Section 4: Post Impound Hearings

https://www.ladotparking.org/adjudication-division/request-impound-hearing/
When a vehicle is towed, the respondent is advised of their right to contest at the time they retrieve their vehicle or via mail when a letter is sent. They have 10 business days from the date of notification of the impound to contact Parking Enforcement and start the process. Failure to do so within the time frame can result in rejection of the request. Upon contacting Parking Enforcement and supplying the needed information, the hearing request will be forwarded to the selected office for scheduling. These requests will contain the Hearing Request Form, the Vehicle Impound form (180) and if necessary, a work order form.

Checking respondents in for their Impound Hearing: Ask them for their ID and copy of the tow receipt/credit card payment receipt. Give them a copy of the Post Impound Administrative Hearing Statement of Rights to read and sign. While they are reading and signing their statement of rights, make a copy of the tow receipt, another separate copy of the small credit card receipt, their ID, and any evidence they have brought that needs to be copied. If they have photos or videos on their phone, they need to email them to the office email address so they can be accessed during the hearing. Enter their info into the Daily Calendar, check them in on eTims and on the docket, and give their entire impound packet, including the copies you just made and the statement of rights, to the examiner.

Scheduling the Hearing
Check the deployment schedule of the issuing officer and make notes on the file of the officer's availability. Please do this BEFORE you call the respondent. It can be time consuming to leaf through the deployment schedule and we want our phone calls to be quick and efficient.
When you phone the respondent to schedule the hearing, identify yourself, what office you are calling from, and the reason for the call.
Advise them of their options. They can have the hearing in person, or via written declaration.
Verify their address and whether the respondent is the registered owner of the vehicle.
If they opt for an in person hearing:

- Verify their physical address and that they are the registered owner of the vehicle. If they are not, a note authorizing them to act on behalf of the registered owner, along with a copy of the owner's ID will be required to conduct the hearing. If the car is a rental or lease, they will be required to submit their rental or lease agreement.
- Give them a few options for available time slots according to officer availability.
- Advise them to bring their ID, a copy of the tow receipt with the credit card receipt if they paid by card, and any evidence they want the examiner to consider. This can include photos, witness statements, video clips etc. They are permitted to bring witnesses to the hearing. To facilitate a quick hearing, advise them to email photo or video evidence prior to the hearing so there is time to print everything and put it in the file.
- Give them the address where the hearing will take place as well as the phone number in case they have any questions.

- Advise them that if they need to reschedule, they must do so at least 24 hours prior to their appointment and they may only reschedule **one time**. Failure to cancel with 24 hours notice can affect the ability of the clerical staff to reschedule the traffic officer.
- Advise them that they will not receive any further confirmation other than the phone call to remind them of their appointment.
- Before you end the call, ask if they have any questions. End the call by reminding them of the date and time of their hearing.
- Once the hearing is scheduled, print out all the necessary documents to complete the file.
- Please refer to the e-Tims section of this manual for specific instructions on scheduling in eTims.

Compiling An Impound Packet (**please refer to Section 5 for step by step pictorial instructions of each of these steps**)

