



*City of Arts & Innovation*

# City Council Memorandum

**TO: PUBLIC SAFETY COMMITTEE** **DATE: FEBRUARY 19, 2020**

**FROM: POLICE DEPARTMENT** **WARDS: ALL**

**SUBJECT: ABANDONED VEHICLE TOW PROCEDURE**

## **ISSUE:**

Review and discuss the City's procedure for towing abandoned vehicles parked on public streets which also provides residents with due process.

## **RECOMMENDATION:**

That the Public Safety Committee receive and discuss the City's procedure for towing abandoned vehicles that also provides residents with due process.

## **LEGISLATIVE HISTORY:**

Assembly Bill 2876 was signed by Governor Jerry Brown on September 20, 2018 and took effect on January 1, 2019. This bill amended Section 22650 of the California *Vehicle Code* to codify the necessity to have a community caretaking need prior to the police removing a vehicle from the roadway. Section 22650(b) states in part, "... removal pursuant to an authority, including, but not limited to, as provided in Section 22651, that is based on community caretaking, is only reasonable if the removal is necessary to achieve the community caretaking need, such as ensuring the safe flow of traffic or protecting the property from theft or vandalism."

## **BACKGROUND:**

The passage of California *Vehicle Code* 22650 requires police to have a tow authority, as well as a community caretaker need before towing a vehicle. The Riverside Police Department (RPD) met with the City Attorney's Office and established the following procedure for towing abandoned vehicles. The operational decision to tow a vehicle after following the procedure outlined below provides residents with notice and an opportunity to respond before a vehicle is seized.

## **DISCUSSION:**

The City of Riverside's protocol for removing abandoned vehicles from the street adheres to the following procedures:

The initial call goes to the 311 system. The 311 operators will ask for the license plate, the location, and the description of the vehicle. They will also ask how long the vehicle has been at that location. The 311 operators will check to see if the vehicle is wanted or stolen and try to determine if there are any community caretaking concerns with the vehicle. If the vehicle is wanted, stolen, or creates a community caretaking issue, the 311 operators will send it directly to RPD for removal. If this is not the case, the 311 operators will create a service request for the Parking Services Division of the Public Works Department.

The Parking Services Division will check the vehicle again to determine if it has been reported as wanted, stolen, or if a community caretaking concern has developed. If any of these issues are present, the vehicle will be referred to RPD for removal. If these conditions do not exist, the Parking Services Division will place a yellow tag on the vehicle. The Parking Services Division will re-inspect the vehicle after three (3) days. If the vehicle has been moved, the service request will be closed. If the vehicle has not been moved, the service request will be sent to RPD.

RPD will check the vehicle again to determine if it has been reported as wanted, stolen, or if a community caretaking concern has developed. If any of these issues are present, the vehicle will be removed. If these conditions do not exist, RPD will attempt to contact the registered owner of the vehicle on file with the Department of Motor Vehicles (DMV). RPD will speak with the registered owner about removing the vehicle and offer options to assist with the removal. If the RPD is not able to make direct contact with the registered owner of the vehicle, they will mail a certified letter to the address at which the vehicle is registered according to DMV records advising removal of the vehicle and offering options to assist with its removal. If RPD does not hear from the registered owner, they will recheck the vehicle seven (7) days after the initial certified letter is sent. If the vehicle is still in the same location, RPD will send a second certified letter to the registered owner. If RPD does not hear from the registered owner after the second certified letter, they will recheck the vehicle seven (7) days after the second letter is sent. This should be approximately 14 days after RPD first checks the vehicle. If there is no change, RPD will remove the vehicle. In the past, the Riverside Police Department waited fourteen days after each notice was sent, rather than seven. The new seven-day period was determined to provide sufficient and reasonable noticing, while taking into consideration community caretaking concerns. The total time for this procedure is between 21 and 28 days.

### **FISCAL IMPACT:**

The fiscal impact for this program is minimal. Each certified letter costs \$6.80; sufficient funding exists in the Police Department's non-personnel budget to absorb potential costs.

Prepared by:	Larry V. Gonzalez, Chief of Police
Certified as to availability of funds:	Edward Enriquez, Chief Financial Officer/City Treasurer
Approved by:	Lea Deesing, Assistant City Manager
Approved as to form:	Gary G. Guess, City Attorney

Attachments:

1. Handout
2. Presentation