



FAIRFIELD POLICE DEPARTMENT ROLL CALL TRAINING

July 27, 2023

Vehicle Seizure

When is a peace officer authorized to seize a vehicle?

- Whenever a vehicle was instrumentally used in the peace officer's presence in violation of Section 2800.1, 2800.2, 2800.3, or 23103 of the California Vehicle Code.

When would a peace officer want to seize a vehicle rather than towing it?

- California legislature has given peace officers the authority to seize a vehicle by presenting an affidavit to a judge establishing probable cause to believe the vehicle was used in the presence of a peace officer committing any of the violations listed above.
- Seizing vehicles is of utmost importance for several compelling reasons. It removes dangerous vehicles from circulation, preventing harm and accidents. This action deters reckless driving and holds individuals accountable, creating a safer driving environment for all. It reinforces responsible behavior and contributes to the well-being and security of the community.

What California Vehicle Code authorizes this vehicle seizure?

- 14602.7(a) CVC.

How long can a vehicle be seized for under this section?

- A vehicle may be seized for a period not to exceed 30 days.

When is a peace officer not able to seize a vehicle under this section?

- When the vehicle is a stolen vehicle.
- When the vehicle is subject to bailment and is driven by an unlicensed employee of the business establishment, including a parking service or repair garage.

- When the registered owner of the vehicle causes a peace officer to reasonably believe, based on the totality of the circumstances, that the registered owner was not the driver who violated Section 2800.1, 2800.2, or 2800.3.
 - Due to a possibility of individuals not registering the vehicle in their name, peace officers should get as much information as possible as to who the registered owner of the vehicle is and their contact information. The vehicle may still be seized, however the tow hearing officer will make that determination if releasing the vehicle to the registered owner is acceptable.

What is the process to seize a vehicle under this section?

1. Tow the suspect vehicle using the most applicable tow authority section.
 - For example, 22561(h), if the driver was arrested, or 22651(p), if the driver is suspended or does not have a driver's license.
 - Tow authority 22655.5(a), also known as an "Evidence Tow," can be utilized whenever any vehicle is found upon a highway or public or private property, and a peace officer has probable cause to believe that the vehicle was used as a means of committing a public offense.
 - Tow authority 23109.2(a)(1) can be utilized whenever a peace officer determines that a person was engaged in any of the following activities: 23109(a), 23103(a), 23103(b) or 23109(c) the peace officer may immediately arrest and take into custody that person and may cause the removal and seizure of the motor vehicle for not more than 30 days.

2. Complete CHP Form 180.
 - Follow FPD Policy 510 (Vehicle Towing and Release).
 - Write **"TOW HEARING / SEIZURE WARRANT"** at the top of the CHP Form 180.
 - This will let the FPD Records Department know NOT to release the vehicle.

3. Author a vehicle seizure warrant by the following day.
 - If you are off the following day, please notify your supervisor.
 - If you are working during non business hours, please coordinate with your supervisor to have the vehicle seizure warrant tasks completed by another officer who works during business hours.
 - Examples on S Drive. (S:\Patrol Files\Vehicle Seizure Forms).
 - Follow FPD Policy 618 (Warrant Service), Supervisor authorization and review.

- Follow FPD Policy 343 (Report Preparation), “All reports shall be completed before an employee leaves for his/her regularly scheduled days off unless a supervisor authorizes the report to be pended”.
4. Have the vehicle seizure warrant signed.
- Email the copy of the vehicle seizure warrant to ewarrants@solano.courts.ca.gov between 0800-1700 hours, Monday through Friday.
 - Then call the courts at (707) 207-7385 and select the option to speak with the primary warrant judge.
5. Complete notification letter.
- Once the vehicle seizure warrant is signed, fill out the notification letter.
 - Examples on S Drive. (S:\Patrol Files\Vehicle Seizure Forms)
 - Sign the notification letter and provide the FPD Records Department with the notification letter and **ALL** pages of the signed vehicle seizure warrant.
 - Have the FPD Records Department mail both the signed seizure warrant and notification letter to the **Registered Owner(s)** and the **Legal Owner(s)** of the suspect vehicle.
 - Per 14602.7 (c)(2) CVC, all documents must be sent certified mail within 48 hours from when the judge signed the vehicle seizure warrant.
 - Follow FPD Policy 343 (Report Preparation), “All reports shall be completed before an employee leaves for his/her regularly scheduled days off unless a supervisor authorizes the report to be pended”.
6. File vehicle seizure warrant.
- No warrant return is needed.
 - File the vehicle seizure warrant with the courts at the Hall of Justice at 600 Union Street, as you would with any other warrant.

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