

LOS ANGELES POLICE DEPARTMENT
Post-Storage Probable Cause Impound Hearing
Expanded Course Outline

Instructional Goal: To provide the student with an understanding of the Post-Storage Probable Cause Impound Hearings

Performance Objectives: Using approved material students will utilize learning activities for the following concepts

- Purpose of hearing
- Due process requirements
- Employee Responsibilities/ Watch Commander and Supervisor Responsibilities/Vehicle impound hearing Officer responsibility
- Probable Cause existed/did not exist
- By the conclusion of the training, students will understand how the application of this training is in keeping with our Department's expectations, policies, philosophies, and community expectations.

I. Orientation

A. Instructor Introduction

1. The instructor will explain the lesson instructional goals and performance objectives

II. Purpose of Post Impound Hearings

A. To Determine validity of vehicle storage

1. Procedure is outlined in 22852 of CVC

B. To Determine who is responsible for payment of Impound and Storage fees

III. Due Process Requirements for Impound Hearings

A. Affords grievant an opportunity to be heard at a meaningful time and manner

B. Presents a method to test the factual basis of the tow and storage

C. Provides a procedure to assure reliability of the determination that the seizure and detention was justified

D. An impartial hearing officer must conduct the hearing

E. The grievant, a vehicle's registered owner, legal owner, or their agent, requesting the hearing must be given an adequate notice to be heard

1. Request may be done by telephone, writing or in person

F. Provides the grievant has an opportunity to be heard and to defend his rights

G. Documents/ evidence must be disclosed to the grievant to show the impound was proper

H. Provides opportunity for the grievant to confront and cross-examine adverse witnesses

LOS ANGELES POLICE DEPARTMENT
Post-Storage Probable Cause Impound Hearing
Expanded Course Outline

IV. Department Employee's responsibility of citizen inquiries

- A. Determine if vehicle was impounded by department employee
 - 1. If impounded from **within** employee's area/ division, refer the vehicle owner to the watch commander or designated supervisor
 - 2. If impounded from **outside** employee's area / division, refer the vehicle owner to appropriate area/ division
 - 3. If outside agency impounded vehicle, refer to the agency for hearing
 - a. Department of Transportation (DOT) supervisors responsible for hearing of any vehicle impounded by DOT
 - (1). Recovered stolen vehicle is the exception

V. Department Watch Commander / Supervisor Responsibility

- A. Obtain copy of vehicle report
- B. Confirm the hearing request is with the 10-day limit
 - 1. Hearing may be provided beyond 10-day limit if in best interest of Dept. and public
- C. Schedule hearing within 48 hours excluding weekends and holidays
 - 1. The 48-hour time from may be waived by the mutual agreement of the grievant supervisor
 - a. If time not waived and the Dept fails to provide hearing within 48 hours, the Department pays all fees
 - b. If grievant fails to appear at scheduled hearing, the grievant loses any future right to a hearing
- D. Watch commander shall designate a trained, certified impound hearing officer, who neither directed nor approved the impound of vehicle to conduct the hearing
 - 1. Hearing must be conducted by a Supervisor
- E. Determine if the grievant wishes to have impounding employee present
 - 1. The grievant has this right
 - 2. Subpoena officer to hearing with Form 16.27.04
 - 3. Failure of impounding employee to appear would necessitate the Dept and City to pay all fees
- F. Advise the grievant to bring copy of the OPG bill if already paid for release of vehicle
 - 1. Grievant can have hearing before or after vehicle was released

VI. Vehicle Impound Hearing Officer's Responsibility

- A. Confirm hearing date, time and location
 - 1. Hearing can be done at station or mutually agreed upon location
- B. Obtain copies of impounding officer's reports

LOS ANGELES POLICE DEPARTMENT
Post-Storage Probable Cause Impound Hearing
Expanded Course Outline

- C. Note the impound authority used at time of impound
 - 1. The authority cannot be changed once vehicle is in storage
- D. Consider inspecting site of impound
- E. Consider interviewing impounding employees
- F. Prepare photocopies of related reports if requested by grievant
 - 1. Do not provide confidential information
- G. Record the hearing
- H. Maintain Order Release/Reimbursement Request Report (Form 15.23.04) and recording for three years

VII. Probable Cause Existed

- A. Inform grievant of determination and explain reason for impound
 - 1. If grievant disagrees with decision, advise the right to submit a Claim for Damages with the City Clerk's Office
- B. Inform grievant they are responsible for all fees in order to obtain release of vehicle
- C. Complete Order Release /Reimbursement Report

VIII. Probable Cause did not Exist

- A. Fees not paid
 - 1. Order vehicle released via 15.23.04
 - 2. Advise grievant to pick up vehicle within 24 hours or additional charges will incur
 - 3. Send 15.23.04, CHP 180 and OPG invoice to CID
- B. Fees already paid
 - 1. Obtain copy of tow bill/invoice from grievant
 - 2. Send 15.23.04, CHP 180 and OPG invoice to CID