**OFFICE OF THE CHIEF OF POLICE**

**SPECIAL ORDER NO. 13** **April 7, 2003**

**SUBJECT: VEHICLE IMPOUND HEARING PROCEDURES - REVISED**

**PURPOSE:** Legislation and case law allow an impounded vehicle's registered and legal owners of record, or their agents, to request pre-impoundment or post-storage impound hearings to appeal an impound. However, a stipulated judgement has required the Department to revise its vehicle impound hearing procedure. The judgement requires, among other things, impartiality at impound hearings, an opportunity for the individual to confront and cross-examine adverse witnesses, and all hearings to be tape-recorded.

This Order establishes the Area Vehicle Impound Hearing Coordinator, activates the Impound Hearing Summons and Notice, Form 16.27.4 and revises the Department's Vehicle Impound Hearing procedures.

**PROCEDURE:**

I. **IMPOUND HEARING SUMMONS AND NOTICE, FORM 16.27.4 - ACTIVATED.** The Impound Hearing Summons and Notice, Form 16.27.4, is activated.

A. **Use of Form.** This form is used to notify an impounding officer to appear as a witness at an impound hearing.

B. **Completion.** This form is self-explanatory and shall be completed by the Officer in Charge, Area Detective Section or his/her designee.

C. **Distribution.**

1 – Original maintained at the respective Area Detective Section.
1 – Copy provided to the officer(s).

**2 - TOTAL**

II. **GENERAL INFORMATION – VEHICLE IMPOUND HEARINGS.**

**Types of Hearings:**

***** Pre-Impound Hearings; and,

***** Post-Impound Hearings.

A pre-impound hearing is held to determine if probable cause exists to remove a parked vehicle in violation of Section 80.77(a) of the Los Angeles Municipal Code (LAMC) 72-hour parking restriction or 22669 (a) California Vehicle Code (CVC) abandoned vehicle.

Post-impound hearings are held to determine whether probable cause existed to impound a particular vehicle and to determine who is responsible for the payment of the impound and/or storage fees.

**Note:** Supervisors shall conduct hearings only for those vehicles impounded by employees of this Department.

**Time Limit.** Unless mutual arrangements are made to the contrary, all post-storage vehicle impound hearings shall be held within 48 hours of receipt of a written, telephonic, or personal request by the registered owner or legal owner of an impounded vehicle or their agent.

All vehicle impound hearings shall be conducted and available to the appellant (i.e., legal owner, registered owner or their agent) Monday through Friday, excluding holidays. The hearing times shall be conducted during normal business hours as established by each Area.

## III. IMPOUND HEARINGS-EMPLOYEE'S RESPONSIBILITY.

**A. Pre-Impound Hearings.** A Department employee receiving a request for a pre-impound hearing shall:

- ***** Check the duplicate Warning of Parking Violation File to determine if the request is within the 24-hour time limit; and,
- ***** Direct the appellant to the Area Vehicle Impound Hearing Coordinator to schedule a hearing and provide the Area Vehicle Impound Hearing Coordinator a copy of the Vehicle Report, CHP Form 180.

**B. Post-Impound Hearings.** A Department employee receiving a request for a post-impound hearing shall:

- Determine if the vehicle was impounded from within the employee's Area/division. If not, contact the appropriate Area Vehicle Impound Hearing Coordinator and schedule a hearing for the appellant;
- If impounded from within the Area of the request, obtain a copy of the Vehicle Report, CHP Form 180;
- Confirm that the request is within the 10-day time limit;

  **Note:** The 10-day period may be extended by the Area Vehicle Impound Hearing Coordinator.

- Direct the appellant to the Area Vehicle Impound Hearing Coordinator to schedule a hearing; and,
- Provide the Area Vehicle Impound Hearing Coordinator with a copy of the Vehicle Report, CHP Form 180.

**IV. IMPOUND HEARINGS – AREA VEHICLE IMPOUND HEARING COORDINATOR'S RESPONSIBILITY.** The auto theft detective coordinator is designated as the Area Vehicle Impound Hearing Coordinator and shall monitor and supervise impound hearing procedures. All vehicle impound hearings shall be conducted at the Area where the impound occurred. Hearings shall only be conducted by employees of a supervisory rank, who have received Probable Cause Vehicle Impound Hearing Procedures training and are assigned to the Area Detective Section - Auto Theft Unit.

**Exception:** If the impounding employee is assigned to the Area Detective Section–Auto Theft Unit, a detective supervisor trained in impound hearing procedures, other than a supervisor assigned to the Area Detective Section–Auto Theft Unit shall conduct the hearing.

Impound hearings for vehicles impounded by traffic division units or non-patrol units shall be conducted within the Area of impoundment.

Upon receiving a request for an impound hearing, the Area Vehicle Impound Hearing Coordinator shall:

- Schedule an impound hearing within 48 hours of the request unless mutually waived by the requesting party and the Department.

* Notify the impounding officer(s) of the hearing date, time and location. Inform the impounding officer(s) that he/she shall be present at the impound hearing. Notification shall be attempted first in person by serving the officer(s) with the Impound Summons and Notice, Form 16.27.4. (Service of the Impound Summons and Notice shall be in accordance with Manual Section 3/210). Department procedures governing court and administrative hearing appearances (e.g.,sick, training) shall apply to impound hearings. Additionally, appearance by a sworn employee of the rank of Lieutenant or below at an impound hearing outside of normal duty hours shall be in accordance with the court time provisions of Memorandum of Understanding No.24 Article 6.3. When in-person notification is not possible, telephonic notification shall be attempted.

  **Note:** Telephonic notification should be accompanied by a facsimile of the Impound Summons and Notice form, when possible.

V. **DOCUMENTATION OF VEHICLE IMPOUND HEARINGS.** All vehicle impound hearings shall be conducted in person and tape-recorded to facilitate the testimony and cross-examination of the impounding officer(s) and witnesses.

Recordings shall be retained in accordance with established Department procedures outlined in Manual Sections 3/569.20 and 3/569.40.

The Area Vehicle Impound Hearing Coordinator shall retain all material in accordance with record retention guidelines and a roster of those participating in the impound hearing. These records shall be stored at the Area where the impound hearing occurred for a period of **three years.**

**FORM AVAILABILITY:** The Impound Hearing Summons and Notice, Form 16.27.4, will be available for ordering from the Department of General Services, Distribution Center, in about 90 days, and will be placed on the Department's Local Area Network. A copy of the form is attached for duplication and immediate use.

**AMENDMENTS:** This Order amends Sections 4/226, 4/226.10, 4/226.15, 4/226.20 and 4/226.30 of the Department Manual.

**AUDIT RESPONSIBILITY:** Each bureau commanding officer shall monitor compliance with this directive in accordance with Manual Section 0/080.30.

**WILLIAM J. BRATTON**
**Chief of Police**

Attachment

**DISTRIBUTION "A"**