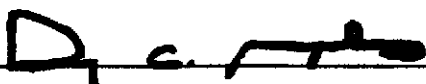


EAST LANSING POLICE DEPARTMENT

POLICY AND PROCEDURE

ORDER NUMBER: 13-16
SUBJECT: ABANDONED AND IMPOUNDED VEHICLES / PARKING WARRANTS
EFFECTIVE DATE: 10-20-16
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CHIEF OF POLICE: _____



13.1 PURPOSE

The purpose of this policy is to establish guidelines for the investigation, inventory search, and disposition of abandoned and impounded motor vehicles, whether on public or private property, when applicable. In addition, the towing of vehicles that have 6 or more parking warrants while enforcing City Code, chapter 126, section 8.31.

13.2 DEFINITIONS

These definitions are for the purpose of this policy. Some of the definitions are based in part upon information from sections 257.252a, 257.252b, 257.252c, and 257.252d of the Michigan Vehicle Code.

A. Motor Vehicles:

A vehicle that is self propelled such as, but not limited to, a car, truck, van, bus, motorcycle, or moped.

B. Abandoned Motor Vehicles:

1. A vehicle that has remained on private property without the consent of the owner for any period of time, as long as the property owner complies with the signage requirements of MCL 257.252k. This signage requirement does not apply to single or dual family homes. Placing an abandoned vehicle sticker on private property vehicles is no longer required, but is recommended when it is a Police Department initiated incident.
2. A vehicle that has remained on public property for a period of not less than 48 hours.
3. A vehicle that has remained on a state trunk line highway if a valid registration plate is affixed to the vehicle, for a period of not less than 18 hours.

4. A vehicle that has remained on a state trunk line highway if a valid registration plate is not on the vehicle. (the vehicle can be removed immediately)

C. Private Property Motor Vehicles:

A vehicle removed from private property at the direction of a person other than the registered owner of the vehicle or a police agency and the vehicle is taken to a private impound facility.

D. Impounded Motor Vehicles:

A vehicle immediately removed from public or private property at the request of a police agency in any of the following circumstances:

1. The driver of the vehicle has been arrested.
2. If the vehicle is in such a condition that the continued operation of the vehicle upon the highway would constitute an immediate hazard to the public.
3. If the vehicle is parked or standing upon the highway in such a manner as to create an immediate public hazard or an obstruction of traffic.
4. If the vehicle is parked in a posted tow away zone.
5. If there is reasonable cause to believe that the vehicle or any part of the vehicle stolen.
6. If the vehicle must be seized to preserve evidence of a crime, or when there is reasonable cause to believe that the vehicle was used in the commission of a crime.
7. If the removal is necessary in the interest of public safety because of fire, flood, storm, snow, natural or man-made disaster, or other emergency.
8. If the vehicle is hampering the use of private property by the owner or person in charge of that property or is parked in a manner which impedes the movement of another vehicle.
9. The vehicle is turned over to the Police Department as a result of a court order pursuant to the City of East Lansing Traffic Code.
10. The vehicle has accumulated six (6) or more unpaid parking citations following Notice from the court pursuant to the City of East Lansing Traffic Code.

E. Wanted Vehicle: Any vehicle with 6 or more unpaid parking tickets and on the 54B District Court tow list.

- F. Owner: The person who is listed as the owner by the Secretary of State
- G. Responsible Party: A person who is not listed as the owner by the Secretary of State, but who has the owner's consent and is willing to accept responsibility for the vehicle.
- H. Cash Deposit for Return of Impounded or Immobilized Vehicle Form: A 54B District Court document kept at the police desk, used by an owner or responsible party to secure release of a wanted vehicle. The document will be filled out by the officer, and signed by the owner or responsible party.