1. Retrieve Impound Hearing requests from fax machine/email throughout the day and fill out information on new Activity Log **(See example 17)**. Enter Respondent's name, license plate # or VIN, phone number, reason for impound, citation #, impound date, whether or not the vehicle has been picked up, Traffic Officer's name, and Parking Enforcement Area.
2. Check to see if the vehicle has been picked up from the tow yard. If it has NOT been picked up, call and verify with the OPG to confirm. If the respondent still has not picked up their vehicle, treat this as an URGENT case (see Urgent Hearings section).
3. Check to see if the impound hearing request was made within 10 business days of the date of impound per CVC. If it's been more than 10 days, double check eTIMS under Street Enforcement > Record Detail 2 to see when the date of notice was mailed out. Notice type 001 follows the 10 day deadline to request a hearing; however, a notice type 003 (mailed out by Department of Justice) allows for a minimum of a 6 month deadline. If the request date is past the 10 day deadline, consult with the Office Manager.
4. After you've confirmed the request was made in a timely manner, check to see if the respondent is the registered owner of the vehicle. If they are not, make a note of it and mention during your phone call that they will need a signed letter of authorization from the registered owner (see "Scheduling the Hearing", bullet point 1).
5. Make sure the Impound Report (180) is legible. If it is not, contact Parking Enforcement or VIPU and see if they have a better copy. If they do not, contact the OPG (Official Police Garage) and request a copy from them. Once you have a legible copy, initial the appropriate box and date it.
6. All packets will require a printout of the Street Enforcement notes, a ticket facsimile, and officer's photos. Initial and date ONLY when these documents are added to the file. If items are not in eTIMS, indicate so in the notes portion so the next clerk knows and can check again later.
    a. If it is a Temp Tow (L or M) the work order will usually come with the impound request. If no work order accompanies the request, you can search New Public

View, or call the Sign Posting Shop and ask them to send the work order. Initial and date when you receive the work order. Make sure you print out all pages of the work order.

b. If it is a 72 hour violation, (K), you will need to print the Mark Order. Initial and date when this is added to the file.
c. If it is expired registration (O or J) print the DMV information immediately after receiving the hearing request. Initial and date when it is added to the file.

7. Create a PI number in eTIMS. The appointment and decision will be attached to this number. PI numbers are created as a reference for the impound itself that won't interfere with any adjudication occurring on the citation. It is created using PI (post impound), the last number of the year (2020=0) the 3 digit Julian calendar date, and the first four digits of the license plate number.
8. Fill out and fax Traffic Officer Request to Attend Hearing. Note the date the request was sent. Monitor faxes for confirmation.
9. Once you've scheduled the appointment, print confirmation, log the appointment date and time in the appropriate box, and initial and date it. Input the appointment into the FISCAL CALENDAR for your office.
10. When you have all paperwork assembled, put it in a colored folder (any color except red as red is for URGENT hearings) and give it to the manager for approval.
11. After it is approved, put it in the file cabinet according to the hearing date if it is 100% complete, or into the appropriate slot in the stackable file holder while you await officer confirmation.

If they opt for a written declaration:

- Obtain their email address,
- Verify their physical address and if they are the registered owner of the vehicle. If not, a note can be included authorizing them to act on behalf of the registered owner. You will also need a copy of the registered owner's ID.
- Explain that they will receive instructions via mail and email, simply follow the instructions and submit the required documents by the deadline in the letter. They can submit documents either via mail or email, but will only receive their decision by mail.
- Follow the instructions for issuing a 411 letter and send the letter via mail **and** email accompanied by the Statement of Rights (be sure to attach the pdf file to the email)
- The deadline for submission should be two weeks from the end of the week you are in. Look forward to the upcoming Friday, calculate two weeks from that date. If you are issuing the letter on a Friday, calculate three weeks from that date. Be sure to note the deadline on the Hearing Activity Log
- Once they return their documents, print EVERYTHING they send and add it to their file. If anything is missing, contact the respondent and request the missing information. Any time you email them, note on the hearing activity log, or print a copy of the email.
- As soon as you have all the required documents, print the rest of the file, complete the hearing activity log and give it to the manager for approval, then assign it to an examiner.

Urgent Hearings

If the respondent has not picked up their vehicle, it is imperative that we schedule them as soon as possible to avoid them accruing further storage fees. The 10:30 time slot is reserved for urgent hearings, but manager discretion can allow them at other times during the day.
The traffic officer may not be available for a same day appointment so if the respondent is adamant that the officer be present, advise them that they may have to wait, perhaps a couple days, in order to conduct the hearing. In order to have the hearing on such short notice and without the officer, the respondent will need to verbally waive their right to have the officer present. You will need to call the OPG and get the invoice containing the fees up to the date you conduct the impound. Once you have scheduled the urgent hearing, complete the file as you would any other impound.

