



Stockton Unified School District Department of Public Safety

Richard M. Barries, Interim Police Chief

CHP-180

March 2021

Purpose & Scope

The purpose of this procedure is to outline the proper use and processing of a CHP-180 form.

General Information

The authority to remove, impound, and seize a vehicle is found primarily in the California Vehicle Code (CVC), California Constitution, and various case law decisions. A CHP-180 form shall be completed for every vehicle which is stored or impounded. This includes each vehicle in a combination (i.e. truck tractor and trailer or vehicle pulling a trailer carrying a boat)

Vehicles carried as cargo (e.g. vehicle on a car carrier, vehicle on bed of slide bed tow truck) are considered property; however, the license number, vehicle identification number (VIN) and description shall be documented in the "Remarks" section of the CHP-180. A boat on a trailer would be considered cargo and the boat's hull identification number and/or California Fleet Vessel number shall be documented in the Remarks section of the CHP-180.

The CHP-180 shall be written legibly to ensure distinct clarity through all copies of the form. When recording a VIN or engine number, care should be taken to distinguish between letters of the alphabet and numbers. Letters shall be legibly written in large script to avoid being mistaken for numerals.

A CHP 180 is not required for a vehicle when a tow truck, motor club, or any other emergency roadside service provider has been called at the request of the vehicle owner and the owner or agent retains control of the vehicle.

When used, a CHP-180 form shall be completed as thoroughly and accurately as possible. The officer shall sign the completed form prior to releasing the vehicle to the tow operator and shall require the tow operator to sign the CHP-180. The original report shall be turned in to records and retained at the department.

A communications Network message containing removal/impound authority, ownership information and location of the removed/impounded vehicle, shall be completed and a copy shall be attached to all CHP-180'S



Stockton Unified School District Department of Public Safety

**Richard M. Barries, Interim Police Chief
CHP-180
March 2021**

Section 22852 CVC – Notice to Owner: Post-Storage Hearing

This section mandates the agency removing/impounding and storing a vehicle to notify the RO and LO on record and afford them the opportunity to have a post-storage hearing to determine the validity of the storage.

A Notice of Stored Vehicle (22852 CVC), the CHP-180 half pages 2 and 3, shall be mailed or personally served to the RO and LO within 48 hours, excluding weekends and holidays.

A post-storage hearing shall be conducted within 48 hours of the request and may be conducted in writing, person, or telephonically.

Failure of the RO, LO, or their agent to attend a scheduled hearing satisfies the post-storage hearing requirement pursuant to Section 22852(d) CVC.

Section 22853 CVC – Notice to Department of Justice

This section requires public agencies to immediately notify the Department of Justice, Stolen Vehicle System (DOJ-SVS) if vehicle owners cannot be identified or notified. This section requirement is fulfilled by entry of the vehicle storage into the DOJ-SVS.

If the vehicle is a California registered vehicle, written notice to DOJ is not required. This includes Notice of Stored Vehicle (22852 CVC), CHP-180, half-page if it is returned unclaimed.

If the Notice of Stored Vehicle (Section 22852 CVC) is returned unclaimed, attach it to the CHP-180 retained in records.

If the vehicle is registered in a foreign jurisdiction and the Notice of Stored Vehicle (Section 22852 CVC) is returned unclaimed, or the vehicle is not returned to the owner within 120 hours, the storing agency shall send a written notice to the DOJ-SVS (PO Box 903387, Sacramento, CA 94203-3870). This may be accomplished by printing "Owner cannot be identified or notified" to the right of the CHP-180, half page, Notice of Stored Vehicle (22852 CVC) to DOJ-SVS.

If the vehicle is removed from private property and stored, and ownership is unknown or cannot be ascertained and the vehicle is not returned to the owner within 120 hours, the storing agency shall send a written notice to the DOJ-SVS (See address above). This may be accomplished by printing "Owner cannot be identified or notified" to the right of the CHP-180 half page, Notice of Stored Vehicle (22852 CVC) and mail it to the DOJ-



Stockton Unified School District Department of Public Safety

**Richard M. Barries, Interim Police Chief
CHP-180
March 2021**

SVS.

