OFFICE OF OPERATIONS

NOTICE NO. 32 July 14, 1997

TO: All Personnel, Office of Operations

FROM: Director, Office of Operations

SUBJECT: **POST-STORAGE VEHICLE IMPOUND HEARINGS**

EFFECTIVE: **IMMEDIATELY**

PURPOSE

The purpose of this Notice is to remind all Office of Operations personnel of the procedures and reporting requirements for post-storage vehicle impound hearings.

INFORMATION

Recent information from Fiscal Operations Division (FOD) indicated that the Department's vehicle impound hearing procedures are not being followed. The FOD examined 135 impound bills totaling approximately $45,000.00 from Official Police Garages (OPG) throughout the City. In attempting to determine if the bills were valid, FOD found that many bills did not have the required Certificate of No Probable Cause, Form 15.23.2, or the required Employee's Report Form 15.7 documenting the impound hearing officer's rationale for the no probable cause ruling. The FOD stated that incomplete paperwork is costing the City thousands of dollars in refunded impound fees. A post-storage vehicle impound hearing is held to determine if there was probable cause to impound a vehicle and ascertain who will pay related OPG storage/towing fees. This is the only issue considered by the hearing officer and no collateral issues will be considered.

PROCEDURE

All existing Department impound procedures outlined in Manual Section 4/226., are still applicable. Watch commanders who become aware of a person requesting a post-storage impound hearing shall schedule a hearing without delay. The following procedures contain pertinent information on post-storage vehicle impound hearings.

Vehicle Impound Hearing Officers' Responsibilities

Only those supervisors who have received Department-approved training and certification to conduct vehicle impound hearings shall be designated as Vehicle Impound Hearing Officers. Currently, the Supervisory Development, the Basic Detective and the Detective Update courses are the only courses that meet the Department's certification requirement to conduct post-vehicle impound hearings. Supervisors shall conduct hearings only for those vehicles impounded by employees of this Department.

Vehicle Impound Hearing Officers shall determine if probable cause existed to impound the vehicle in question. If probable cause did **not** exist, and the owner or the owner's agent has already paid for the release of the vehicle, the Vehicle Impound Hearing Officer shall:

* Inform the person of the findings and advise that reimbursement will be mailed by FOD in approximately four weeks;

* Complete the applicable portions of the Certificate of No Probable Cause, Form 15.23.2, indicating reimbursement of payment, and forward it to the Commanding Officer, FOD, along with a photocopy of the Official Police Garage (OPG) receipt (obtain from the person and photocopy); and,

* Document the results of the hearing on an Employee Report, Form 15.7 and attach it to the Area records file copy of the Vehicle Report, Form 3.7.

When it is determined that probable cause did **not** exist to impound the vehicle and the fees have **not** been paid, the Vehicle Impound Hearing Officer shall:

* Complete a Certificate of No Probable Cause, Form 15.23.2, indicating release of the vehicle, and issue it to the person;

* Advise the person that release of the vehicle must be secured within 24 hours to avoid additional charges;

* Instruct the person to take the form to the OPG and obtain the release of the vehicle; and,

* Document the results of the hearing on an Employee's Report, Form 15.7 and attach it to the Area records file copy of the Vehicle Report, Form 3.7.

  NOTE: Notification of the 24-hour time limit to secure release of the vehicle shall be documented on the Form 15.7.

When it is determined that probable cause **did** exist to impound the vehicle, the Vehicle Impound Hearing Officer shall:

* Inform the person of the determination and explain the reason for the impound;

* Inform the person that it will be the person's responsibility to pay all fees in order to obtain the release of the vehicle; and,

* Document the results of the hearing on a Form 15.7 and attach it to the Area record file copy of the Vehicle Report, Form 3.7.

If the person disagrees with the decision of the Vehicle Impound Hearing Officer, the person should be referred to the City Clerk's Office. Upon request of the person, the Vehicle Impound Hearing Officer shall give the person a copy of the hearing results.

If there are any questions or if any additional information is required, please contact the Commission Investigation Division, Los Angeles Police Commission, at (213) 485-2102.

B. C. Parks

BERNARD C. PARKS, Deputy Chief
Director
Office of Operations

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