Station Order 007 - Stypmann Hearings and Impound Hearings

There are two types of hearings that will be conducted by a person of the rank of lieutenant regarding storage of impounded vehicles. A lieutenant may not hear the hearing(s) who directed the storage of the vehicle. Hearings may be conducted on all three shifts, seven days a week. All hearings will be recorded in the Stypmann/Impound log book in the Watch Commander's office. The logs will be maintained for one year.

"Stypmann" hearings are required because of a 1977 Federal Court case, Stypmann et. al. vs. City and County of San Francisco. These hearings are required if requested by the vehicle's owner when their vehicle was stored because of an arrest, or parking violation. Hearings can also be requested when a vehicle is impounded per California Vehicle Code Section 14602.6, when a vehicle is impounded because the driver had a suspended or revoked license, or has never been issued a license. **This section does not apply to a person whose driver's license has expired.**

A notice is mailed to the registered owner by the patrol secretary, advising them of the available hearing. A hearing, which must be requested within ten days of the storage, should be conducted within 24 hours of the request. A "Stypmann" hearing is not required for recovered stolen vehicles, vehicles held as evidence, or "other impounds" (refer MPP 5-01/080.00). The manual mandates that a lieutenant hold a "Stypmann" hearing.

Impound Hearings

Impound hearings for vehicles impounded re: unlicensed drivers or drivers with suspended or revoked licenses are required, if requested, since the 1995 enactment of 14602.6 CVC (30-day impound).

Documentation of Stypmann and Impound Hearings

- Log both types of hearings in the Watch Commanders's hearing log book.
- Review station URN files and the hearing log before any hearing to determine if the requestor already had a hearing and ascertain the result of that hearing.
- After the hearing, the lieutenant shall note the finding on a memorandum (SH-AD-32) documenting the reason the vehicle was released or held. This memorandum shall be placed in the station file(s) under the appropriate URN number.

Release Procedures

Stored vehicles do not require a "Release of Vehicle Hold" for the owner to pick up their car.

Impounded vehicles require a "Release of Vehicle Hold" (SH-CR-94) only if the vehicle is to be released before the 30-day time period expires. The lieutenant shall inform the registered owner of the decision to release the vehicle before the 30-day time period and:

- Give copy of the “Release of Vehicle Hold” to the registered owner so the tow company will release their vehicle.
- Have the station secretary remove the car from SVS as impounded.
- Put a copy of the “Release of Vehicle Hold” in the station file.
- Put Hearing Lieutenant’s memorandum in the station URN file.

Improperly Stored or Impounded Vehicle

If the Hearing Lieutenant determines that the Department is responsible for the towing and storage fees, he shall:

- Call the tow company and arrange the release of the vehicle without charge to the owner.
- Request the tow company send the bill to the station.
- Complete SH-AD-599 to document the reason Fiscal Services should pay the fees.
- Forward the bill and SH-AD-599 to Industry Station Operations.

Appeal by Vehicle Owner

If the owner disagrees with the Hearing Lieutenant’s decision that the towing/storage fees are not the county’s responsibility, he may file a “Claim for Damages,” by filling out either the county claim form (AS 58-1) or the Department claim form (SH-AD-672).

Vehicles Impounded as Evidence

In cases where vehicles are towed and impounded as evidence such as:

- The registered owner is not the suspect of the crime and their vehicle is impounded so Scientific Services can process the vehicle for prints, recovery of bullets, etc.

The Department will pay, upon request by the vehicle’s owner, the costs of towing and storage to complete the evidence search.

The Hearing Lieutenant shall:

- Telephone the tow company and have them release the vehicle and bill the station. This will suffice to affect the immediate release of the vehicle to the owner without charge.
- Prepare a SH-AD-599 (with towing and storage bill attached) indicating why it is a proper County charge and submit it to Industry Station Operations.
- If the registered or legal owner of the vehicle has already paid the towing and storage fees for the release of the car, ensure that the tow company reimburses the legal owner. Prepare a SH-AD-599 (with towing and storage bill attached) indicating why it is a proper County charge and submit it to

Industry Station Operations.

- After the hearing, the Hearing Lieutenant shall note the finding on a memorandum (SH-AD-32), documenting the reason the vehicle was held. This memorandum shall be placed in the station URN file(s) under the appropriate URN number.

Early Release of Vehicles Impounded for 30-Days

At the discretion of the Hearing Lieutenant conducting a Stypmann Hearing, special consideration may be given to registered owners and the vehicle may be released before 30 days under, but not limited to, the following circumstances:

- The driver was not the registered owner and the registered owner made a **reasonable effort** to determine that the driver was licensed.
- The driver was an employee driving a company vehicle and the employer could not have reasonably known the employee's license status.
- When the lien holder is an auto dealer, bank, lending institution, or rental company, the owner or agent of the company must sign a "Release Agreement" before the early release of the vehicle. It is also suggested that the "Release Agreement" form is signed by the agent or owner in person at the station rather than by fax copying. Identification should be inspected and the agent/owner's authenticity guaranteed.