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August 22, 2023

BPC #23-160

The Honorable City Council
City of Los Angeles, Room 395
c/o City Clerk's Office
Los Angeles, CA 90012

Dear Honorable Members:

RE: RESPONSE TO CITY COUNCIL FILE NO. 22-1324, DETERMINATION OF AN
ABANDONED VEHICLE.

At the regular meeting of the Board of Police Commissioners held Tuesday, August 15, 2023, the Board APPROVED the Department's report relative to the above matter.

Respectfully,

BOARD OF POLICE COMMISSIONERS

A handwritten signature in blue ink that reads "Rebecca Munoz".

REBECCA MUNOZ
Commission Executive Assistant

Attachment

c: Chief of Police

INTRADEPARTMENTAL CORRESPONDENCE

23-168

[Signature] 8/11/23
RICHARD M. TERANK
EXECUTIVE DIRECTOR DATE

August 9, 2023
11.3

TO: The Honorable Board of Police Commissioners

FROM: Chief of Police

SUBJECT: LOS ANGELES POLICE DEPARTMENT'S RESPONSE TO LOS ANGELES CITY COUNCIL FILE NO. 22-1324

RECOMMENDED ACTION

1. That the Board of Police Commissioners (Board) REVIEW and APPROVE the Los Angeles Police Department's (Department) response to the City Council.
2. That the Board TRANSMIT to the Los Angeles City Council the attached response.

DISCUSSION

On March 22, 2023, the City Council adopted the Housing and Homelessness Committee report relative to implementing and analyzing the pilot Recreational Vehicle (RV)-to-Home program in Council District 7. The Committee directed the Department and the Los Angeles Department of Transportation to report back on the following:

1. The feasibility of aligning the Los Angeles Police Department and the Los Angeles Department of Transportation's internal departmental policies with existing law and clarifying what type of vehicle (or factors relating to said vehicle) are to be considered in determining when a vehicle is in fact abandoned, thus making it subject to towing and disposal

This report addresses the City Council's matter. If you have any questions, please contact Commander Billy Brockway, Department Homeless Coordinator, Office of Operations, at (213) 486-8410.

Respectfully,



MICHEL R. MOORE
Chief of Police

BOARD OF
POLICE COMMISSIONERS
Approved *[Signature]* August 15, 2023
Secretary *[Signature]*

Attachment

FACT SHEET
DETERMINATION OF AN ABANDONED VEHICLE
July 27, 2023

Background

On March 22, 2023, the City Council adopted the attached Housing and Homelessness Committee report relative to implementing and analyzing the pilot Recreational Vehicle (RV)-to-Home program in Council District 7.

The City Council directed the Los Angeles Police Department (Department) and the Los Angeles Department of Transportation (LADOT) to report on the feasibility of aligning their internal departmental policies with existing law and clarifying what type of vehicle (or factors relating to said vehicle) are to be considered in determining when a vehicle is in fact abandoned thus making it subject to towing and disposal.

In response to the direction given by the City Council (Council File No. 22-1324), the Department has responded to the following items after collaboration with LADOT:

- The accepted definition of an abandoned vehicle; and,
- The protocols involved in the towing of abandoned vehicles.

Findings

Definition of an Abandoned Vehicle

A vehicle is considered to be abandoned if under the totality of circumstances, the intention to relinquish all interest and rights in the vehicle by the owner or person in control may be reasonably concluded.

Factors to consider include but are not limited to the following:

- (a) Statements or actions by the owner or person in control of the vehicle or from witnesses;
- (b) Whether the vehicle is in an inoperable, hazardous, or neglected condition; and,
- (c) The amount of time the vehicle has been left unattended or not been moved or actively used or occupied.

Removal of Abandoned Vehicles

The LADOT or the Department may tow for the following California Vehicle Code (CVC) Sections:

Per CVC Section 22669(a), an officer who has reasonable grounds to believe that a vehicle has been abandoned may remove the vehicle from a highway, or from public or private property.

Determination of An Abandoned Vehicle

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Per CVC Section 22851.3(a), notice of removal shall be provided no less than 72 hours before the vehicle is to be removed.

Per CVC Section 22669(d), an abandoned vehicle that lacks a functioning engine, transmission, wheels, tires, doors, windshield, or any other part or equipment necessary to operate safely is declared to be a hazard to public health, safety, and welfare and can be removed immediately without pre-removal notice.

While CVC 22651(k), LAMC 80.77(a), and 80.73.2 authorize the impoundment of a vehicle that is parked or left standing on a highway, street, or alley for 72 or more consecutive hours. Under this impound provision, unless certain exceptions apply, individualized notice should be issued at least 24 hours prior to removal, and impoundment should justify a community caretaking function.

Lead Impounding Agency

The LADOT or another authorized City agency will generally assume primary responsibility for the removal of abandoned vehicles. However, the Department may assume primary responsibility for the impoundment of an abandoned vehicle under the following circumstances:

- Where there is an imminent exigency or emergency which requires immediate removal of the vehicle;
- The vehicle is evidence or an instrumentality of a crime; or,
- Where no other City agency can lawfully authorize impoundment.

Conclusion

In accordance with the direction given by City Council, the Department and LADOT have ensured alignment with the accepted definition and the protocols involving the towing of abandoned vehicles.

The Department and LADOT have successfully collaborated on impounding abandoned vehicles during operations planned through the City Administrative Officer (CAO). This partnership and process will continue to be effective if the City Council adopts a citywide rehousing strategy for people experiencing RV homelessness.

Prepared by:
Office of Operations
Department Homeless Coordinator's
Office