

# Ventura County Grand Jury 2011 - 2012



## Final Report

### Vehicle Impound Fees in Ventura County March 16, 2012

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## **Vehicle Impound Fees in Ventura County**

### **Summary**

The 2011-2012 Ventura County Grand Jury (Grand Jury) initiated this investigation into vehicle impound costs in Ventura County (County) based on newspaper articles alleging abusive fees charged by Los Angeles County's City of Bell. This report focuses on the fees charged by the cities and agencies of the County to reimburse administrative costs related to driving without a driver's license, driving with a suspended or revoked driver's license, or driving while under the influence of alcohol or drugs.

Vehicles are towed and impounded when a driver has been found by law enforcement agencies to be driving without a valid driver's license or to be under the influence of drugs or alcohol. High costs may be incurred by the driver/owner when recovering a vehicle from impound. People with lower incomes may find it difficult or impossible to pay the cost of vehicle recovery. This may lead to loss of the vehicle through confiscation and sale by the impounding company.

The Grand Jury requested information with respect to impound fees, procedures, and policies from the Ventura County Sheriff (Sheriff), the ten cities in the County (Cities), and the California Highway Patrol (CHP). The Grand Jury also reviewed California law and performed internet searches for newspaper articles related to the vehicle impound process.

The Grand Jury found that there was no evidence that the Sheriff or any of the Cities, with the exception of the City of Thousand Oaks (Thousand Oaks), were collecting funds beyond the allowable administrative costs related to the removal, impound, storage, or release of the vehicles. Even when recovery fees reached the \$300 level, as identified in a September 5, 2010 Los Angeles Times (Times) article titled "Impounded cars boost Bell's coffers," the fees were justified and in compliance with Vehicle Code section 22850.5. [Ref-01]

In the case of Thousand Oaks, the inclusion of an offset cost for the Thousand Oaks' "Start Smart" driving classes in a vehicle release fee conflicts with the requirements of Vehicle Code section 22850.5, subdivision (a).

The Grand Jury found that all Cities passed resolutions authorizing the collection of the fees required for release of a vehicle from impound. However, the Ventura County Board of Supervisors (Board of Supervisors) has not passed a resolution to cover vehicle release fees in the unincorporated areas of the County.

The Grand Jury also found that there is no countywide standardized list of allowable categories for impound costs used as the basis for calculating vehicle release fees. Some cities base fees on costs that are incurred after a traffic stop transitions to the impound process—traffic citation issued or arrest effected and request for tow initiated—and ends with the vehicle release paperwork. Other cities and the Sheriff collect fees based only on the cost of paperwork generated at the end of the impound process. These disparities contribute to a wide range of County vehicle release fees from a low of \$11 for unincorporated areas of the

County to a high of \$300 for Thousand Oaks. The wide range of fees contributes to a public perception that Cities charging higher fees may be profiting from impounds as implied by the Times article about the City of Bell. [Ref-01]

The Grand Jury recommends that County law enforcement agencies meet and identify a standard set of tasks, labor hours and overhead items to cover the administrative costs of vehicle release fees. The Grand Jury further recommends that the Cities and the Board of Supervisors use the standardized cost categories to calculate their individual vehicle release fees. The Grand Jury recommends that Thousand Oaks review the legal basis for including an offset fee for their "Start Smart" driving classes in any vehicle release fee. Finally, the Grand Jury recommends that the Board of Supervisors pass a resolution to collect vehicle release fees for the unincorporated areas of the County.

## **Background**

Vehicles are towed and impounded because the driver has been found by law enforcement to be driving without a valid driver's license or to be under the influence of drugs or alcohol. High recovery costs may be paid by the owner when recovering the vehicle from impound. Owners may find it difficult or impossible to afford the cost of vehicle release fees. This may lead to loss of their vehicle through confiscation and sale by the impounding company. Loss of a vehicle may result in the driver or owner's inability to travel to his or her workplace. The resulting loss of income could have serious consequences for the owner and/or driver, their family, and the community.

The Grand Jury initiated this investigation into the impound costs based on newspaper articles pointing out abuses in the City of Bell, California. An article published in 2010 in the Times identified administrative fees charged to obtain vehicle release certificates as a potential source for abuse.

The Times article stated as follows:

"The city [of Bell] charges unlicensed motorists a \$300 fee to release the car; those charged with driving under the influence are charged \$400. The number does not include costs imposed by the impound lot, which starts with a \$104 base fee and increases \$27 per day.