13.3 INVENTORY SEARCH OF A MOTOR VEHICLE

- A. When a motor vehicle is impounded and towed at the request of the Police Department a thorough inventory search of the entire vehicle shall be conducted. The inventory search shall include, but not be limited to, the glove box, other vehicle storage areas, the trunk, car-top storage carriers, packages, luggage, and all other miscellaneous containers, where valuable personal property may be located.
- B. When any of the items listed above in section 13.3A are closed or locked the property may be forced opened, if it is deemed necessary. However, the officer should use good judgment and discretion when making the decision to force open the item and possibly cause damage to the property. The value of the property should be taken into consideration and weighed against the necessity to force open the item.
- C. The inventory search may be conducted at the scene or at another location. The safety of the officer and all other individuals shall be considered when determining where to conduct the inventory search.
- D. To conduct a legal and valid search under the "inventory search exception" the vehicle must be towed from the scene. Leaving a vehicle parked at the scene, or turning the vehicle over to a valid driver does not allow for an "inventory search" to be conducted. To conduct a search of the vehicle, a search warrant, or another valid search warrant exception would have to be used in cases where the vehicle is not towed from the scene.
- E. The inventory search will be conducted to protect the Police Department from false claims of lost, stolen, or vandalized property.
- F. When a motor vehicle is impounded the officer shall complete a "vehicle impound report". The officer shall document in the report all personal property that would have a reasonable value. Property that would have a very significant value should be taken into police custody and secured in an evidence locker for safe keeping.
- G. Personal property may also be turned over to the owner, relative, friend, etc. when it is practical or reasonable to do so, depending on the circumstances of the incident.

13.4 VEHICLES TOWED FROM PRIVATE PROPERTY BY A TOW COMPANY

- A. A tow company will notify that a vehicle has been towed from private property via email with all of the required information for the vehicle tow.
- B. For all private property tows that are called in by a tow company, fill out an Abandoned Vehicle LEIN Entry/Exit Sheet with the required information sent via email. Make both an "entry" and an "exit" copy of the Abandoned Vehicle LEIN Entry/Exit Sheet.
- C. Take the "entry" copy to the jail as soon as possible to determine if the vehicle has been reported stolen. A LEIN check shall be made on both the registration plate, if any, and the vehicle identification number. The vehicle shall be entered into LEIN as "abandoned" within 24 hours (unless on a weekend or holiday). The jail will provide the owner information on the LEIN paperwork.
- D. A new SRMS impound number will have to be pulled for the Abandon Vehicle LEIN Entry/Exit Sheet. Using the LEIN paperwork and the Abandon Vehicle LEIN Entry/Exit Sheet complete a new impound record. Once complete, fill in the SRMS impound number on both the "entry" and "exit" sheet.
- E. Place the "entry" copy in the PACE box to have the vehicle entered into LEIN as abandoned. Put the "exit" copy in the binder titled "Abandon Vehicle". The binder is kept in the file cabinet at the front desk.
- F. The tow company shall contact the front desk when the vehicle has been released back to the owner. Upon notification from the tow company, take the corresponding "exit" copy for the vehicle out of the "Abandoned Vehicle" binder and take the copy to the Jail to have the vehicle removed from LEIN. The Jail Officer shall take the vehicle out of LEIN as soon as possible.

13.5 VEHICLES TOWED TO THE POLICE DEPARTMENT IMPOUND LOT OR TO A PRIVATE IMPOUND FACILITY AT THE REQUEST OF THE POLICE DEPARTMENT

- A. When an officer is dispatched to, or finds, a motor vehicle that appears to be abandoned on public property or abandoned on private property the officer shall request the jail to check the vehicle through LEIN to determine if the vehicle has been reported stolen.
- B. A LEIN check shall be made on both the registration plate, if any, and the vehicle identification number.
- C. All abandoned or impounded motor vehicles that are towed and secured at either the Police Department impound lot or a private impound facility shall have a SRMS number assigned to the vehicle. The impounding officer shall make sure the SRMS number is recorded on the tow bill before the towing company leaves the scene.
- D. Vehicles involved in traffic accidents do not have to be initially entered into LEIN

as abandoned. They will be entered as abandoned at a later date, if it becomes necessary.

E. Vehicles Towed To The Police Department Impound Lot

1. When a vehicle is towed to the Police Department Impound Lot, a vehicle impound report shall be completed. The officer shall email the Vehicle Impound LEIN Entry Sheet to the jail so the vehicle can be entered into LEIN. The officer who completes the vehicle impound report will fill out an original or supplemental SRMS report.
2. When the keys for the vehicle are obtained, the officer securing the vehicle in the Impound Lot shall place the keys on the key board provided inside of the pole barn on the slot corresponding to the car location in the lot.
3. When a vehicle is secured at the Impound Lot the officer shall fill out an impound evidence tag and place it on the dashboard inside the vehicle so it is visible from the outside of the vehicle. When entry to the vehicle is not possible, the completed tag shall be placed under the driver side windshield wiper.

