



SAN JOSE POLICE DEPARTMENT

TRAINING BULLETIN

TO: ALL DEPARTMENT PERSONNEL

FROM: Paul Joseph
Chief of Police

**SUBJECT: IMPOUNDING LIVED-IN VEHICLES
AND BARRICADED OCCUPANTS**

DATE: October 17, 2025

Bulletin #2025-018

PURPOSE

This Training Bulletin is being issued in collaboration with the City of San José Department of Transportation (DOT) as the administrator of the Oversized and Lived-In Vehicle Enforcement (OLIVE) Program¹ and the Expired Registration Program². These programs aim to enhance public health and safety, improve neighborhood quality of life, and support cleanliness across the City. This bulletin ensures consistency, fairness, and legal compliance while minimizing community impact.

SCOPE AND GUIDANCE

This bulletin provides sworn personnel with enforcement guidance in situations where individuals resist, delay, or obstruct officers during the lawful towing and impoundment of vehicles. The two most common reasons for enforcement and towing in the OLIVE and Expired Registration Programs are parking in excess of 72 hours and expired registration.

This Training Bulletin also addresses procedures when an individual refuses to exit or barricades themselves inside a vehicle, thus obstructing enforcement efforts.

KEY OFFICER ACTIONS AND CONSIDERATIONS

- Officers may impound vehicles under the authority of both the California Vehicle Code (CVC) and the San Jose Municipal Code (SJMC).
- Impounds require a lawful inventory before tow. This cannot be done while the vehicle is occupied.
- An individual who refuses to exit after a lawful order to do so is in violation of Penal Code section 148(a)(1) and may be arrested. No search warrant or arrest warrant is

¹ <https://www.sanjoseca.gov/your-government/departments-offices/transportation/parking/vehicle-abatement/oversized-and-lived-in-vehicle-enforcement>

² <https://www.sanjoseca.gov/home/showpublisheddocument/121484/638824039396124552>

needed for an officer to enter the vehicle and affect the arrest under these circumstances.

- Officers should apply the tactical conduct standards from Duty Manual section L 2605, ensuring that any use of force is reasonable, necessary, and consistent with the Use of Force guidelines in chapter L 2600.

LEGAL AUTHORITIES

72-Hour Parking Violations

- [CVC 22651\(k\)](#): Authorizes the impound of vehicles left standing on a public street for more than 72 consecutive hours in violation of a local ordinance. (See SJMC 11.36.220 below)
- [SJMC 11.36.220](#): Makes it unlawful to park or leave a vehicle in the same place for more than 72 hours in the City of San Jose without moving it at least 2/10 of a mile (approximately 1,000 feet).

Expired Registration

- [CVC 22651\(o\)\(1\)\(A\)](#): Authorizes removal of vehicles with registration expired for more than six months.

OCCUPIED VEHICLES

When a vehicle is occupied and the individual refuses to comply with lawful orders, additional consideration should be given as outlined below. This applies even when towing for 72-hour violations or expired registration. Officers should take a few extra steps:

- Clearly state the caretaking justification in the report or CAD event (see list below).
- Document alternatives considered (e.g., citation, voluntary compliance) and explain why they were not feasible.
- Include detailed reasons about why the tow was necessary, what alternatives were explored, and any occupant-related concerns.

Caretaking Justifications May Include:

- **Traffic Safety**: Vehicle blocks sightlines, narrows roadways, or obstructs safe traffic flow.
- **Public Safety / Emergency Access**: Vehicle blocks or limits access to hydrants, fire lanes, driveways, or crosswalks.
- **Blight Prevention**: Vehicle is abandoned, contains trash or hazardous debris, or contributes to neighborhood deterioration.
- **Preventing Theft or Vandalism**: Vehicle is inoperable or disabled in a high-crime area, at risk of being stripped or vandalized.

- **Abatement of Nuisance Vehicles:** Vehicle is being used as a dumping site or harboring vermin, creating health hazards.
- **Community Complaint Response:** Vehicle has generated verified complaints from residents, reflecting ongoing impact on the neighborhood.

