

SAN DIEGO POLICE DEPARTMENT ORDER

DATE/TIME: JULY 18, 2025 0930 HOURS

NUMBER: OR 25-24

SUBJECT: VEHICLE CODE §14602.7 COURT-ORDERED VEHICLE SEIZURES

SCOPE: ALL MEMBERS OF THE DEPARTMENT

DEPARTMENT PROCEDURE AFFECTED:

Portions of this document are deemed by the San Diego Police Department to be exempt from public disclosure because the public interest served by not disclosing the information clearly outweighs the public interest served by disclosure, pursuant to California Government Code section 7922.000.

Drivers of vehicles identified by law enforcement that have engaged in reckless driving, speed contests, exhibition of speed, or evading a peace officer may be eligible for a court-ordered seizure and held for 30 days as authorized by California Vehicle Code 14602.7.

Often, officers may not elect to pursue suspects evading the traffic stop or have the ability to stop individuals who engage in these driving behaviors. These inherently dangerous driving patterns jeopardize public safety and place officers, suspects, and uninvolved motorists and pedestrians at substantial risk of injury or death. The ability to seize identified vehicles at a later date and time after the violation occurs helps reduce those risks.

California Vehicle Code Section 14602.7(a)(1) allows officers to seize a vehicle for 30 days for evading a peace officer, reckless driving, engaging in a speed contest, or exhibiting speed.

“A magistrate presented with the affidavit of a peace officer establishing reasonable cause to believe that a vehicle, described by vehicle type and license number or vehicle identification number, was an instrumentality used in the peace officer’s presence in violation of Section 2800.1, 2800.2, 2800.3, 23103(a) or (b), or Section 23109(a) or (c), shall issue a warrant or court order authorizing any peace officer to immediately seize and cause the removal of the vehicle. The warrant or court order may be entered into a computerized database. The vehicle may be impounded for a period not to exceed 30 days.”

A. REPORTING PROCEDURES

Officers desiring to obtain a court order to seize these vehicles who violate the applicable vehicle codes shall do the following:

1. Generate a Crime Report (C - Crime/Incident Report) for all offense(s).
 - a. Provide a detailed description of the suspect vehicle and how the vehicle(s) were identified (license plate, damage, after-market modifications, unique paint scheme, stickers, etc.).
 - b. Any description or identification of the driver(s) (if available).
 - c. Any known social media accounts, car clubs, or other group affiliations.
 - d. ALL vehicle code violations relevant to this impound authority. If a suspect engages in reckless driving, a speed contest, or the exhibition of speed and evades an officer during an attempted traffic stop, those violations shall be factually detailed and listed in the report.
2. A crime report for Vehicle Code §§**2800.1, 2800.2, 2800.3** should minimally include:
 - a. At least one solid red light was illuminated from the police car.
 - b. A siren was sounded (as reasonably necessary).
 - c. The police car was distinctively marked.
 - d. The officer was wearing a police uniform.
 - e. Facts detailing the driver's actions indicate a willful intent to evade the officer.
3. A crime report for Vehicle Code §§ **23103(a)** or **(b)** should minimally include:
 - a. Facts detailing the person was driving with willful and wanton disregard for the safety of persons or property.
 - b. Each traffic violation committed is documented individually.
 - c. At least three (3) or more separate moving violations OR property damage.
4. A crime report for Vehicle Code § **23109(a)** should minimally include:
 - a. The driver was engaged in a speed contest.

- b. Documentation of the driver's actions, including estimated or paced speeds and the type of speed contest (static, rolling, other vehicles, or against the clock, etc.).
 - c. Each traffic violation committed is documented individually.
- 5. A crime report for Vehicle Code § **23109(c)** should minimally include:
 - a. The driver was engaged in an exhibition of speed.
 - b. Documentation of the driver's actions that articulate the showcasing of the performance of the vehicle (static or rolling burnouts, stunts, drifting, motorcycle wheelies, donuts, etc.).
 - c. Each traffic violation committed is documented individually.

B. CRIME CASE ROUTING

- 1. The field supervisor will approve the Crime Case (C-Crime/Incident Report).
- 2. The NETRMS 'Controlling Organization' will be transferred to Traffic Special Investigations (TSI).
- 3. Any photographs or additional evidence shall be uploaded to **(Redacted – record exempt)**.

C. COURT AFFIDAVIT FOR VEHICLE SEIZURE

- 1. Access the department network "Shared" drive **(Redacted – record exempt)**
- 2. Open the appropriate WORD TEMPLATE for the affidavit sought (Pursuit or Reckless Driving – Exhibition of Speed).
- 3. Complete Affidavit thoroughly.
- 4. DO NOT sign the document.
- 5. EMAIL the completed affidavit, **in MS Word format ONLY**, to Traffic Special Investigations. **(Redacted – record exempt)**.
- 6. Include the Crime Case Number and "14602.7 Seizure Request" in the SUBJECT LINE.

D. SWEARING TO AFFIDAVIT

1. Once Traffic Special Investigations has reviewed and approved the affidavit, the affiant will receive an email from ADOBE SIGN.
2. Electronically sign the document in ADOBE SIGN.

E. VEHICLE SEIZURE

1. Traffic Special Investigations will be primarily responsible for all vehicle seizures ordered by the court.

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