

*Excerpt from the
Peoria Police Department Vehicle Impoundment Program
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09/06

OVERVIEW

When our department implemented the drug impoundment program in 2004, we tried to be as thorough as possible with research, information bulletins, procedures, safeguarding payments, releases to tow yards and hearing procedures. We had numerous meetings and phone calls with our legal department, other cities, the command staff at the department and other department heads at city hall. On July 9, 2004, we were given the green light. Officers, in all divisions, caught on right away to “how inconveniencing this drug impoundment program is” on the illegal drug trade.

It simply works like this: An officer finds any amount of any illegal drug and/or drug paraphernalia anywhere or on anybody inside a vehicle. The vehicle gets towed and impounded. {If it doesn't meet forfeiture guidelines, the car is eligible for release.} The owner or lien holder must pay \$525 to the city and then pay the towing and storage to get the vehicle back. If the vehicle is not picked up in 45 days, it is deemed abandoned and remains with the tow company. Tow companies cannot sell the vehicles back to the registered owners, owner's friends or owner's family.

The impoundments have been somewhat successful fighting the war on drugs in a *different way*. The net catches buyers, users, sellers, mules, enablers and, my very favorite, the car rental companies (where drug dealers go to avoid asset forfeiture laws). The only excuse to get out of an impoundment is “if the car was reported stolen in LEADS before the police stopped it”. Exigent circumstances do apply, but very rarely.

The drug impoundment program ran so smoothly that more and more (and more and more and more) ordinances were added [Including Prostitution and Weapons in '04; Suspended/Revoked Driver's License and DUI in Oct. '05; a \$25 Administrative Fee (for all tows) in Nov. '05; Fleeing/Eluding and Hit & Run in May '06; and finally Noise (loud music) on June 1, 2006]. Over time, our city has made some needed changes to the ordinances and procedures. As you can see from the charted income in this packet, {2004 impound revenue was \$66,000 which increased in 2005 to \$310,250 and this year is on track for \$863,675}, the program is not slowing down. The success means more paperwork, more phone calls, more payments and more time consumption, among other things. It is imperative to account for additional staffing needs as the program expands. There is such a thing as too successful! Impressively enough though, in only 27 months, the men and women of the Peoria Police Department have produced over \$1,000,000.00 revenue for city hall. The greatest reward is that the revenue is from people who blatantly violate the law repetitively of those who condone it. Most of our impoundments are for drugs and Suspended/Revoked DL. These violators usually are NOT tax payers but the strain on society that the rest of us have to pay for! Interesting, huh?

After tracking thousands of drug cars that were not eligible for asset forfeiture over the years, there is now, finally, some sort of accountability and the punishment is sure, swift and severe. B.F. Skinner would be proud! We even have some lien holders come from all over the country to pay the fees and get the vehicles back to either protect

their interest from the asset forfeiture laws of Illinois or because they were trying to repossess the vehicle anyway.

Something to take note of, is that we track all impounds in an excel computer program. An unbelievable wealth of criminal intelligence is right at our fingertips - associates, girlfriends, boyfriends, family, trends, addresses, vehicles, etc...

Now, there is only one legal loop-hole in the process that I know of, but it takes some thought to figure out..and I'm not telling...and no, it has not happened to us...yet.

Revenue vs. Respect

Try and picture yourself in your car at a stop light. Now think of an extremely loud bass thumping and rumbling music blaring out of the car that just pulled up next to you as you are, inevitably, stuck at the longest red light in the city (no right turn). Now put the most offensive cuss words in with the thumping bass. Now think of the same scenario with your small children in your car. Now put small children in "that" car. A person's right to listen to music as loud as they want, certainly does not outweigh another person's right to peace and quiet. We certainly should be protected from the subjection of disgusting language. Some people have just lost their manners and sometimes I wonder if some people were ever even taught manners. This "It's all about me" attitude is like a plague and it is just plain rude. Our city has been suffering for years from loud music, blaring out of vehicles. This is a huge quality of life issue. Loud music is: 1. a form of pollution; 2. permanently damaging to hearing; 3. disrespectful; 4. distracting; 5. sometimes offensive; 6. dangerous when emergency vehicles are running code; and 7. most of all, IT IS ILLEGAL! (And, yes, it is still ILLEGAL even if you turn it down after you see Mr. Nice Policeman - another one of my favorites.) It is not that our city has sat back and let it happen. We, the police, have tried to battle the problem the best that we could with what we had. We had repetitive offenders taking advantage of an already broke judicial system with little, if any, consequence. Unfortunately, this just wasn't good enough and it just wasn't working.

From 2004 to 2006, our police officers wrote 1411 loud music tickets. The fine was a stiff \$225 - hoping to deter future offenses. Let's pretend it is a perfect world and $1411 \times \$225 = \$317,475$... so, the city makes big revenue off of the violators. Now back to reality, not only were the tickets being dropped and continued, but, judges were ruling inconsistently or not at all. People were given little or no penalty. The list of problems went on and on. It boiled down to the fact that there were no teeth behind the tickets. The problem was getting worse because there was no punishment severe enough to extinguish the undesired behavior. So now we had even more violators, more tickets, more paperwork, more cases going to court, more time consumption, etc... with very little or no revenue coming in for everyone's time and trouble! Most of all, there were more and more VERY UPSET CITIZENS - and with good cause to be. So, we decided to make some changes. We again decided to fight *another* way.

The police department and the legal department requested that our city council make an impoundment ordinance for vehicles with loud music. The proposed loud music ordinance received all kinds of controversial media coverage for months. The most important factor, during this time period, was that the WORD GOT OUT - good or bad, it didn't matter. (We received masses of free advertisement). The ordinance for noise was

passed on June 1, 2006. Our intentions were not to create more revenue, for the city, with this ordinance, but to try and stop the loud music. This ordinance wasn't going after a "criminal element" like the other ordinances. The new ordinance was passed with this language: 1st offense - \$25 plus tow/storage; 2nd offense - \$275 plus tow/storage; and 3rd and subsequent offenses \$525 plus tow/storage. Even though the ordinance is only 3 months old, at the time of this writing, the result, for the most part, has been compliance. "If you play it, you'll pay it" and we mean it this time. Ironically, despite the nay-sayers (who thought this noise ordinance was all about money), the city actually loses money on the noise impounds. But, it is worth it for a more peaceful city. We are inconveniencing people who choose to be rude by towing their vehicle. They still have to pay full price at the tow company each time. We have only had 54 vehicles towed for noise in 3 months and only 1 has been back to visit us a 2nd time for loud music. Interestingly, 17 of the 54 vehicles were initially pulled over for loud music, however, a more severe impound was imposed due to other ordinance violations such as drugs, weapons, Sus/Rev DL, etc...

"It's those little things that lead to the big things."

Happy hunting and be safe. May God bless all of my brothers and sisters in blue.

Officer Donna Nicholson
Asset Forfeiture Investigator
Vice and Narcotics Division
Peoria Police Department
600 SW Adams St.
Peoria, Illinois 61602
DNicholson@ci.peoria.il.us
(309) 494-8425