Waiving Their Rights

For urgent hearings, written declarations and cases where scheduled officers do not show up for a hearing, we must advise respondents of their rights. It is their RIGHT to have the officer present at the hearing. For an urgent hearing, it is more than likely that a respondent will need to waive their right to have the officer present in order to have a same day hearing. For regularly scheduled hearings that an officer did not show up for, we must advise respondents that they are free to reschedule or if they waive their right to have the officer present, we can proceed with the hearing. There is a spot on the activity log to indicate if a respondent has waived their right to have the officer present.

Cancelling and Rescheduling Hearings

If a respondent is unable to attend their scheduled appointment, we have to go into eTIMS and make the necessary arrangements. To cancel the appointment:

- In eTIMS, search for the PI number associated with the hearing you wish to cancel
- Select the box beside the PI number
- In the dropdown menu at the bottom, select disposition, then PROCESS SELECTED ITEMS
- On this screen, change the Hearing Date and Time to the current date and time
- Enter code 035 CITIZEN CANCELLED in the Disposition code field
- Click REVIEW, Disposition Review was successful should pop up.
- Click PROCESS DISPOSITION and a message saying “A disposition has been updated for the following tickets on <date and time>
- Once you have successfully cancelled the original hearing, you may use the CHOOSE ADDITIONAL PROCESS to select schedule hearing in order to reschedule.
- You will be taken to the Hearing Eligibility Screen. Since the citation has been previously dispositioned for the hearing cancellation, you will be asked if you wish to proceed with the scheduling or cancel and return to the previous screen. Click Schedule All Eligible and Warning Items.
- Schedule new hearing as you normally would.

Closing the File

Once the decision has been sent to the respondent, a digital back up is saved on your office K drive. Scan the file and name it according to the date of the hearing, decision, and last name of the respondent. For example, Ms. Jones has a hearing on 6/7/2020 and it was found Reasonable Grounds. The file name should be 6/7/2020 RG JONES. Upload the file to the appropriate folder in the K drive.

Section 5: eTIMS Manual

Print a Ticket Facsimile > On the eTIMS home screen select General Processing → enter the Ticket Number (Citation Number) → then click Search.

Select Citation Number → Choose process Ticket Facsimile → Process Selected Items.

The Citation number will appear. Click the Print button to print the citation.

Print Citation Photos > On the eTIMS home screen select General Processing → enter the Ticket Number (Citation Number) → then click Search.

The following screen will appear. Double-click on the photos icon to access photos/documentation.

Select the image, click Submit then print the image. Repeat this step for every image listed.

Create Dummy Ticket > Create a Post Impound (PI) number for the dummy ticket using the following convention:

- PI → Last digit of current year → Zero (until April 9, 2020) → Julian calendar date which is month and date impounded → First four digits of License Plate # or Last 4 digits of VIN #
- Write PI number in RED on top of the 'Request for impound Hearing' sheet and on Activity Log.

On the eTIMS home screen select General Processing → enter the Ticket Number (Citation Number) → then click Search.

Select Ticket Management → Add a Ticket.

Enter Post Impound (PI) number → Click Validate → Make sure ‘Validate Ticket successful’ → Click Add.

Street Enforcement Notes > On the eTIMS home screen select Street Enforcement → Select Record Type ‘Vehicle Impound’ → Enter State Plate → Select Search.

Print Record Detail → Click Print Record Detail 2 and print → Click Street Enforcement Notes and print. Place with documents.

If no Street Enforcement Notes, make note on Activity Log.

Print Mark Order > If CVC 22651 (K) → On the eTIMS home screen select Street Enforcement → Select Record Type ‘Abandoned Vehicle’ → Enter State Plate → Select Search.

Print Record Detail → Click Print Record Detail 2 and print → Click Street Enforcement Notes and print.

If no Street Enforcement Notes available, call VIPU (818) 756-9984 and ask for a Post Impound Report.

