

Information on the Retention Hearing Process



Settlement conference

Before you go to a hearing, an Administrative Law Judge will meet with you and a representative from the Police Department to see if the case can be settled.

If case settles

NO
Need for a
Retention Hearing

If case is not
settled, you go
to a hearing



Hearing to keep the car

You can present evidence and call witnesses to challenge the Police Department's case.*

The Police Department must prove that:

- a crime was committed;
- the crime had a relationship to the car;
- the arrest was legal;
- notice was given to the driver or owner; and
- giving the car back will endanger the public.

If judge
decides in
your favor

Car is returned
to owner.

END
of Retention
Hearing

The Police may still bring
a civil case to get the car.

If judge decides
in the Police
Department's
favor

The Police may bring a civil case in N.Y. State Supreme Court to keep the car permanently.

NOTE

The judge makes a decision within three days of the hearing, which is sent to you by mail.

*You have a right to be represented by a lawyer. If you need time to find a lawyer, you may ask the judge to reschedule the hearing. Call 212-442-4900 for free lawyer services information.



OFFICE OF
ADMINISTRATIVE
TRIALS AND HEARINGS

40 Rector Street - 6 Floor, NYC, N.Y. 10006

For more information: www.nyc.gov/oath