



Joint Response to Public Comment Pursuant to DGO 3.01.04(D)

DGO 9.06 Vehicle Tows

May 4, 2025

SFPD Department General Order (DGO) 3.01 requires that all policies under development be posted publicly to provide members of the public thirty (30) business days to submit policy recommendations.

Pursuant to DGO 3.01.04 (D), the Department and the Department of Police Accountability (DPA) jointly prepare a public response, which shall be posted on the Department's website, outlining the recommendations included and not included in the DGO draft submitted to the Police Commission.

Joint responses are captured in the following recommendation grid which captures the original recommendation, whether the recommendation was included or not included in the draft DGO, and the explanation relating to the decision to include or not include the recommendation into the draft DGO.

The Department reserves the right to remove or not respond to comments if they are:

- Unrelated to the subject of the DGO
- Include private personal information (whether the commenter's or someone else's), including home address, home or cell phone number, personal e-mail address, or personal identification.
- Include profanity or obscene language.

The Department received 14 recommendations for DGO 9.06, *Vehicle Tows* from the public and reached a consensus with the DPA on all responses.

The Department and DPA extend gratitude to all who took the time to contribute recommendations to this policy.

DGO 9.06 Public Comment Joint Responses
 Public Review Period: 4/5/24 - 6/14/24

#	Public Comment	DGO SEC	Date Received	Required Response	SFPD Explanation	DPA Explanation
R1	This section fails to address several issues. First, the does not make any mention of DUI arrests and mandatory tows per state law with holds for Traffic. Furthermore, the draft policy fails to address moving the vehicle per the owner's wish to avoid tows.	9.06.02.A.4	5/8/24	Recommendation will not be included in Draft DGO	General Orders are meant to remain general and provide overviews while Manuals, Bureau Orders, Unit Orders, DNs have the ability to cover specific procedures relating to multiple possibilities. The goal of the DGO is to outline the overall objective so members can make informed decisions in the field. The California Vehicle Code allows for tows under myriad circumstances. These laws are subject to change. The epartment regularly updates laws and tow authorities in Department Notices (DNs) and SFPD Form 574.	Recommend adding reference to SFPD Form 574 in 9.06.02.A after "San Francsico Transportation Code." Such as, "Members shall refer to SFPD Form 574 'SFPD Vehicle Impound Guide' for tow authorities and examples of when a vehicle may be towed based on the Community Caretaking Doctrine." Delete the sentence referring to what courts have focused on as it does not add context that is not provided in Form 574.
R2	Enforce parking rules in Bayview. The whole neighborhood has a tradition of double-parking and parking on the sidewalk that is dangerous for drivers and pedestrians alike. SFPD and MTA have jurisdictional grey areas.		5/10/24	Administrative Question and Answer-not for inclusion in DGO	This recommendation cannot be incorporated into this specific policy, however the Dept. agrees that there is overlap with SFPD and MTA parking enforcement jurisdiction. This issue may have more to do with SFPD staffing, public safety triaging and resource availability.	Agree w/ SFPD response.
R3	Ok, so when can you tow a vehicle??		5/14/24	Administrative Question and Answer-not for inclusion in DGO	The DGO covers general situations where members have discretion to tow, or when it is required per an investigation or falls under the community care doctrine. In part, the Department has decided to include the goal to minimize the need to tow in all circumstances in the purpose statement. The California Vehicle Code allows for tows under myriad circumstances. These laws are subject to change. The Department regularly updates laws and tow authorities in department notices (DNs) and SFPD Form574.	See Comment 1. Refer to Form 574 in first paragraph.
R4	Officers should allow driver to contact their own tow company? What if the driver is under arrest?	9.06.02.A.3	5/14/24	Recommendation will be modified and will be included in the draft DGO	The DGO provides an officer the discretion to allow a driver to contact their own tow company in very limited in scenarios and subject to many different factors. When a driver is placed under arrest, the primary goal is to conduct a speedy and efficient investigation without prolonging the detention.	Agree w/ SFPD response.
R5	The Community Care Taking Doctrine is listed with "Tows from Arrest Scenes"	9.06.02A4	5/14/24	Recommendation has been included in draft DGO	The Community Caretaking doctrine is limited in scope. It is intended for aiding those in need, such as medical emergencies, victims of disasters, incapacitated drivers, and as such should not be conflated with probable cause searches. The dept. has removed this from the "tows from arrest scene" section.	Agree w/ SFPD edit.
R6	Who is notifying reporting parties - As written it says "members" Shouldn't say, "Via dispatch, members..." It is dispatch who will be doing the notifying.	9.06.02.A.11	5/14/24	Recommendation has been included in draft DGO	The department has revised the language to read as follows: "Members should attempt to notify the reporting party, either through dispatch or directly ..."	Agree w/ SFPD edit.
R7	Supervisory Approval A1 Supervisory Approval should attach to A4 Tows from Arrests Scenes. They are connected. Do investigative sets need supervisory approval?? "Members should obtain"	9.06.02.A.1	5/14/24	Recommendation will not be included in Draft DGO	This section indicates that a member "should" obtain supervisory approval. It is not necessary in all circumstances to obtain supervisor approval to tow a vehicle. This gives officers more discretion in the field.	Agree w/ comment that Supervisory approval should attach to A.4. Recommend making supervisory approval a sub-bullet of A.4.
R8	This section needs to be written. Sentence one says shall tow. If you keep reading, certain criteria is necessary prior to tow. Language not presented clearly.	9.06.02.A.4.a Mandatory Tows regarding 14601/12500	5/14/24	Recommendation has been included in draft DGO	SFPD agrees with commentor. SFPD recognizes that the driver of a vehicle whose driver's license status has been suspended/revoked or who has never been issued a driver's license shall be cited. However that same driver's vehicle should only be towed under certain circumstances.	Agree w/ SFPD response.
R9	9.06.02-A-1.. should add "...pursuant to an arrest and/or judicial order." 9.06.02-A-2 Have DN issues to have steps written out on cite, tow permit, towing, release, notification.	09.06.02-A-1 & A-2	6/8/24	Recommendation will not be included in Draft DGO	A judicial order is issued by a judge in a court of law which is a higher authority than a supervisor. The SFPD recognizes that judge/order as the approving body and as such would not need to call a supervisor to approve. The second part of this comment is unclear. The department can read this suggestion to put procedures in a DN instead of the DGO which typically happens. The CVC, relevant DGO's, department notices, academy learning domains, FTO manual, etc. outline steps for citations, towing, vehicle release and notification information. Without clearer language from this recommendation the department is unable to agree or disagree.	Agree w/ SFPD that second part of comment is unclae.r.
R10	Section is confusing and should be rewritten. The "WILL" statements contradict one another. Ex: "... Department WILL leave the vehicle..." and then "However, the vehicle WILL be towed..."	DGO 9.06.02(A)(4)	6/13/24	Recommendation has been included in draft DGO	SFPD will update language to "will attempt to leave the vehicle" as is the goal of the dept to mitigate the need to tow in most circumstances.	Agree w/ SFPD edit.