By contrast, Simi Valley, which has a population three times Bell's, brings in about \$61,000 a year from impound fees and charges \$77 to release impounded cars, officials said. In unincorporated Los Angeles County, drivers pay \$93 to get a vehicle released. The amount, experts said, is meant to recoup costs involved in towing the vehicle, not to make a profit for the city. In all three areas, additional fees for towing and storage are paid directly to the towing company." [Ref-01]

Costs for towing and storage can add significantly to the money needed to secure release of an impounded vehicle. However, this report focuses primarily on the

fees charged by the Cities and the Sheriff to reimburse administrative costs for driving with no driver's license, driving with a suspended or revoked driver's license, or driving while under the influence of alcohol or drugs.

## **Methodology**

The Grand Jury reviewed information with respect to impound fees, procedures, and policies provided by the Sheriff, the ten cities within the County, and the CHP. The Grand Jury also reviewed California law and performed internet searches for newspaper articles related to the impound process.

## **Facts**

- FA-01.** Vehicle Code section 22850.5 subdivision (a) states that a "city, county, or city and county, or a state agency may adopt a regulation, ordinance, or resolution establishing procedures for the release of properly impounded vehicles and for the imposition of a charge equal to its administrative costs relating to the removal, impound, storage, or release of the vehicles." [Ref-02]
- FA-02.** Vehicles may be impounded as a result of a violation of Vehicle Code section 12500 for operating a vehicle without a license; a violation of Vehicle Code section 14601 for driving with a suspended or revoked driver's license; or, a violation of Vehicle Code section 23152 for Driving Under the Influence (DUI) of alcohol and/or drugs. [Ref-03 – Ref-05]
- FA-03.** The City of Camarillo (Camarillo) approved Resolution No. 2001-183 on December 12, 2001 that established a fee of \$80 for the release of a vehicle impounded in Camarillo. The fee was based on the cost for a deputy sheriff performing the impound process. The single fee covers impounds resulting from violations of Vehicle Code sections 12500, 14601, and 23152.
- FA-04.** The City of Fillmore (Fillmore) approved City Council Resolution 11-3292 on June 28, 2011 that established a fee of \$115 for the release of a vehicle impounded in Fillmore. The fee was based on peace officer time to call for a tow, complete the tow report, and generate the release-forms after confirmation of owner identification and vehicle registration. The single fee covers impounds resulting from violations of Vehicle Code sections 12500, 14601, and 23152.
- FA-05.** The City of Moorpark (Moorpark) passed Resolution No. 2004-2227 on July 21, 2004 to collect a fee of \$110 for the release of a vehicle impounded in Moorpark. The fee was based on the following costs:
- police officer time for supervision of tow and report approval
  - a records technician for processing, filing, and data entry
  - an office assistant for processing, copying, mailing, and other support services to the vehicle release process

- the cost to send a copy of impound documents to the registered owner of the vehicle by registered mail

The single fee covers impounds resulting from violations of Vehicle Code sections 12500, 14601, and 23152.

**FA-06.** The City of Ojai (Ojai) passed Ordinance No. 805 on April 28, 2009 to collect a fee of \$100 for the release of a vehicle impounded in Ojai. The fee was based on the cost for police department personnel to:

- prepare an incident report
- coordinate the removal and storage of a vehicle with a towing company
- process release of a vehicle pursuant to police department policy and the Vehicle Code

The fee covers impounds resulting from violations of Vehicle Code sections 12500, 14601, and 23152.

**FA-07.** The City of Oxnard (Oxnard) passed Council Resolution Number 13,896 on July 20, 2010 to collect a fee of \$241 for the release of a vehicle impounded in Oxnard for violations of Vehicle Code sections 12500 and 14601. The fee was based on the cost for the following:

- a police officer
- a police department commander
- a dispatcher
- a records technician
- a word processor
- a Black & White (B&W) cruiser

If the impound was the result of a DUI incident (Veh. Code § 23152), the fee is \$416 based on recovering the additional cost for a booking officer, as well as costs for the aforementioned items in the basic fee. The DUI incident cost for the police officer and word processor were higher than the fee for Vehicle Code violations of sections 12500 and 14601 due to the additional time required to process the DUI incidents.