Print DMV Inquiry > On the eTIMS home screen select General Processing → enter the Ticket Number (Citation Number) → then click Search.

If CVC 22651 (J) or (O) → Select DMV INQUIRY.

Select Search → When Raw DMV Data appears, select Print.

Work Order > CVC 22651 (L) OR (M) → Launch Public View application → Select Work Orders Tab → If the Work Order is Closed then change from Approved to Closed → Enter the Date Range → Enter Work Order and Search by Work Order ID (log number) → Click on Work Order and Print.

Schedule P/E Officer > Complete ‘Traffic Officer Notice to Attend Impound Hearing’ and fax/email to corresponding parking enforcement office → Check confirmation sheet reads ‘OK’.

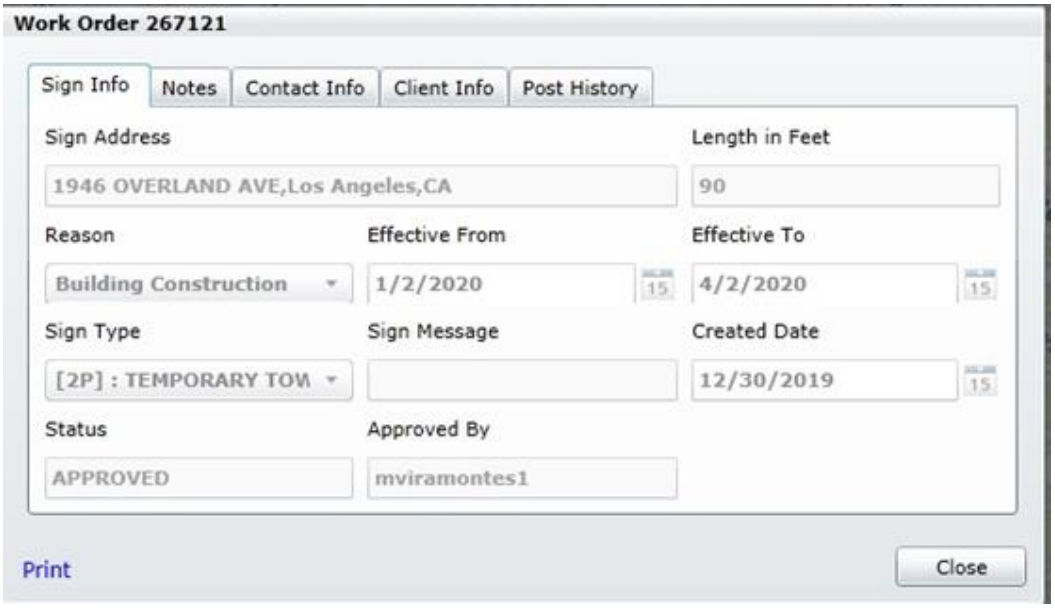
Request for Impound Hearing

1. Check email and fax machine for ‘Request for Impound Hearing’ sheets.

2. IMPORTANT: Check the ‘Request for Impound Hearing’. If the Respondent has not picked up their vehicle then mark Activity log as URGENT, contact Respondent, and schedule a hearing within 24 to 72 hours.

3. Check Towing Officer’s schedule for available times/dates and schedule per Officer’s schedule → Check the West Los Angeles Fiscal Post Impound Calendar for hearing availability → List 5 dates/times for Respondent to choose from.

    - AM → 8:30 AM only
    - MID → 9:30 AM & 1:30 PM → 2:30 PM (HWD only)
    - DAY/Bikes → 9:30 AM & 1:30 PM
    - LATE MID → 1:30 PM & 2:30 PM
    - PM → 2:30 only



    - URGENT → 10:30 AM

4. Call Respondent to schedule a date and time based on the information documented in Step 3 → Document date/time Respondent agrees to hearing date on 'Request for Impound Hearing' sheet in the Comments section.

   If no answer then leave a message and document the date/time called in the Comments section on the 'Request for Impound Hearing' sheet.