Adding these points to your report or CAD event will ensure the tow is appropriately documented and helps prevent legal challenges.

SEARCH WARRANTS AND THE VEHICLE EXCEPTION

Officers should clearly distinguish between a tow-related inventory and a criminal search. For a lawful tow, no search warrant is required. The officer's role is limited to conducting an inventory of the vehicle's contents to protect property, safeguard the City from liability, and ensure transparency. This inventory is not used as a pretext to search for evidence of a crime. If an officer intends to conduct an evidentiary search, a warrant is generally required unless an exception applies.

One of the most common exceptions to a warrant is the automobile or vehicle exception. This doctrine, allows officers to search a vehicle without a warrant if they have probable cause that it contains evidence of a crime. The rationale is based on the mobility of vehicles and the reduced expectation of privacy associated with them. However, if the vehicle is clearly functioning as a residence, courts apply heightened scrutiny. The courts have made it clear that a motorhome parked in a public place and readily mobile falls within the vehicle exception, but an RV set up as a home, hooked to utilities, or otherwise established as a residence may require a search warrant unless exigent circumstances exist. When a lived-in vehicle resembles a home more than a vehicle, officers should seek a search warrant absent consent or exigency.

The practical rule is straightforward. When towing, officers conduct only an inventory. No warrant is needed and no evidentiary search is permitted. When there is probable cause to believe a vehicle contains evidence of a crime, the automobile exception may apply if the vehicle is operable and in a public place. If the vehicle is clearly established as a residence, such as an immobile RV connected to utilities, officers should obtain a warrant unless a valid exception, such as exigency or consent, applies.

BARRICADED OCCUPANTS

Officers may lawfully order an occupant out to complete an inventory. Refusal is a violation of PC 148(a)(1).

If an occupant barricades:

- A supervisor should respond.
- Reasonable force may be used to remove the occupant when a lawful impound exists and refusal constitutes PC 148(a)(1).
- All actions should be consistent with Duty Manual chapter L 2600 and section L 2605 Tactical Conduct.

SUPERVISOR RESPONSIBILITIES

- Respond to barricaded occupant incidents.
- Approve or deny forced entry based on necessity, reasonableness, and tactical options.
- Ensure reports document authority, occupant refusal, and any use of force.

REPORT WRITING

Reports should clearly articulate:

- The statutory and municipal code authority (CVC and SJMC).
- The caretaking justification for the impound.
- Alternatives considered and why they were not feasible.
- Occupant refusal and any PC 148(a)(1) violation.
- Supervisor direction and tactical considerations.

FAQ

Q: Can I force an occupant to exit a lived-in vehicle parked over 72 hours?

A: Yes. Under CVC 22651(k) and SJMC 11.36.220, you may tow the vehicle after conducting a lawful inventory. The occupant of the vehicle must exit prior to the inventory. Refusal to exit when instructed to do so is a violation of PC 148(a)(1). Reasonable force may be used, consistent with policy.

Q: Can I remove someone from a lived-in vehicle with expired registration?

A: Yes. CVC 22651(o)(1)(A) authorizes impoundment. A lawful inventory must be conducted before towing. Occupant refusal to exit may result in arrest under PC 148(a)(1). Reasonable force may be used, consistent with policy.

Q: Can I break a window if the occupant barricades inside the vehicle?

A: Yes, if necessary to complete a lawful impound and inventory. Supervisor consultation should occur prior to any vehicle damage. Actions should follow Duty Manual section L 2605.

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Q: Do I need a search warrant to tow a lived-in vehicle?

A: No. A search warrant is not required for a lawful tow and vehicle inventory. The inventory is limited to documenting contents, not searching for evidence. However, if a criminal search is intended, and the vehicle functions as a residence, a warrant is generally required unless an exception applies.

A handwritten signature in black ink, appearing to read "Paul Joseph".

Paul Joseph
Chief of Police

PJ:PH:SD