**FA-08.** The City of Port Hueneme (Port Hueneme) passed City Council Resolution No. 3941 on December 7, 2009 to collect a fee of \$160 for the release of a vehicle impounded in Port Hueneme for violations of Vehicle Code sections 12500 and 14601. The fee was based on the cost for the following:

- a police officer
- a technician
- a communication dispatcher

- costs covering equipment, building usage, and part-time labor without benefits

If the impound was the result of a DUI incident (Veh. Code § 23152), the fee is \$200. The higher DUI fee is based on the aforementioned cost categories with higher support hours.

**FA-09.** The City of Santa Paula (Santa Paula) does not have a specific resolution or ordinance for the fee to release a vehicle impounded in Santa Paula resulting from violations of Vehicle Code sections 12500, 14601, or 23152. Instead, Santa Paula maintains an ordinance (Resolution 6757) that lists all fees the city charges for services. The Police Fee Schedule, adopted under Resolution #6757, for storage impound release is \$121. The approved date for the Police Fee Schedule Storage Impound Release fee was August 16, 2011. The fee was based on the cost for the following:

- initial and backup officers to conduct an investigation, fill out CHP Form 180, and stand-by for a tow truck
- a supervisor to respond to questions about a specific impound incident for citizens appearing in person at the police department
- a records clerk to prepare a certified letter and establish and maintain the impound file
- the cost of processing the certified letter

The fee covers vehicle storage or impounds for any reason including violations of Vehicle Code sections 12500, 14601, and 23152.

**FA-10.** The City of Simi Valley (Simi Valley) passed a Joint Resolution of the City Council, Boards of Directors of the Ventura Water District No. 8, The Simi Valley Community Development Agency, The Simi Valley Industrial Development Agency, and the Simi Valley Public Financing Authority on January 28, 2008 to collect a fee of \$77.70 for the release of a vehicle impounded in Simi Valley. The fee was based on the cost for the following:

- a police officer
- a police records manager
- a police records technician
- a police services assistant
- material costs for copying

The fee covers impounds resulting from violations of Vehicle Code sections 12500, 14601, and 23152.

**FA-11.** The City of Thousand Oaks passed Resolution No. 2011-015 on April 26, 2011 to collect a fee of \$300 for the release of a vehicle impounded in

Thousand Oaks for violations of Vehicle Code sections 12500 and 14601. The fee was based on the cost for the following:

- a traffic sergeant
- a sheriff record specialist
- a cadet
- a patrol deputy
- postage and equipment, i.e., patrol car

The fee calculation also included an administrative fee of \$80. The administrative fee is an offset for the costs of preparation and instruction for the "Start Smart" driving classes. If the impound was the result of a DUI incident (Veh. Code § 23152), the fee is \$400. The DUI fee is based on the aforementioned cost categories at higher support hours, but does not include the administrative fee.

**FA-12.** The City of Ventura (Ventura) approved Resolution No. 2010-016 on June 7, 2010 to collect a fee of \$200 for the release of a vehicle impounded in Ventura for violations of Vehicle Code sections 12500 and 14601. If the impound was the result of a DUI incident (Veh. Code § 23152), the fee is \$247. Both fees are based on the same cost for dispatch personnel and a peace officer, but Ventura elected to charge a lower vehicle release fee for non-DUI violations.

**FA-13.** The Sheriff collects a fee of \$11 for the reports necessary for the release of a vehicle impounded in the unincorporated areas of the County. This fee is based on the time it takes for staff to verify the status and ownership of a vehicle and to prepare the CHP 180 Vehicle Report. The Board of Supervisors has not passed a resolution or ordinance approving fees resulting from violations of Vehicle Code sections 12500, 14601, and 23152. The charge of \$11 was established on January 29, 1991 when the Board of Supervisors approved a Sheriff's Department Fee Schedule that set fees for reproducing hardcopy reports.

**FA-14.** The following table provides a summary of the fees charged by Cities and the Sheriff. The table contains columns for "Fee Basis" which are the actual costs for impound services and materials used to derive the Vehicle Release Fee authorized by a city or agency.

