
Vehicle Impound Hearings

512.1 PURPOSE AND SCOPE

This policy establishes a procedure for the requirement to provide vehicle storage or impound hearings pursuant to ARS § 28-3514 and ARS 28-872.

512.2 NOTICE

Within three business days after immobilization or impoundment, excluding weekends and holidays, the Department shall mail or personally deliver notice of immobilization or storage to the owner of the vehicle.

The notice of immobilization or storage shall include all of the following information:

- A statement that the vehicle was immobilized or impounded.
- The address and telephone number to contact at this department regarding the immobilization or storage.
- The name, address and telephone number of the entity that will provide an immobilization or post storage hearing.
- The location of the place of storage and a description of the vehicle including the manufacturer, model, license plate number and mileage of the vehicle if available.
- A statement that in order to receive an immobilization or post storage hearing the owner, the spouse of the owner, the owner's agent or the person identified in the department's records as having an interest in the vehicle shall within ten days after the date on the notice either:
 - Request an immobilization or post storage hearing by contacting this department in person or in writing or by filing a request.
 - Paying the prescribed fee pursuant to ARS § 22-281.

512.3 STORED OR IMPOUND HEARING (TOWS PER 28-3511)

When a vehicle is stored or impounded by any member of the Peoria Police Department, a hearing will be conducted upon the request of the owner of the vehicle to determine if probable cause existed for the removal and placement of the vehicle.

The vehicle owner, spouse of the owner or other person having an interest in the vehicle shall have an opportunity for a single post storage hearing for the release of the vehicle by this department (ARS § 28-3514(I)).

The hearing shall be conducted within five business days, excluding weekends and holidays, after the Department receives the request (ARS § 28-3514(F)). The hearing officer must be a person other than the person who directed the storage or impoundment of the vehicle.

The post storage hearing may be (ARS § 28-3514(A)):

- Conducted within this department's jurisdiction.
- Conducted telephonically.

Peoria Police Department

Policy Manual

Vehicle Impound Hearings

512.3.1 HEARING PROCEDURES (28-3514)

The vehicle storage hearing is an informal process to evaluate the validity of an order to store or impound a vehicle. The employee who caused the storage or removal of the vehicle does not need to be present for this hearing.

All requests for a hearing on a stored or impounded vehicle shall be submitted in person, in writing or by telephone, within 10 days of the date appearing on the notice (ARS § 28-3514(G)). The Special Enforcement Section Lieutenant or Designee will generally serve as the hearing officer. The person requesting the hearing may record the hearing at his/her own expense.

The failure of either the registered or legal owner or interested person or his/her agent to request a hearing in a timely manner or to attend a scheduled hearing shall be considered a waiver of and satisfaction of the post-storage hearing.

Any relevant evidence may be submitted and reviewed by the hearing officer to determine if reasonable grounds have been established for the storage or impound of the vehicle. The initial burden of proof established by a preponderance of the evidence that the storage/impound was based on probable cause rests with the Department.

After consideration of all information, the hearing officer shall determine the validity of the storage or impound of the vehicle in question and then render a decision. An authorization for release of the vehicle will be in compliance with A.R.S. 28-3512.

- If a decision is made that reasonable grounds for storage or impound have been established, the hearing officer shall advise the inquiring party of the decision that the inquiring party may pursue further civil remedies if desired.
- If a decision is made that reasonable grounds for storage or impound have not been established the vehicle in storage shall be released immediately. Towing and storage fees will be at the Department's expense.
- If a decision is made that reasonable grounds for storage have not been established and the vehicle has been released with fees having been paid, the receipt for such fees will be forwarded to the Special Enforcement Section (SES) Lieutenant. The hearing officer will recommend to the appropriate SES Lieutenant that the fees paid by the registered or legal owner of the vehicle in question or the owner's agent be reimbursed by the Department.

512.4 STORED OR IMPOUND HEARING (TOWS PER 28-872)

If a police officer removes or causes the removal of a vehicle as permitted by A.R.S.28-872, the public agency employing the officer shall provide the registered owner of the vehicle or the registered owner's agent with the opportunity for a poststorage hearing to determine the validity of the removal. This hearing shall be conducted within forty-eight hours after a request, excluding weekends and holidays.

The public agency employing the officer may authorize its own officer or employee to conduct the hearing if the hearing officer is not the same person who removed or caused the removal of the vehicle. The public agency employing the officer who removes or causes the removal of the vehicle is responsible for the costs incurred for towing and storage if it is determined at the hearing that probable cause for the removal cannot be established.

Peoria Police Department

Policy Manual

Vehicle Impound Hearings

512.4.1 HEARING PROCEDURES (28-872)

All requests for post storage hearings will be processed within 48 hours, excluding weekends and holidays. The post storage hearing will be conducted by a Traffic Services Supervisor or the Vehicle Impound Coordinator either telephonically or in person (the hearing cannot be held by the same officer which towed the vehicle.) The post storage hearing will determine if there was probable cause to tow the vehicle and that towing was in compliance with Peoria Police Department Policy. If it is determined that the tow does not meet those standards, the towing and storage fees will be paid by the Peoria Police Department. If the hearing determines the tow was within policy, the vehicles registered owner will be responsible for all towing and storage fee. A Post Storage Hearing form will be completed by the person conducting the hearing and filed with the original report.