5. Create a Post Impound (PI) number for the dummy ticket using the following convention:

   PI → Last digit of current year → One (until 2022) → three digit Julian calendar date → First four digits of License Plate # or Last 4 digits of VIN #

   Write PI number in RED on top of the 'Request for impound Hearing' sheet.

Hearing Packages

When creating Hearing Packages, put documents in the following order and use blue, green, yellow, purple, or manila folders as holders. RED folder is for URGENT hearings only.
Activity log

Request for Impound Hearing

180 – Vehicle Report (if CVC 22651 is a K → use 2nd page of report / call parking enforcement office to obtain)

eTIMS hearing schedule

Traffic Officer Notice to Attend Impound Hearing fax or email

Traffic Officer Notice to Attend Impound Hearing fax confirmation / receipt

Officer's confirmation of Traffic Officer Notice to Attend

Notice of sign posting and Work Order, if CVC 22651 is L → M → R

Mark Order information or information received from VIPU, if CVC 22651 is K

Street Enforcement Notes for all CVC codes

eTIMS Record Detail → eTIMS Record Detail 2 → Street Enforcement

Traffic Officer Photos

Current OPG Tow Receipt (print on day of hearing - URGENT / Boot Tow hearings only)

DMV printout, if CVC 22651 is J → O

Ticket Facsimile

Communication → letters, emails, Respondent's evidence etc.

Section 9: 411, 412, and 413 Letters

These letters are sent out when a respondent requesting a Post Impound hearing either has been unable to be contacted or has their case closed out. These letter types are named after their eTims disposition code and are as follows:

411 - Respondent is unable to be reached by phone, usually because their voicemail is full or has not been set up. A 411 letter is then generated and sent out to the respondent's address provided on their hearing request form with the instructions to call Parking Adjudication to schedule a hearing. The letter also states a deadline of 10 business days from the date of the letter **(See Example 10)**.

412 - Respondent had a scheduled hearing date but did not show up. The case is considered closed **(See Example 11)**.

412 (Untimely Written Dec) - A modified 412 letter for respondents who elected to contest their impound with a written declaration but have failed to provide the required documents by the deadline **(See Example 12)**.

413 - Respondent requested a hearing over 10 days after the date on the notice of impound. The case is considered untimely and closed **(See Example 13)**.

<u>Generating 411, 412, 413 Letters</u>
In eTIMS under General Processing, search for the dummy ticket number. Check the box next to the dummy ticket number, click on the dropdown list on the bottom left corner, select "BT/PC/PI Adjudication" from the list, and click on "Process Selected Items" **(See Example 14)**.

To set up a 411 letter, click on “List” in the top right corner, select the Adjudication office, select “Post Impound” as the type, select “411-PI PEND SCHEDULE” from the decision dropdown list, “None” for Waiver/Refund, “Tow” for Action Taken, and “No” for IPP **(See Example 15)**. Click “Save” on the bottom right corner to save these selections, then click on “Review document” on the left side of the page to bring up the letter template. Change the wording of the letter to fit your particular letter type, office location, and respondent information.

In this example 411 letter **(See Example 16)**, we’ll verify the respondent’s name and address, impound date, date the respondent contacted Parking Enforcement, office name, telephone number, and deadline date. After these changes are made, click on “Close” at the top right corner to close this window and bring you back to the previous page. Now click on “Complete Case” to print the letter and hand it to an office manager for signing.

To set up a 412 letter, the instructions are mostly the same. When you get to BT/PC/PI Adjudication page, select 412 from the disposition dropdown and type in the letter (in lowercase) of the CVC violation next to “Insert1” **(See Example 18)**, then click “Review document” to bring up the template. Verify the impound and hearing dates at the top, and also the hearing date in the second paragraph. You will also need to update the phone numbers listed for each office because they are outdated for the time being **(See Example 19)**. You can also remove the redundant wording in the first sentence of the letter, highlighted in green in Example 19.