	Release Fee - No License		Release Fee - DUI		
Cities/Agencies	(Veh. Code § 12500 & Veh. Code § 14601)	Fee Basis	(Veh. Code § 23152)	Fee Basis	Fee Resolution Date
Camarillo*	\$ 80.00	\$ 79.83	**		12/12/2001
Fillmore*	\$115.00	\$ 367.00	**		06/28/2011
Moorpark *	\$110.00	\$ 138.59	**		07/21/2004
Ojai*	\$100.00	\$ 100.00	**		04/28/2009
Oxnard	\$241.00	\$ 241.08	\$416.00	\$425.70	07/20/2010
Port Hueneme	\$160.00	\$ 162.74	\$200.00	\$200.25	07/07/2009
Santa Paula	\$121.00	\$ 121.49	**		08/16/2011
Simi Valley	\$ 77.70	\$ 77.70	**		01/28/2008
Thousand Oaks*	\$300.00	\$ 338.55	\$400.00	\$452.51	04/26/2011
Ventura	\$200.00	\$ 247.00	\$247.00	\$247.00	06/07/2010
Sheriff - Unincorporated county	\$11.00		**		01/29/1991***
* Sheriff Contract City					
** No higher fee for DUI; same as Fee - No License					
*** Date of letter to Board of Supervisors recommending fee schedule					

**FA-15.** The CHP collects no fee for the release of a vehicle impounded by their organization anywhere in the state. The Grand Jury has no oversight of the CHP, a state organization. The information in this paragraph is provided for completeness.

## Findings

**FI-01.** All Cities provided the administrative cost basis for the impound release fees charged to the public. With the exception of Thousand Oaks, there was no evidence that any of the Cities or agencies were collecting funds beyond the allowable administrative costs related to the removal, impound, storage, or release of the vehicles. A high fee, such as \$300 or more, is not of itself an indication that a city is making a profit, as implied by the Times article, when the fee is substantiated by actual costs. A low vehicle release fee may be indicative of not recovering a larger allowable cost for the impound process from violators. [Ref-01]

With respect to Thousand Oaks, the inclusion of an offset cost for the Thousand Oaks' "Start Smart" driving classes in a vehicle release fee conflicts with the legal requirements of Vehicle Code section 22850.5, subdivision (a). (FA-03 – FA-12)

**FI-02.** All Cities have passed resolutions authorizing the collection of the fees required for release of a vehicle from impound. (FA-03–FA-12 and FA-14)

- FI-03.** The Board of Supervisors has not passed a resolution authorizing the Sheriff to collect vehicle release fees to recover administrative costs for violations of Vehicle Code sections 12500, 14601, and 23152 in unincorporated areas of the County. (FA-13)
- FI-04.** Vehicle release fees across the County for violations of Vehicle Code sections 12500 and 14601 vary from \$11 in unincorporated areas, to \$300 in Thousand Oaks. The average (mean) vehicle release fee for the County is \$137.79. (FA-03–FA-14)
- FI-05.** Six cities (Camarillo, Fillmore, Moorpark, Ojai, Santa Paula, and Simi Valley) and the Sheriff (unincorporated County areas) do not identify any additional tasks or any extra hours required to process the impoundment of a DUI vehicle versus the cost of other types of impoundments. This transfers extra costs from the DUI violator to the general public. (FA-03–FA-06, FA-09, FA-10)
- FI-06.** There is no standardized list of allowable categories of impound costs used to calculate vehicle release fees across the County. Some cities base fees on costs that occur after a traffic stop transitions to the impound process. This cost basis also includes the vehicle release paperwork. Other cities and the Sheriff collect fees based only on the cost of paperwork generated at the end of the impound process. This disparity in the services included in the fee allocations for violations of Vehicle Code sections 12500, 14601, and 23152 is a major factor in the fee variations. (FA-03–FA-14)

## **Recommendations**

- R-01.** The Board of Supervisors should pass a resolution authorizing the collection of vehicle release fees to recover administrative costs for violations of Vehicle Code sections 12500, 14601, and 23152 in unincorporated areas of the County. (FI-03)
- R-02.** Representatives of all law enforcement agencies within the County should meet and identify a standard set of tasks, labor hours and overhead items to cover the full spectrum of administrative costs for violations of Vehicle Code sections 12500, 14601, and 23152. (FI-06)
- R-03.** All Cities should apply their local rates and factors and their targeted cost recovery goals to calculate their individual vehicle release fees using the standardized cost category list from Recommendation R-02. It should be recognized that categories not included in the cost basis for approved fees represent costs to be borne by the general public and not the violator at a time of reduced public safety budgets. As necessary, new resolutions authorizing any revised vehicle release fees should be passed and the basis for the fees should be available to the public. (FI-04–FI-06)

