



# **BENICIA POLICE DEPARTMENT**

200 East "L" Street • Benicia, CA 94510

(707) 745-3412 • Fax 746-0131

March 22, 2005

Peter B. Foor  
Presiding Judge of the Superior Court  
Solano Superior Court  
600 Union Avenue  
Fairfield, CA 94533

Honorable Judge Peter Foor:

I have reviewed the Solano County Grand Jury's report issued March 1, 2005 entitled "Solano County Towing Policies – To Tow or Not to Tow." I am responding pursuant to, and in the manner described in, California Penal Code Section 933.05.

I disagree partially with the finding and believe we are in compliance with Grand Jury recommendation #1 on page 2 of the report. I want to note that our agency may be responsible for misunderstanding the initial Grand Jury request and our policy involving a certain aspect of towing vehicles was not delivered for review.

Our initial written response to the Grand Jury's request for our policy on towing vehicles in our jurisdiction, dated October 5, 2004, is attached. Our reply indicated that we do not have a specific policy on when officers should tow vehicles; instead, we rely solely on all applicable laws and statutes.

After reading the Grand Jury report, my staff completed research on another agency's policy that was praised by the Grand Jury. This agency had a tow policy that had two simple requirements – that officers complete a CHP 180 tow form and that the officer complete a vehicle inventory search.

The Benicia Police Department has an existing vehicle inventory search policy (Benicia Police Department Procedure 3-411, which is attached). In this policy, it is required that an officer complete a CHP 180 form when towing a vehicle (Section IIIA3, page 1).

Based on our existing policy, I believe we are in compliance with Penal Code Section 933.05(b)(1) in that "The recommendation has been implemented, with a summary regarding the implemented action." The summary is the paragraph above.

If there are any further questions regarding this issue, please have your staff contact Lt. Michael Daley at (707) 746-4259 or via e-mail at [mdaley@ci.benicia.ca.us](mailto:mdaley@ci.benicia.ca.us).

Sincerely,

A handwritten signature in cursive script that reads "James E. Trimble".

James E. Trimble  
Chief of Police

**"QUALITY POLICING - COMMITTED TO YOU"**  
James E. Trimble • Chief of Police



# **BENICIA POLICE DEPARTMENT**

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(707) 745-3412 • Fax 746-0131

October 5, 2004

Ms. Cathy Houck, Foreperson  
2004-2005 Solano County Grand Jury  
Hall of Justice  
600 Union Avenue  
Fairfield, CA 94533

Ms. Houck:

On behalf of Chief Jim Trimble, I am responding to your request of September 24, 2004. Enclosed are copies of the tow contracts we have with five (5) tow companies.

The Benicia Police Department does not have any written policies or procedures dealing with towed vehicles in our jurisdiction. We follow all applicable California Vehicle Code and Benicia Municipal Code laws for the authority to tow vehicles.

If there are any further questions or more information is needed, please contact me at (707) 746-4259 or via e-mail at [mdaley@ci.benicia.ca.us](mailto:mdaley@ci.benicia.ca.us)

Sincerely,

Lt. Michael Daley  
Services Division Commander

**"QUALITY POLICING - COMMITTED TO YOU"**  
James E. Trimble • Chief of Police

# BENICIA POLICE DEPARTMENT

## DEPARTMENTAL PROCEDURE NUMBER 3-411

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- I. **SUBJECT:** VEHICLE INVENTORY SEARCHES
- II. **PURPOSE:** The purpose of this order is to establish procedures pertaining to the inventory searches of impounded vehicles.
- III. **PROCEDURE:**
  - A. An inventory search is a search conducted of all areas and contents of a vehicle when that vehicle is to be impounded so property that will remain in the vehicle can be itemized.
    - 1. The inventory search will consist of searching both the passenger and trunk compartments of the vehicle.
    - 2. The search can take place at the scene of the impoundment, at the Benicia Police Department if the vehicle is temporarily stored there, or at the storage facility itself.
    - 3. After the inventory search is completed, the officer shall document any items of value contained within the vehicle, specifically describing property that the officer believes has a fair market value of \$100 or more. The officer shall utilize CHP Form 180, or an attached narrative, to document the items inventoried with the impounded vehicle.
    - 4. If contraband or evidence of a crime is located during the inventory search, those items are to be confiscated by the searching officer and logged into the evidence room at the police department. Depending on the situation involving the search, the officer may add the new violations to the primary incident report or the officer may document the finding of the contraband or evidence under a separate case number.

5. Once a vehicle has been impounded and searched, the reporting officer shall forward the CHP Form 180 to the on-duty supervisory officer for review and approval. Once the report is approved, the on-duty supervisory officer shall forward the report to dispatch for processing.

**BY ORDER OF:**

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**JAMES E. TRIMBLE  
CHIEF OF POLICE**

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**EFFECTIVE DATE**