5-01/080.00 - Notification and Hearing Procedure for Stored or Impounded Vehicles

When a member of this Department directs the storage or impound of a vehicle for any reason, the registered and legal owners shall be notified pursuant to 22852 CVC. If the vehicle has been impounded per 14602.6 CVC, the notice shall be sent by certified mail, return receipt requested, to the legal owner of the vehicle. A notice of such storage/impound shall be mailed or personally delivered to the registered and legal owners within 48 hours, excluding weekends and holidays.

If the registered owner, legal owner, or agent notifies the watch commander within 10 days of the vehicle removal, that they requests a hearing ("Stypmann Hearing"), a date for the hearing shall be set upon request and recorded in the watch commander's log. The hearing shall be conducted within 48 hours of the request, excluding weekends and holidays.

The purpose of a Stypmann Hearing is to determine if the vehicle was lawfully removed (stored or impounded). There are several other provisions of law that authorize the release of vehicles, at the owner's expense (refer to section 5-01/090.00) in cases where the vehicle was lawfully impounded.

The hearing shall be conducted by the watch commander, as the hearing officer, so long as they are not the same person who directed the storage/impound of the vehicle. The registered owner, legal owner, or agent who requested the hearing is referred to as the "claimant."

A hearing officer is authorized and should be prepared to take immediate steps to confirm or disprove the claim. The hearing officer shall describe the reason for the storage/impound of the vehicle and objectively evaluate any explanation, and/or evidence the claimant produces as proof of the lawful operation or lawful parking of the vehicle.

If the hearing officer determines that the vehicle was lawfully stored/impounded, they shall inform the claimant of the decision and:

- Explain to the claimant their responsibility for administrative, towing, and storage fees (if all apply);
- Advise the claimant, if dissatisfied, they may submit a written appeal, directed to the unit commander, describing their reasons for disagreement with the decision; and
- Following the unit commander's review, if the claimant is still dissatisfied with the result, they are entitled to file a "Claim for Damages" (form number SH-AD-672) directed to the Board of Supervisors' Office for reimbursement.

If the hearing officer determines that the vehicle was erroneously stored/impounded, they shall:

- Order the immediate release of the vehicle at no expense to the claimant. The claimant who prevails in a Stypmann Hearing is entitled by law to recover their fees. A hearing officer may not grant the release of a vehicle without also awarding fees;
- Prepare a SH-AD-599 form (with towing and storage bill attached) indicating why it is a proper county charge;
- If the claimant has already paid the towing and storage fees for release of the vehicle, ensure that the claimant is reimbursed the fees charged by the tow company. Prepare a SH-AD-599 form (with towing

and storage bill attached) indicating why it is a proper county charge; and

- If the claimant has not had their vehicle released, the hearing officer shall waive the administrative fee, order the immediate release of the vehicle, and notify the contracted tow company/garage to bill the station/unit for the accrued towing and storage fees. The hearing officer shall prepare a SH-AD-599 form explaining the expense and submit the form though their respective division's headquarters budget aide/representative for review.

The SH-AD-599 form shall then be routed through the respective division's headquarters budget aide/representative for review. After review, the SH-AD-599 form shall be forwarded to Fiscal Administration - Accounts Payable Unit, for payment to the tow company/garage. A claim for the administrative fee paid to the Sheriff's station/unit shall be forwarded to Financial Programs - Special Accounts Unit, for reimbursement to the claimant.

After the hearing, the hearing officer shall note the finding of their hearing on a SHâ€˜AD-131. This shall be attached to the file copy of the original report.