

Overview and History

In 2004, the City of Peoria Police Department began a Drug Vehicle Impoundment Program. This program was created as a deterrent to individuals who are involved with illegal narcotics. Illegal narcotics are often transported via the use of a personal vehicle. An individual's vehicle is often one of their most prized and necessary possessions. An idea was formed among officers that in order to reduce the number of individuals who were willing to transport narcotics, a good tactic would be to immediately tow their vehicle. Operation of a motor vehicle is a privilege not a right and law abiding citizens do not appreciate their tax dollars being spent on the maintenance of roadways that are used for the profit of drug dealers or other illegal and offensive behavior.

A vehicle impoundment for drugs works in this way: If an officer finds any amount of any illegal drug and/or drug paraphernalia anywhere inside the vehicle or on anyone inside the vehicle, the vehicle is towed and impounded. The owner or lien holder must pay \$525.00 to the City of Peoria along with towing and storage fees in order to have the vehicle released. If the vehicle is not picked up within 45 days, it is deemed abandoned and remains with the tow company. All impoundments are reviewed by the Asset Forfeiture Officer to determine if they meet the proper criteria, and if proper procedure was followed these vehicles may be seized as well.

Shortly after the first vehicles were towed for drugs, the benefits of the program were recognized. Drug dealers were being impacted immediately and word quickly spread that transporting drugs in your vehicle will get your vehicle impounded by the Peoria Police. Many of the impounded vehicles were permanently seized under Federal Asset Forfeiture Law due to the amount of drugs transported. Patrol officers became even more vigilant in recognizing illegal drug activity knowing that their enforcement action would have an immediate consequence. Many citizens and neighborhood groups thanked the police for making drug dealing a little more costly for the dealers and users.

Officers were also given the authority to impound the vehicles of individuals who are using their vehicles to violate prostitution laws and/or weapon laws. Law abiding citizens have complimented the police for using impoundment as a deterrent to these crimes.

Program Expansion: Driving Suspended or Revoked or while Driving Under the Influence

The program was expanded to include the impoundment of individuals who were driving with a suspended or revoked drivers license and for individuals driving impaired under the influence of alcohol or drugs. These individuals have clearly disregarded the law and made it apparent that they will drive without legal authority. Having the vehicle they are driving impounded sends a clear message that their behavior will not be tolerated. Individuals who are driving impaired due to the use of drugs or alcohol, endanger everyone on the roadway. Impounding their vehicle

serves as another deterrent to discourage endangering their own life and the lives other drivers or pedestrians.

Fleeing and Eluding and Leaving the Scene of an Accident

Once officers saw the value in impoundment they began to make creative suggestions concerning expanding the program. A Traffic Officer suggested impounding vehicles that flee from the police, and vehicles that had been involved in a hit and run accident. Officers are now able to locate the vehicle at a later time, sometimes while the offender is at work or at home, and tow the vehicle. When the owner shows up to have the vehicle returned, he/she now must be accountable for their earlier illegal actions. The practice of having their vehicle impounded by the police for not stopping for the police, or leaving the scene of an accident became more costly. Potential offenders now stop to think before they flee, knowing the cost will be high.

Loud Music Impounds

The impoundment program was taken one step further when we began to impound for having loud music coming from the vehicle. The City of Peoria, like many other communities, has been plagued by individuals driving around with offensively loud music. In numerous neighborhood meetings and as noted in individual citizen complaints, the problem of loud music was a hot topic of discussion. People inside their homes were being disturbed at all hours of the day and night with offensive vulgar lyrics and loud base that rattled their windows and overpowered their televisions sets. Citizens demanded that something be done. The Peoria Police Department had issued hundreds and hundreds of tickets for the offense but it still continued to be a problem. Following much research, deliberation, and debate, an Ordinance was created allowing the police to impound vehicles for loud music. The vehicle can be impounded on the first offense, however; the impound fee is zero. The owner must still pay a \$25.00 administrative fee plus towing, and storage. A second offense will cost an offender \$250.00 plus administrative fees, towing, and storage. All subsequent offenses are \$500.00 not including administrative fees, towing, and storage.

Before a single car was impounded, an enormous drop in the number of offenders was noticed. Officers who were on foot and in their vehicles began to see offenders turning down their radios at just seeing an officer. This type of response from an offender was almost unheard of before the impoundment program. Officers have impounded far fewer vehicles than they ever ticketed and are still seeing a great reduction in the problem. The Peoria Police Department would be happy to never be forced to impound for loud music again. All everyone wants is for people to be more responsible when listening to their music by keeping the volume down. The deterrent effect of impounding for loud music has helped to improve the quality of life for all of our citizens and visitors to our community. Respect for others goes a long way.

