

# POLICE DEPARTMENT HANOVER PARK, ILLINOIS



DIRECTIVE: 275-P

REFERENCE STANDARDS:

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SUBJECT: Special Towing and Impounding Requirements - Pursuant to Lawful Arrests

PURPOSE: To Provide Direction related to seizure and impoundment of vehicles, pursuant to Section 62-5-001 of the Municipal Code of Hanover Park.

POLICY: It is the policy of the Hanover Park Police Department that a motor vehicle, operated with the permission, express or implied, of the owner of record, that is used in connection with violations enumerated in Sec. 62-5-001 of the Municipal Code of Hanover Park, shall be subject to seizure and impoundment, and the owner of record of said vehicle shall be liable to the Village for an administrative penalty, in addition to any towing and storage fees.

DEFINITIONS:

**OWNER -** means a person who holds legal title to a vehicle, or the right to possession of a vehicle as contained in the vehicle registration records of the state in which the vehicle is registered.

**VEHICLE -** means any "motor vehicle" as defined by State Statute or the Municipal Code of the Village of Hanover Park.

**I. IMPOUNDING AND TOWING OF VEHICLES USED IN CONNECTION WITH ILLEGAL ACTIVITIES SUBJECT TO SEC. 62-5-001 OF THE MUNICIPAL CODE OF HANOVER PARK**

- A. Whenever a police officer has probable cause to believe that a vehicle is subject to seizure and impoundment pursuant to ordinance, the police officer shall provide for the towing of the vehicle to a facility authorized by the Village. **Vehicles shall not be seized under this procedure when held for evidence in conjunction with a felony or when being held, pending forfeiture proceeding.**
- B. Before or at the time the vehicle is towed, the police officer shall notify any person identifying himself as the owner of the vehicle, or any person who is found to be in control of the vehicle at the time of the alleged violation, of the fact of the seizure, and of the vehicle owner's right to request a preliminary vehicle impoundment hearing to be conducted under this section. This person shall be provided with the notice of seizure [Form 275-P, (Appendix A)]

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**POLICE OPERATIONS MANUAL**

**Dir.#: 275-P**  
**Rev: 02/04/2020**

**Issued: 08/16/2005**

**Eff: 08/16/2005**

**VILLAGE OF HANOVER PARK**

**Rescinds:**  
**Auth:**

- C. At the time the vehicle is towed, the officer shall inform the tow companies that this is a vehicle towed under this ordinance and is eligible for release only after the posting of a cash bond. A tow report, (Appendix B) shall be completed and submitted to the tow company with the fields "Reason for Tow," and "Reason for Holding," will be filled out "Impound" and "Vehicle Eligible for Release" will be marked, "No".
- D. The officer impounding the vehicle will ensure that the passengers of the impounded vehicle are provided transportation to the police station for purposes of securing alternative transportation. The passenger(s) of the impounded vehicle may decline transportation to the police station, in which case the officer shall document in the Incident/ Offense report that the offer of transportation was offered and declined.
- E. The police officer impounding the vehicle shall ensure that all necessary information regarding the impounded vehicle is recorded electronically in Dacra.
- F. Except in DUI cases, the police officer impounding the vehicle will complete and sign the Vehicle Impound Synopsis Sheet and have the form notarized. [Form 275-P, (Appendix C)].
- G. The police officer impounding the vehicle will complete a Vehicle Seizure Cover Sheet. [Form 275-P, (Appendix D)].
- H. The records clerk on duty shall enter the towed vehicle in LEADS as "Towed and Impounded Vehicle."
- I. Desk personnel are required to receive the posting of a cash bond in the amount of the administrative penalty from the owner of the vehicle. Upon receiving this cash bond, desk personnel will provide a receipt and paperwork authorizing release of the vehicle from the appropriate tow company [Form 275-P, (Appendix E)]. The Records Clerk on duty shall then remove the vehicle from LEADS.
- J. Desk personnel will update the Towed/Impounded Vehicle Log book when the impounded vehicle is released, to indicate the vehicle has been released.
- K. Records personnel shall forward a copy of all documents pertaining to impounded vehicles to the Strategic Enforcement and Prevention (SEP) Officer.

## II. PRELIMINARY HEARING

- A. If the owner of record of a vehicle seized pursuant to this section desires to appeal the seizure, said owner must make a request for said hearing within 24 hours of the seizure.
- B. Said request shall be in writing and filed with the on-duty supervisor who shall conduct such preliminary hearing within 24 hours after receipt of the request. [Form 275-P, (Appendix F)].

- C. The Preliminary Hearing shall be conducted pursuant to the provisions of Village Ordinance 62-5-001.
1. In the event that a vehicle is seized and impounded pursuant to 62-5-001 for the offense of No Valid Drivers License, when the basis for the arrest is that the driver possessed a properly issued and valid Illinois Temporary Visitor's Drivers License and did not produce valid proof of automobile insurance as required;
- a. If the owner provides valid proof that the impounded vehicle was covered by a legally qualifying automobile insurance policy AT THE TIME THAT THE VEHICLE WAS IMPOUNDED, the supervisor conducting the Preliminary Hearing shall rule in favor of the vehicle owner and release the vehicle without penalty or other fees. The supervisor conducting the hearing shall attach a copy of the proof of insurance to the REQUEST FOR APPEAL OF VEHICLE SEIZURE form and a copy to the arrest case file.
- D. It will be the responsibility of the on-duty patrol shift supervisory personnel to complete the lower portion of the REQUEST FOR APPEAL OF VEHICLE SEIZURE form [Form 275-P, (Appendix G)] after conducting the preliminary hearing.