All completed CHP-180 forms shall be retained for the period of time specified on the department's Records Retention Schedule.

A CHP-180 which has been completed for a vehicle impounded as evidence pursuant to Section 22655.5 CVC shall be retained for two years unless court proceedings require the reports to be retained for a longer period of time. In this case records will ensure that all court proceedings, criminal as well as civil, are adjudicated before removing the CHP-180 from the department files.

Vehicle Appraisal Procedures

District Officers are not authorized to make vehicle appraisals.

Vehicle Inventories

An inventory shall be conducted after the vehicle is in lawful custody. Lawful custody occurs when a vehicle is removed, impounded, or stored by a member of the Department.

Officers shall inventory the contents of all vehicle removed, impounded, or stored, even if nothing of value is found. Additionally any employee who actively participated in the inventory of a vehicle shall be noted by name and identification number in the Remarks section of the CHP-180.

A vehicle inventory is intended to protect an owner's property and the Department against claims of lost, stolen or vandalized property.

If the driver or other occupants in the vehicle request possession of property from inside the vehicle, the officer conducting the inventory may pat the item down for weapons, for the officer's safety, before handing it over.

The inventory shall list all property contained in legally accessible areas of the vehicle's passenger compartment, glove compartment, console, trunk, and any other compartment or box which may contain property (e.g. utility compartment, tool compartment, or under the seats of motorcycles). All containers found should be opened and inventoried in the Remarks section of the CHP-180.

If the glove compartment, console, trunk, or box is locked and there is no key or mechanical/electrical mechanism to open the area, departmental employees shall not force the lock to inventory its contents. However, departmental employees shall not that



Stockton Unified School District Department of Public Safety

**Richard M. Barries, Interim Police Chief
CHP-180
March 2021**

the particular area was locked, with no means to obtain entry, in the Remarks section of the form.

The inventory shall be conducted in compliance with case law and department policy to ensure admissibility of any evidence which may be found.

Vehicle Release

The release of a stored/impounded vehicle is contingent upon the statutory requirements established by the removal/impound authority.

The RO and LO of record, or their agent, has the right to a post-storage hearing to determine the validity of the vehicle's storage.

When a vehicle is released from storage/impound, copies of all pertinent documents (current registration, driver's license printout, court documents, etc.) shall be attached to the original CHP-180.

When the RO, LO, or agent's authority is in question, a legally recognized photo identification should be requested.

The departmental employee releasing the vehicle shall sign the Signature of Person Authorizing Release box of the form and provide a copy of the signed CHP-180 to the RO, LO, or agent for presentation to the storing tow authority.

Release to a Repossessor

A reposessor includes any person that engages in the business or accepts employment to locate or recover collateral, including but not limited to collateral registered under provisions of the CVC which are subject to a security agreement (Section 7500.2 of the Business and Professions [B&P] Code).

A repossession agency does not include the following (Section 7500.3 B&P):

1. Banks.
2. Licensed lending institutions.
3. Attorneys performing legal duties.
4. Legal owners of collateral, subject to a security agreement.
5. Federal, State, or municipal officers/employees performing official duties.
6. A qualified certificate holder or registrant when performing services for, or on behalf of a repossession agency.



Stockton Unified School District Department of Public Safety

**Richard M. Barries, Interim Police Chief
CHP-180
March 2021**

When a vehicle is removed/impounded/stored by the Department, the employee who releases the vehicle shall ensure the reposessor presents a valid repossession agency license, pursuant to section 7502 B&P, or is exempt from licensure pursuant to Section 7500.2 and 7500.3 B&P.

To determine whether a person or agency holds a valid repossession agency license their license status may be verified online at the Department of Consumer Affairs web site at www.dca.ca.gov.

