

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

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March 2, 2005

File No.: 365.11759.GrandJury

Solano Superior Court
600 Union Ave.
Fairfield, CA 94533

Attention: Peter B. Floor
Presiding Judge of the Superior Court

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**SOLANO COUTY
GRAND JURY**

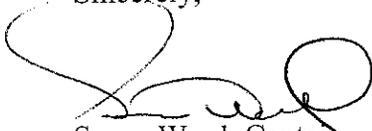
This is in response to the 2004-2005 Solano County Grand Jury Report Entitled: Solano County Towing Policies: "To Tow or Not to Tow" dated March 1, 2005. In this report the Grand Jury requests a response in writing to the Findings and Recommendations contained in the report pursuant to Penal Code 933.05. The following information is in response to your request regarding the California Highway Patrol's (CHP) towing procedures. As noted in the report the California Highway Patrol has a comprehensive towing and storage policy. Procedures and charges are clearly spelled out in the towing contracts and protect the public from excessive towing fees and storage fees. Therefore, there were no recommendations made by the Grand Jury in reference to finding (#9).

In response to recommendation #10, wherein the Grand Jury recommends all agencies appoint independent hearing officers to rule on towing and storage disputes I would like to provide you with our policy regarding post-storage hearings. Whenever an officer directs the storage or impoundment of any vehicle, the Department is required to provide to the registered owner (R/O) and legal owner (L/O) of record, or agent, with the opportunity for a post-storage hearing in person or over the telephone to determine the validity of the storage. The "Notice of Stored Vehicle" (CHP 180) provides the R/O and L/O information regarding the post-storage hearing process. In order to be granted a post-storage hearing, the owner or their agent is required to request a hearing within 10 days of the date on the notice. Whenever a person is contesting the validity of the storage or impoundment of their vehicle Area commanders shall honor a request for a post-storage hearing if it is received at the office or postmarked within the 10-day limit. The Area commander shall designate a lieutenant or sergeant as the hearing officer. A hearing officer may not be the same officer who stored or impounded the vehicle. The hearing shall be conducted within 48 hours of the request, excluding weekends and holidays. Failure to request a hearing or attend the scheduled hearing shall satisfy the requirements for a post-storage hearing. The individual requesting the post-hearing shall be advised of the hearing officer's decision and informed that the Area is not the final level of review (meaning that the finding could change when the hearing is reviewed by Division or Headquarters). In those instances when the

storage/impoundment is found to be lawful and a request is made to appeal the decision, Area personnel shall assist the R/O, L/O or agent by providing the appropriate form. For claims of \$1000 or less they will be provided with a CHP 287. For claims of more than \$1000, a Board of Control form will be provided. The CHP has a very detailed, precise, and fair process for handling post-storage hearings. Thus, it is the opinion of the CHP that appointing a Lieutenant or Sergeant not involved in the disputed storage to oversee the hearing fulfills the recommendation of an "independent hearing officer".

I want to thank you for allowing me the opportunity to respond to your inquiry and provide you with information regarding our post-storage hearing process. If you have any questions regarding this matter please feel free to contact me at (707) 428-2100.

Sincerely,

A handwritten signature in black ink, appearing to read 'Susan Ward', with a large, stylized flourish at the end.

Susan Ward, Captain
Solano Area Commander