- R-04.** Thousand Oaks should recalculate the vehicle release fee for violations of Vehicle Code sections 12500 and 14601, eliminating the “Start Smart” fee, to comply with Vehicle Code section 22850.5, subdivision (a). (FI-01)
- R-05.** The Board of Supervisors should request the Sheriff’s Department to apply the rates and factors for the unincorporated County areas along with directed cost recovery goals using the standardized cost category list from Recommendation R-02. It should be recognized that categories not included in the cost basis for approved fees represent costs to be borne by the general public and not the violator. (FI-04, FI-06)
- R-06.** The Board of Supervisors should pass a resolution authorizing the vehicle release fees, as recommended by the Sheriff in R-05 above, and the basis for the fees should be available to the public. (FI-06)

## **Responses**

### Responses Required From:

Ventura County Board of Supervisors (FI-03) (R-01, R-05, R-06)

Ventura County Sheriff (FI-04, FI-05, FI-06) (R-02, R-05)

City Council, City of Camarillo (FI-04, FI-05, FI-06) (R-02, R-03)

City Council, City of Fillmore (FI-04, FI-05, FI-06) (R-02, R-03)

City Council, City of Moorpark (FI-04, FI-05, FI-06) (R-02 R-03)

City Council, City of Ojai (FI-04, FI-05, FI-06) (R-02, R-03)

City Council, City of Oxnard (FI-04, FI-06) (R-02, R-03)

City Council, City of Port Hueneme (FI-04, FI-05, FI-06) (R-02, R-03)

City Council, City of Santa Paula (FI-04, FI-05, FI-06) (R-02, R-03)

City Council, City of Simi Valley (FI-04, FI-05, FI-06) (R-02, R-03)

City Council, City of Thousand Oaks (FI-01, FI-04, FI-06) (R-02, R-03, R-04)

City Council, City of Ventura (FI-04, FI-06) (R-02, R-03)

## **References**

**Ref-01.** Esquivel, Paloma. “Impounded cars boost Bell’s coffers,” *Los Angeles Times*, September 5, 2010.

<http://articles.latimes.com/2010/sep/05/local/la-me-bell-impounds-20100906> (accessed December 30, 2011).

**Ref-02.** Motor Vehicle Code section 22850.5, subdivision (a). *Administrative Costs: Vehicle impound.*

[http://dmv.ca.gov/pubs/vctop/d11/vc22850\\_5.htm](http://dmv.ca.gov/pubs/vctop/d11/vc22850_5.htm) (accessed December 30, 2011).

- Ref-03.** Vehicle Code section 12500. *Unlawful to Drive Unless Licensed.* <http://dmv.ca.gov/pubs/vctop/d06/vc12500.htm> (accessed December 30, 2011).
- Ref-04.** Vehicle Code section 14601. *Driving While Privilege Suspended or Revoked.* <http://dmv.ca.gov/pubs/vctop/d06/vc14601.htm> (accessed December 30, 2011).
- Ref-05.** Vehicle Code section 23152 *Driving Under Influence of Alcohol or Drugs.* <http://dmv.ca.gov/pubs/vctop/d11/vc23152.htm> (accessed December 30, 2011).

## **Glossary**

**TERM**

**DEFINITION**

B&W	Black & White, a vehicle used by uniformed police for patrol
Board of Supervisors	Ventura County Board of Supervisors
Camarillo	City of Camarillo
CHP	California Highway Patrol
CHP Form 180	California Highway Patrol Form 180, Vehicle Report. A document containing information about the vehicle and the circumstances surrounding its seizure.
Cities	The ten cities within the County of Ventura: Camarillo, Fillmore, Moorpark, Ojai, Oxnard, Port Hueneme, Santa Paula, Simi Valley, Thousand Oaks, Ventura.
County	Ventura County
DUI	Driving Under the Influence
Fee Basis	Actual costs for impound services and materials used to derive Vehicle Release Fee authorized by a city or agency.
Fillmore	City of Fillmore
Grand Jury	2011-2012 Ventura County Grand Jury
Moorpark	City of Moorpark
Ojai	City of Ojai
Oxnard	City of Oxnard
Port Hueneme	City of Port Hueneme
Release Fee	Payment as authorized by city or agency for release of a vehicle
Santa Paula	City of Santa Paula
Sheriff	Ventura County Sheriff's Department
Simi Valley	City of Simi Valley
Thousand Oaks	City of Thousand Oaks
Times	Los Angeles Times newspaper
Veh. Code § 12500	Vehicle Code section 12500, Unlawful to Drive Unless Licensed

**TERM**

**DEFINITION**

Veh. Code § 14601

Vehicle Code section 14601, Driving While Privilege Suspended or Revoked

Veh. Code § 23152

Vehicle Code section 23152, Driving Under Influence of Alcohol or Drugs

Ventura

City of Ventura