F. Vehicles Towed To a Private Impound Facility

1. When a vehicle is towed to a private impound facility, a vehicle impound report does not need to be completed. The officer shall document the vehicle and any property of value under the "property" section in the SRMS report.

- G. Per MCL 257.252d: "If the owner or other person who is legally entitled to possess the vehicle arrives at the location where a vehicle is located before the actual towing or removal of the vehicle, the vehicle shall be disconnected from the tow truck, and the owner or other person who is legally entitled to possess the vehicle may take possession of the vehicle and remove it without interference upon the payment of the reasonable service fee, for which a receipt shall be provided". (If settlement cannot be reached, the officer is to act as a peace officer, nothing more).

13.6 PACE DEPARTMENT RESPONSIBILITIES

- A. When a vehicle has been impounded by the Police Department and the vehicle has not been redeemed within seven (7) days after it has been towed, the PACE Department shall enter the vehicle into LEIN as abandoned. There may be times that a vehicle held for evidence of a crime, or held for safekeeping, etc. will not be entered as abandoned within the seven day time period. The Secretary of State will send a notice of abandonment to the last registered owner as well as send the East Lansing Police Department the TR- 52 bill of sale.
- B. The notice of abandonment shall contain a warning that a failure to redeem the vehicle or to request a hearing within twenty (20) days after the date of the notice

may result in the sale of the vehicle.

- C. When a vehicle is impounded as a result of a court order for a violation of the East Lansing Traffic Code and the vehicle has not been redeemed within seven (7) days after the order expires, the PACE Department shall have the vehicle entered into LEIN as abandoned. The Secretary of State will send a notice of abandonment to the last registered owner as well as send the East Lansing Police Department the TR-52 bill of sale. The TR- 52s will be kept in the PACE office to be available when the Police Department runs a vehicle auction, scrap titles the vehicle to a tow yard, or transfers title to the towing firm to satisfy accrued towing and storage fees.
- D. The notice of abandonment shall contain a warning that a failure to redeem the vehicle or to request a hearing within twenty (20) days after the date of the notice may result in the sale of the vehicle, scrapping the vehicle, or transferring the title, according to state law.
- E. There are 2 civil infractions that the last titled owner of a vehicle that has been abandoned can be issued:
 - 1. Michigan Vehicle Code: "A person shall not abandon a vehicle in this state. It is presumed that the last titled owner of the vehicle is responsible for abandoning the vehicle. A person who violates this subsection and who fails to redeem the vehicle before disposition of the vehicle under 252g is responsible for a civil infraction and shall be ordered to pay a civil fine of \$50.00. Per MCL 252a(1).
 - 2. Natural Resources and Environmental Protection Act: "A person who violates this part where the litter consists of an abandoned vehicle is responsible for a state civil infraction and is subject to a civil fine of not less than \$500.00 or more than \$2,500. However, the court shall not order the payment of the fine unless the vehicle has been disposed of under section 252g of the Michigan Vehicle Code." Per MCL 324.8905a(4).

13.7 **RELEASING TOWED VEHICLES**

Personnel receiving an inquiry from a citizen about a vehicle towed in the City of East Lansing shall assist the citizen in attempting to locate the vehicle. If the vehicle has been towed by the East Lansing Police Department and is eligible for release the employee shall do the following, when applicable.

- A. When the vehicle is at a private towing company, inform the citizen where the vehicle is located. Inform the citizen they are responsible for paying the towing and storage fees to the private towing company.
- B. When the vehicle is at the Police Department Impound Lot, inform the citizen they are responsible for paying the towing fee to the private towing company. The citizen is responsible for paying the Police Department for the storage fees. The storage fee will be set by the City. If the vehicle is not eligible for release, the

employee shall inform the citizen what they will need to do to secure the release of the vehicle.