A list of licensed repossession agencies may be obtained from the Department of Consumer Affairs, Bureau of Security and Investigative Services, 2420 Del Paso Road, Suite 270, Sacramento, CA 95834, or at 916-322-2400 or 800-952-5210, or online at www.bsis.ca.gov. Copies of the California Association of Licensed Repossessors may also be obtained at www.dca.ca.gov.

To release a vehicle to a reposessor, the reposessor shall pay all towing and storage fees and present a copy of the assignment, a valid repossession agency license, a government-issued photographic identification card (e.g. driver license), and either a certificate of repossession, a security agreement, or the vehicle's title, showing proof of legal ownership.

NOTE: Any of these documents may be originals, copies, facsimile copies, or transmitted Electronically. The impounding agency shall not require any documents to be notarized.

A repossessed vehicle is exempt from registration for the sole purpose of transporting the vehicle from the point of repossession to the storage facility of the reposessor, and from the storage facility to the LO or to a licensed motor vehicle auction, provided the reposessor transports the appropriate documents authorizing the repossession with the vehicle. The reposessor must make those documents available to law enforcement upon request (Section 4022 CVC).



Stockton Unified School District Department of Public Safety

Richard M. Barries, Interim Police Chief
CHP-180
March 2021

How to fill out a CHP-1180

The CHP-180 form is a two-sided form with 4 sections on the front page and three sections on the back. The form is used to document:

- When a vehicle is impounded/stored
- When a vehicle is stolen, embezzled or recovered
- When a license plate is stolen or recovered
- When a traceable vehicle part is stolen or recovered

The top section of page one should be filled out as completely as possible for any use of the form. Most boxes are self-explanatory. The FILE NO box should be filled with the department case number. The DATE/TIME DISPATCH NOTIFIED and LOG NO. box are for CHP use and may be struck through with a line.

Towing Vehicle

After filling out the top portion of the form, go to the second section on page one and select stored/or impounded. If a vehicle can be released to the RO simply by paying department and tow fees, the vehicle will be stored. If the vehicle has any other holds or fees attached it will be impounded. For instance, vehicles held for evidence must be released by an officer. Vehicles towed for expired registration must pay the DMV before the vehicle is released. The vehicles in these examples would be impounded.

Fill out the sections listing the location of the tow yard and the condition of the vehicle.

The GARAGE PRINCIPAL box is for the tow operator to sign, when taking possession of the vehicle.

The REMARKS section, on the bottom of page one is for listing items left in the vehicle, documenting specifics about the vehicle's condition, or any other miscellaneous facts that should be documented, regarding the tow.

Releasing a Vehicle/Component

Fill out the same sections as you would for towing a vehicle. Check RECOVERED-VEHICLE/COMPONENT. If a vehicle is going to be released to the RO or agent, document the condition of the vehicle. The employee releasing the vehicle will list their name and signature, in the appropriate boxes in the second section of page one. The person taking possession will sign the appropriate box. This person shall be listed in the ARMS report.

Fill out the RECOVERY NARRATIVE on page two.



Stockton Unified School District Department of Public Safety

Richard M. Barries, Interim Police Chief
CHP-180
March 2021

If an engine or other component is released, the officer, in addition to the previous sections, must fill out the COMPONENT RECOVERY section on page 2.

Any recovery needs a narrative written on the form, or in the narrative section of the ARMS report.

Stolen Vehicles

In addition to filling out the top portion of page one, fill out the STOLEN/EMBEZZLED NARRATIVE portion of the form, on page two. If a suspect is arrested, or identified, they will be listed in the ARMS report, in addition to being listed on the CHP-180 form.

A narrative will be written on this form, or in ARMS.

ARMS Reporting

The completed CHP-180 form will be reviewed by a sergeant. After approval, the form will be attached to the corresponding ARMS report. Make sure all individuals, other than the tow operator, are listed on the CHP-180 form (RO, driver, suspect, etc.). Also make sure that your narrative is either on the CHP-180 form, or in the ARMS report. If you write on the CHP-180 form. Make sure your writing is legible.