### III. HEARING

- A. Within ten days after the vehicle is seized and impounded, pursuant to this section, the Village shall notify, by certified mail, return receipt requested, the owner of record of the date, time, and location of a hearing that will be conducted, [Form 275-P, (Appendix H)].
- B. The hearing shall be scheduled and held, unless continued by order of the hearing officer, no later than 45 days after the vehicle was seized.
- C. It is the responsibility of the Strategic Enforcement and Prevention (SEP) Officer to compile the cases on a weekly basis and ensure the certified mailings are sent. A designated person will back up that position from the Clerical Staff.
- D. The Strategic Enforcement and Prevention (SEP) Officer shall attend the regularly scheduled hearings. It will be the SEP Officer's responsibility to bring all individual case files. If the owner of record appears at the hearing, it is the SEP Officer's responsibility to present evidence from the case file before the hearing officer.
- E. At the conclusion of the hearing, the Strategic Enforcement and Prevention (SEP) Officer will file necessary papers, [Form 275-P, Appendix H)] for action for default orders or immediate return of the vehicle or cash bond.

### IV. RELEASE OF IMPOUNDED VEHICLES

- A. Desk personnel are required to receive the posting of a cash bond in the amount of the administrative penalty from the owner of the vehicle. Upon receiving this cash bond,

desk personnel will provide a receipt and paperwork authorizing release of the vehicle from the appropriate tow company with the following restrictions.

1. Motorists issued citations for Driving While License Suspended/Revoked **and a citation related to mandatory insurance requirements**, the impounded vehicle may be released to any licensed driver upon;
  - a. Showing proof of insurance for the vehicle; and
  - b. Showing notarized written consent for the release by the vehicle owner.
  - c. Payment of applicable fees incurred by the towing agency for towing and storage.
2. Motorists issued citations for Driving While License Suspended/Revoked, the impounded vehicle may be released to any licensed driver upon;
  - a. Payment of applicable fees incurred by the towing agency for towing and storage.
3. Motorists arrested for an arrest warrant for Failure to Appear in Court for Driving While License Suspended/Revoked or Driving Under the Influence. The impounded vehicle may be released to any licensed driver upon;
  - a. Payment of applicable fees incurred by the towing agency for towing and storage.
4. Motorists charged with the offense of Driving Under the Influence of Alcohol, Other Drug or Drugs, Intoxicating Compound or Compounds or any combination thereof **and a citation related to mandatory insurance requirements**:
  - a. Showing proof of insurance for the vehicle; and
  - b. Showing notarized written consent for the release by the vehicle owner.
  - c. Payment of applicable fees incurred by the towing agency for towing and storage.
  - d. After a waiting period of not more than 12 hours after the time of arrest, except if;
    1. The vehicle was not owned by the person charged and the lawful owner requesting the vehicle release possesses as valid driver's license, proof of insurance and would not indicate a lack of ability to operate a vehicle in a safe manner; [625 ILCS 5/4 -203(e)(1)] or
    2. The vehicle is owned by the person charged and the person gives permission to another person to operate such vehicle, provided however, that the other person possesses a valid driver's license, proof of insurance and would not indicate a lack of ability to operate a vehicle in a safe manner. [625 ILCS 5/4-203(e)(2)]

5. Motorists charged with the offense of Driving Under the Influence of Alcohol, Other Drug or Drugs, Intoxicating Compound or Compounds or any combination thereof:
  - a. Payment of applicable fees incurred by the towing agency for towing and storage.
  - b. After a waiting period of not more than 12 hours after the time of arrest, except if;
    1. The vehicle was not owned by the person charged and the lawful owner requesting the vehicle release possesses a valid driver's license, proof of insurance and would not indicate a lack of ability to operate a vehicle in a safe manner; [625 ILCS 5/4-203(e)(1)] or
    2. The vehicle is owned by the person charged and the person gives permission to another person to operate such vehicle, provided however, that the other person possesses a valid driver's license, proof of insurance and would not indicate a lack of ability to operate a vehicle in a safe manner. [625 ILCS 5/4-203(e)(2)].
6. Motorists charged with the offense of No Valid Drivers license (expired for a period greater than one year).
  - a. The impounded vehicle may be released to any licensed driver upon showing proof of;
    1. Notarized written consent for the release by the vehicle owner.
    2. Payment of applicable fees incurred by the towing agency.
7. Motorists issued citations for No Valid Driver's License and Mandatory Insurance violations shall have their vehicle towed and impounded pursuant to Illinois Compiled Statute, (625 ILCS 5/6-10 and Article V, Sec. 62-5-001).
  - a. The impounded vehicle may be released to any licensed driver upon showing proof of;
    1. Insurance for the vehicle.
    2. Notarized written consent for the release by the owner.
    3. Payment of applicable fees incurred by the towing agency.
  - b. Vehicles towed and impounded, pursuant to these sections, require visual inspection of submitted documents prior to the authorized release of the vehicle. Visual inspections shall be conducted during normal business hours.
8. Motorists charged with those other offenses listed under Article V, Sec. 62-5-001 not mentioned above;

- a. The impounded vehicle may be released to any licensed driver upon showing proof of;
  1. Notarized written consent for the release by the vehicle owner.
  2. Payment of applicable fees incurred by the towing agency.

V. VEHICLE DISPOSITION PROCEDURE

- A. See Directive 272-P, Section IX.