- C. When a citizen does not have transportation to the impound lot the desk personnel shall make arrangements for a patrol or PACE officer to transport the citizen to the impound lot to obtain their vehicle.
- D. Released vehicles may be driven away only after the desk personnel or the releasing officer is satisfied that the driver has a valid driver's license, proof of insurance if required, and that ownership has been established.
- E. Released vehicles may be towed from the impound lot with just proper proof of ownership. A valid driver's license, registration, and proof of insurance are not required to tow the vehicle.
- F. Payment of Abandoned Vehicle Fee: when a vehicle is impounded as abandoned or subsequently deemed abandoned after 7 days, the individual retrieving the vehicle must pay a \$40 Abandoned Vehicle Fee. If a vehicle is switched from any other type of tow to abandoned, PACE secretaries will modify the impound sheet and will note in the narrative that the abandoned vehicle fee needs to be paid.

1. Michigan Abandoned Vehicle Law:

When an abandoned vehicle or vessel is taken into custody, the owner and any secured party (most often a lending institution) are notified by mail of the vehicle or vessel's status and location. To claim an abandoned vehicle or vessel, as the owner you must:

- Visit the custodian (police agency, towing agency, or municipal impound lot) holding the vehicle or vessel within 20 days of receiving notice. The custodian may be found on the abandoned vehicle or vessel notice you received in the mail or by entering the vehicle's identification number (VIN) or license plate number on the Michigan Auto Lost & Found website. Please contact Abandoned Vehicle Help Desk at 517-636-5234 for assistance regarding an abandoned vessel or snowmobile. The custodian may ask for proof of ownership (title or registration).
- Pay any towing and storage fees, including the \$40 abandoned fee.

If you do not redeem the vehicle or vessel, or request a hearing within 20 days, the secured party may obtain release of the vehicle or vessel by paying the towing, storage, and abandoned fee.

If you or the secured party do not redeem the vehicle or vessel, it may be sold at public auction, and you lose all rights to the vehicle or vessel. Public notice will be published at least five days before the sale in a newspaper within the county where the vehicle or vessel was abandoned.

- G. The desk personnel who released the vehicle shall complete the impound report to document that the vehicle was released. The impound report shall be completed in SRMS and the "Released By", "Released Date", "Storage Fees

Collected”, “Abandon Vehicle Fee Collected”, and “Tow Bill Paid” sections need to be filled out by the desk personnel.

- H. The desk personnel who released the vehicle shall fill out the narrative section on the impound report and list the “conditions of release”, along with their name and the PACE or Patrol Officer that released the vehicle from the impound lot.
- I. Copies of the paid wrecker bill, the storage fee slip, and any other documents that may be required for release shall be put together and taken to the jail so that the vehicle can be taken out of LEIN.
- J. After the vehicle is taken out of LEIN, the copies of the documents need to be placed in the Records bin in the Jail to be added to the original SRMS report and then placed in the “Released Impound Copies” binder. The binder can be found at the desk.
- K. Releasing Vehicles During Normal City Hall Business Hours
 - 1. The individual must provide proof that they have paid the wrecker bill and the storage fees, prior to releasing the vehicle.
 - 2. Fill out the “storage fee slip” and advise the individual to take the slip to the Treasury window to pay the storage fees. The individual will be given a receipt by the Treasury personnel and they are to bring the receipt back to the desk personnel.
 - 3. Make a copy of the wrecker bill, the storage fee receipt, proof of insurance, and registration and any other documents required for the vehicle released. If the owner of the vehicle plans to drive the vehicle from the impound lot their Driver’s License needs to be taken to the jail and ran through LEIN to ensure that the driver is valid.
 - 4. Take copies of the documents to the jail so the vehicle can be released from LEIN. Place the documents in the Records bin in the Jail to be added to the original report in SRMS and then put in the “Released Impound Copies” binder.
- L. Releasing Vehicles After Normal City Hall Business Hours
 - 1. The individual must provide proof that they have paid the wrecker bill, prior to releasing the vehicle.
 - 2. The storage fee shall be collected by the desk personnel and the individual shall be given a receipt. The desk personnel shall fill out the “storage fee slip” and place the slip and the storage fee money into a sealed envelope.
 - 3. The desk personnel should print the individual’s name, the license plate number, their name, and the words “Impound Storage Fees-Treasury Department” on the front of the envelope. Ring the storage fees up on the

register at the desk and place the storage fees envelope into the till.