Letter to the Owner:

Information Regarding a Towed Vehicle

Secretary of State records indicate you are the last known registered owner or lien holder of the vehicle described on the attached form. This vehicle was towed by the Peoria Police Department.

If you no longer own this vehicle, please do not respond and disregard this notice.

In the event that you retain an interest in this motor vehicle, it is requested that within fifteen (15) days after receipt of this letter you take possession of this vehicle. If you do not wish to take possession of this vehicle, please endorse your certificate of title to the listed tow company, sign your name in the proper space on the reverse side of the title and mail the completed documents to the listed tow company. Failure to take possession of this vehicle will be considered an abandoned vehicle and it will be disposed of as junk or salvage.

Section 30-330 of the Peoria City ordinance states that "a vehicle owner is required to obtain a release form from the Peoria Police Department prior to reclaiming the vehicle or any personal belongings." All releases will have a \$25 administration fee.

To obtain a release, the vehicle owner or lien holder must appear in person at the Peoria Police Department with:

1. appropriate payment for fees;
2. proof of ownership (Title or Bill of Sale) and identification (Driver's License or State Identification Card);
3. a valid driver's license or be accompanied by someone who has one; and
4. proof of valid insurance.

The tow company will have to be paid at their lot for towing and storage fees. Additional fees may be charged by the Tow Company for opening the lot after regular business hours.

Payments must be made in the exact amount of cash, a money order from a local bank or a certified check from a local bank. No other checks will be accepted and no coin is allowed.

The City of Peoria and the Peoria Police Department reserve the right to hold vehicles for investigations and receive penalty for violations of city ordinances upon receiving evidence of such violations and/or the vehicle was towed and then found to have been in violation of an ordinance. The appropriate ordinance violation penalty will be applied. **Nothing precludes the vehicles from asset forfeiture laws. Future certified mailings will be sent for those vehicles that will be filed on for asset forfeiture. In the event that a vehicle is to be returned after asset forfeiture proceedings are unsuccessful, the penalties of the initial impoundment still apply, as do the tow fees.*

****THE FOLLOWING ONLY PERTAINS TO IMPOUNDED VEHICLES****

If your vehicle was impounded because it violated a city ordinance, then a \$500.00 penalty plus a \$25 administrative fee must be paid to the Peoria Police Department, totaling \$525.00, before obtaining a release form. Payments may be made by either the vehicle owner or the lien holder. As with any tow, the tow company will have to be paid at their lot for towing and storage fees. Additional fees may be charged by the Tow Company for opening the lot after regular business hours.

Additionally, lien holders claiming an impounded vehicle must submit a "Hold Harmless" letter, as well as, a letter releasing the vehicle to an agent, if a 3rd party is used.

Continued information regarding Impounded Vehicles only

All drug vehicles that are towed will not be released until a review for forfeiture is complete. Drug vehicles, that are eligible to be released, can be claimed AFTER 2 p.m. the following business day. Please do not call before that time.

Noise impound penalties will be determined according to section 15-77 of Peoria City Code.

Right To Request Hearing

The impound vehicle's owner (s) of record or the lien holder may secure the release of the vehicle, but only the owner (s) of record may request a hearing.

REQUEST WITHIN 12 HOURS AFTER SEIZURE

The vehicle's owner (s) of record may obtain a Preliminary Hearing on probable cause by hand delivering a written request to the Peoria Police Department, 600 S.W. Adams St., Peoria, IL within 12 hours after the seizure of the vehicle.

Request For A Full Hearing

The code of the City of Peoria provides that the owner (s) of record may make a written request for a full hearing before the hearing officer to determine whether the subject vehicle is eligible for impoundment.

The written request for a hearing must be filed with the City of Peoria Legal Department, 419 Fulton Street, Suite 207, Peoria, Illinois, no later than 15 days after the mailing of this notice by certified mail or notice by personal service.

If the owner does not make a timely request for a final hearing, and the administrative penalty and other fees are not paid in full within 30 days, the vehicle will be deemed abandoned and may be disposed of by the city.

VIOLATION OF THE FOLLOWING ORDINANCES MAY RESULT IN A VEHICLE BEING IMPOUNDED:

- NOISE (LOUD MUSIC)
- DRUGS
- WEAPONS
- PROSTITUTION
- DUI
- SUSPENDED DL
- REVOKED DL
- HIT AND RUN
- FLEEING AND ELUDING