

DENNIS J. HERRERA, State Bar #139669  
City Attorney  
WAYNE K. SNODGRASS, State Bar #148137  
JEREMY M. GOLDMAN, State Bar #218888  
TARA M. STEELEY, State Bar #231775  
Deputy City Attorneys  
City Hall, Room 234  
1 Dr. Carlton B. Goodlett Place  
San Francisco, California 94102-4682  
Telephone: (415) 554-6762 [Goldman]  
(415) 554-4655 [Steeley]  
Facsimile: (415) 554-4699  
E-Mail: jeremy.goldman@sfcityatty.org  
tara.steeley@sfcityatty.org

Attorneys for Respondent  
CITY AND COUNTY OF SAN FRANCISCO

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF SAN FRANCISCO - UNLIMITED JURISDICTION

RAMONA MAYON,  
  
Petitioner,  
  
vs.  
  
CITY AND COUNTY OF SAN  
FRANCISCO,  
  
Respondent.

Case No. CGC-20-588010

**DECLARATION OF R. ANDREW COX IN  
SUPPORT OF CITY AND COUNTY OF SAN  
FRANCISCO'S OPPOSITION TO  
PETITIONER'S MOTION FOR A  
TEMPORARY RESTRAINING ORDER**

Hearing Date: January 6, 2021  
Hearing Judge: Hon. Ethan P. Schulman  
Time: 11:00 a.m.  
Place: Dept. 302

Action Filed: November 25, 2020

Attachment: Exhibit A

1 I, R. Andrew Cox, declare as follows:

2 1. I am a Lieutenant in the San Francisco Police Department ("SFPD") and the Officer-in-  
3 Charge of the Legal Division. Except for information made available to me in reports delivered in the  
4 ordinary course of business as noted below, I have personal knowledge of the facts set forth herein and  
5 would testify competently thereto if called as a witness.

6 2. SFPD is currently not towing vehicles for expired registrations pursuant to Department  
7 Notice No. 20-076, dated April 29, 2020, unless there are exigent circumstances and approval is  
8 obtained by a supervisor. Attached as Exhibit A is a true and correct copy of Department Notice No.  
9 20-076.

10 3. To the best of my knowledge SFPD has no plans to tow Petitioner's vehicle, has not  
11 provide notice of an intent to tow Petitioner's vehicle, and will not tow the vehicle unless there are  
12 exigent circumstances or towing is necessary under the community caretaking doctrine, as explained  
13 in Department Notice No. 20-076

14 I declare under penalty of perjury under the laws of California that the foregoing is true and  
15 correct to the best of my knowledge.

16 Executed January 4, 2021, in San Francisco, California.

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19 R. ANDREW COX  
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**EXHIBIT A**

**TO**

**DECLARATION OF R. ANDREW COX IN SUPPORT OF CITY AND COUNTY OF  
SAN FRANCISCO'S OPPOSITION TO PETITIONER'S MOTION FOR A  
TEMPORARY RESTRAINING ORDER**



# DEPARTMENT NOTICE

20-076  
04/29/20

## Towing of Vehicles – COVID-19

The state of California has closed Department of Motor Vehicle offices due to the COVID-19 pandemic. The DMV currently offers limited service online, but many individuals will not be able to obtain or correct suspension status of a driver license, and/or correct vehicle registration issues. The DMV has requested law enforcement agencies, ***“Exercise flexibility and discretion when reviewing driver license or identification and vehicle registration records.”***

Therefore, the department has determined that vehicles routinely subject to tow under the following tow authorities **shall** only be towed if there are exigent circumstances and with approval of a supervisor.

TOW AUTHORITY	CITE SECTION	ACTION
14602.6(a)(1) CVC	12500(A) CVC No DL issued	Park legally or release to licensed driver within 30 minutes.
14602.6(a)(1) CVC	14601.1(a) CVC Susp/Rev DL	Park legally or release to licensed driver within 30 minutes.
14602.6(a)(1) CVC	23247 ( e) CVC No ID	Park legally or release to licensed driver within 30 minutes.
22651(g) CVC	N/A	Park legally
22651(h) CVC	N/A	Park legally
22651(i) CVC	N/A	Do not tow (SCOFFLAW)
22651(o) CVC	4000(a)(1) CVC (mover)	Do not tow (Exp. reg over 6 months)
22651.5 CVC	N/A	Do not tow (SCOFFLAW)
22651.5 CVC	3704(b) MPC	Do not tow (audible alarm sounding)

In cases where the member and their supervisor deem a tow to be necessary, individuals who meet the criteria for road side vehicle release delineated in DB 18-117, but are not able to arrange the response of a licensed driver to the traffic stop location, will be allowed to obtain release of their towed vehicle. Members should direct affected individuals to respond to the STOP Window in Room 154 at 850 Bryant St. with an eligible, licensed driver who can take control of the towed vehicle.


The following are some examples of when a vehicle **may** be towed based on the ***Community Caretaking Doctrine*** with a supervisor’s approval:

- When the vehicle is impeding traffic or jeopardizing public safety and convenience;
- When the vehicle is blocking a driveway or crosswalk or otherwise preventing the efficient movement of traffic (vehicle, pedestrian, bicycle);

- When the location of the stopped vehicle may create a public safety hazard (e.g., vehicle, pedestrian, bicycle);
- The validly licensed owner is not immediately available to prevent the immediate and continued unlawful operation of the vehicle.

Members should continue to prioritize necessary vehicle tows for criminal investigations and arrests pursuant to 22655.5(a) VC.

**This Department Notice shall be in effect until rescinded or superseded.**

  
WILLIAM SCOTT  
Chief of Police

*Per DB 19-156, sworn members are required to electronically acknowledge receipt and review of this Department Notice in HRMS. Any questions regarding this policy should be made to [sfpd.writtendirectives@sfgov.org](mailto:sfpd.writtendirectives@sfgov.org) who will provide additional guidance about the directive.*