22651(p) CVC release procedures for any vehicles previously impounded under Section 14602.6(a) CVC.

If you have any questions or require additional information, please contact Traffic Coordination Section, Traffic Group, at (213) 486-0690.



MICHEL R. MOORE
Chief of Police

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