

VEHICLE TOWING AND CITIZEN ANGST

SUMMARY

The City of Santa Maria vehicle towing policy is often misunderstood, despite the efforts of law enforcement, government officials, and the media to inform the public.

In July 2011, the 2011-12 Santa Barbara County Grand Jury (Jury) received requests to inquire into the vehicle towing policy and procedure of the Santa Maria Police Department (SMPD). The Jury found the SMPD has a well-established policy and procedure that is continually managed by three long-standing members of the department. The Jury substantiated that the department provides citizens ample consideration allowed by the Vehicle Code in order to reduce costs and impact. The Jury commends the Santa Maria Police Department.

BACKGROUND

In recent years, many newspaper articles and public meetings have cited cases of vehicle towing in which the citizens involved felt the process was unfair and very costly. Many citizens expressed concern that vehicle towing was being used as a money machine for city coffers and police department revenue. Other citizens expressed concern that the process didn't go far enough in keeping unsafe vehicles and drivers off the roadways. Many felt policy and procedures were not followed in the vehicle towing process.¹

In response to citizen queries regarding the SMPD vehicle towing process and its implementation, the Jury initiated an investigation of the SMPD vehicle towing policy and procedure.

METHODOLOGY

The Jury interviewed SMPD officials directly involved in vehicle towing enforcement. Several officials at every level of the process were interviewed. The interviews addressed the specific policy and procedure involved in vehicle towing. Three citations were picked by Jury members from numerous citations covering a two-month period, including a citation in a citizen complaint. Each citation was thoroughly reviewed line-by-line against the SMPD policy and procedure, with the SMPD officials candidly responding to numerous Jury member questions.

¹ Santa Maria Times, Police Chief Macagni, July 13, 2011
Santa Maria Times, Joan Leon, January 7, 2011
Santa Maria Times, Julian J. Ramos, Staff June 17, 2009
Santa Maria Times, Julian J. Ramos, Staff June 4, 2009

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OBSERVATIONS AND ANALYSIS

Citations that result in towing are generally written in one of three categories: illegal parking, traffic violations, and arrests resulting in immediate booking.

Based on SMPD citation records, the resulting citizen costs are in three general areas: SMPD administrative costs for on-scene officer time (\$150+), contracted company towing from the scene to their storage facility (\$350+), and storage fees from one- to 30-days duration (\$50+/day). A 30-day impound can be \$1,500 to \$2,000. These fees were approved by the Santa Maria City Council. In addition, there are other possible costs and inconveniences for the owner and family members in clearing citations through the SMPD and towing company.

Illegal Parking

Illegal parking violations are covered in *California Vehicle Code (VC) Section 22651*. During the two-month sample period, 61 of 406 tows were for parking citations. In street parking citations, the Jury concluded that the SMPD gave the citizen ample opportunity to move the vehicle if the citizen was in the area prior to towing. After initial identification by SMPD and before formal citation, citizens are also called to move the vehicle.

When the vehicle is towed, the citizen and/or lien-holder, as soon as they can be found, are notified via phone calls to allow vehicle retrieval within the first 48 hours. A local lien-holder can claim the car within 48 hours with no costs. In many cases, the initial identification of ownership is made due to the owner calling the SMPD to report the vehicle stolen.

All named owners and lien-holders are notified by mail within three days that their vehicle has been impounded, where it is stored, and for how long.

Traffic Violations

California *VC Section 14602.6 (a) (1)* covers citations resulting from traffic violations while driving with suspended, revoked, or no license.

Sobriety checkpoint citations for driving without a valid license require the vehicle to be held at the scene while an attempt is made to find a licensed driver authorized by the registered owner to remove the car. In that case no related fees are charged. If such a driver can't be found by the end of the checkpoint operation, the vehicle will be towed.

The citizen is given the opportunity to resolve the license problem to reduce the towing and storage fees. During the Jury's sample period, 253 tows of 406 were in this category.

Immediate Booking Arrests

California *VC Section 14602.6. (a) (1)* whenever a peace officer determines that a person is driving a vehicle without ever having been issued a driver's license, the peace officer may either immediately arrest that person and cause the removal and seizure of that vehicle or, if the vehicle is involved in a traffic collision, cause the removal and seizure of the vehicle without the necessity of arresting the person in accordance with *Chapter 10* (commencing with *Section 22650*) of *Division 11*. A vehicle will be impounded for 30 days under this section.

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Jury members presented several detailed towing scenarios to the SMPD interviewees. Questions were asked about each phase of the scenario. Each SMPD member responded without hesitation to his or her area of the process and in most cases provided additional real world situations to fill out the response. They voluntarily pulled citations from the files to emphasize their responses while citing the Vehicle Code requirements.

At the Jury's request, three samples of citations including the citizen's complaint were reviewed. The Jury members believe the SMPD citations were thorough, complete, and accurate. It appears the SMPD gives ample opportunity for citizens to reduce the fees.

What Citizens Can Do

- Review, know, and obey traffic rules
- Never drive without your license, auto registration, and auto insurance card
- Observe all traffic signs, especially those for restricted and no-parking areas
- Respond promptly to all SMPD phone calls and mail notifications
- Review the citation notification with SMPD Records department to understand the requirements for clearing the violations. The department knows the steps, locations, personnel, etc. required to clear the citation for vehicle release
- Promptly clear each violation and pay all fees. Unresolved items stay on your record and fee penalties may apply. After a number of violations arrest may occur

CONCLUSION

Towing is necessary to keep the streets and roadways safe for both drivers and pedestrians by removing obstacles for safety of the roadways. Based on the Santa Maria Police Department's fair and consistent enforcement of vehicle towing policies and procedures framed around the California Vehicle Code, the 2011-12 Santa Barbara County Grand Jury recommends that the Santa Maria Police Department be commended for its professional efforts in protecting the driving and pedestrian public.

FINDINGS AND RECOMMENDATIONS

Finding 1

The Santa Maria Police Department has a detailed policy and procedure for vehicle towing.

Finding 2

The Santa Maria Police Department processes each towing citation according to the Department's vehicle towing policy and procedure.

Finding 3

The Santa Maria Police Department gives citizens consideration allowable within the Department's vehicle towing policy and procedure.

Recommendation 1

That the Santa Maria City Council commend the Santa Maria Police Department's vehicle

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towing enforcement personnel for their service to the citizens of Santa Maria.

REQUEST FOR RESPONSE

In accordance with *California Penal Code Section 933.05*, each agency and government body affected by or named in this report is requested to respond in writing to the findings and recommendations in a timely manner. The following are the affected agencies for this report, with the mandated response period for each.

Santa Maria City Council – 90 days

Finding 1, 2, 3

Recommendation 1