

SAN DIEGO POLICE DEPARTMENT ORDER

DATE/TIME: MARCH 15, 2024 0900 HOURS
NUMBER: OR 24-10
SUBJECT: TOWING OF VEHICLES UNDER CVC 22651
SCOPE: ALL MEMBERS OF THE DEPARTMENT

DEPARTMENT PROCEDURE AFFECTED: DP 7.08

On July 21, 2023, the California Appellate Court ruled that towing legally parked vehicles without a warrant and based solely on unpaid parking tickets violates the Fourth Amendment, because the vehicular community caretaking exception does not extend to safely and lawfully parked vehicles (*Coalition on Homelessness v. City and County of San Francisco*, 93 Cal. App. 5th 928 (2023)).

Effective immediately, Department members shall not impound a legally parked vehicle solely based on California Vehicle Code section 22651(i) or other applicable sections. Additionally, Department members shall not place holds on vehicles for having five or more unpaid parking citations when that vehicle is impounded based on other Vehicle Code sections.

Further, section 22650(b) of the California Vehicle Code states:

Any removal of a vehicle is a seizure under the Fourth Amendment of the Constitution of the United States and Section 13 of Article I of the California Constitution and shall be reasonable and subject to the limits set forth in Fourth Amendment jurisprudence. A 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 property from theft or vandalism.

In addition to any towing authorized by the Vehicle Code, **effective immediately**, all towing of otherwise legally parked vehicles shall comply with the Fourth Amendment community caretaking exception, as described in Vehicle Code section 22650(b).

Department Procedure 7.08 will be updated to reflect these changes.

Please read at squad conferences and give a copy to all personnel.