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R11	The phrase "...whenever it is needed for investigative purposes." is vague and could lead to tows not substantiated by statutory or judicial authority. Should incorporate the specific authority from VC 22655.5	DGO 9.06.02(A)(4)	6/13/24	Recommendation will not be included in Draft DGO	The department regularly updates laws and tow authorities in Department Notices (DNs) and SFPD Form 574. The Department wants to limit the citation of authority that may be subject to change.	DPA agrees with commenter on citation to authority. This statute was enacted in 1959 and did not change when last amdned in 1996.
R12	This section should be placed immediately after (A)(4)(a) to ensure it is clear to officers that the policy contemplates and specifies when 12500/14601 vehicles should be towed or released.	DGO 9.06.02(A)(7)	6/13/24	Recommendation will not be included in Draft DGO	Section 9.06.02(A)(7) only applies to certain circumstances while 9.06.02(A)(4) applies to a general arrest scenes. The dept. has revised 9.06.02(A)(4)(a) to include a reference to the vehicle release section of this DGO.	Agree w/ SFPD comment.
R13	As written, this section would require a report for all 12500 violations. Effective January 2023, VC 12500(a) is an infraction/misdo wobbler. Should be amended to read, "...cites a driver for a MISDEMEANOR VIOLATION of driving..." (Emphasis added)	DGO 9.06.02(A)(9)	6/13/24	Recommendation requires further discussion	There are several instances where an infraction for 12500 violations would require documentation beyond a citation. This additional documentation is driven by policies and procedures outside of this DGO which may hinder the ability to reduce all 12500 violations to only citations in this policy. This issue could be resolved in a department notice, or a revision of the SFPD report writing policy and procedure.	No comment. Request input from SME during concurrence.
R14	Sentence beginning with "Given the limitations..." is unclear. If DGOs absolutely must read like technical manuals, give officers clear, easy-to-interpret instructions. Ex: "Officers may search in any readily accessible portion of the vehicle..."	DGO 9.06.02(A)(5)	6/13/24	Recommendation has been included in draft DGO	The Department has revised the language to read: "members may search any readily accessible portion of the vehicle including but not limited to consoles, glove boxes, under the seats, inside the trunk or inside containers"	DPA agrees with SFPD's amendment based on the comment.