4. Make a copy of the wrecker bill, the storage fee receipt, proof of insurance, and registration and any other documents required for the vehicle released. If the owner of the vehicle plans to drive the vehicle from the impound lot their Driver's License needs to be taken to the jail and ran through LEIN to ensure that the driver is valid.
5. Take copies of the documents to the jail so the vehicle can be released from LEIN. Place the documents in the Records bin in the Jail to be added to the original report in SRMS and then put in the "Released Impound Copies" binder.

13.8 TOWING OF VEHICLES WITH 6 OR MORE UNPAID PARKING TICKETS

A. Authorization to Tow

1. Any parking or sworn officer may tow a vehicle which has acquired six (6) or more past due parking warrants. During regular Court hours, the warrants must be confirmed with the Court prior to towing the vehicle. After Court hours, warrants must be confirmed on a current warrant list supplied by the court.
2. It is the Officer's responsibility to ensure that any warrant list being used to tow a vehicle is current, and was delivered to the police desk at the end of the last business day the court was open. The date and time printed is on the tow list.
3. Vehicles wanted for 6 or more outstanding parking warrants can only be towed from within the East Lansing City limits, campus property excluded.

B. Impounding of Vehicles

1. If a parking officer has initiated a tow, a sworn officer will be dispatched to assist. The wanted vehicle shall be towed to the Police Department Impound Lot by a Department approved wrecker service. The vehicle should be held in the impound lot until payment of the outstanding parking fines, or a court copy of a payment plan is produced by the owner or responsible party.
2. The towing and storage fees shall also be paid before the vehicle will be released.

C. Disposition of Warrants During Normal 54-B District Court Hours

1. If the wanted vehicle has already been impounded and the owner or responsible party becomes available, the person should be directed to the 54-B District Court parking window.
2. If the owner or responsible party becomes available after the wrecker has

been dispatched, but prior to the actual towing of the vehicle, the wanted vehicle can either continue to be towed and the person directed to the 54-B District Court parking window, or the owner or responsible party can pay the wrecker service their service call fee, and the officer will follow the owner or responsible person to the 54-B District Court window to have a disposition rendered on the parking warrants from the court. This will be at the PACE Officer's discretion.

3. If the owner or responsible party becomes available prior to a wrecker being dispatched, the wanted vehicle can continue to be towed, and the person directed to the 54-B District Court parking window, or the owner or responsible party can follow the officer to the 54-B District Court to have a disposition rendered on the parking warrants. This will be at the PACE Officer's discretion.

D. Disposition of Warrants when the 54-B District Court is Not in Session

1. If the owner or responsible party becomes available prior to the dispatch of a wrecker, the wanted vehicle can continue to be impounded, and the person will be directed to the Court the next business day, or the owner or responsible party can come to the police desk and post a cash deposit for the return of the impounded or immobilized vehicle.
2. If the wanted vehicle has already been towed and the owner or responsible party becomes available, the vehicle will be held until all outstanding fines, towing and storage fees have been paid, unless the owner or responsible party chooses to post a \$500.00 cash deposit for return of impounded or immobilized vehicle.

E. Acceptance of Cash Deposit for Release of Vehicle after Normal Court Hours

1. In order to secure the release of their vehicle, the owner or responsible party must present cash or a credit card to the desk officer. The amount for after hours cash deposit for the release of impounded or immobilized vehicles shall be \$500.00.
2. The maximum cash deposit for release of an impounded or immobilized vehicle shall be \$500.00 even if the warrant tow list shows an amount owed higher than \$500.00.
3. Upon acceptance of a cash deposit or a credit card for the release of an impounded or immobilized vehicle, the desk officer shall complete the "Cash Deposit For Return of Impounded or Immobilized Vehicle" form. The desk officer shall give the owner or responsible party a signed copy of the form.
4. The \$500.00 cash deposit or the credit card transaction form shall be placed in a sealed envelope along with a signed copy of the "Cash Deposit For Return of Impounded or Immobilized Vehicle" form. Print the individual's name, the CAD number, and the license plate number on the

outside of the envelope.

5. The sealed envelope shall be placed in the Holding Facility bond drop box.

F. Release of Impounded Vehicle

1. The impounded vehicle shall normally be released after the owner or responsible party displays the following:
 - a. A paid wrecker bill, a receipt showing payment of the storage fees, proof of disposition from the court, identification such as a drivers license or other acceptable ID, any other documentation that was required in the report.
2. Storage fees will be set by the city. Fees will be collected from the first day of storage and will include the last day of storage.